

# FBI

## *Law Enforcement Bulletin*

DECEMBER 1978



# FBI

## Law Enforcement Bulletin

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WILLIAM H. WEBSTER, DIRECTOR

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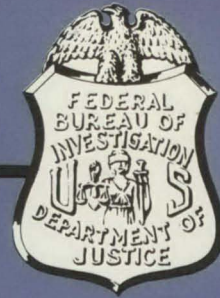
#### THE COVER

Director William H. Webster's message concerns the problem of arson. Photo by William A. Gangloff, Fire Inspector, Washington, D.C., Fire Department.





## *From the Director . . .*



THE FBI IS COMMITTED to the allocation of investigative, training, and laboratory resources to the growing problem of "arson-for-hire." Senator John Glenn, in hearings of the Subcommittee on Intergovernmental Relations, noted that arson-for-hire is not a new phenomenon: "As residents of older, denser and poorer inner cities can readily testify, the smell of gasoline and the sound of fire engines in the night is an all-too-common characteristic of inner city life."

Arson has a direct and frightening effect; people are killed, including dedicated firefighters, property is destroyed, insurance premiums for all have to be raised. While the investigation of arson is primarily the job of our professional fire services and local law enforcement, the FBI can, and does, help fight this battle.

First, the Racketeer Influenced and Corrupt Organizations Statute and Interstate Transportation in Aid of Racketeering-Arson law offer two avenues for the FBI to investigate organized criminal activity, including arson. We are using these laws: one recent investigation resulted in the conviction and jailing of 19 persons in connection with over 400 arsons. Another case involved the formation of an association to buy slum properties, inflate their insurance value, and

burn them—six convictions and jail sentences resulted.

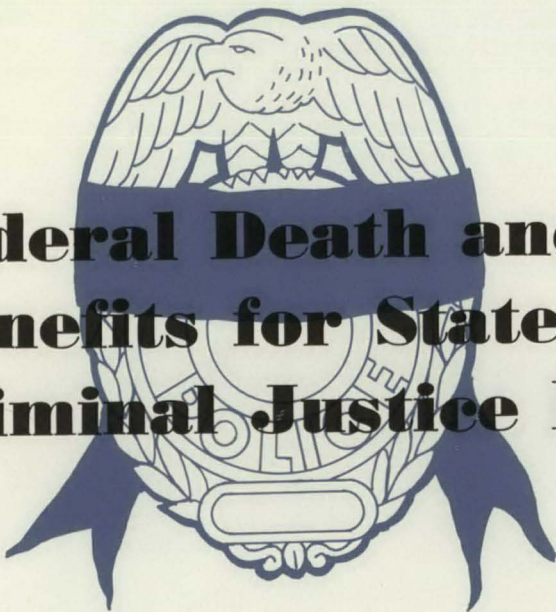
Second, our training of local police and our own personnel in arson investigations has been increased—in the case of FBI Special Agents to meet the increased emphasis on organized arson-for-hire matters—and this training includes participation of the firefighting, prosecutorial, and insurance sectors.

Third, the resources of the FBI Laboratory are available to municipal, county, and State law enforcement agencies—over 1,000 items of evidence in arson cases were examined by us in the last fiscal year alone, all at no charge to the requesting agency, as is the case with all evidence submitted to our laboratory.

Senator Charles Percy, of the same subcommittee, has described arson as "... heinous, in terms of ruined lives, ravaged property, whole neighborhoods reduced to rubble, and nightmarish remembrances of things that could have been but will be no more."

The Senate has generated new thinking about this problem; now it is up to us in law enforcement and the fire services to follow through. The FBI pledges to do its part.

WILLIAM H. WEBSTER  
*Director*



# Federal Death and Disability Benefits for State and Local Criminal Justice Employees

By

EDWIN D. HEATH, JR.\*

Police Legal Adviser/  
Municipal Court Prosecutor  
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**D**uring the past decade there have been two special congressional enactments establishing Federal benefits for non-Federal, State, and local criminal justice employees who are killed or disabled as a result of enforcing Federal or State laws. These benefits are found in different sections

of the U.S. Code and are, in some cases, difficult to ascertain in an individual case, thus this overview is provided.

In reviewing a possible claim for either death or disability benefits under these Federal laws, one must *first* determine if the deceased or disabled employee has entitlement status under a particular statute. Second, the entitlement status of any beneficiary

must be determined, particularly in death cases, where the survivor benefits are strictly controlled by statute. While the surviving spouse and minor children are ordinarily the primary recipients of death benefits for deceased employees, in some cases, benefits may be payable to eligible *dependent* parents, brothers, sisters, and grandparents when there are no eligible children or an eligible spouse.

\* Mr. Heath is the former Director of Police, Legal Liaison Division, Dallas, Tex., Police Department.



Entitlement status to Federal benefits under 42 U.S.C. 3796 and 5 U.S.C. 8101 *et seq.* are strictly controlled by statute and apply only to public employees. Employees in the private sector, such as licensed security guards, private special officers, etc., are not covered by the terms of these acts. Such employees may be entitled to benefits under the general provisions of the Social Security Administration Act and the Veterans Administration Act, if otherwise eligible.

The eligibility for the benefits under the Federal law must be closely reviewed on a case-by-case basis, and can be determined only by the given facts of the situation that caused the death or disability of the non-Federal criminal justice employee. (It should be noted that benefits received are exempt as taxable income under the Internal Revenue Code, title 26 U.S.C.)

### **Public Safety Officers' Benefits Act of 1976**

The Public Safety Officers' Benefits Act of 1976 (U.S.C., title 42, sec. 3796), Public Law 94-403, was passed by the 94th session of Congress, signed by the President, and has been effective since September 29, 1976. The Federal Government, under the terms of this act, will pay a maximum of \$50,000 to survivors of a non-Federal public safety officer for death or a death resulting from personal injury received in the *line of duty*. It is important to note that this act provides benefits only in cases resulting in the *death* of the employee. There are no provisions under the terms of this act

for disability payments similar in scope to Workmen's Compensation or title 5 U.S.C. benefits

Section 704(7) defines a "public safety officer" to be a person serving with a public agency in an official capacity, *with or without compensation* as a law enforcement officer or as a fireman; section 704(5) defines a "law enforcement officer" to include police, corrections, probation, parole, and judicial officers. Enforcement of a Federal law is not required for benefits under the provisions of this law. Benefits accrue as a result of death in the line of duty as a non-Federal, State, or local officer.

The rules and regulations for the administration of this act are found in the Federal Register, vol. 42, no. 88, May 6, 1977, pp. 23252-23261. These rules and regulations are found in title 28, Code of Federal Regulations, part 32.

This act was not intended to cover deaths arising from activities unrelated to law enforcement or firefighting. The act requires that a death or injury be the direct and proximate result of the performance of line of duty law enforcement or firefighting activities. Law enforcement personnel of the military services are expressly excluded from the provisions of this act.

"Line of duty" means any action in which an officer whose primary function is crime control or reduction, enforcement of the criminal law, or suppression of fires is obligated or authorized to perform by rule, regulation, condition of employment or service, or law, including those social, ceremonial, or athletic functions to which he or she is assigned, or for

which he or she is compensated, by the public agency they serve. For other officers, "line of duty" means any action the officer is so obligated or authorized to perform in the course of controlling or reducing crime, enforcing the criminal law, or suppressing fires.

The death or injury must be of a traumatic nature. A traumatic injury to the body would be one caused by external force, including injuries inflicted by bullets, explosives, sharp instruments, blunt objects, physical blows, chemicals, electricity, climatic conditions, infectious diseases, radiation and bacteria, but generally excluding stress and strain. Deaths directly attributable to exertion or stress, such as heart attacks and strokes encountered in the performance of duty, are not normally considered traumatic injuries, unless that stress or exertion resulted in or was caused by a traumatic injury or was a substantial factor in the officer's death, such as exertion or stress caused by effecting a lawful arrest.

Section 702 provides certain limitations to the benefits of this act. Benefits will be denied in any case where the death was caused by the intentional misconduct of the employee or in the case of suicide. Additionally, benefits will be denied when voluntary intoxication on the part of such employee is the proximate cause of death, or in cases where the beneficiary contributes to the death of the employee. Under this act, benefits are payable as follows: If there is no surviving child of the deceased officer, to the spouse of such officer; if there is no spouse, to the child or children in equal shares; if there are both a

**"The Federal Government, under the terms of this act, will pay a maximum of \$50,000 to survivors of a non-Federal public safety officer for death or a death resulting from personal injury in the *line of duty*."**



**"Title 5, U.S.C. . . . provides a monthly pension supplement for the survivors of a local law enforcement officer who is killed or disabled while enforcing a Federal law."**

spouse and one or more children, one-half to the spouse and one-half to the child or children in equal shares; if there is no survivor in these classes, to the dependent parent or parents in equal shares; and if no one qualifies as provided, no benefit shall be paid. Section 703 provides that the term "child" means any natural, illegitimate, adopted, or posthumous child or stepchild of the deceased employee who, at the time of the officer's death, is 18 years of age or younger; over 18 years of age and a student as defined in U.S.C., title 5, sec. 8101; or over 18 years of age and incapable of self-support because of physical or mental disability.

This act provides for a reduction in benefits if the deceased employee is entitled to pension supplement benefits under U.S.C., title 5, sec. 8191, *infra*.

Claims should be sent to the following address:

Public Safety Officers' Benefit  
Program  
Law Enforcement Assistance  
Administration  
U.S. Department of Justice  
633 Indiana Avenue  
Washington, D.C. 20531  
(202) 376-2691

### **Title 5, U.S. Code Benefits**

Title 5, U.S.C., sec. 8101, *et seq.* as extended by sec. 8191, provides a monthly pension supplement for the survivors of a local law enforcement officer who is killed or disabled while *enforcing a Federal law*. These benefits accrue only to law enforcement officers and do not include other criminal justice employees or firefighters. Benefits are provided for any non-

Federal law enforcement officer who is injured, sustains disease, or is killed under one of the following conditions:

1. While engaged in the apprehension or attempted apprehension of any person who has committed a crime against the United States, or who at that time was sought by a law enforcement authority of the United States for the commission of a crime against the United States, or who at that time was sought as a material witness in a criminal proceeding instituted by the United States;

2. While engaged in protecting or guarding a person held for the commission of a crime against the United States or as a material witness in connection with such a crime; or

3. While engaged in the lawful prevention of, or lawful attempt to prevent, the commission of a crime against the United States.

It is immaterial that the deceased or disabled officer was not aware that

they were enforcing a Federal law at the time of their death or injury, so long as it can be later determined that such was the case. Further it is immaterial whether the Federal crime results in a prosecution. The most common violation of Federal statutes resulting in the death or injury to a local law enforcement officer is the possession of a firearm by a convicted felon in violation of 18 U.S.C. 921-928 or possession of or possession for distribution of a federally controlled substance (21 U.S.C. 841(a)(1)). Federal law enforcement agencies are most helpful in providing investigative assistance to determine eligibility under these statutes.

For death, the act has a complicated scale of monthly benefits, depending on who survives the deceased employee. If there is no eligible child, the surviving spouse gets a monthly pension up to 45 percent of the officer's pay at the time of his or her



**Edwin D. Heath, Jr.**



**Chief D. A. Byrd**  
Dallas Police Department



death. If there is a surviving child or children, the spouse gets 40 percent and each child gets an additional 15 percent of the officer's highest month-

**"The most common violation of Federal statutes resulting in the death or injury to a local law enforcement officer is the possession of a firearm by a convicted felon. . . ."**

ly salary as a monthly pension. The maximum monthly payment is 75 percent of the officer's highest pay at the time of his or her death. Dependent parents, grandparents, brothers, sisters, and grandchildren may be qualified for benefits in some cases, if there are no eligible spouse or minor children. There is a set-off provision under these statutes. Benefits under these provisions are maximum benefits and are reduced by the receipt of any State or local pension or financial assistance payments to which the deceased was a *contributing member*. Benefits for the spouse normally terminate on their death or remarriage. In the case of remarriage, the spouse is paid a 24-month final lump sum termination payment. Payments to surviving minor children, dependent grandchildren, or dependent brothers and sisters normally terminate upon the child reaching the age of 18, unless extended because such person is a student (to age 23 or 4 years beyond high school) or is incapable of self-support. Burial expenses not to exceed \$800 are payable in any individual case.

