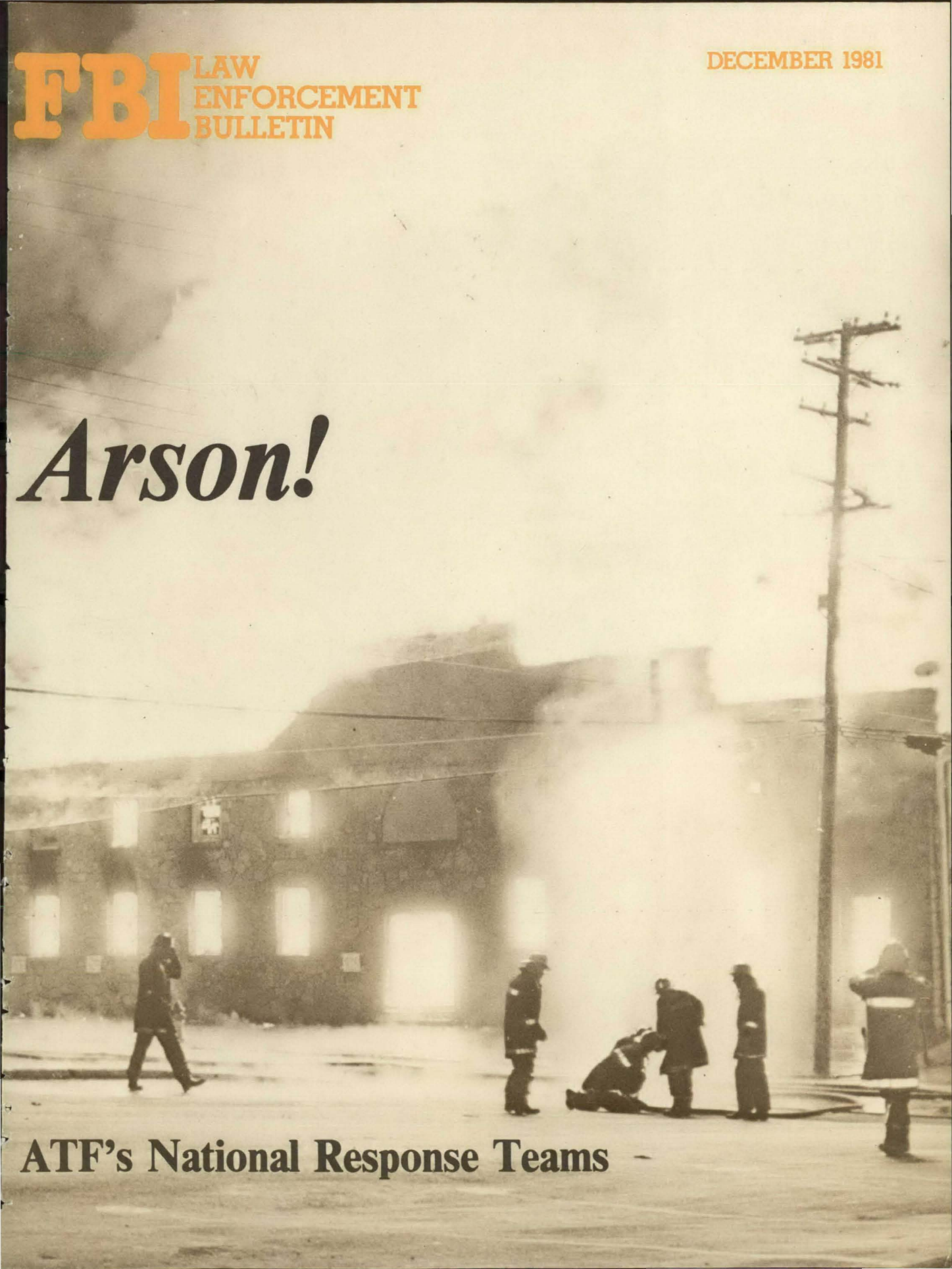


Arson!

ATF's National Response Teams



FBI^{LAW} ENFORCEMENT BULLETIN

DECEMBER 1981, VOLUME 50, NUMBER 12

Contents

- | | | |
|---------------------------|-----------|---|
| Arson | 1 | National Response Teams: ATF's Coordinated Effort in Arson Investigations
By Robert E. Sanders |
| Personnel | 6 | The Cost of "Coming Out On Top"—Emotional Responses to Surviving the Deadly Battle
By Walter Lippert, Ph. D., and Eugene R. Ferrara |
| Investigative Aids | 11 | Social Network Analysis: An Aid in Conspiracy Investigations
By Roger H. Davis |
| The Legal Digest | 20 | The Motor Vehicle Exception to the Search Warrant Requirement (Conclusion)
By John C. Hall |
| | 27 | Index to Articles Published in 1981 |
| | 32 | Wanted By the FBI |



THE COVER:

Scene of explosion and fire at the Majestic Studio, Cleveland, Tenn. See article p. 1.

Federal Bureau of Investigation
United States Department of Justice
Washington, D.C. 20535

William H. Webster, Director

The Attorney General has determined that the publication of this periodical is necessary in the transaction of the public business required by law of the Department of Justice. Use of funds for printing this periodical has been approved by the Director of the Office of Management and Budget through December 28, 1983.

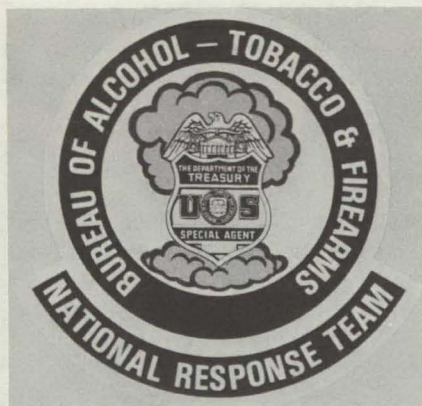
Published by the Office of Congressional and Public Affairs,
Roger S. Young
Assistant Director

Editor—Thomas J. Deakin
Assistant Editor—Kathryn E. Sulewski
Art Director—Kevin J. Mulholland
Writer/Editor—Karen McCarron
Production Manager—Jeffery L. Summers



ISSN 0014-5688

USPS 383-310



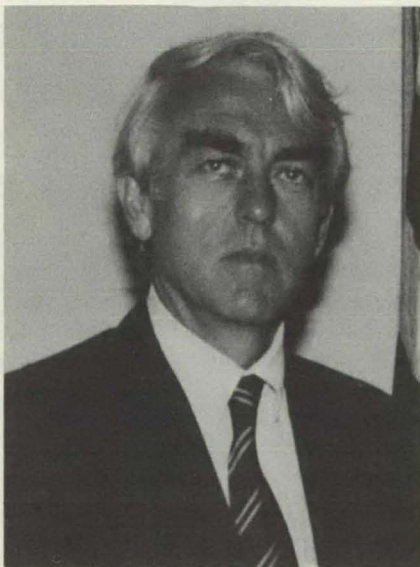
National Response Teams: ATF's Coordinated Effort in Arson Investigations

By
ROBERT E. SANDERS
*Assistant Director
(Criminal Enforcement)
Bureau of Alcohol, Tobacco
and Firearms
Washington, D.C.*

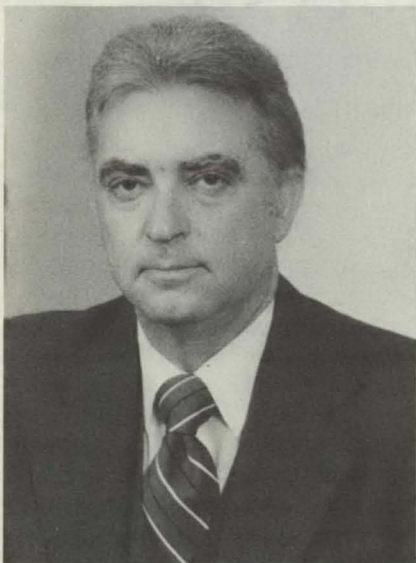


*(Photos depict national response teams during
arson crime scene searches.)*

(Left photo—Ron Taylor, "Petersburg Progress-Index")



Mr. Sanders



G. R. Dickerson
Director

While widely recognized in conjunction with the enforcement of Federal statutes involving firearms, explosives, liquor, and tobacco, the role of the Bureau of Alcohol, Tobacco and Firearms (ATF) in addressing arson-related crimes is a relatively new innovation.

ATF's participation in an arson investigation is predicated on the fact that a violation of the Gun Control Act has occurred or is suspected. Briefly stated, Title II of the Gun Control Act amended the 1934 National Firearms Act and requires that various "destructive devices" be registered with the Secretary of the Treasury in order to be legally possessed. Since such devices are frequently employed by arsonists to initiate the destruction of property by fire, ATF has a clear mandate to exercise jurisdiction, if a need for Federal involvement is identified.

Similarly, Title XI of the Organized Crime Control Act provides criminal sanctions against those individuals charged with the destruction of certain types of property by the use of "explosives." Incorporated in this legislation is a statutory definition of "explosives," which includes various types of incendiary devices (*e.g.*, Molotov cocktails, a hotplate connected to combustible material, etc.) and flammable liquids (*e.g.*,

gasoline, paint thinner, cleaning fluids, etc.), all of which are also "tools" commonly used by the arsonist. Accordingly, this type of crime clearly falls within the purview of ATF's explosive jurisdiction.