This act also provides for a pension supplement in cases involving tempo-

rary total disability over 21 days and permanent disabilities incurred in the enforcement of a Federal law which causes a loss of earning capacity. These provisions are similar in scope to State Workmen's Compensation Acts. Compensation generally is payable at the rate of two-thirds the officer's salary if he or she has no dependents, or three-fourths of his or her salary if there are one or more dependents. Provisions for the payment of medical, surgical, hospital services, intensive care, and vocational rehabilitation are also provided.

Claims should be directed as follows:

Chief, Branch of Special  
Claims  
Employee Standards Adminis-  
tration  
Office of Federal Employees  
Compensation  
U.S. Department of Labor  
Washington, D.C. 20211  
(202) 382-1291

## **Social Security Administration Benefits**

A maximum payment of \$255 is authorized for the death of a qualified person under social security. Monthly payments to minor children are available when the deceased has contributed the proper number of qualifying quarters of social security payments.

One word of caution applies in all cases of death or disability. Although some States and/or their political subdivisions do not participate in social security payments, the minor children of qualified deceased may be otherwise eligible through the deceased employee's prior employment, self-employment, or off-duty, part-time employment. In any case a claim should be filed. The Social Security Administration will determine if the deceased employee meets the eligibility requirements.

Monthly payments to disabled employees are available in cases of severe

## **\$5.5 million in Federal Benefits**

The survivors of 110 public safety officers and firefighters killed in the line of duty received \$5.5 million in Federal benefits during the first 6 months of 1978. The awards, \$50,000 in each case, were made under the Public Safety Officers'

Benefits Act, which is administered by the Law Enforcement Assistance Administration. The act covers State and local police officers; corrections, probation, parole, and court personnel; firefighters; and members of legally organized volunteer fire departments.





disability. The Social Security Administration standards for disability requirements are not necessarily the same as other agencies.

Claims should be processed directly with the nearest office of the Social Security Administration.

#### **Veterans Administration Benefits**

A maximum of \$400 is authorized for funeral expenses, etc., for a qualified veteran. Pension assistance for the surviving spouse and minor children may be available depending on the level of their income.

Nonservice monthly disability payments are authorized. However, there is an income limit on the recipient's income to be eligible for these payments.

Claims should be processed directly with the request office of the Veterans Administration.

#### **Administrative Procedures For Claims**

The administrative claim forms and the requirement for the submission of supporting evidentiary data will vary from one agency to another. However,

certain basic documents are generally required in all cases:

##### **General Documents**

Any claim or application form required by administering agency,

Deceased employee's birth certificate,

Surviving spouse's birth certificate,

Birth certificate of all minor or otherwise dependent children when eligible (decree of adoption if applicable),

Marriage license,

Any divorce decree (if applicable),

Certified copy of death certificate,

Copy of the police offense, arrest, and other reports incidental to the death,

An affidavit from the head of the employee's agency certifying the employment status of the deceased employee,

An affidavit describing the facts causing the death,

Any necessary witness affidavits,

In claims made to the Office of Federal Employees Compensation, a statement from a Federal law enforcement agency that the deceased employee was enforcing a Federal statute (the facts, circumstances, and statute involved, etc.),

In the case of a female surviving spouse, a certificate from a licensed physician that she is or is not pregnant (this is required to protect the financial assistance rights of a posthumous child who may be

eligible for benefits at birth),

Such other documents as may be required by the appropriate administering agency, and

Physician's statements in cases of disability.

##### **Special Requirements**

Most Federal agencies require that all evidentiary documents be certified and bear the seal of the certifying agency with an intended or raised seal mark on the documents submitted. Do not send a xerox or other picture copies of the document with a seal unless permitted by the agency.

It must be emphasized that benefits are paid on a case-by-case determination of the facts and circumstances of the death or injury of the employee. Law enforcement administrators should be alert to possible Federal benefits for their officers and their families. The fact that one Federal agency pays or denies benefits under the terms of one law does not mean that another agency will be bound by the determination. Each Federal benefit program is administered separately.

Applications must be processed separately to each agency where benefits are possible. The collection of personal claim documentation is in many cases slow and difficult. Officers will want their eligible beneficiaries to receive all entitlement benefits as soon as possible. They can assist their families and departmental officials who will be helping with these claims by keeping a current document file along with their will and insurance policies.



# TRACER: Computerized Service for the Criminal Justice System



J. W. Nixon

By  
**J. W. NIXON**  
Data Processing Manager  
and  
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City of Norfolk  
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Ellen Posivach

A computerized Total Recall Adult Criminal Element Records system, identified by the acronym TRACER, was first developed by the Norfolk Police Department in 1970. In essence, TRACER is a system designed to track an individual through each step in the criminal justice process—from the point of arrest to the point of exit from the system. Even though the

theory is simple by nature, the process of creating a computerized program which would integrate all of the intricacies of the criminal justice system was not.

Based upon the value a project of this nature could hold for all criminal justice systems, author Nixon and Sgt. Duane Mason of the Norfolk Police Department, originators of the

TRACER idea, applied for and obtained a \$221,000 Federal grant for its development and implementation.

One of the most important functions in the design of TRACER is its capability to interface with the warrant files in TENPIN (Tidewater Electronic Network of Police Information). The TENPIN system enables each authorized participating police



**“... TRACER is a system designed to track an individual through each step in the criminal justice process—from the point of arrest to the point of exit from the system.”**

agency in the Tidewater area of Virginia access to outstanding warrants in this region. In addition to this capability, the TENPIN system interfaces with the V-CIN (Virginia Criminal Information Network) and permits users access to warrant information on a statewide level. The V-CIN system, in turn, is tied into the NCIC (National Crime Information Center) in Washington, D.C., thus permitting TRACER users access to warrant information on a national level.

By having access to regional, State, and national warrant files, TRACER has assisted the Tidewater communities in serving 4,000 more warrants a year than in previous years. Because Tidewater is a metropolitan area consisting of seven cities and more than a million and a half people, local law enforcement agencies had difficulty in determining whether there was an outstanding warrant against an individual at the time of his arrest. The truism that crime knows no boundaries is particularly true in a metropolitan area where six other cities are only a few minutes away via the interstate system. TRACER has done much to overcome geographic limitations on criminal investigations in the Tidewater area.

Besides the warrant-checking capability, the major value of the TRACER system is its ability to link all of the criminal justice agencies together and to enable an authorized inquirer to determine the precise status of an individual who is currently in or has previously been in the criminal justice system. This capability has a wide range of possible applications—one of which is the ability

to determine whether an individual who is being arrested is currently on probation, parole, or out on bond. Sergeant Mason describes a certain situation which occurred prior to the implementation of TRACER. “In one instance a man was arrested for murder and released on bond until his case was heard in court. During the time he was free on bond, the man committed another slaying and was arrested somewhere else—and again

released on bond. He was released because no one knew he was out on bond.” TRACER prevents such incidents from reoccurring.

Not only does TRACER enable the users among the various departments within the city of Norfolk to monitor the status of an individual within the criminal justice system, but effective December 3, 1977, the city of Virginia Beach joined Norfolk's TRACER. This now permits the sharing of in-

**COMMONWEALTH OF VIRGINIA**  
**WARRANT FOR**  
**ARREST**  
**Case #**  
**Name**  
**Address**  
**Sex/Race**  
**Hgt. Wgt. Age**  
**Charge**  
**Gfr. No.**

**TRACER - FUNCTION MENU**

FUNCTION	DESCRIPTION
THIT.....	MITTINUS FORM REQUEST
THAM.....	NAME INQUIRY
THUM.....	NUMERIC INQUIRY
TPER.....	PERSONS INFORMATION
TPOP.....	CURRENT JAIL POPULATION
TPRC.....	PERSONS RELATED CASES
TPRD.....	PROBATION/PAROLE INFO
TRAC.....	FUNCTION MENU SCREEN
TRAN.....	GEN. DIST. COURT TRANSFER
TRAP.....	RAP SHEETS INQUIRY
TRPT.....	REPORT REQUESTS
TSUP.....	SUBPOENA REQUESTS
TSUX.....	SUBPOENA RELATED PERSONS
TUCR.....	UCR LOCATION CODING

**ENTER DESIRED DATA AND PRESS ENTER KEY.**



formation between two major independent municipalities with regard to individuals who have committed crimes in one or both of these cities. Other cities in the Tidewater area are currently investigating the best methods of implementing TRACER in their individual locales.

Another advantage of TRACER is the reduction in the number of hours spent in maintaining records by hand and the generation of reports automatically which were previously produced manually. For the police department, district courts, sheriff's office, and jail, TRACER is capable of producing arrest summaries, jail population reports (name and cell assignment), jail population summaries, jail logs (in/out), jail call sheets, jail sentences (1 year or more), district court dockets, misdemeanor summons dockets, traffic summons dockets, continuance dockets, district court disposition reports, district court end-of-month statistics, court attorneys' case lists, grand jury lists of prisoners, and continued judgment dockets. The Commonwealth attorneys' office can obtain from TRACER Commonwealth circuit court dockets, lists of felons in custody, lists of felons on bail, lists of felons with court-appointed counsel, lists of misdemeanor offenders without a lawyer, lists of individuals with fugitive indictments, lists of continued cases, and caseload statistical summaries. For the circuit court clerks' office, circuit court subpenas, circuit court caseload statistics, circuit court capiases for fugitive indictment, circuit court grand jury indictment lists, and circuit court disposition reports are available. City circuit court dockets, city appeals re-

ports, capias cases, and continued cases can be prepared for the city attorneys' office. Monthly, quarterly, and annual reports are also prepared for the Virginia probation and parole office.

For the city of Norfolk, TRACER became operational in two phases: Phase I, in September 1976, providing service to the police department, the jail, the sheriff's office, and the district courts; and Phase II, in May 1977, with service provisions for the circuit court, the Commonwealth attorney, the city attorney, and the probation/parole department. Implementation for the city of Virginia Beach followed the same two-phase procedure.

**"TRACER is a data-based system; its total success is contingent upon each user faithfully and correctly entering all of the information (with regard to the individual) relevant to the user's particular department."**

TRACER is a data-based system; its total success is contingent upon each user faithfully and correctly entering all of the information (with regard to the individual) relevant to the user's particular department. In order for TRACER to be of value to each department, all other departments, which had previous contact with the individual, must have already added to or updated the individual's TRACER file. For example, if an individual were arrested on a breaking and entering charge, the booking officer would enter the necessary information into TRACER. The bond would then be set; if the individual could not post

bond, he would be jailed. The personnel in the jail would use the TRACER system to identify the current charge against the accused and to gain further information that might be available. If the arrestee was already on the TRACER system for his previous criminal history, as well as for his present arrest, the comments concerning his prior jail behavior could prove to be very valuable. If the accused had attempted to escape or had become violent with the guards during his previous incarceration, he in all probability would be placed in an isolation cell rather than in a group cell as an ordinary breaking and entering charge would dictate.

In administrative operations, one of the most difficult feats is to present automation to a manual operation while, at the same time, creating an environment in which personnel, who may initially fear replacement by a computer or feel inadequate in their ability to understand computers, become enthusiastic concerning the new dimensions automation may present to their current jobs.