Although ATF has had an element of statutory jurisdiction since 1968 that has been applied toward certain arson-related crimes, the formal arson enforcement program was not initiated until February 1978. The initial thrust of the formalized program was structured toward the promotion of the "arson task force" approach. Previous experience had identified a need to establish full-time arson task force units in selected major metropolitan areas throughout the Nation that would involve the cooperative, coordinated efforts of local, State, and other Federal agencies, working in conjunction with Federal and State prosecutors to apprehend and bring arson violators to justice.

Furthermore, ATF's experience in conducting bombing and explosive-related arson investigations vividly revealed another important factor—a timely coordinated response to such incidents was critical in determining the exact "cause and origin" of the respective incident and apprehending those responsible for the crime. It was



Southeast National Response Team preparing to initiate crime scene search on Majestic Studio, Cleveland, Tenn., Oct. 15, 1980.

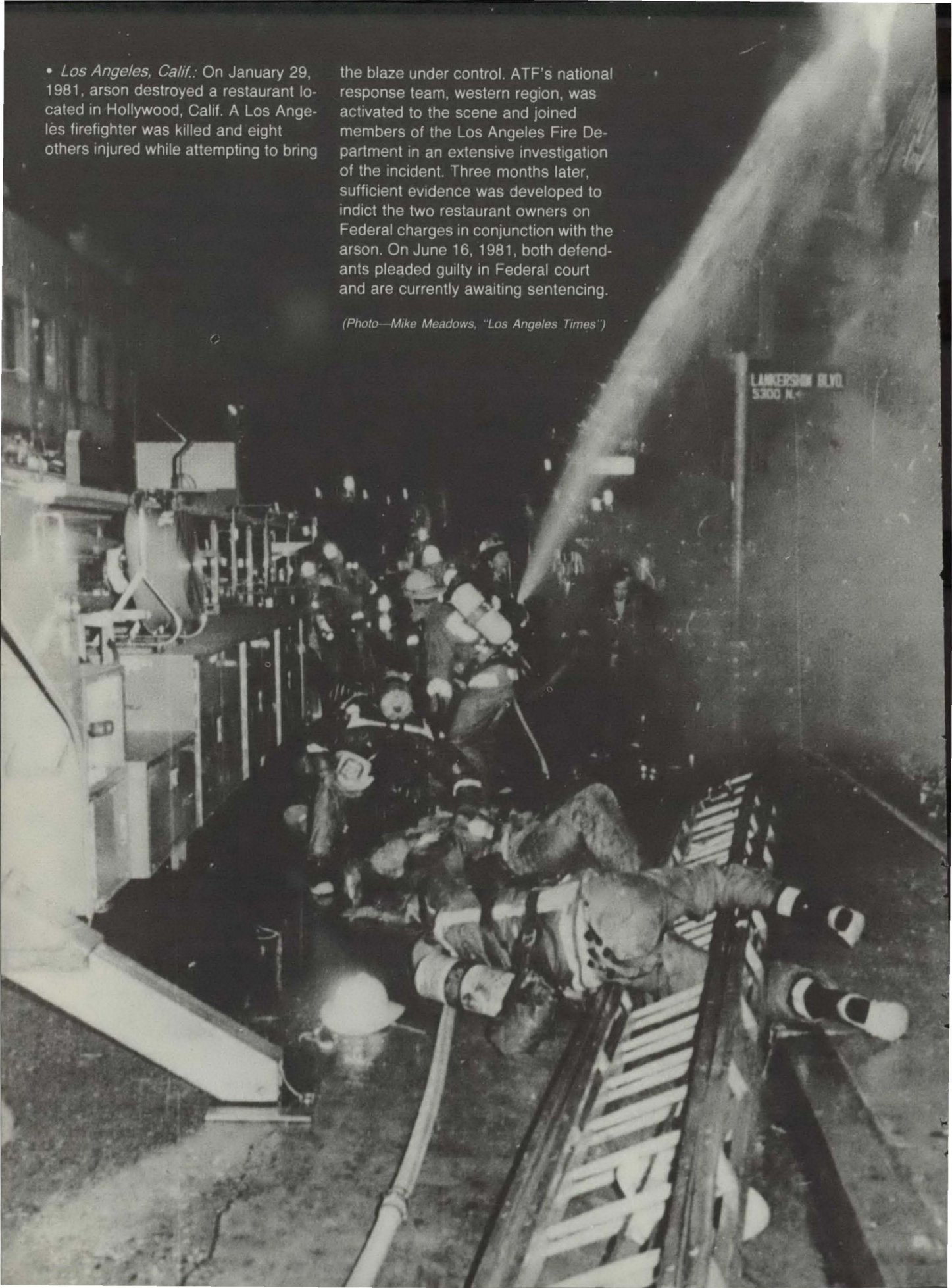
• *Cleveland, Tenn.:* On October 15, 1980, an explosion and fire destroyed a photographic studio and several adjoining buildings in Cleveland, Tenn., resulting in total property damage estimated to be approximately \$1 million. ATF's national response team, southeast region, was dispatched to the area and conducted an extensive examination of the crime scene. Working in conjunction with the Cleveland Police Department and the district attorney general, evidence was developed that subsequently resulted in State grand jury indictments against six individuals, including a dentist and an attorney. Trial and other judicial proceedings are currently pending.



• *Los Angeles, Calif.:* On January 29, 1981, arson destroyed a restaurant located in Hollywood, Calif. A Los Angeles firefighter was killed and eight others injured while attempting to bring

the blaze under control. ATF's national response team, western region, was activated to the scene and joined members of the Los Angeles Fire Department in an extensive investigation of the incident. Three months later, sufficient evidence was developed to indict the two restaurant owners on Federal charges in conjunction with the arson. On June 16, 1981, both defendants pleaded guilty in Federal court and are currently awaiting sentencing.

(Photo—Mike Meadows, "Los Angeles Times")



also evident that the nature and magnitude of many arson/explosive incidents exceeded the capability of State and local agencies, as well as the resources of local ATF offices.

Consequently, in November 1978, ATF developed and implemented a national response capability by establishing two national response teams located in the eastern and western sectors of the United States. Each team consisted of 10 special agents, plus laboratory and technical support personnel and basic equipment needs. The objective of the concept was to provide a 24-hour response to any location in the United States, augmenting the capability of State and local agencies and/or local ATF offices with expert assistance to conduct bombing and explosive-related arson investigations of major proportions.

The first activation of the national response team occurred on May 25, 1979, after a major arson caused an estimated \$5 million in property damage to a clothing store and adjoining businesses in the downtown area of Shelby, N.C. Four firemen lost their lives while attempting to bring the blaze under control. A public utilities employee also died in the incident. ATF's national response team was activated to the site and immediately initiated an investigation. The subsequent investigation of this incident was successfully concluded through the cooperative efforts of the North Carolina State Bureau of Investigation, the Shelby Police Department, and ATF. On April 21, 1980, the principal defendant was convicted in State court and sentenced to a total of 50 years imprisonment.

During August 1980, ATF expanded its response capability by replacing the two-team concept with four national response teams to align with ATF's newly established regional offices located in New York, Chicago, Atlanta, and San Francisco. Each team was placed under the control of a regional director of investigations, supervised by an assistant special agent in charge of a district office within the respective

“... the close coordinated efforts of police department and fire service personnel have enhanced the teams' ability to impact upon bombing and arson-related crimes.”

region, and led by a team leader selected from the special agents assigned to each unit.

The new configuration has enhanced ATF's ability to respond more effectively to major explosive/arson incidents. As with the initial teams, each of the four teams is composed of 10 special agents, a forensic chemist, and an explosives specialist from ATF's Explosives Technology Branch. In addition, each of the current team members has completed specialized training at the Federal Law Enforcement Training Center in Glynco, Ga. The teams are equipped with the most up-to-date equipment, including the prototypes of ATF's new explosives response vehicles.

Since the implementation of the new national response team configuration in August 1980, the specialized teams have been activated in response to 21 significant arson or explosive-related incidents causing 14 deaths, 102 injuries, and an estimated \$30.5 million in property damage. Eight of the incidents have resulted in the identification of multiple suspects, with prosecution pending in Federal and/or State court; four were determined to be accidental explosions; and nine of the incidents are still being actively investigated, with numerous leads being pursued.

During April 1981, a new dimension was added to the capabilities of the response teams. In conjunction with the U.S. Fire Administration (USFA), 20 “cause and origin” specialists from fire service agencies throughout the United States were selected to assist ATF's national response teams in certain arson investigations when that particular type of expertise is required but not available locally.

Following their selection, each “cause and origin” specialist was trained at the Federal Law Enforcement Training Center in Glynco, Ga., simultaneous with a 1-week training course for ATF special agents who are assigned as alternate members of the national response teams. Since the training of these “cause and origin” specialists, their role has been invaluable in subsequent investigations wherein their expertise was required. The USFA deserves a great deal of credit for their assistance in developing this capability as an investigative resource for the response teams.

Although significant accomplishments are being reflected through the selective use of the national response teams, the support provided by State and local agencies during this past year has contributed to the overall effectiveness of the response team concept. Working hand-in-hand, the close coordinated efforts of police department and fire service personnel have enhanced the teams' ability to impact upon bombing and arson-related crimes. It is obvious that a concerted effort at all levels of government is required if we are to impact upon these heinous types of crimes that are being committed in America today without regard for human life and property.

FBI

The Cost of "Coming Out on Top"

Emotional Responses to Surviving the Deadly Battle

By
WALTER LIPPERT, Ph.D.

*Clinical Psychologist
Cincinnati, Ohio*

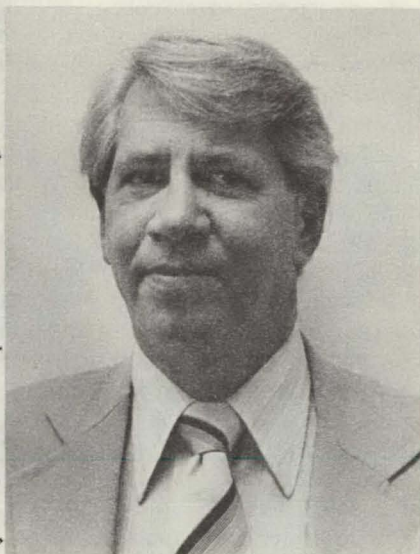
and

EUGENE R. FERRARA

*Chief of Police
Medical Center Police Division
University of Cincinnati
Cincinnati, Ohio*



There have been many recent publications regarding "officer survival," including everything from short articles in newsletters and professional journals to hardbound books. These publications have focused on identifying risks from physical assault and developing tactics for responding to such threats. These techniques are vital to the welfare of all law enforcement officers, and every officer should be provided with this information. However, the risk of physical assault is not the greatest threat to the well-being of law enforcement officers. More police officers are victims of cardiovascular disease, traffic accidents, and suicides than are killed by physical assaults. There is even a risk to the officers who survive physical assaults, especially if



Dr. Lippert



Chief Ferrara

the officer uses deadly force in responding to the threat. Such officers frequently face strong emotional and psychological reactions which can inhibit their ability to cope with their job, family, and life in general.

The FBI has, for many years, compiled information concerning law enforcement officers killed in the line of duty. There is little statistical information regarding officers who kill in the line of duty, either in efforts to apprehend criminals or while defending themselves or others. However, based on the limited information available, it is apparent that these officers face a very real threat—the emotional and psychological reactions to taking a human life. The variety of reactions and responses to the phenomenon of stress are as varied in police as in the general population. Policemen do have certain characteristics which reflect their needs and desire to enter law enforcement. In general, their initial response and feelings toward their work and people they work with—be it the criminal, the public, or their peer group—is essentially the same as the general population. However, the differences are important as shown on the Study of Values Test by Allport and Vernon.¹ Research indicated that in the first year of work as a rookie on the streets, the two highest values present were those of *social service*—that is, working with people—and *religion* or moral concepts. Most persons involved in police work have a high moral code and a strong concept of right and wrong. It is interesting that 5 years later, when given the same Study of Values Test by Allport and Vernon, the value system

had markedly changed. The social service scale had dropped dramatically, the economics scale had risen dramatically, and the political scale had increased significantly. The religious scale remained essentially the same. This fairly steady scale of religion becomes significant, especially in fatal shooting incidents, when moral values come to bear.

In a major midwestern police department, it is mandatory that every policeman involved in a shooting incident, fatal or nonfatal, be seen by a psychologist or psychiatrist to assist in stress management. A requirement of this nature is necessary since policemen are quite uneasy about seeking psychological advice and counseling. They believe it reflects on their overall sense of masculinity and sense of self-sufficiency. Police officers also hold the basic suspicion that no one really cares. Outside of their peers, people simply treat them as a curiosity. There is some support for these beliefs. Persons in many different professions attach themselves to police officers and their work in order to share the excitement and action without accepting any responsibility. Another factor affecting the policeman's ability to deal with a psychologist is that officers are essentially very concrete, reality-oriented persons. In dealing with psychological needs, we are in a world of abstracts.

The response of a policeman when he kills a person varies. In some cases, the individual experiences incredible guilt, feels immobilized, believes that in some way he has attacked basic humanity-type goals, or that he has even compromised his religion. The other extreme is the individual who experiences absolutely no guilt and who frankly says, "Doc, is it all right if I don't feel guilty? If I had another gun, I would have shot him six more times." It is interesting that the variety of responses to the fatal shootings appears to be correlated with the amount of possible threat or actual bodily injury done to the police officer himself. For example, the policeman who shoots somebody in protection of his partner has reacted to a threat

quite distant from his own body. He believes he has a responsibility to protect another person, but he feels more guilty. He is taking a man's life to save someone else, not himself. Also, there is sometimes anger in that the officer believes his buddy may have set himself up for it. For example, in one case, a chase occurred. When the car crashed without major damage, two policemen jumped from their cars and walked straight toward the front of the station wagon. When the criminal in the station wagon began to drive toward the two approaching policemen, a third policeman shot the driver. The officer who did the shooting believed he had reacted as he had been trained. He had been trained to remain behind his car door until all factors were secured. This policeman believed he was forced to shoot the driver because his fellow officers were exposed to danger. Had they remained in a secure position, the shooting may not have been necessary. Therefore, this officer's anger was directed at both his partners and the situation itself.

Another case involved an undercover policeman dressed in civilian clothes. As he neared his car in a high-crime area, he was approached by another man who had been drinking and was trying to find someone to fight. This particular policeman was a large-sized, big-boned individual, who might appear to be the "biggest man in town." In any event, the subject approached the policeman and immediately stuck a gun to his head. He used various vilifications and threatened the policeman, who was slowly edging himself to a gun lying on his car seat. The policeman managed to grab the gun on the car seat and shot the man six times. As the criminal fell to the ground, he shot and wounded the policeman in the shoulder, resulting in his being hospitalized. The policeman was off duty for approximately 1 year because of treatment difficulties with his shoulder and arm. When the officer was seen in the hospital 3 days after the incident, he frankly stated that he did not have guilt feelings, and given the opportunity, he would have shot the criminal several more times.

While the effects of a shooting are varied among police officers, interviews with officers who have experienced such incidents indicated a definite pattern of reaction. It is important that an officer understand that these reactions are normal and should not be considered as signs of weakness or emotional instability—these reactions will occur in most officers. The best hope of minimizing the effects of these responses is to understand what they are and why they occur. The officer should be better prepared to manage his own reactions.

Pattern of Reaction

Denial—Initially, the policeman does not believe the incident occurred. He stands over the body in disbelief, with shotgun or pistol in hand. This reaction is the normal response of an individual having experienced an event which demands immediate decision-making, with immediate results apparent. The individual has not consolidated the entire event in his thinking system, and there is momentary psychological shock. The activity has required the use of reflexive behavior rather than a step-by-step thinking process. This disbelief or denial subsides rather quickly as the policeman becomes aware of a dead body in front of him or a wounded subject needing help.

Gathering facts—The policeman realizes immediately that he needs to present all the facts relating to the sequence of events and must justify the shooting. He is also beginning to prepare himself for what he knows will be an investigation by the homicide

squad, internal investigation, and/or the administration. Policemen are trained to think in very factual terms when reporting incidents. That is exactly what he is doing. He is examining his position to determine whether he had acted according to his training. At this time it is probably not useful for a psychologist to speak to the policeman in that he is at a very concrete level. He is concerned with his professional position and is not willing to deal with his emotions.

Reporting facts—The policeman presents the facts to the investigators, hoping for support and vindications. If he receives this support, he becomes less defensive.

Up to this point, the policeman is acting according to his training. Fact-gathering and reporting incidents are daily tasks for a police officer. The stages he enters next are beyond his training and are frequently psychologically threatening. It is at this point that the policeman is in need of stress management. He should be aware that he will enter the following stages and should be assured of the normality of his response.

Physical anxiousness—The officer is experiencing a high amount of stress—even if he has been reassured that everything is all right. His body continues to respond with high activity—he is experiencing a fight/flight response. Having fought to save his life through shooting another person, he is now beginning to experience a flight-type response. He would like to get away from the situation and find some way to "shut down" and find relief. He finds himself unable to relax and wonders whether there is something physically wrong with him. The physically anxious feeling causing the inability to sleep, frequent pacing, and the inability to sit still is quite normal. All policemen involved in shooting incidents should, within 24 hours, engage in some type

of physical activity. Depending on their lifestyle, this could be sedentary things, such as fishing, or active exercise, such as playing baseball or racquetball. This activity relieves the anxiety, tension, and continued state of preparedness in which the physical body of the policeman remains.



Peer group support—A significant phenomenon is that every policeman interviewed was, within 48 hours, back at the station to speak with his fellow officers. He was obviously seeking peer reassurance. Some departments give the policeman 2 or 3 days off; yet, he insists on going back to the station to speak with his peers. It is believed that this return to the station is necessary and healthy in that it reassures the officer that despite his having taken someone's life, there are those who support his behavior.