One of the best methods to ensure the acceptance of an automated system within a department is by making members of the department a part of the planning and designing stages of the computerized system. The administrative aspect of the implementation of TRACER was handled in just this manner; users from each of the departments were instrumental in determining exactly what services would be provided by TRACER.

Once the planning and design of TRACER were completed, all user personnel involved in the planning of the system were then instructed in its op-

**"[T]he major value of the TRACER system is its ability to link all of the criminal justice agencies together and to enable an authorized inquirer to determine the precise status of an individual who is currently in or has previously been in the criminal justice system."**



eration by members of the Division of Data Processing. When each user department had at least one completely trained individual in TRACER applications, they in turn trained other individuals within their departments. One advantage to having user departments train their own personnel is that it enables each department to realize that TRACER actually belongs to the user and that it is not a monstrous threat forced upon them by a data processing society.

**"One of the best methods to ensure the acceptance of an automated system within a department is by making members of the department a part of the planning and designing stages of the computerized system."**

The Central Files Division of the Norfolk Police Department took additional measures toward assuring the acceptance of TRACER by its officers. In order to work in central files with TRACER, an officer must now request desk duty, thereby indicating his enthusiasm to learn the details of TRACER's operation.

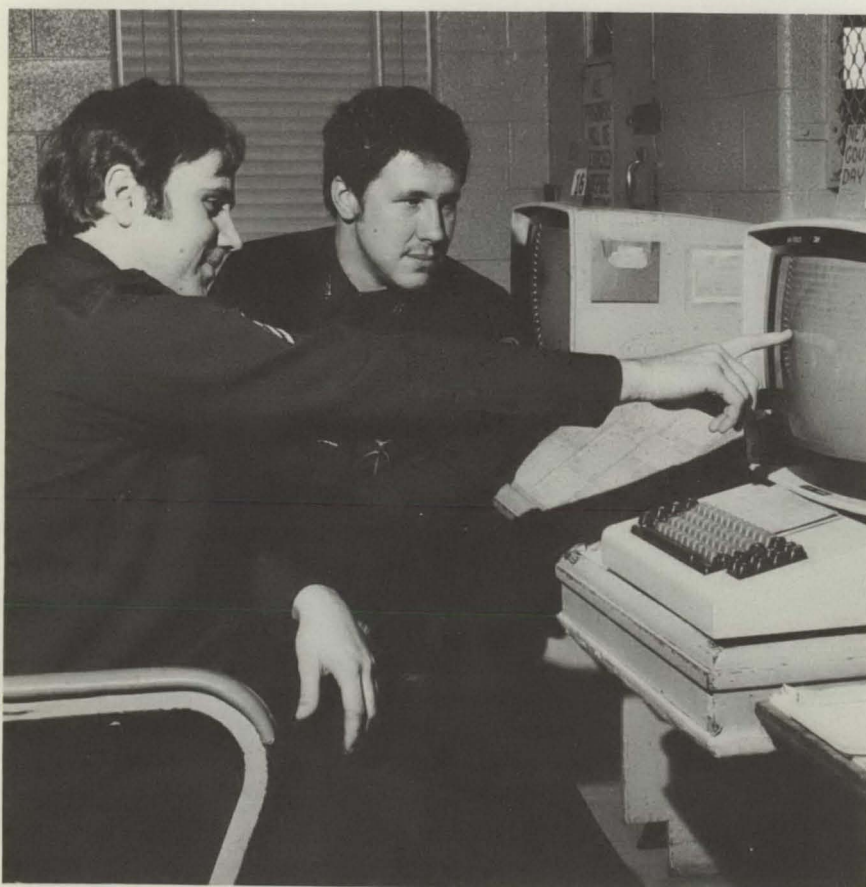
A second advantage of having user departments train their own personnel is a direct by-product of having each department realize that TRACER belongs to the user. By identifying with TRACER and having enthusiasm for the system, the individuals entering information into TRACER files will make every effort to update information as rapidly as possible and to make sure that all entries are correct. In other words, user identification with the system facilitates entry efficiency.

## TRACER in Operation

An arrestee's master file is the main component of TRACER. This file contains personal information including names and aliases, addresses, identification elements, such as local, State, and FBI numbers, and fingerprint codes, etc. Also contained are arrest charges, docket numbers or arrest report numbers, custody status (including history of confinement and bail changes), dispositions, previous confinements, etc. The TRACER Reference Number (TRN) is a unique eight-digit number automatically assigned to a person when he/she first enters the system. An Arrest Report Number (ARN) is also automatically assigned by the system for each arrest event. This is a seven-digit number with the first two digits representing the year in which the event occurred. Information in the master file may be obtained by using the TRN, name search (last name phonetically encoded), and other identification numbers, driver's license number, ARN, etc.

The TRACER function menu is the starting point for TRACER functions. When the menu or selection screen is displayed, the operator selects the desired transaction (arrest information, fingerprint inquiry, jail history, etc.) and enters the four-letter function code.

At the time of arrest, police personnel can find out whether the individual is already in the master file by entering TNAM (code for name inquiry) in the menu screen. In response, the system will display all exact and sound-alike names in the TRACER files. Additional information, such as sex, race, and date of birth, may also be added to narrow the search. The operator may then select the proper individual from the list displayed and request more detailed information by entering the TRN. If the individual is known to



Two Norfolk police officers run a name check through TRACER.





The author receives information resulting from a TRACER inquiry.

the system, the new arrest information is added to the file and accumulated on the TRACER rap sheet—a history of the individual's contact with the system that can be displayed on the screen. If not, a TRN is automatically assigned by the system, and personal information obtained from the offender during the booking interview is entered directly via the arrest booking function.

The arrest booking function (TBOK) allows the operator, using the person and arrest information screens, to review, add, or update arrest and charge data for an individual. When adding arrest information, TBOK will assign the ARN to the arrest and a unique number to each charge. In addition, the function will

create a docket entry for each charge.

TBOK also provides for a check of the probation/parole file (of TENPIN) when the arrest is recorded. If the offender is listed in the file, notices are automatically generated for the booking officer and the probation/parole office. TBOK will also check current custody status, and if the individual is out on bail, will generate a notice for the magistrate.

When the booking interview is completed, the officer requests a CCRE (Central Criminal Report). TRACER immediately generates this triplicate form, with one part each for the State police, the Norfolk police, and the court. If the offender is not released on bond, TRACER also produces at the same time the mittimus (commit-

ment) form, which authorizes the sheriff to take the individual into custody. TRACER also adds the case to the court docket when the docket for that day is produced. After the person appears in court, the disposition information is entered. If, however, the case is continued, TRACER automatically creates a continued docket entry; when the docket for the later court date is prepared, that continued case will appear.

Other functions listed on the TRACER function menu allow users to inquire into the person's information data in different ways. TFPC (code for fingerprint inquiry) searches by fingerprint classification (TENPIN-fast), and TRACER displays a listing of individuals who match the entered fingerprint code. TRACER automatically converts the NCIC classification to the Henry classification for ease in searching manual files.

TLOG (jail log in/out) allows the user to review, enter, or update the inmate records of the jail population file. Data maintained in this file is used to produce the daily log in/out report screen, the daily jail call sheets, the jail population report, and the prisoners confined in jail report. Inquiry to this file may be by the inmate's TRN or a related ARN. TJAI (jail history information) makes it possible for the jail to maintain a history of previous incarcerations for an individual, with comments.

TGDD (general district court docket) permits the user to review, enter, or update the general district court docket case records of the TRACER docket file. Data from these case records is used for generation of the daily dockets and disposition reports.

TRACER users have been well-satisfied with the current system. But as with all computerized systems, improvement of existing capabilities, as well as expansion to include new capabilities, are constantly in progress. ®



# Designing University Police Units— *Areas of Consideration*

By

COL. EDWARD R. BRIDGEMAN

Chief

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University policing is a relatively new and exciting field within the law enforcement profession. However, because it has existed in a somewhat closed and separated environment, this particular and peculiar aspect of law enforcement has remained a mystery to the profession at large.

Law enforcement officials everywhere acknowledge that we do not exist in a vacuum: however the needs and influences on police agencies in their communities can be discerned as distinct and separate from neighboring communities. It is feasible for purposes of this article to examine law enforcement service to a university community, overlooking the minor differences and focusing on the common influencing factors. In this way a greater understanding of university policing may be realized.

The typical university campus lends itself to such exploration, for it differs extensively from city, county, and other district jurisdictions. On the other hand, although there are minor peculiarities from campus to campus, there are significant similarities within academic institutions that greatly influence the law enforcement function and consequently the organization designed to carry out that function. These similar factors include the historical influence, with the university's former functional needs, and the contemporary influence in terms of setting, philosophical positions, and relationships with contingent po-

lice agencies, as well as the mission of campus policing units and budget constraints.

### Historical Influence

University policing is a unique form of law enforcement with many attributes of municipal policing, plus additional considerations that are totally alien and often disturbing to traditional law officers.

In the past 10 years, university police have broken out of the traditional "college security" mold. Prior to the tumultuous sixties, the campus cop was generally a retired municipal or county policeman seeking to supplement his retirement income with the pittance paid to the security man of that era. He was often overweight,

carried a huge ring of keys, and even sometimes accused of having some voyeuristic tendencies. His primary function was door rattling by night and parking citation writing by day.

With the civil rights movement of the late 1950's and the antiwar activists of the early to mid-1960's came a new era on the campuses, not only for university policing but for the university community as a whole. As a reaction to the widespread unrest, many students and faculty members on university campuses lost the special esteem in which society had held them. State after State passed strong campus disruption legislation. To provide the service college administrators needed to enforce the new laws, university police forces across the country doubled, tripled, and even quadrupled. This new breed of university police-



**"University policing is a unique form of law enforcement with many attributes of municipal policing, plus additional considerations that are totally alien and often disturbing to traditional law officers."**

man was younger, tougher, and often more educated than his predecessors. Thus, university policing moved out of the realm of facility security and into the field of law enforcement.

As the tide of dissent ebbed in the late sixties, a partial reaction to some of the excesses of riot suppression took place. Some overreaction to student agitation had occurred on the part of city, county, and State officers who were called in to augment the campus forces. Most campus administrators, acting in sympathy with their student bodies, or as a means to placate them, ordered a very low profile campus policing approach. University officers were put into blazers and unmarked cars, with primary emphasis on community relations. The classical hierarchical organization was discarded in favor of various experimental "re-

sponsive" organizational styles. The sidearm was hidden or in some cases taken away, as was the nightstick.

However, with the 1970's came rising crime rates and a new generation of students who were more interested in getting into the business world than in getting out of Vietnam. This new clientele was notably unhappy when they were mugged, robbed, or assaulted and their stereo tape decks and CB radios were "ripped off." They raised a hue and cry to astonished administrators, demanding that the university protect them—with real police!

Since most universities were still reluctant to call in municipal or county agencies, the logical alternative was to develop on-campus policing capabilities. Off came the blazer, and back came the emergency lights for cruisers, the sidearms, and the nightsticks.

Also returning were the traditional organizational table of components and the typical policing style found in cities near campuses. And while the university officers went from door rattlers to riot squads, from invisible community relations experts to law enforcement officers, they developed a unique peer relationship with the campus population which has lightened the involvement of the campus police in the university lifestyle.

### **Contemporary Influences**

There are several factors which currently influence the organizational design of university police forces. Some of these parallel considerations in municipal policing, while many are unique to the campus environment. For instance, the constant state of flux found on many campuses is not simply a symptom of turnover in student population; it is more of a university change, as an idea and ideal is discussed, encouraged, and processed as a part of the business of education.

One of the major factors to be considered in the organization of a campus police force is the setting of the university itself. This includes not only the geographic layout of the campus, but also the demographic makeup of the surrounding area. A different organizational thrust is necessary in protecting an urban campus as compared to a suburban or rural one. The employees of the urban campus are concerned with building security and the potential of being in a high crime district. There is also a parking problem commonly due to lack of space and the burden of having to patrol and control large blocks of



**A university police officer instructs students on the various security devices.**



parked vehicles. Additionally, especially in urban campuses, there is the relatively new concept of "comm-university," that is, the university existing as an integral rather than a separate part of the community. Co-existent with this philosophy is an openness and outreach on the part of campus administrators to encourage use of university facilities by members of the surrounding community. The negative result of this positive program is that some of those coming on campus have crime rather than education as their goal.

Until a century ago the neighborhood in which many urban universities were situated was middle class and residential. In the ensuing years, many of these neighborhoods have undergone socio-economic change, and the campuses find themselves an enclave of prosperity in the midst of deprivation. This situation not only tends to elevate the larcenous crime rate, but also fosters a "town vs. gown" resentment that manifests itself in assaultive crimes on and around the campus.

The suburban or rural campus is usually in the wide open spaces that

present a very different set of problems. It is, for instance, impossible to adequately light an entire rural campus, thus providing several areas that, while they may be frequented by campus "lovers," are also favorite haunts of the assaulter or robber. Demographically, the urban university presents the greatest law enforcement challenge. Even if the campus is located in a "low" crime area, the mere facts of population and commodity density will be a lure for criminal elements, and the organization will have to react accordingly.

Other contemporary influences on the organization of campus police forces depend upon the philosophies of the administration, the faculty, and the students.

While public university police are empowered by State, county, or local police agencies in their law enforcement duties, it would be unrealistic to suppose that college administrators do not have a great influence on the design of their campus police forces. The exterior exponent of administrative philosophy is usually to whom the executive officer of the campus force reports. On a more liberal campus,

one may find the campus police reporting to the dean of students or the student affairs division on one level or another. This represents a "students' rights" orientation. Where a conservative attitude is encouraged, the police often report to the vice president for business affairs or executive vice president. This approach is indicative of a "student responsibility" orientation. It must be noted, however, that a campus administration may well be liberal in some areas and still be conservative in its response to university policing.

On many campuses, the vote of the faculty senate is tantamount to an act of legislature. The faculty influence on the design of the police organization is disproportionate to their *apparent* authority. Education is the prime product and service delivered by the university, and the faculty is the prime vehicle for the delivery of that service. The faculty therefore are the movers and shakers without actually being in the formal power structure.

Campus police must be prepared for outright hostility on the part of some faculty. There are a few in the academic profession who clearly represent the presence of police (professional or not) on campus. This does not represent the "pigs-off-campus" attitude of the sixties, but more of an earnest desire by the faculty that the academic environment not be polluted with any constraining influences which might stifle academic freedoms.

On any campus of appreciable size, the university police are dealing with two student factions—the informal and the formal. The informal is made up of the bulk of students—the commuters and a large percentage of the dormitory residents. These students are generally pro-police, yet are conspicuously silent about it.

Then there are the formal student body representatives. They might be called the student senate, the univer-



**Colonel Bridgeman**



**Henry J. Sandman**  
**Director of Public Safety**



sity forum, or by some other such name. This group is highly vocal and tries very hard to represent every special interest group on campus. Even though they constitute a minority, on paper they "represent" the entire student body and are a power which must be considered. Thus, the feeling of the student body toward the university police is clearly ambivalent.

What also must be taken into consideration is the relationship of the campus police with contingent law enforcement agencies, an influencing factor that is probably the most complex legally. It becomes difficult to speak of in specifics, not necessarily on a local level, but when trying to deal or explain on a multi-State basis. Included in this factor is the relationship with the commissioning agency, which may be the city, county, or State in which the campus is located. This becomes even more complicated when the college is a State institution with some campuses in a municipality and some in a county. However, with such cases, most States have worked out their own expedient methods of handling these relationships.

**"The less dependent a campus force wants to be, the more specialized and complex its organizational design must be."**

A definite design influence may come from the commissioning agent, if he places certain restrictions or demands on the university police operation through holding the commission by which the university police function. Also to be considered is the matter of mutual aid. The amount of aid required of other agencies is predicated by how self-sufficient or isolated the university force wants to be or is ordered to be by the university administration. This may involve utilizing specialized functions of other

agencies, such as laboratory and criminalistic facilities, or requesting (or rendering) patrol aid during peak load periods. The less dependent a campus force wants to be, the more specialized and complex its organizational design must be.

As in any organization, the amount of money available has a great deal to do with shaping the design of a university police agency. As in a municipal police department, the university police present annually, or biannually in some cases, a justification for their budget requests to the administration. The major difference in a campus setting is that the persons making some of the budget decisions are also budget recipients. This means that deans and department heads must set priorities and may find that the funding of a research laboratory has a higher priority than police equipment for the current year. This vying for budget dollars is another faculty resentment aspect.

The budget factor too is a major determinant in the caliber of personnel that the campus force can recruit. If an administration wants skilled professional university law enforcement officers, it must provide attractive salaries to recruit and keep such people. Fortunately, most universities have recognized this and the overall quality of university policing is increasing proportionally. Where salary levels are set by law, many universities have increased the attractiveness of the fringe benefits package with such items as free tuition, additional pay for educational attainment, etc.

The mission of a campus police force is dependent on the type or "style" of policing the university force will offer. The style could range from the "College Joe" good guy approach, through the *en loco parentis* protective type, all the way to the legalistic enforce-the-law-regardless style.

The implication in the good guy

approach is an abundance of understanding which allows the students or faculty to do their own thing without fear of hinderance from the police. The *en loco parentis* method dates back to the pre-1950's when colleges and all their agents acted as substitute parents, protecting and defending the naive student. And indeed, in many States they were mandated by law to do so. This attitude did much to fan the flames of town vs. gown animosity when students were referred to the dean of students for offenses that meant jail for nonstudents. The legalistic or hard approach, while legally correct, can lead to a breakdown in viable communications within the campus community.

**"[U]niversity policing of today has adopted a judicious stance that has chosen the best from all of these worlds and is developing a new and palatable style of its own."**

For the most part, however, it appears that university policing of today has adopted a judicious stance that has chosen the best from all of these worlds and is developing a new and palatable style of its own. And, the future of university policing is wide open in the truest possible sense. There are few, if any, of the growth restraints found in traditional law enforcement. We are not bound to "the way it's always been," because we are just now making our traditions. Add to this the environment of change and innovation in which campus police exist and there is the potential for constant responsive growth of function and responsibility. Because of this, it is easy to envision a future in which university police serve as a model agency to test and perfect new equipment, ideas, and methods of law enforcement.



## **FACILITIES**

# **FIREARMS TRAINING RANGE: A Practical Construction Guide**

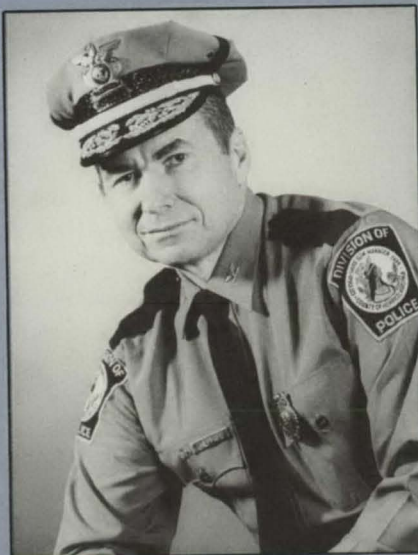
By

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Division of Police  
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**Captain Cobb**



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"Recognizing the rising popularity of target shooting as a sport among many citizens, together with the realization that the local area needed facilities where its law enforcement personnel could polish their firearms skills, the concept of a pistol and rifle range for citizen and police use was conceived. . . ."

Can a law enforcement agency provide a firearms range, a recreation site, a public relations triumph, a response to court decisions—all of these things and more in one complex? The Division of Police of Henrico County, Va., has accomplished just that.

Recognizing the rising popularity of target shooting as a sport among many citizens, together with the realization that the local area needed facilities where its law enforcement personnel could polish their firearms skills, the concept of a pistol and rifle range for citizen and police use was conceived in the late sixties.

The police administration received many inquiries from citizens seeking information as to where one could shoot, sight in, and practice his sport in a safe, fun environment. The need for such a facility had been evident in the county for a number of years.

Moreover, two other important factors suggested the administration examine the feasibility of constructing an independent range facility. The first factor was that the range which had been used in prior years belonged to a local pistol club and had been sold for residential development. The second centered on the moral and legal obligations of a governmental unit to assure proper training for its law enforcement personnel in the "safe use and proper handling" of firearms.

### Municipal Liability

The extent of liability is graphically portrayed in the well-known New Jer-

sey case involving a sizeable civil award to an injured citizen because of wrongful injury inflicted by a police officer.<sup>1</sup> The facts of the case were:

"Thomas was appointed a police officer by the city in December of 1956. On a day in April 1958, he was off duty and dressed in civilian clothes. During the afternoon he spent about 3 hours in a tavern consuming 5 or 6 bottles of beer. Then, returning to his apartment about 8 p.m., he removed his overcoat and commenced to take his revolver from its holster, preparatory to using the bathroom. At the time, he wore an off-duty holster attached to the left side of a belt which supported his trousers. He took the gun, a loaded cal. .38 police service revolver, from this holster with his right hand, with the intention of placing it on a water tank about 3 ft. from him. When it was a foot or so away from his body, it discharged.

"The bullet went through a wall 6½" thick and struck a small child who was in a bathtub in an adjoining apartment. The injury proved to be a very serious, permanent one, with the result that when the case was tried before a jury, a verdict of \$180,000 was returned on behalf of the child, and a further one of \$45,000 in favor of the parents. The verdicts were against both the City of Newark and Thomas."<sup>2</sup>

Cited in the trial by both sides was

the earlier New Jersey decision in *MacAndrew v. Mularchuk*, which established the rule of law "that a city is liable for failure to adequately train its police officers in the proper handling and safe use of the weapons they are to carry."<sup>3</sup>

With these three factors in mind, together with the assumption that construction costs would continue their inflationary spiral, the decision was made to construct a facility which would satisfy the training needs of Henrico's officers, as well as have the capacity to train many other local, State, and Federal enforcement officers. At the same time, the facility could provide an opportunity for many citizens to have a safe and convenient environment in which to practice marksmanship, become familiar with particular weapons, and enjoy their sport.

### Obstacles

In undertaking such an enormous task, many obstacles became apparent. The current cost of construction, together with zoning and safety factors, were almost insuperable. Added to these were problems of site selection, a lack of construction details, the question of ideal shape and size, and whether or not the community would accept the concept. Also, the environmental impact of such construction would be an important factor. Would the Environmental Protection Agency (EPA) look kindly toward a project which would affect the existing envi-



ronment? Would the natural habitats of animal and fowl be affected? Would streams be diverted from their natural course? Would air quality be altered? Resolution of these obstacles and answers to these questions seemed to call for more resources than were available to the police agency.

"Overwhelming!" "Too much!" "Not enough expertise on the police staff!" "Too little money!" "No ideal place for construction!" All of these comments were frequently voiced. But the police chief, determined that these obstacles could be overcome, encouraged the staff to press forward and not be discouraged. In time, the operation was put into high gear, and Henrico County was well on its way to constructing one of the finer firearms training facilities.

## The Planning Process

From the outset, emphasis was placed on employing a proper plan-

**"[E]mphasis was placed on employing a proper planning process in the development of the facility."**

ning process in the development of the facility. The need was obvious, goals were defined, and alternatives were examined.