Moral self-questioning—After 2 or 3 days, things slow down. The policeman begins to think of the moral implications of his behavior. Within a few days, the very strong value systems possessed by most police officers affect dramatically his evaluation of himself as a human being. It is at this particular point a psychologist can be most helpful. The policeman is questioning his values. This questioning is quite normal and very important. The reassurance and support the policeman receives from the psychologist enables him to see his behavior in rational terms, giving him a great deal of relief. He finds that his response to the events of the past few days have been normal, typical, and usually quite healthy. If the policeman has not received some training in stress management, he begins to believe that there is something drastically wrong with him. Besides experiencing moral anxiety, he is beginning to become concerned with his psychological state; he wonders whether he is going to "lose it." He finds that he is unable to speak with anybody about these problems and does not know how to broach the subject. The situation gets rapidly out of hand, and as some policemen who have not had posttraumatic shooting-incident counseling have expressed, they have died a "thousand deaths" since the shooting. They continue to have nightmares about the incident and continually expect some sort of high-level punishment of a religious nature. Their peers, who deal with many of the same type of events, are frequently unavailable. The macho image of policemen does not often encourage mutual, emotional sharing. A police officer who has experienced a fatal shooting incident unfortunately will not easily share his feelings. He fears that his shield of defense will be penetrated, and it will be obvious that he is vulnerable and unsure of himself. Officers who have not experienced a fatal shooting incident usually remark in a "John Wayne"-type statement that the policeman was macho in having the gunfight. The officer also finds that he is unable to speak to his wife or family.

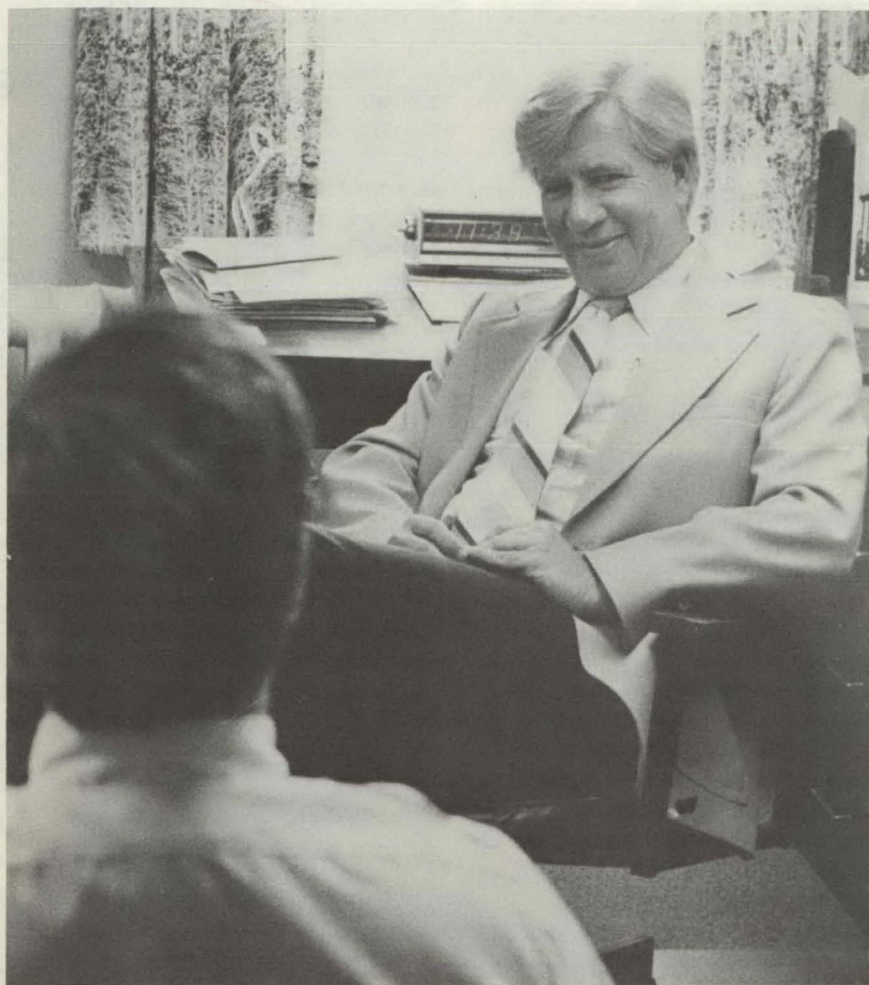
They may be supportive of him; yet for him, they do not form the solid framework of peer group relationships. They are not policemen, and he assumes they cannot understand. The policeman, thus, is rapidly excluding important persons, bringing about his own isolation, and quite possibly, ultimate immobilization.

Counseling

The most effective way to get a policeman into a counseling, stress management-type session after such an incident is to establish a policy making such counseling mandatory. By making it mandatory, the decision-making responsibility is immediately taken from the policeman, who is in the midst of stress already. Although there may be momentary resistance toward such an order, it is up to the psychologist to bring relief to the policeman. The result is usually the appreciation of the officer for having had such a counseling session.

The first session is conducted with only the officer, who is immediately assured of total confidentiality. No information is given to other people. Because the officer is being investigated by his department, the psychologist could easily be seen as another inquiring force who may well give retribution if things have not been done according to department policy.

In all incidents, an attempt is made to have the policeman come back for a second session that includes his wife. Again, there is hesitation by the policeman, who does not really want to involve his wife. The fact is his wife is already involved. More than any other profession, the wife lives vicariously through police work. Her husband's



behavior is reported in rather ghastly detail by the media, and the events surrounding the incident are usually made even more frightening by graphic press descriptions. The immediate concern of the psychologist is that the policeman's wife has not been openly confronted with the possibility her husband may be killed. It is quite typical for a policeman's wife to attempt to persuade her husband to transfer to a different kind of police work or even encourage him to get out of police work entirely. Now he has not only the stress of the incident, his own psychological stress, and moral anxiety but also the concern of his wife and family. Thus, the policeman is being presented with incredible responsibility and decisionmaking—a decisionmaking process for which he has probably not been trained. When a wife is brought in, she is initially quite anxious that she may reflect poorly on her husband. As

she relaxes, she often speaks openly of her anxieties and the couple becomes mutually supportive. In any kind of psychological work, one of the primary goals is to widen the individual's support system, the most vital of which is his family.

The policeman and his wife are then given the option of attending future sessions. If it is believed that further support is needed, very strong encouragement is given to the officer and his wife to return. Some seventy percent of all persons involved in such programs have returned for advice, not only on police-related matters but also for other personal problems. It is also significant that this group of policemen have been very active in referring other policemen to the psychologist.

There is no question that serious psychological events do occur following a shooting incident, or that stress management within 3 or 4 days following a shooting incident is effective in building psychological and physical stability within the policeman. It is strongly advised that police departments that can afford this kind of service will find ample return in police stability and avoidance of unnecessary anxiety or self-recrimination. There is also an increased sense of morale—the policeman believes that he is important to the department. If the department cannot afford such a service, contact should be made with the local psychological association at the city, county, or State level, asking for possible volunteers to provide this service. Many psychologists have a wish to help the community, and they do not necessarily demand financial compensation for every service. In almost every community there are psychologists who have been in practice for many years, are financially secure, and believe they have an obligation to support the community in various ways without compensation. They are untapped resources for the wise police agencies—find them and use them.

FBI

Footnote

Allport, Vernon, and Lindzey, *The Study of Values*, (Boston: Houghton Mifflin Co., 1960).

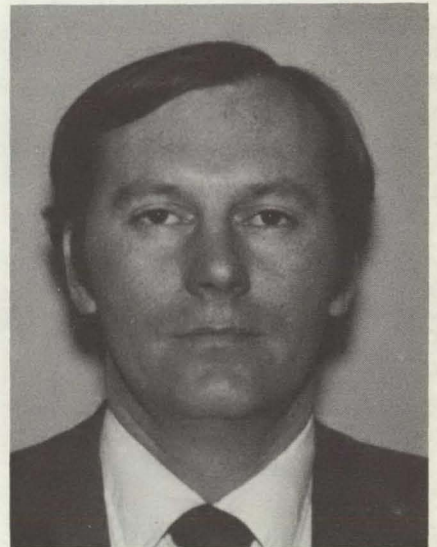
Social Network Analysis:

An Aid in Conspiracy Investigations

By
ROGER H. DAVIS
*Special Agent
Behavioral Science Unit
FBI Academy
Quantico, Va.*

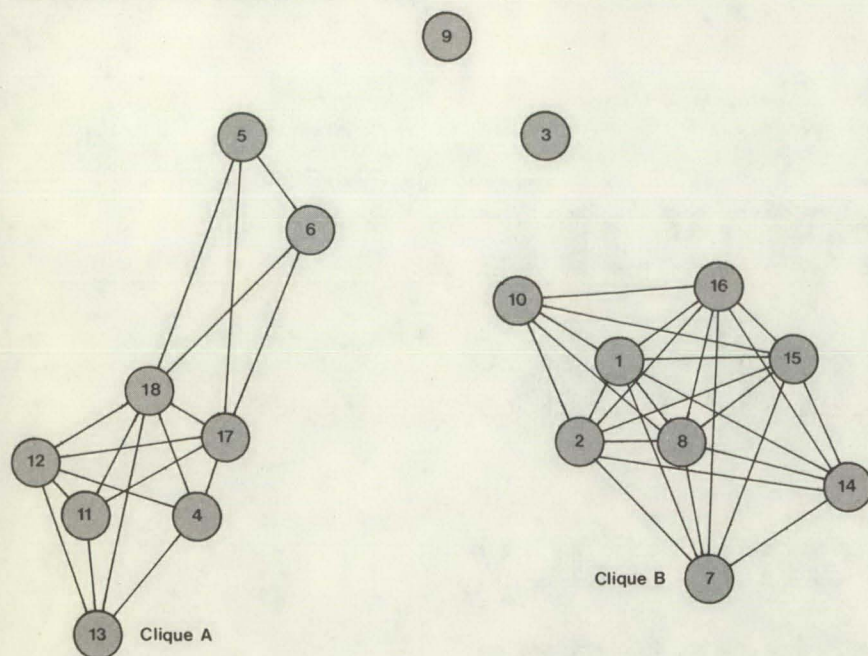
All criminal enterprises share similar properties which, if recognized, can aid in investigating conspiratorial crime. While conducting a complex conspiracy investigation, police officers not only must identify the key participants but also grasp the nature of the interconnections between conspirators to determine the scope of an illicit operation. One process, social network analysis, can assist in penetrating and simplifying those complex interpersonal connections.