**Need**—A place for police training and citizens' use.

**Objective**—To construct a facility to meet both these needs with minimum expense.

**Research**—Other training sources were looked at first. As an alternative

to independent construction, could the agency opt for discontinuance of training, particularly in light of the New Jersey court decision?

—Site selection process (much work was done in this research phase);

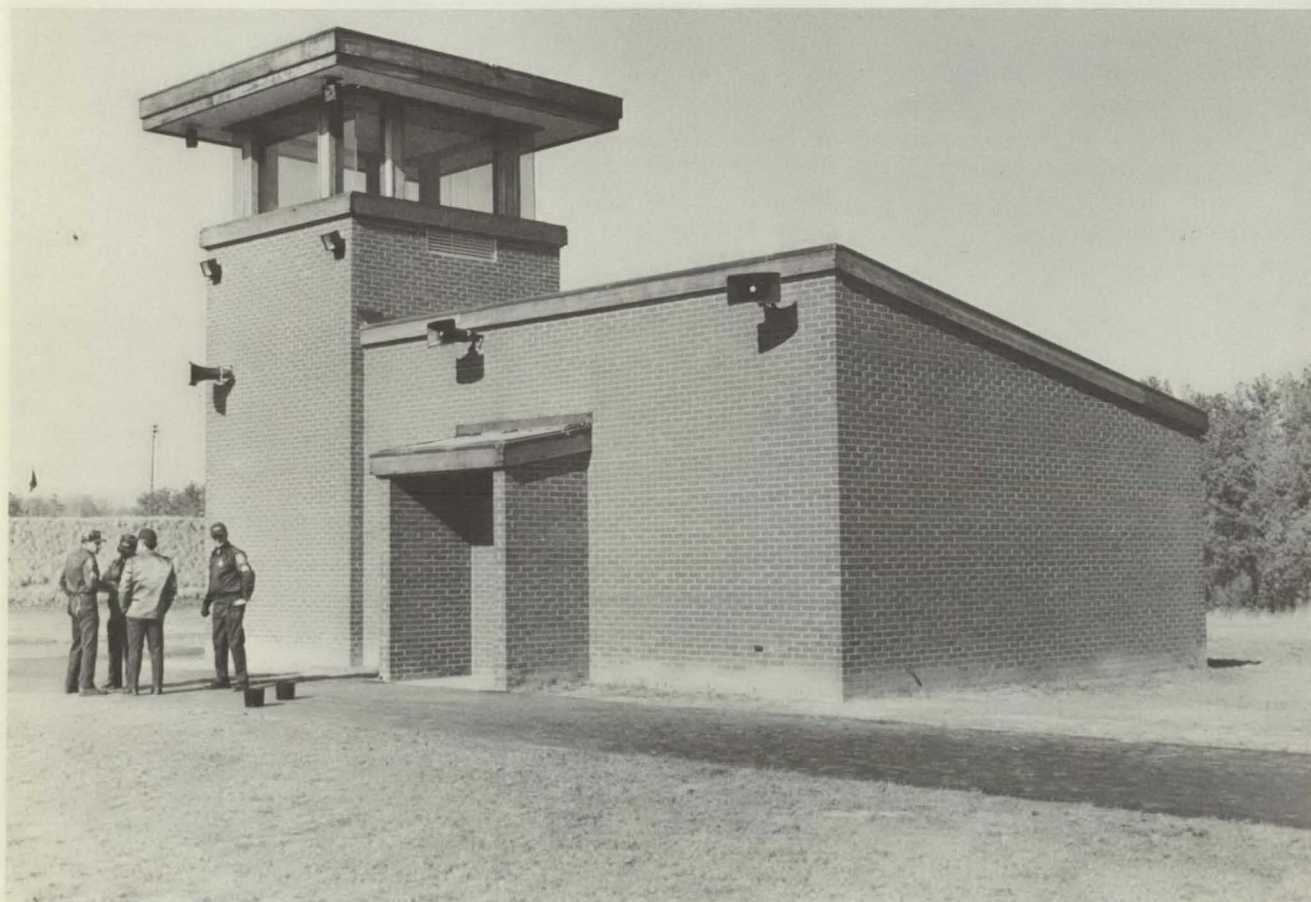
—Employ architect-engineer (this was done to allow them to be a part of the planning process from the beginning and to be tapped as an input source—they accompanied staff on visits to view other ranges);

—Number of ranges and number of shooter positions—how many to satisfy training needs;

—Configuration of complex—safety features, aesthetics, etc.;

—Berm characteristics—height, width, material;

**Range tower and storage building.**





—Ricochet considerations, etc.

Development—Agree upon construction sequence (range berms first, followed by target erection, trap houses, and finally observation tower);

- Number of shooter positions;
- Type of courses to be built;
- Electrical wiring plan, conduit;
- Underground drainage system, water supply;
- Walkways, parking areas;
- Landscaping.

Implementation—Plans drawn;

- Bids requested, low bid accepted;
- Construction begun.

## Site Selection

The first effort centered around site selection. Research revealed there

were several prime considerations in the selection of an ideal site. These criteria were:

1. Choose an area where stray or fallout ammunition would pose no threat or danger to the adjoining community.

2. Land acquisition should not be cost-prohibitive.

3. The area should have the potential to be relatively free from public complaints of noise, encroachment, traffic, etc.

4. Choose an area free from economic development for at least 20 years. Property with a high potential for economic development would be a greater financial asset to the county than would property without the potential. In this case, 15 acres without economic development potential

would be worth, for instance, \$30,000. With the economic potential, the same property might have a value of as much as one-half million dollars. Few municipalities could afford to commit such expensive real estate to police training.

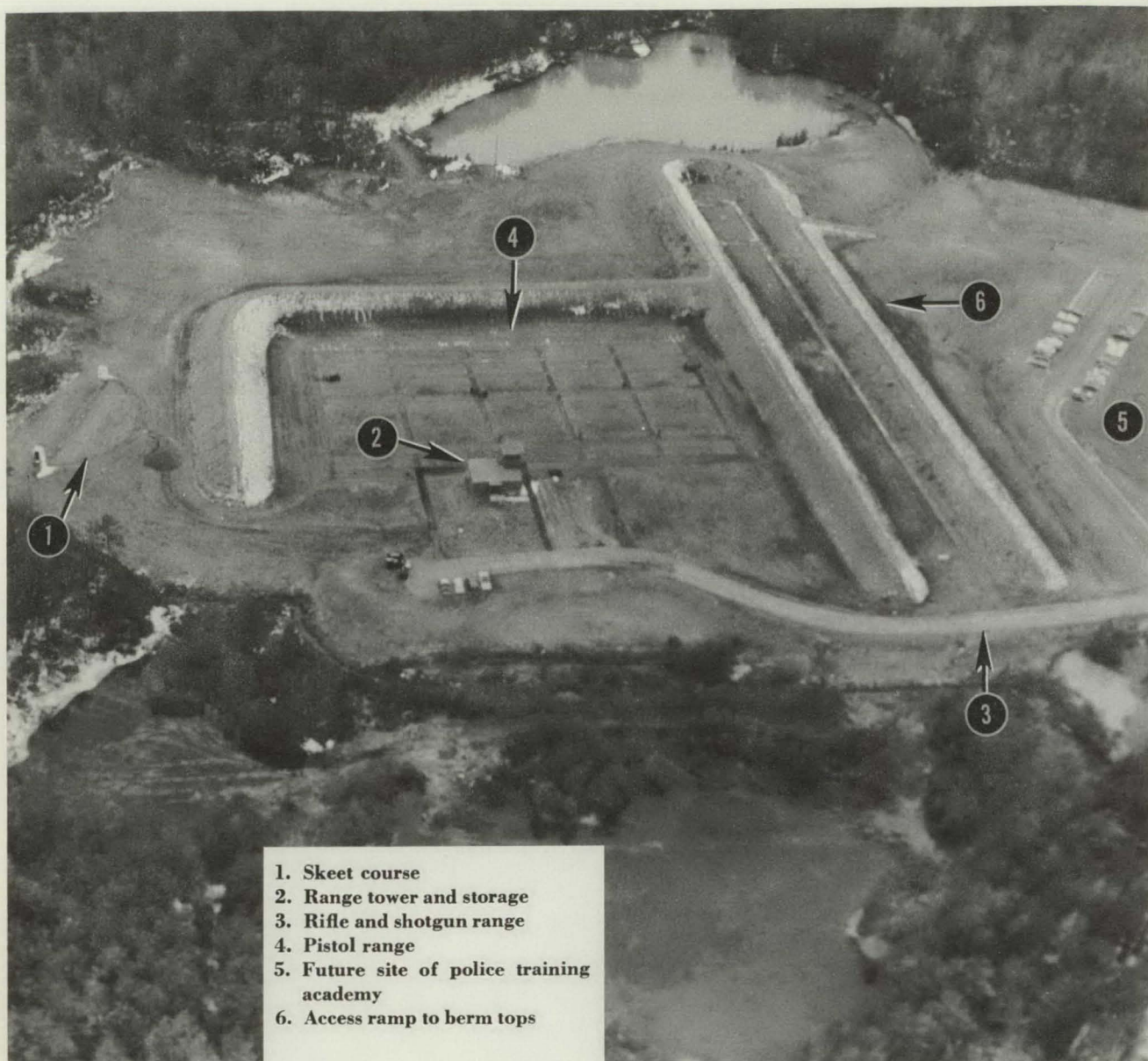
Obviously, county-owned property was considered first. The first such site revealed residences too close, which would conflict with Nos. 1 and 3 of the site selection criteria. The second site considered did not meet site selection criterion No. 4. Finally, the selection effort began to focus on an old gravel pit, long since abandoned as a productive mining source.

While the terrain was generally in a very uneven state, typical of most gravel pits, the site did meet all of the criteria established. There was no im-

View of pistol range from observation tower showing visual control capability of range master.







1. Skeet course
2. Range tower and storage
3. Rifle and shotgun range
4. Pistol range
5. Future site of police training academy
6. Access ramp to berm tops

mediate cost since the property was county-owned (No. 2 criterion satisfied); the closest residence was some distance away on one side and well separated on another side by a wide, low swampy area (Nos. 1 and 3 satisfied); and studies revealed that the economic development of the area would not occur within the next 20 years, thus allowing many years of use without being displaced (No. 4 criterion met).

After the site was agreed upon, a Federal EPA Environmental Impact

Statement was filed, a staff member appeared before an EPA panel, and clearance was given to proceed. The panel agreed that nature would not be adversely affected; i.e., animals would not be displaced, streams would not be diverted or polluted.

### Safety Features

Of extreme importance from the outset was that the range should be so designed to include maximum

safety features. The central problem, of course, was how to contain ex-

**"Of extreme importance from the outset was that the range should be so designed to include maximum safety features."**

pendent lead within the confines of the berm area. Ricochets, as well as lead fired over the top of the berms, held the danger of becoming "fall-out" on the roofs of homes as far



away as one-half mile.

This containment of fallout posed a serious problem. While there was confidence that the berms would be broad enough to prevent penetration, the lack of berm height meant that some lead might escape. High construction costs precluded the berms being too tall. What could be done about accidental rounds fired over these berm tops and ricochets? In order to reduce this fallout factor, the individual miniranges within the total complex were so designed that the shooter positions would be facing in a southerly direction, shooting away from the homes within bullet fallout distance. Stray rounds would fall harmlessly into the adjoining woods.

Of note here, too, is the design configuration to prevent the firing lanes facing either the morning or evening sun. Shooter position facing either north or south is much more desirable than the alternative, in which case shooters are blinded by either the morning or evening sun.

### Size and Configuration

Studies of the local needs showed that three courses would be required to provide the skill training needed by law enforcement. These courses were pistol, shotgun and rifle, and skeet. The multitude of officers needing annual training dictated that a large pistol course be considered, thus the pistol range was designed to accommodate 50 shooters at one time (similar to the FBI's Practical Pistol Course (PPC) at Quantico, Va.).

The rifle and shotgun range was designed to meet the standards of the U.S. Army, which includes the 1000-inch shooter position; this range was constructed to allow four shooters to participate at one time. The skeet course design was a traditional one, recommended by several major ammunition suppliers and national skeet & trap associations, and incorporated

many of the positive features of the FBI's skeet range at Quantico.

While the individual range construction details had been ironed out, there remained the design problem of how to place the course pieces together in a total puzzle to allow safe shooter participation on all three courses simultaneously. After much study of ricochet effects, as well as examining the penetration potential of expended lead, the decision was to place each course side by side, with the skeet course so arranged to prevent expended rounds from falling down on the heads of shooters on the pistol and rifle range courses.

### Physical Plant

The next phase of construction consisted of the observation tower/storage physical plant. Many designs were studied and various persons were interviewed to determine the ideal construction design. Such factors as the range officer's need to observe maximum activity, thus controlling behavior as well as storage needs, played a great role in determining the ultimate building design.

Incorporated into the building was a tower 26 feet above ground level, the access to which was limited to an inner-building, small spiral staircase. A large covered opening was designed into the tower floor, which would allow for entry of equipment and furniture into the upper section.

Safety of those occupying the observation tower was a serious consideration. To reduce the danger of ricochets and poorly aimed shots, the glass in the observation tower was designed of 7/16-inch bullet-resistant material strong enough to repel angular strikes. An added feature of this heavy glass is the vandalism and burglary resistance offered. Since the ground floor of the building has no windows, the threat of burglary and vandalism is further reduced.

### Cost

Total cost of the range was approximately \$260,000, with the berm construction and other earth-moving tasks accounting for two-thirds of the expense. On the basis of the maximum number of people the larger range can accommodate at one time (50), this represents a cost of little more than \$5,000 per shooter position required. Of course, the construction cost decreased in proportion to the increased numbers of shooter positions required. But this cost figure can serve as a guide to others who are thinking of constructing their own firearms training facility.

Civilian access to the range will be instituted upon completion of all facilities. The policy is to allow citizens use of the range on weekends at a fee designed to cover the cost of supervision, as well as liability insurance. Henrico County police will supervise the range with strict adherence to all rules and regulations governing the safe use of firearms.

Future plans are to open the range 16 hours each day, as well as to allow some weekend activity. Citizens who wish to practice their marksmanship and acquaint themselves with their firearms will have a safe and convenient environment for such activity, while at the same time have convenient hours. The area law enforcement personnel will have a modern and convenient facility where they can keep abreast of the firearms training needs required by State and Federal laws, as well as subscribe to judicial rulings placed upon these officers.

### FOOTNOTES

<sup>1</sup> *Peer v. City of Newark*, 71 N.J. Super. 12, 176 A 2d 249 (App. Div. 1961).

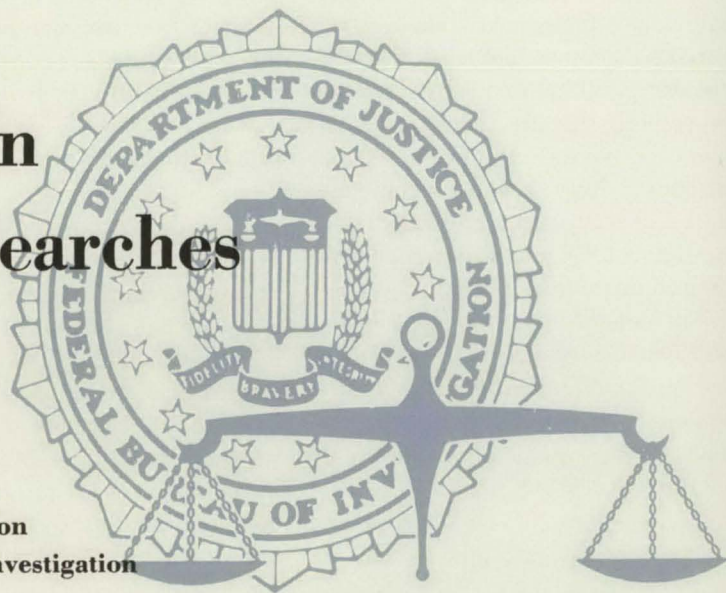
<sup>2</sup> Judge Bartlett Rummel, "Police Firearms Training: An Inquiry into the Governmental Duty to Provide Adequate Training," *The American Rifleman*, August 1963, p. 17.

<sup>3</sup> 56 N.J. Super. 219, 152 A 2d 372 (App. Div. 1959).



# The Warrant Requirement In Crime Scene Searches

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## (Conclusion)

Part I of this article considered the applicability of the warrant requirement of the fourth amendment to the search of fire-damaged premises. Particular attention was given to the recent U.S. Supreme Court decision of *Michigan v. Tyler*,<sup>37</sup> dealing with the search of a fire-gutted furniture store. The conclusion of the article will continue the analysis of the application of the warrant requirement to crime scene searches, focusing on situations in which the prem-

ises to be searched are the *known scene of a violent crime*.

The U.S. Supreme Court has recently spoken on this issue in the factual context of a warrantless search of the scene of a homicide.

### Search of Premises—Scene of a Known Crime

*Mincey v. Arizona*,<sup>38</sup> decided by the U.S. Supreme Court in June 1978, dealt with the legality of a 4-day

search of an apartment where an undercover police officer was fatally wounded in a shootout with a suspected drug dealer. The facts, briefly, are as follows:

Working in an undercover capacity, the officer had arranged to purchase a quantity of heroin from Rufus Mincey. The transaction was to take place at Mincey's apartment. When the undercover officer arrived at the apartment to make the buy he was accompanied by several other plain-



clothes officers and a local prosecutor. One of the occupants of the apartment opened the door in response to the undercover officer's knock, but then observed the other officers in the hallway and attempted to slam the door. However, the undercover officer managed to slip into the apartment, and after a momentary delay, the other officers also were able to force entry. While the officers were subduing and handcuffing the occupant who had attempted to hold the door closed, the undercover officer and Mincey became engaged in a shootout in the bedroom of the apartment in which both were seriously wounded. The undercover officer emerged from the room and collapsed on the floor. Mincey was found on the floor of the bedroom, wounded and semiconscious.

Immediately after the shooting, thinking other persons in the apartment might have been injured, the officers looked about quickly for other victims. They found a wounded young woman in the bedroom closet as well as three acquaintances of Mincey in the living room, one of whom was also wounded. Emergency assistance was requested and first aid rendered to the wounded parties.

The officers present neither searched for nor seized any evidence, pursuant to a police department directive that officers should not investigate incidents in which they are involved. Within approximately 10 minutes, homicide detectives had arrived and taken charge of the investigation. Af-

ter supervising the removal of Mincey, the wounded officer, and the other suspects, the investigating homicide detectives immediately began a search of the apartment. The undercover officer died a few hours later at the hospital.

**Law enforcement officers of other than Federal jurisdiction who are interested in this article should consult their legal adviser. Some police procedures ruled permissible under Federal constitutional law are of questionable legality under State law or are not permitted at all.**

The search of the apartment lasted 4 days, during which time every item in the apartment was examined and inventoried. Photographs were taken, diagrams made, and all drawers, closets, and even the pockets of clothing in the apartment were thoroughly searched; 200 to 300 items were seized.

Mincey was later tried and convicted for murder, assault, and narcotics offenses. Much of the physical evidence introduced against him at trial was the product of the search of the apartment. At his trial and on appeal Mincey contended that the evidence gathered from his apartment,

without a warrant and without his consent, was illegally seized.<sup>39</sup>

Although the Arizona Supreme Court reversed the murder and assault convictions on unrelated State law grounds, it affirmed the narcotics convictions, holding that the warrantless search of the scene of a recent homicide is permissible under the "murder scene exception" to the warrant requirement.<sup>40</sup> Therefore, the search of the apartment was lawful.<sup>41</sup>

The U.S. Supreme Court, in a unanimous opinion, reversed the decision of the Arizona Supreme Court with regard to the search of the apartment, holding instead that there is no categorical "murder scene exception" to the warrant requirement of the fourth amendment. The Court noted that "it is a cardinal principle that searches conducted outside the judicial process, without prior approval by a judge or magistrate, are per se unreasonable under the fourth amendment—subject only to a few specifically established and well-delineated exceptions."<sup>42</sup>

In reaching its conclusion, the Court considered and rejected several arguments advanced by the State to justify recognition of such a generic exception. A brief examination of two of these issues may be useful for the following reasons: (1) To assist in an understanding of the basis for the final conclusion of the Court that the 4-day search was illegal; and (2) to gain insight into the Supreme Court's view on several issues that regularly arise in crime scene search situations.



**"In both *Michigan v. Tyler* and *Mincey v. Arizona*, the Supreme Court indicated that while officials are on the premises pursuing their legitimate emergency activities, any evidence in plain view may be seized."**

### **Reasonable Expectation of Privacy**

The argument was advanced by the prosecution that Mincey had forfeited any "expectation of privacy"<sup>43</sup> in his apartment when he shot the police officer. Alternatively, it was argued that given the substantial lawful intrusion into the apartment which was necessary to arrest and subdue Mincey and his companions, the additional relatively minor intrusion of the detailed search was of no constitutional significance. The Court rejected the first of these arguments by indicating that it would "impermissibly convict the suspect even before the evidence against him was gathered."<sup>44</sup> It found the second proposition was not tenable because of the extensive nature of the search. The Court noted that in previous cases it had rejected the argument that because an individual is lawfully taken into police custody he also has a reduced right of privacy in his entire dwelling.<sup>45</sup>

### **Emergency Search Doctrine**

The State in *Mincey* contended that a possible homicide creates an emergency situation demanding an immediate search. The Supreme Court, as it did in *Michigan v. Tyler*,<sup>46</sup> indicated that it recognized clearly the validity of the emergency or exigent circumstances search doctrine, which allows a warrantless entry and search in a true emergency situation. The Court stated:

"We do not question the right of the police to respond to emergency situations. Numerous state and federal cases have recog-

nized that the Fourth Amendment does not bar police officers from making warrantless entries and searches when they reasonably believe that a person within is in need of immediate aid. Similarly, when the police come upon the scene of a homicide they may make a prompt warrantless search of the area to see if there are other victims or if a killer is still on the premises. The need to protect or preserve life or avoid serious injury is justification for what would otherwise be illegal absent an exigency or emergency. And the police may seize any evidence that is in plain view during the course of their legitimate emergency activities."<sup>47</sup> [Citations omitted]

Turning to the facts of the *Mincey* case, the Court said that the search could not be justified as being necessary to protection of life or limb because all the persons in the apartment had been located and the situation was clearly under control before the homicide officers arrived and began the search. In short, the emergency was over. The Supreme Court, in rejecting the factual situation in *Mincey* as justifying a warrantless search under the emergency search doctrine, stated in part:

"Except for the fact that the offense under investigation was a homicide, there were no exigent circumstances in this case, as, indeed, the Arizona Supreme Court recognized. There was no indication that evidence would be lost, destroyed or removed during the time required to obtain a search warrant. Indeed, the po-

lice guard at the apartment minimized that possibility. And there is no suggestion that a search warrant could not easily and conveniently have been obtained. We decline to hold that the seriousness of the offense under investigation itself creates exigent circumstances of the kind that under the Fourth Amendment justify a warrantless search."<sup>48</sup> [Citation omitted]

The approach taken by the Supreme Court, i.e., carefully tying the time of search to the continuation of the emergency, and the scope (intrusiveness) of the search to the reasons justifying the original entry, is consistent with several prior Federal cases. For example, in *United States v. Young*,<sup>49</sup> officers were engaged in a shootout with a suspected bank robber who was barricaded inside his residence. After the suspect surrendered, police, believing other participants in the robbery might still be inside, fired tear gas into the residence and entered to search for other occupants. No other occupants were found, but in the course of their sweep, they did see large quantities of money, apparently loot from the robbery, in the kitchen of the residence. The raiding party departed, and as they were leaving, police evidence technicians entered the house to begin an extensive search of the premises. It was held that the initial entry to the residence by officers to search for other occupants was legal. However, the subsequent warrantless entry and search by evidence technicians was not proper, as "(t) he technicians were looking for evidence, not robbers, at a time when the house had already been secured and after appellant had been arrested. A search



warrant should have been obtained before proceeding further.”<sup>50</sup>

In *United States v. Goldstein*,<sup>51</sup> a police officer called to a hotel because of a fight found the shooting victim on the floor and was told by a witness that the suspect had fled upstairs. The officer's warrantless entry into a hotel room where the suspect was believed to have entered was held proper, but the officer's search of a closed suitcase, after he had determined the suspect was nowhere in the room, was held to be illegal.