Social network analysis is a technique for describing interaction patterns between people to better understand and predict behavior.¹ To perceive the concepts of this process and the law enforcement applications, consider the following hypothetical example in which one social network analysis technique can be applied.



Special Agent Davis

Individuals Present Together Two or More Times



Police in a western city received information of an organized fencing operation being run by members of a local gang. The operation appeared to be centered at a tavern, which was also a popular gathering place for gang members. Police also learned that a person identified as Bert Bey recently indicated he had access to stolen rifles which were for sale for \$50 each. Since, at this stage of the investigation, the police were interested in learning more about the scope of this fencing operation and the people connected with it in order to develop suspects, they decided to watch the tavern during the evening hours for a short period of time to determine who may be involved.

From the surveillance, 18 people believed to be connected with the group were identified. Using social networking techniques, the officers converted their observations of people arriving at and departing from the tavern into a network diagram showing the structure of interpersonal relations within the group. (See chart 1.) From this picture, police determined connections between group members and began to focus logically on those they

considered to be suspects and who potentially would be most knowledgeable about the crime.

What the police officers did was identify the people they observed at the tavern. Then, over a period of time, they charted who was present with whom. The format used is illustrated in table 1. Table 1 is a matrix which includes suspects identified by name and the time periods they appeared at the tavern.² Using network analysis techniques, the officers then developed the network diagram, chart 1, which disclosed the interpersonal group connections.³

In looking at the chart, the officers learned that the group is split into two clearly defined cliques. Bert Bey, the original suspect, is individual 16 and is part of clique B. The core members of clique B (chart 2) and prime suspects to focus upon appear to be individuals 2, 7, 8, 14, and 15. Because these individuals are the central members, they may be controllers of the operation or key links to others who may or may not frequent the tavern. So, using this tech-

nique, the officers were able to focus their efforts early in the course of the investigation upon key gang members and make some behavioral predictions of those individuals who may be involved in a crime.

Network analysis as a law enforcement technique does more, however, than construct a picture of the relationships between people. It allows the investigator to deal better with the characteristics of those links to predict criminal behavior. Used as an aid, it offers the opportunity to penetrate deep into the structure of interpersonal relationships between people of investigative interest. By comprehending the patterns of linkages, an investigator not only will see more clearly cliques of interest but also will have an additional tool to better understand attitudes and behaviors unique to each clique. Other social network characteristics, such as leadership patterns and the nature of information exchanged between individuals, may also be disclosed and used to estimate the extent of criminal involvement shared between individuals and groups. In addition, by applying this type of analysis, key connections to people not previously linked to a criminal act or illicit enterprise can be developed.

Chart 2

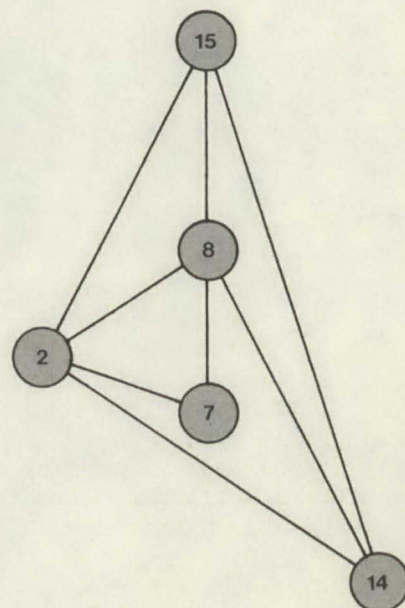


Table 1

	Time Periods														
	June 1			June 2					June 3			June 4			
	8p.m. to 10p.m.	10p.m. to 11p.m.	11p.m. to 3a.m.	8p.m. to 9p.m.	9p.m. to 10p.m.	10p.m. to 12a.m.	12a.m. to 2a.m.	2a.m. to 3a.m.	8p.m. to 10p.m.	10p.m. to 12a.m.	12a.m. to 1a.m.	1a.m. to 3a.m.	9 p.m. to 11p.m.	11p.m. to 2a.m.	
1) Fred Corley	0	1	0	1	0	0	0	1	0	0	0	1	0	0	
2) Richard McGood	0	1	0	1	0	0	1	1	0	1	0	1	1	0	
3) Gordon Waid	0	0	0	0	0	1	0	0	0	0	0	1	0	0	
4) Thomas Smith	0	0	0	1	1	1	0	0	0	0	0	1	0	0	
5) Basil Malone	1	0	0	0	0	1	0	0	0	0	0	0	0	0	
6) Archy Hope	1	0	0	0	0	1	0	0	0	0	0	0	0	0	
7) Horace McLain	0	1	1	1	0	0	1	1	0	1	0	1	0	0	
8) Feltus Robb	0	1	1	0	0	1	1	1	0	1	0	1	1	0	
9) Simon Henry	0	0	0	0	0	1	0	1	0	0	0	1	0	0	
10) Justin Harvey	0	1	0	1	0	1	0	0	0	0	0	1	0	0	
11) Larry Earp	0	0	0	1	1	1	0	0	1	0	1	1	0	1	
12) Reid Raney	0	0	0	0	1	1	0	0	1	0	1	1	0	1	
13) John Seitz	0	0	0	0	1	1	0	0	1	0	0	1	0	0	
14) Silas Weisel	0	1	1	1	0	1	1	1	0	0	0	1	1	0	
15) Pedro Conner	0	1	0	1	0	0	1	0	0	0	0	0	1	0	
16) Bert Bey	0	1	0	0	0	0	1	1	0	0	0	1	0	0	
17) Robert Ensor	1	0	0	1	1	0	0	0	1	0	0	1	0	0	
18) Alvin Cox	1	0	0	1	1	1	0	1	1	0	1	0	0	1	

The Concept

Understanding group structure and analyzing the connections between people involved in illegal activities must begin with an understanding of how group relations evolve. Criminal networks operate in the same way as all other social networks. Relationships between people rest upon shared values, interests, and characteristics. Individuals are linked together through common bonds that develop through shared goals.⁴

Group structure may be important to some criminal investigations, including racketeering enterprises, narcotics operations, illegal gambling, and business frauds. Inquiry into how conspirators divide their responsibilities to accomplish an illegal task offers insight into how an illicit enterprise should be investigated and who should be targeted. By examining members' roles, relationships, and personalities, the nature and extent of conspiratorial involvement may be identified.⁵

An important property of any group is the stabilization of relationships among members and the function each member must accomplish to carry out an activity. A group strongly influences the behavior of its members by setting and enforcing unwritten rules. "If a person wants to stay in a group, he will be willing to conform to the rules which the group sets up."⁶ Take as an example a case where group members are cooperating in obtaining and disposing stolen property. If the informal rules of the group include a requirement that members provide assistance in locating buyers or at least show complacency toward that crime, it follows that for a member to continue to be accepted within those circles, he must participate to some degree, if only passively.

Groups pressure members to conform to certain unwritten rules. That social force eliminates some from the group and filters others into subgroups or cliques bound together in ways which are possible for the investigator to uncover. As one social scientist explained, people choose others as friends based upon a complex interactional process. Where activities between associates are mutually rewarded, common attitudes, sentiments, and behaviors result.⁷ Increased interpersonal contact leads to an ever-increasing involvement in and knowledge of another's activities. As people drift into subgroups, their shared values converge. People sort themselves into cliques which are characterized by a kind of consensus⁸ and which consist of individuals whose activities and social characteristics are similar.⁹

From these social forces that influence people in varying ways to select friends and associates emerge relatively stable patterns allowing the group to accomplish its objectives. This role structure is maintained by rules and social pressures that regulate what, within that group, is acceptable and what is not. These behavior patterns can be used by an investiga-

" . . . pertinent network relationships, . . . may provide the foundation to measure the extent of suspect involvement."

tor as building blocks to understand not only how a group under investigation functions but also those expectations associated with each individual's position in the network and the extent of his or her conspiratorial involvement.

It follows that knowledge of how and through whom social pressure is applied may offer the investigator an advantage in understanding the relations between people involved in crime and in structuring the direction of future inquiries. If criminal activity is suspected of certain individuals within a group, a look at the network associations will offer clues to identify through whom the best information is available to the investigator and with whom the suspect may conspire to break the law.

Knowledge of an individual's social network provides the investigator some opportunity to better understand the personalities under investigation. In network terms, one would expect to locate people in central network positions who would appear more persistent in involving others and moving the group toward its objectives. Additionally, a group may also contain socially oriented individuals who are more passive and agreeable, and therefore, more susceptible to group pressures.