Similarly, in *United States v. Davis*,<sup>52</sup> the search, without warrant, of a portion of the defendant's yard (conceded by the Government to be an area entitled to fourth amendment protection) 3½ hours after a shoot-out between defendant and Federal agents, was held improper. The Court reasoned that once both subjects were in custody, the emergency was ended, and a warrant should have been obtained prior to undertaking the search.

Although in *Mincey* the U.S. Supreme Court refused to recognize the “murder scene exception” urged by the State court, and also refused to validate the 4-day search under the emergency or exigent circumstances doctrine, it did not directly order all the evidence seized in the course of the search to be suppressed. Instead, the case was remanded to the State courts to determine what evidence, if any, taken from the apartment was properly seized under “established Fourth Amendment standards.”<sup>53</sup>

### Plain View Doctrine

In both *Michigan v. Tyler* and *Mincey v. Arizona*, the Supreme Court indicated that while officials are on the premises pursuing their legitimate

emergency activities, any evidence in plain view may be seized. Although the “plain view” doctrine has been recognized by the Supreme Court for many years,<sup>54</sup> the best explanation of the principle is generally conceded to be the statement by Justice Stewart in *Coolidge v. New Hampshire*:<sup>55</sup>

“What the ‘plain view’ cases have in common is that the police officer in each of them had a prior justification for an intrusion in the course of which he came inadvertently across a piece of evidence incriminating the accused. The doctrine serves to supplement the prior justification—whether it be a warrant for another object, hot pursuit, search incident to lawful arrest, or some other legitimate reason for being present unconnected with a search directed against the accused—and permits the warrantless seizure. Of course, the extension of the original justification is legitimate only where it is immediately apparent to the police that they have evidence before them; the ‘plain view’ doctrine may not be used to extend a general exploratory search from one object to another until something incriminating at last emerges.”<sup>56</sup>

The plain view doctrine has often been relied upon by State and Federal courts to uphold the seizure of evidence observed at the scene of a crime by an officer while pursuing his legitimate duties.<sup>57</sup>

Two limitations of the plain view doctrine that must be kept in mind in crime scene situations are: (1) It does not allow an officer to extend the area of the search or length of the search beyond that necessary to accomplish

the purpose of his original entry, and (2) the item to be seized must be immediately apparent as evidence, fruits, contrabands, or an instrumentality of a crime.

### Consent

The Supreme Court did not deal directly with the issue of consent in either *Tyler* or *Mincey*, because in each case the Court accepted findings of the State courts that the defendants had not consented to the searches.<sup>58</sup> However, in many cases this recognized exception to the warrant requirement may be the easiest and quickest manner of gaining lawful access to premises where a recent crime or a fire has taken place. In the majority of cases, the victim of a violent crime will be more than willing to give police access to his premises. In most cases of suspected arson, the individual having control of the premises—usually the owner or lessee—will be more than anxious to allow fire or police officials to enter the premises to determine the cause of the fire. In the case of a fire in which insurance fraud is the motive, the refusal by the owner or lessee to allow access to the premises to investigating authorities could provide the insurance company with a basis for resisting payment of the claim.<sup>59</sup> However, officers should insure any consent to search is truly voluntary.

It is important, in light of *Tyler* and *Mincey*, to ask for and receive a *valid consent* from the *proper party* before the crime scene search begins.

Because a consent search is a voluntary relinquishment of a fundamental protection under the Constitution, it will be carefully scrutinized by the court if later attacked by the defendant. In any consent search there are

**“It is important, in light of *Tyler* and *Mincey*, to ask for and receive a *valid consent* from the *proper party* before the crime scene search begins.”**



two vital elements: (1) The consenting party must have the capacity or authority to waive the fourth amendment protection;<sup>60</sup> and (2) the consent must be freely and voluntarily given.<sup>61</sup> The party attempting to justify the search has the burden of proving both of these elements.

An individual may consent to the search of premises over which he has exclusive use and control. The Supreme Court, in several cases, also has allowed persons having mutual use or joint occupation of premises or property to consent to a search thereof, and allowed evidence disclosed to be used against the nonconsenting party.<sup>62</sup>

Although consent must be freely and voluntarily given, the Supreme Court has *not* required an individual to be specifically advised of his right to refuse before a valid consent to search is obtained.<sup>63</sup> The suspect's knowledge of his right to refuse, however, is one of the factors a court will consider in determining whether the consent was voluntarily given.

Because a consent search which results in the discovery of incriminating evidence is likely to be challenged by a defense attorney, it is a good practice to get the consent in writing. If there is any doubt about either the individual's authority to consent to the search of particular premises, or the voluntariness of the consent, a search warrant should be obtained.<sup>64</sup>

### **"Standing" To Object to a Search**

An issue which was not reached by the Supreme Court in *Tyler* or *Mincey*, but which is important from a practical standpoint, is: Who may properly object to evidence which has allegedly been seized in an illegal manner? The general rule is that only a person whose reasonable expectation of privacy has been invaded by a search may object to evidence seized

as a result of that search. Put another way, only the "victim" or one "aggrieved by" an unlawful search or seizure may be heard to complain.<sup>65</sup> This requirement, referred to as "standing," depends on the defendant's having a relationship to, or an interest in, the premises searched or the items seized sufficient to make him the victim of the search or seizure. A defendant with a possessory interest in the premises searched, such as an owner or renter of a house, is recognized as having standing to object, whether he was present at the time of the search or not.

No formal property right in the premises searched is necessary to have standing; therefore, a person having lawful possession or use of the premises will have standing.<sup>66</sup> The Supreme Court has also held that a guest legitimately on the premises at the time of the search may object to evidence offered against him.<sup>67</sup>

The Court has recognized that if the defendant is charged with a crime, one of the elements of which is possession of the item seized, he has "automatic" standing to object to the search or seizure.<sup>68</sup>

On the other hand, it is clear that a trespasser, burglar, or other person not legitimately on the premises, would not have standing to object to a search, regardless of whether he was present during the search.<sup>69</sup>

It should be recognized that some States have more liberal rules regarding standing than those stated above.<sup>70</sup>

Because of the requirement of standing, it is apparent that the *Tyler* and *Mincey* cases have their primary impact in situations where the defendant is able to establish some possessory interest in the premises searched or the items seized. Otherwise, he would not be able to object to the introduction of the evidence, regardless of the constitutional validity of the search. However, this should

not be taken to indicate that the principles of *Tyler* and *Mincey* may be ignored when it appears the suspect has no legitimate interest in the scene

**"The Supreme Court has made it clear that innocent victims of fires or crimes also enjoy fourth amendment protection as to their homes and businesses."**

of the search. The Supreme Court has made it clear that innocent victims of fires or crimes also enjoy fourth amendment protection as to their homes and businesses. These rights should not be disregarded.

### **Summary**

The fourth amendment of the U.S. Constitution prohibits "unreasonable" searches and seizures. With regard to searches of private premises, the Court has consistently held that unless the situation falls within one of the few traditionally recognized and narrowly drawn exceptions to the warrant requirement, a warrantless search is *per se* unreasonable.

There is no categorical exception to the warrant requirement which permits the search of private premises, residential or business, simply because they were the scene of a recent crime or fire.

**"There is no categorical exception to the warrant requirement which permits the search of private premises, residential or business, simply because they were the scene of a recent crime or fire."**

Of course, if a fire is underway, or if officers have reason to believe that a person is in need of aid within particular premises, officials may make an immediate warrantless entry and



search under the emergency or exigent circumstances doctrine.

With regard to entries to fight a fire, the fire-service personnel may remain on the premises for a reasonable time after the fire is extinguished to search for the cause of the fire. During the course of fighting the blaze and searching to determine the cause, any evidence observed may be lawfully seized. Generally, after this initial search or inspection is completed and officials leave the premises, any later reentries of the premises, either to determine the cause of the fire or to search for evidence of arson, must be made pursuant to either: (1) Consent of a person having a possessory interest in the property; or (2) under the authority of a search warrant. Although a search warrant will be required to reenter fire-damaged premises, the level of proof necessary to justify issuance of the warrant will depend on the purpose of the reentry. If officials simply wish to reenter to search for the cause of the fire, the reduced probable cause standard which is necessary for issuance of an administrative search warrant will suffice. This requires no showing that a crime has been committed or that evidence of a crime will probably be found within the premises to be searched.

If, on the other hand, officials have probable cause to believe arson has occurred and wish to reenter to collect evidence of that crime, a criminal investigative search warrant must be obtained, issued upon the traditional showing of probable cause.

If an emergency entry is justified by hot pursuit of a fleeing suspect, or the belief that someone within the premises is in need of immediate aid, the scope and duration of the search which may be conducted is limited by the reasons for the initial entry. In most situations this will mean that once the suspect is arrested, or the situation is otherwise under control,

a further search of the premises will not be justified without either a warrant or consent of the proper party. Of course, any evidence observed in plain view while the officer is pursuing his legitimate emergency functions may be lawfully seized without a warrant.

If a person having a possessory interest in the premises gives a free and voluntary consent to search, no warrant will be required since consent is a recognized exception to the warrant requirement. Consent, to be valid, must be: (1) Obtained from a person having a possessory interest in the premises to be searched, and (2) freely and voluntarily given. If possible, consent should be written.

It is generally recognized that in order for a defendant to object to a search, he must be able to establish some possessory interest in either the premises searched or the property seized. Therefore, the principal impact of the *Mincey* and *Tyler* decisions is in situations where the defendant can establish some legitimate relationship to the premises searched or the property seized. However, innocent victims of fires or other crimes who have a possessory interest in the property to be searched also have fourth amendment rights which should be respected.

*When in doubt, get a warrant!*

#### FOOTNOTES

<sup>37</sup> 56 L.Ed.2d 486 (1978).

<sup>38</sup> 57 L. Ed.2d 290 (1978).

<sup>39</sup> *State v. Mincey*, 566 P.2d 273 (Ariz. 1977).

<sup>40</sup> *Id.*

<sup>41</sup> This holding was consistent with previous rulings of the Arizona Supreme Court, e.g., *State v. Sample*, 489 P.2d 44 (Ariz. 1971); *State v. Duke*, 518 P.2d 570 (Ariz. 1974). Some additional cases which directly or by implication also recognized such an exception are: *Stevens v. State*, 443 P.2d 600 (Alaska 1968), cert. denied, 393 U.S. 1039 (1969); *State v. Sanders*, 506 P.2d 892 (Wash. App. 1973); *State v. Oakes*, 276 A.2d 18 (Vt. 1971), cert. denied, 404 U.S. 965 (1971).

<sup>42</sup> *Mincey v. Arizona*, supra note 38, at 298-9.

<sup>43</sup> *Katz v. United States*, 389 U.S. 347 (1967), established the expectation of privacy test to determine if a "search" within the meaning of the fourth amendment has occurred. See note 16.

<sup>44</sup> *Mincey v. Arizona*, supra note 38, at 299. The U.S. Supreme Court noted it had rejected a similar

argument in *Michigan v. Tyler*, supra note 37.

<sup>45</sup> *Mincey v. Arizona*, supra note 38, at 299, citing *Chimel v. California* 395 U.S. 752 (1969).

<sup>46</sup> *Supra* note 37.

<sup>47</sup> *Mincey v. Arizona*, supra note 38, at 300.

<sup>48</sup> *Mincey v. Arizona*, supra note 38, at 301.

<sup>49</sup> 553 F.2d 1132 (8th Cir. 1977), cert. denied, 431 U.S. 959 (1977).

<sup>50</sup> *Id.* at 1134.

<sup>51</sup> 456 F.2d 1006 (8th Cir. 1972), cert. denied, 416 U.S. 943 (1974).

<sup>52</sup> 423 F.2d 974 (5th Cir. 1970), cert. denied, 400 U.S. 836 (1970); accord, *Root v. Gauper*, 438 F.2d 361 (8th Cir. 1971). *Contra*, *United States v. Keeble*, 459 F.2d 757 (8th Cir. 1972), *rev'd* other grounds, 412 U.S. 205 (1973).

<sup>53</sup> *Mincey v. Arizona*, supra note 38, at 302 and n.9, also the concurring opinion of Justice Rehnquist at 308-9.

<sup>54</sup> The "plain view" doctrine was recognized, at least by implication, in several U.S. Supreme Court cases decided many years ago. E.g., *United States v. Lee*, 274 U.S. 559 (1927) (holding that "no search" occurred when cases of liquor were discovered on the deck of a motorboat by use of a searchlight); *United States v. Lefkowitz*, 285 U.S. 452 (1932) (Search of desks and cabinets were different from the seizure of objects in "plain view").

<sup>55</sup> 403 U.S. 443 (1971).

<sup>56</sup> *Id.* at 466.

<sup>57</sup> *Patrick v. State*, 227 A.2d 486 (Del. 1967); *State v. Hardin*, 518 P.2d 151 (Nev. 1974); *United States v. James*, 528 F.2d 999 (5th Cir. 1976), cert. denied, 429 U.S. 959 (1976); *People v. Hill*, 528 P.2d 1 (Cal. 1974), *United States v. Young*, supra note 49.

<sup>58</sup> But note that Mr. Justice Rehnquist's dissenting opinion in *Tyler* seems to suggest that Mr. Tyler's acquiescence in prior searches of the store could be taken as consent. *Michigan v. Tyler*, supra note 37, at 503-4.

<sup>59</sup> Standard fire insurance policies often require the insured to cooperate in the investigation of the loss by exhibiting the property to the insurer's representatives and their designees. The insured has a fourth amendment right to refuse such a request by law enforcement officials. However, by doing so, he may be violating one of the conditions of his insurance contract, thereby giving the company a basis to deny the claim. See, Jackson, "The Insurer's Role in Arson Prevention," *The Fire and Arson Investigator*, Vol. 27, No. 3 (Jan-Mar, 1977).

<sup>60</sup> *Stoner v. California*, 376 U.S. 483 (1964); *Chapman v. United States*, 365 U.S. 610 (1961).

<sup>61</sup> *Schneekloth v. Bustamonte*, 412 U.S. 218 (1973).

<sup>62</sup> *United States v. Matlock*, 415 U.S. 164 (1974); *Frazier v. Cupp*, 394 U.S. 731 (1969).

<sup>63</sup> *Schneekloth v. Bustamonte*, supra note 61.

<sup>64</sup> For a more detailed discussion of the legal considerations with regard to consent searches, see "Search by Consent," by SA Donald J. McLaughlin, published in the December 1977 thru May 1978, issues of the *FBI Law Enforcement Bulletin*.

<sup>65</sup> *Jones v. United States*, 362 U.S. 257 (1960); *Alderman v. United States*, 394 U.S. 165 (1969).

<sup>66</sup> *Mancusi v. DeForte*, 392 U.S. 364 (1968).

<sup>67</sup> *Jones v. United States*, supra note 65.

<sup>68</sup> *Id.*

<sup>69</sup> *Id.* at 267; cf. *Cotton v. United States*, 371 F.2d 385, at 391 (9th Cir. 1967).

<sup>70</sup> The California Supreme Court in *People v. Martin*, 290 P.2d 855 (Cal. 1955) established a "vicarious exclusionary rule" for that State which allows a defendant to object to evidence illegally seized from a third party. This rule was reaffirmed in *Kaplan v. Superior Court*, 491 P.2d 1 (Cal. 1971), appeal dismissed, 407 U.S. 917 (1972).

<sup>71</sup> *Michigan v. Tyler*, supra note 37, at 495; *Mincey v. Arizona*, supra note 38, at 299 and n.5.



# DOD Assists in Identification of Military Small Arms

The Department of Defense (DOD) has established a central registry listing the serial numbers of small arms in the DOD inventory. This action will assist law enforcement agencies in identifying weapons which are DOD-owned and those recently sold or donated to individuals.

The registry, located at the U.S. Army Armament Readiness Command in Rock Island, Ill., is operational 24 hours a day, 7 days a week.

Law enforcement agencies may use the toll-free number, 800-447-1290, to request weapon

information. To ensure complete registry screening action, callers must provide the serial number, make, model, and caliber of the weapon, and the name, position, title, full agency name, and complete phone number of requesting agency. Responses to inquiries will be provided within 72 hours.

## Purchasing Police Patrol Cars—What Should Be Considered?

The U.S. Department of Commerce National Bureau of Standards has announced the availability of a report entitled "The Police Patrol Car: Economic Efficiency in Acquisition, Operation, and Disposition." The report deals with the many different choices to be made in respect to police vehicle acquisition, utilization, maintenance, and disposition.

It also emphasizes that the cost comparison among the different alternatives is an important element in the choices to be made. In examining the costs of these

alternatives, the report uses life-cycle costing techniques; i.e., the inclusion of first and end costs, and operation and maintenance costs, as well as the conversion of costs to an equivalent basis to take into account differences in the timing of expenditures.

Specific questions addressed by the study are the following:

1. What are the cost effects of purchasing different sizes of patrol cars and different optional equipment?
2. What are the advantages and disadvantages of direct ownership of vehicles as

compared with leasing vehicles?

3. How do the costs of contracting-out maintenance compare with the costs of an in-house shop?
4. What are the effects of alternative utilization practices on fleet costs?
5. How often should vehicles be replaced? and
6. What method of vehicle disposition is most efficient?

Copies of this report, #SP-480-15, may be obtained from the U.S. Government Printing Office, Washington, D.C. 20402, at a cost of \$3 each.



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# WANTED BY THE FBI



Photographs taken 1975.

**KATHLEEN ANN SOLIAH**, also known as Kathleen Dolores Angers, Michelle Ann Mora, and Kathleen Soliah.

*Unlawful interstate flight to avoid prosecution for the crime of possession of a destructive device with intent to commit murder.*

## The Crime

Kathleen Ann Soliah, reportedly a member of an extremist group that has claimed credit for numerous bombings, including police facilities and vehicles, is being sought in connection with the attempted bombing of a police vehicle.

A Federal warrant was issued for Soliah's arrest on February 27, 1976, at Los Angeles, Calif.

## Description

Age----- 31, born Jan. 16,  
1947, Fargo,  
N. Dak.  
Height----- 5'7".  
Weight----- 128 pounds.  
Build----- Slim.  
Hair----- Light brown.  
Eyes----- Blue.  
Complexion-- Light.  
Race----- White.  
Nationality-- American.

Occupations-- Cook, house painter,  
teacher, waitress.  
Remarks----- Soliah has been con-  
victed of larceny.

## Social

Security  
No. used-- 549-70-1837.  
FBI No.----- 31,478 J9.

Fingerprint Classification:  
17 L 1 U t 4 Ref: U  
M 1 T-2t R

NCIC Classification:  
1705TT050412TT04TTTT

## Caution

Kathleen Ann Soliah, reportedly a member of an extremist group that has claimed credit for numerous bombings, including police facilities and vehicles, is being sought in connection with the attempted bombing of a police vehicle. She may be accompanied by James William Kilgore, Identification Order 4803. Both individuals

may possess explosives and should be considered armed and dangerous.

## Notify the FBI

Any person having information which might assist in locating this fugitive is requested to notify immediately the Director of the Federal Bureau of Investigation, U.S. Department of Justice, Washington, D.C. 20535, or the Special Agent in Charge of the nearest FBI field office, the telephone number of which appears on the first page of most local directories.



Right thumb fingerprint.



# FBI LAW ENFORCEMENT BULLETIN

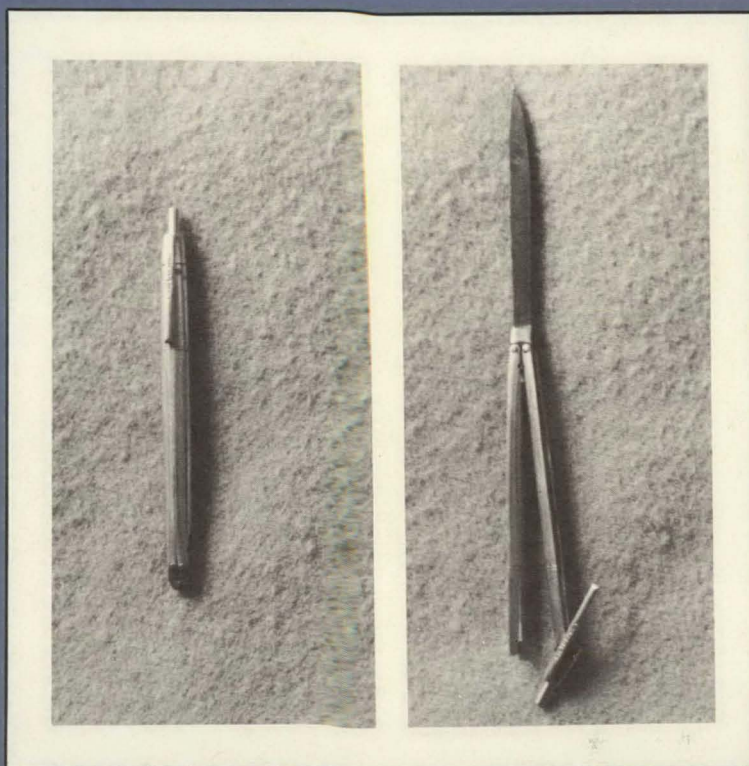
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FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D.C. 20535

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(Name)	(Title)	
_____		
(Address)		
_____	_____	_____
(City)	(State)	(Zip Code)

## DANGEROUS WEAPON



Pictured above is a butterfly knife, disguised as a ballpoint pen, from the Philippines. When the clip and top of the pen are moved to the side, half of the pen is released to reveal a blade. When the remaining half of the pen is brought around to meet the already released part to form a handle, a dangerous weapon is the result.



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D.C. 20535

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## INTERESTING PATTERN



The above pattern is classified as a double loop whorl with an inner tracing. The interesting aspect of this pattern is the unusual position of the two loop formations. This pattern should be referenced to an accidental whorl, inasmuch as in some printings of this finger the single lower recurving ridge may appear to be broken.