Or it may contain selfish and vulnerable individuals who may be targets for development as sources of information.¹⁰

The information and observations collected by an investigator can be used to chart interpersonal relationships between people of investigative interest. Links between people may involve other than criminal connections, but pertinent network relationships, when understood in terms of their meaning to criminal activity, may provide the foundation to measure the extent of suspect involvement. The network links may also help extend the investigation logically along a path built upon an understanding of who will probably be involved with whom and to what degree. Network analysis is a tool that constructs this picture of individual involvement in or potential knowledge of criminal activity.

The framework of a network structure is built upon a variety of elements that allow the visual display of personal relationships. Influences upon group structure are far-ranging. Psychological studies include a focus on how people perceive differences in the world around them and how they categorize people and objects in predictable ways.¹¹ The links that tie people together, as reported in social science literature, include a multitude of components. Specific transactions between people have been studied and a number of elements discovered which disclose social similarities. Studies include the importance of role similarities such as husband, father, club member, family status, citizenship, nationality, religion, occupation, political party affiliation, economic status, and race as important components for social science purposes.¹² Social similarities are measured by some social scientists in terms of the amount and intensity of social interaction between two people, such as having each other as friends,

acquaintances, neighbors, or coworkers.¹³ Similarities or differences may also be measured by racial, regional, sex, age, role, educational, class, occupational, religious, and ethnic differences.¹⁴ Studies also focus upon the importance of elements exchanged, such as greetings, civilities, conversation, information, visits, work assistance, interaction, sentiment, conversation, joking behavior, personal service, and cash assistance, as useful components to build the links that tie people together.¹⁵

While consideration of the wide range of factors that link people together may be interesting to social scientists, limited measurements seem more appropriate for investigations. Friendships, common affiliations, business connections, and people observed together, or help with financial problems and job assistance, are a few components which may be gathered in investigations and offer more practical application.

Where more detailed network analysis is appropriate, an investigator may want to gather and analyze the interpersonal network relationships by counting the number of instances in which people interact and by noting who initiates and terminates the interactions. This provides weight and direction to the network links.¹⁶

Where people are linked to others through the social relations identified above, they are also tied to society through membership bonds with various groups and organizations.¹⁷ People are also the links connecting groups to other groups. Knowledge of these ties between groups may be important sources of investigative information when used to understand conspiratorial links between criminal groups and to measure cooperation and mutual assistance provided to groups of interest.

From the behavioral elements collected, it is possible then to use this information to construct a picture of the important linkages that exist between people under investigation or display the interconnections of targeted groups involved in a criminal enterprise.

Social Distance

Social distance is a concept that may be applied usefully to investigations. The social distance built upon the similarities between people and groups can be measured and treated in a way that is similar to measuring physically the distance between two points.¹⁸ Where social distance may not be directly analogous to physical distance, concepts of both nearness (features in common) and distance (features separating people and groups) can be scaled in useful ways.¹⁹ "Just as the location of a point . . . is determined by values of . . . coordinates, so a man's location in social space is determined by the values of many coordinates. . . ." ²⁰

With the application of some principles of matrix mathematics to behavioral information gathered on the important links between people and groups, group structure can be disclosed, relationships can be put into a more useful perspective, subgroupings can be displayed in easily understandable form, and the meanings of interpersonal connections not previously suspected can be revealed.

A matrix representation of known interactions and relationships records links between individuals or groups or links between people and events. Discussions pertaining to the step-by-step procedures involved in constructing a matrix are fully explained in other publications and will not be discussed here.²¹ However, manipulation of this data will reveal people in cliques; isolate brokers, individuals connected with others, flow of information, patterns of influence, and potential coalitions; and permit other types of analysis discussed later in this article.

Once the matrix is constructed, matrix manipulation to produce the network is possible either manually ²² or through available multidimensional scaling computer programs. Inexpen-

sive multidimensional scaling computer programs are capable of constructing network relationships for groups.²³ This type of scaling is a powerful technique when applied to information disclosing interpersonal relationships. The scaling process not only aids in understanding whatever patterns of relationships are hidden in the matrix but also allows the interconnections to be displayed in easily understood graph form with meaningful social distance relationships.

Manual manipulations are relatively simple for small groups; however, as networks grow to over 10 to 15 individuals or nodes, the work becomes time-consuming. Several other techniques are available, also for use with other computer programs.²⁴

From the matrix representation of relationships, the characteristics of the linkages developed between people can be examined to understand and predict criminal behavior. The persons represented become "nodes" of a graph, and the lines are linkages (friendships, helping, influence, personal service) representing the social relationships or criminal connections of people of investigative interest. Out of this network, patterns of linkages develop.²⁵ With this information, the investigative focus goes beyond individual involvement of persons suspected of criminal activity to a better understanding of the nature of the links in terms of their meaning to a person's potential involvement in crime. Any person of interest can be understood in terms of his connections, as well as the inter-connectedness of his associates. A clearer picture evolves of who is connected with whom, how tightly, and what that connection may mean in terms of illicit activity.

For example, if during a surveillance several people were observed arriving or departing together or conversing outside of the tavern, an addi-

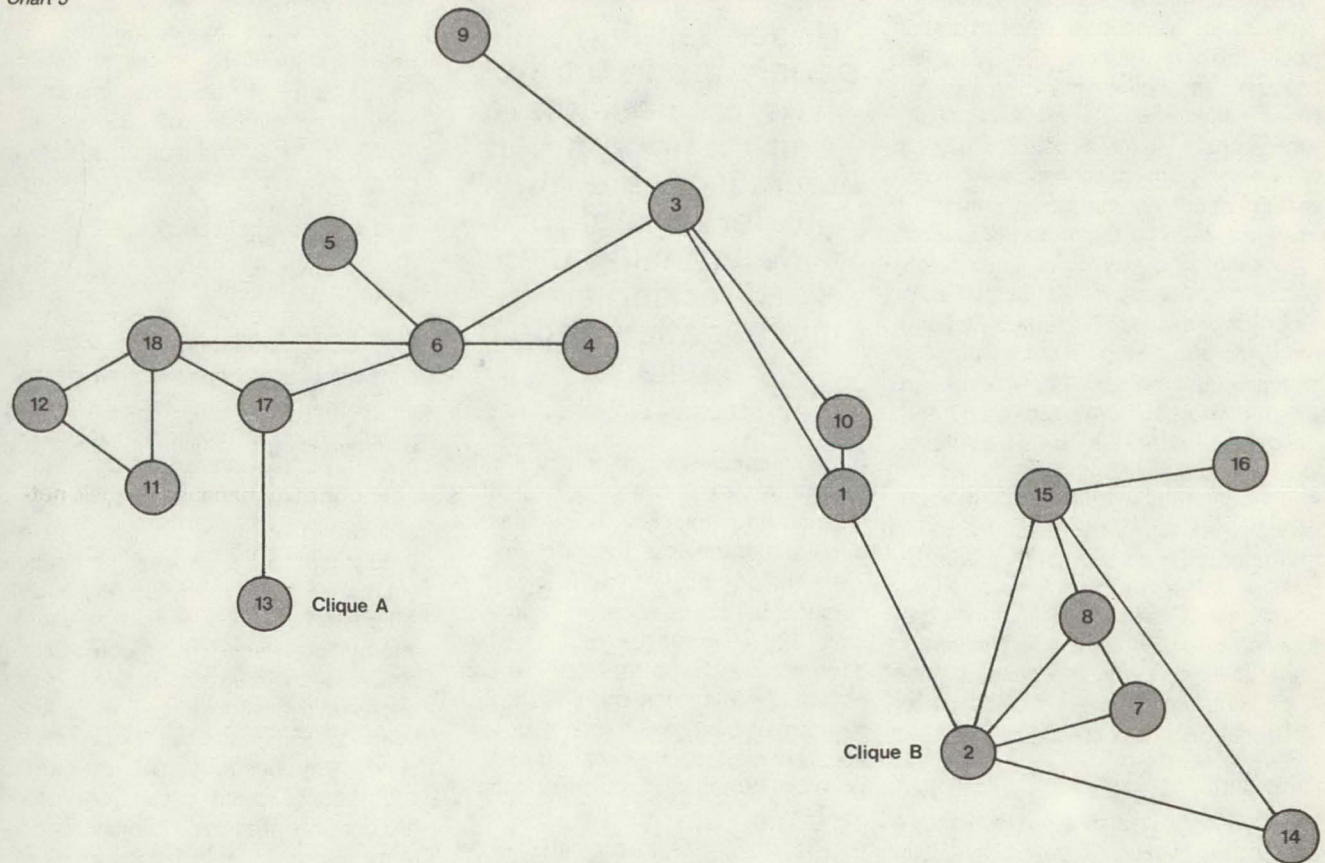
As the investigation develops, persons of interest and their links to associates can be analyzed. Parameters are set to construct clique profiles of group attitudes for interview purposes and to better understand the rules of behavior that link people together and the roles people of interest play within their group.

Flow, as a concept, is the direction in which exchanges between people move. Flow of either information, interaction, influence, or stolen property, though discussed briefly before, should be mentioned here. Who is linked to whom and how closely, or through whom and how closely, can be an aid in determining information of importance to an investigation. If an investigator is interested in tracking how stolen property will likely be disseminated within the group, knowledge of the network structure will help. If chart 3 represents an updated network constructed from the original surveillance and adjusted to include subsequent knowledge of known associations and

Frequency of Meetings Between Individuals

(Note: Numbers across the bottom represent the same individuals listed numerically. All data is hypothetical.)

Chart 3



connections, some revealing possibilities exist. If, for example, the investigator learns individual 15 (Pedro Conner) is offering stolen guns for sale, from the group structure he can hypothesize that the original suspect, Bert Bey (16), is supplied by Pedro. The investigator now can estimate through whom Pedro may be getting his guns or at least who is probably in a position to know about Pedro's activities. Since he is most closely associated with individual 8 (Feltus Robb), Feltus may be a likely suspect. Pedro also is linked, though not as closely, with individual 2 (Richard McGood), individual 14 (Silas Weisel), and individual 16 (Bert Bey), the original suspect. The investigator may want to explore those relationships as suppliers or distributors for individual 15 (Pedro). If stolen property begins to be offered by individuals connected with clique A, then the possibility arises that the people connecting the two groups are brokers.

The network displayed in chart 3 may also aid in developing witnesses and informants as the case progresses and be of assistance later when explaining in court the complex connections between conspirators. On the other hand, it may be possible to predict who, by virtue of network position, will be relatively isolated from information or group activity. If the investigator is receiving information from individual 13 (John Seitz), the investigator knows from John's position in the network that John probably knows more about the activities of clique A and less about clique B and seems to be most closely connected with individual 17 (Robert

Ensor). Ensor, in turn, appears to get his information mostly from individual 18 (Alvin Cox) and individual 6 (Archy Hope).

For law enforcement purposes, it may be useful to predict who will potentially get an item of information or who will likely be asked to help and by whom. The network diagram may also aid in focusing efforts to learn what types of messages, in fact, flow between individuals at various points in the network structure, as well as aid in estimating the volume of information a particular person is likely to receive.

Relative Influence

A suspect's network position and the nature of the transactions between individuals of investigative interest can disclose the degree to which people, at given points, are subject to influence and allow an estimate for investigative purposes of the likelihood a person at a particular point in the network will be involved in criminal activity. If the

investigator knows that Feltus Robb (8) is involved, the accessibility and closer social proximity of individual 7 (Horace McLain) to Feltus Robb (chart 3) affects the likelihood Horace McLain and probably even Richard McGood (2) not only will have important information about Feltus but also may be involved to some extent in his crimes. The greater accessibility and closer social distance of individual 8 (Feltus Robb) to individual 7 (Horace McLain) may also affect Robb's potential ability to manipulate McLain. Information can be gathered and converted to an interaction matrix measuring, for example, the degree to which individual McLain sought out and talked to Robb. If Robb was sought out more frequently, he is in the more powerful and influential position. The mutually reciprocated exchange of interaction (in this case seeking out vs. sought after) indicates equal influence, and the unequal flow of seeking out behavior is evidence of unequal power and prestige.²⁷

Centrality

Centrality is also a network concept with application to police work. It is an index of a person's accessibility and pertains to the number of network paths which pass through him.²⁸ While the group from chart 3 is divided into two major clusters, central individuals exist within and between clusters. From clique B, for example, individual 2 (Richard McGood) is in a position to affect the flow of communication, information, or maybe stolen property to and within that clique, thereby increasing his ability to gain power by manipulating people and information.²⁹ Individual 3 (Gordon Waid) is also central in terms of his overall group position and is even in a more powerful leadership position.

"Understanding which people are in the best network position to control information and manipulate others offers a tool for determining the direction an investigation should take."

Understanding which people are in the best network position to control information and manipulate others offers a tool for determining the direction an investigation should take. If a case is pursued based upon a preconceived notion of a group's structure which does not match the true criminal connections within, then the investigative focus may be misdirected. A group's apparent hierarchial structure need not necessarily match its true conspiratorial links.³⁰

Centrality has to do with the degree an individual controls the flow of information, goods, and services.³¹ Formal and informal leaderships consequently are disclosed in a network representation that displays the structure based upon interaction and important criminal links. The individuals who appear as leaders in some situations may be unimportant in a criminal investigation. Leadership tends to be differentiated into two functions.³² The person who appears to be the most liked, the social leader, may be less important to a matter under investigation. "Task specialists," people who are less motivated to be liked and more inclined to move the group toward accomplishing its tasks, may be more important focuses of investigative activity.

Group Cohesiveness

Density, i.e., the degree to which members are in touch with each other as an index of potential communication, is an element of importance.³³ The density of relationships (group cohesiveness) is a measure of a network structure which may become evident from network charting. The degree of connection or oneness an individual has with a group is an aid to understanding the distinctions between cliques within a group in terms of members attitudes or criminal involvement.

Cohesive groups have clear boundaries, are difficult to enter and leave, and have members with a stronger sense of belonging.³⁴ These groups will be more difficult to penetrate in terms of developing information sources from within or in terms of outsiders gaining access to tightly held information within the group. Clique structure pictured in network form becomes even more important in investigations connected with such highly cohesive groups as motorcycle gangs, youth gangs, hate groups, or other groups with ritualized behavior patterns, including initiations, regular meetings, and other ceremonies.

Group-to-Group Analysis

Principles of network analysis may also serve law enforcement agencies in examining and understanding intergroup connections. The strategic network position of one group among many may give insight into the nature of those intergroup ties. The relationships people have with those associated with other groups serve to provide the links which tie groups together.³⁵ Groups have a network environment similar to individuals' contact networks.³⁶ The group network may be subjected to analysis to predict likely conspiratorial connections or sources of information. Groups central in a network may be the logical focus of intensified investigation. The network diagram may predict how stolen property is dispersed or where group members would turn for aid in solving a problem or harboring a fugitive from justice.

Conclusion

As one can see, networking is more than a map of linkages between individuals and groups. It is an investigative technique, using social science principles, that allows the investigator a deeper understanding of the behavior he observes and allows him to use his observations coherently and systematically to simplify and provide direction to complex conspiracy cases. For law enforcement purposes, the investigator may select a few components from the complex relationships between people and groups and break them down into a few significant connections to predict behavior of individuals systematically linked.

Out of the many elements that link people and determine their relative distance in social space, a few can be selected to develop the partial network of investigative interest. Although the elements used to construct the network must be understood only as guides, meanings can be derived from and given to this partial network, which discloses potential conspiratorial connections. When the sets of observed relations between individuals of investigative interest are charted as lines or links, conclusions can be drawn about the patterns those connections take.

When the network is perceived, the behavior of people of interest within the network is better understood. The meanings people of interest attribute to their connections can be further developed, so can the implications of those connections in terms of a person's potential of involvement in crime or the influence conspirators have over others. Network analysis is an important part of a conspiracy investigation and should not be overlooked as an investigative aid. **FBI**

Footnotes

- ¹ Claude S. Fischer, *Networks and Places: Social Relations in the Urban Setting* (New York: The Free Press, 1977), p. 33.
- ² Matrix data used was collected in a study by Allison Davis, Burleigh B. Gardner, and Mary R. Gardner, *Deep South: A Social Anthropological Study of Caste and Class* (Chicago: University of Chicago Press, 1941) and hypothetically adapted to the examples shown.
- ³ Ronald L. Breiger, "The Duality of Persons and Groups," *Social Forces*, vol. 53, No. 2, December 1974, p. 181.
- ⁴ Jeremy Boissevain, *Friends of Friends* (New York: St. Martin's Press, 1975), p. 33.
- ⁵ For an explanation of the technique of determining personality, predicting leadership, and probable coalitions from observations of interpersonal relations, see Robert Freed Bales, *Personality and Interpersonal Behavior* (New York: Holt, Rinehart, and Winston, 1970).
- ⁶ Leon Festinger, Stanley Schacter, and Kurt W. Back, *Social Pressures in Informal Groups* (New York: Harper, 1950), p. 91.
- ⁷ William J. Chambliss, "The Selection of Friends," *Social Forces*, vol. 43, 1965, p. 372.
- ⁸ Theodore M. Newcomb, "The Study of Consensus," in *Sociology Today: Problems and Prospects*, eds. Robert K. Merton, et al. (New York: Basic Books, 1959), p. 288.
- ⁹ Lois M. Verbrugge, "The Structure of Adult Friendships Choices," *Social Forces*, vol. 56, No. 2, December 1977, p. 576.
- ¹⁰ B. M. Bass, *Social Behavior and the Orientation Inventory: A Review*, Technical Reports G, Contract NONR-624 (14), November 1965.
- ¹¹ Fred Attneave, "Dimensions of Similarity," *The American Journal of Psychology*, vol. LXIII, No. 4, October 1950.
- ¹² Boissevain, supra, p. 28; Pitirim Sorokin, *Social and Cultural Mobility* (New York: Free Press, 1959), p. 5.
- ¹³ Emory S. Bogardus, "A Social Distance Scale," *Sociology and Social Research*, vol. 17, 1933, p. 265.
- ¹⁴ Emory S. Bogardus, *Social Distance* (Yellow Springs, Ohio: Antioch Press, 1959), pp. 30-78.
- ¹⁵ Boissevain, supra, p. 26; George C. Homans, *The Human Group* (New York: Harcourt, Brace and World, Inc., 1950), p. 34; B. Kapferer, "Norms and the Manipulation of Relationships in a Work Context," in *Social Networks in Urban Situations*, ed. J. A. Mitchell (England: Manchester University Press, 1969), p. 181.
- ¹⁶ Charles H. Hubbell, "The Effect of Weighted Links in Communication Networks," *Sociological Theories in Progress*, eds. Joseph Berger, et al. (New York: Houghton Mifflin, 1972), p. 260.
- ¹⁷ Erving Goffman, *Relations in Public Microstudies of Public Order* (New York: Harper and Row, 1971), p. 100.
- ¹⁸ David D. McFarland and Daniel J. Brown, "Social Distance as a Metric: A Systematic Introduction to Smallest Space Analysis," in *Bonds of Pluralism: The Form and Substance of Urban Social Networks*, ed. Edward O. Laumann (New York: John Wiley and Sons, 1973), p. 214.
- ¹⁹ Ibid, p. 215.
- ²⁰ Sorokin, supra, p. 5.
- ²¹ Leon Festinger, "The Analysis of Sociograms Using Matrix Algebra," *Human Relations*, vol. 11, No. 2, 1949. See also, Breiger, supra, p. 181; James L. Stinson and Edward S. Heyman "Analytic Approaches For Investigating Terrorist Crimes," *Clandestine Tactics and Technology Series* (Gaithersburg, Md.: International Association of Chiefs of Police, Inc., 1980); Walter R. Harper and Douglas H. Harris, "The Application of Link Analysis to Police Intelligence," *Human Factors*, vol. 17, No. 2, 1975, p. 158.
- ²² Festinger, supra.
- ²³ Joseph B. Kruskal and Myron Wish, *Multidimensional Scaling* (Beverly Hills, Calif.: Sage 1978).
- ²⁴ Duncan MacRae, Jr., "Direct Factor Analysis of Sociometric Data," *Sociometry*, vol. 23, No. 4, December 1960, pp. 360-371. See also Louis Guttman, "A General Nonmetric Technique For Finding The Smallest Coordinate Space For a Configuration of Points," *Psychometrika*, vol. 33, No. 4, December 1968, pp. 469-506; Ronald L. Breiger, Scott A. Boorman, and Phipps Arabie, "An Algorithm For Clustering Relational Data With Applications to Social Network Analysis and Comparison With Multidimensional Scaling," *Journal of Mathematical Psychology*, vol. 12, 1975, pp. 328-381.

- ²⁵ J. Clyde Mitchell, *Networks in Urban Situations* (England: Manchester University Press, 1969), p. 10.
- ²⁶ Norman E. Whitten, Jr. and Alvin W. Wolf, "Network Analysis," in *Handbook of Social and Cultural Anthropology*, ed. John J. Honigmann (Chicago: Rand McNally, 1973), p. 724.
- ²⁷ Hubbell, supra, p. 260.
- ²⁸ Boissevain, supra, p. 42. See also Robert L. Moxley and Nancy F. Moxley, "Determining Point Centrality in Uncontrived Social Networks," *Sociometry*, vol. 37, No. 1, 1974, pp. 122-130.
- ²⁹ Boissevain, supra, p. 41.
- ³⁰ For an analogy of group structures with urban structure, see Christopher Alexander, "A City is Not a Tree," in *Surviving the City: A Source Book of Papers on Urban Livability*, ed. John Gabree (New York: Ballantine Books, 1973).
- ³¹ Boissevain, supra, p. 42.
- ³² R. F. Bales, "Task Status and Likeability as a Function of Talking and Listening in Decision Making Groups," in *The State of Social Sciences*, ed. L. D. White (Chicago: University of Chicago Press, 1956), p. 148.
- ³³ Boissevain, supra, p. 37.
- ³⁴ John W. McDavid and Herbert Harari, *Psychology and Social Behavior* (New York: Harper and Row, 1974), p. 293.
- ³⁵ S. F. Nadel, *The Theory of Social Structure* (London: Cohen and West, 1957), p. 91.
- ³⁶ Richard H. Hall, *Organizations, Structures and Process*, (Englewood Cliff, N.J.: Prentice Hall, Inc., 1972).

THE MOTOR VEHICLE EXCEPTION TO THE SEARCH WARRANT REQUIREMENT (CONCLUSION)

By

JOHN C. HALL

Special Agent

Legal Counsel Division

Federal Bureau of Investigation

Washington, D.C.

Law enforcement officers of other than Federal jurisdiction who are interested in any legal issue discussed 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.

In 1925, in its landmark decision of *Carroll v. United States*,⁵⁹ the U.S. Supreme Court held that a warrantless search is reasonable under the fourth amendment to the U.S. Constitution when there exists probable cause that an automobile or other vehicle contains that which is subject to seizure by law⁶⁰ and where it is not practicable to secure a warrant because the vehicle can be quickly moved out of the locality or jurisdiction in which the warrant must be sought.⁶¹ Thus, the vehicle exception to the search warrant requirement of the fourth amendment was conceived.

Part I of this article described the remarkable manner in which that exception, after more than 4 decades of relative obscurity, has emerged in recent years as one of the most significant search and seizure tools available to American law enforcement officers. Part I further discussed the probable cause requirement as it has been applied by the courts to vehicle searches.

As noted above, however, probable cause, standing alone, will not justify a warrantless search.⁶² The Supreme Court has emphasized:

"Only in *exigent circumstances* will the judgment of the police as to probable cause serve as a sufficient authorization for a search."⁶³ (emphasis added)

Part II of the article examines the manner in which the courts have interpreted and applied the second requirement of the vehicle exception, i.e., exigent circumstances.

The Exigent Circumstance Requirement

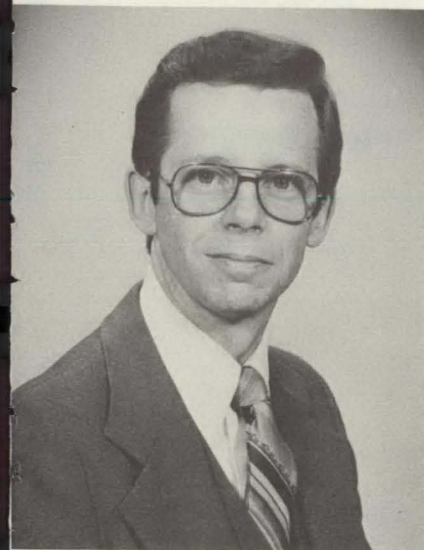
The Supreme Court has long recognized that warrantless searches by police are justified under the fourth amendment if a delay would endanger their lives or the lives of others⁶⁴ or result in evidence being destroyed or removed.⁶⁵ The burden in such cases rests with the police to show that emergency (exigent) circumstances exist⁶⁶ to support an exemption from the warrant requirement.

Despite the general application of the emergency search exception to houses, as well as to other kinds of property, it would be erroneous to conclude that the vehicle exception is nothing more than another application of the traditional emergency search doctrine. The Supreme Court instructed in *Carroll*: "... There is a necessary difference between a search of a store, dwelling house or other structure . . . and a search of a ship, motor boat or automobile. . . ." ⁶⁷ Because of that difference, warrantless searches of vehicles have been upheld in circumstances in which a search of a home or office would not be approved.⁶⁸

Mobility

The characteristic of vehicles most frequently cited by the courts as creating an exigency, and therefore, justifying a warrantless search is *mobility*. In *Carroll v. United States*, it was the capacity of the automobile to be "quickly moved out of the locality or jurisdiction" which prompted the Supreme Court to hold that based on probable cause, an immediate warrantless search was reasonable. The automobile was stopped on a public highway by Federal agents who had probable cause to believe that Carroll was transporting contraband whiskey. Furthermore, the occupants were not arrested until after a search of the car uncovered the contraband. Under the circumstances, the Court had no difficulty concluding that the automobile was mobile, and therefore, it was impracticable for the agents to secure a search warrant.⁶⁹

Since *Carroll*, several factors have been considered by the courts with respect to their effect upon a vehicle's mobility, including: (a) The arrest of a vehicle's occupants, (b) a delayed search at a different location, and (c) whether the vehicle is parked and unoccupied.



Special Agent Hall

Arrest of Occupants

In *Carroll*, the occupants of the automobile were not under arrest at the time the warrantless vehicle search occurred, and the Court found the vehicle was mobile. However, in 1970, in *Chambers v. Maroney*,⁷⁰ the Supreme Court was confronted with significantly different circumstances. Late one night, less than an hour after the armed robbery of a service station, police stopped a blue station wagon with four male occupants, which matched the description of a car witnesses observed speeding from the crime scene. When the police stopped the car, they observed that the clothing of two of its occupants matched the description given by witnesses of clothing worn by the robbers. All four men were placed under arrest and the car was driven to the police station. A thorough search of the car at the police station located evidence relating to the robbery earlier that evening, as well as a robbery which had occurred the previous week.

The Supreme Court quickly acknowledged that the vehicle search was not valid as a search incident to an arrest, inasmuch as "the reasons which have been thought sufficient to justify warrantless searches carried out in connection with an arrest no longer obtain when the accused is safely in custody at the station house."⁷¹ The Court held, however, that there were alternative grounds to justify the warrantless search. The Court found:

"... there was probable cause to arrest the occupants of the station wagon that the officers stopped; just as obviously was there probable cause to search the car for guns and stolen money."⁷²

In addition to the probable cause, the Court found that the opportunity to search was fleeting since a car is readily movable:

"On the facts before us, the blue station wagon could have been searched on the spot when it was stopped since there was probable cause to search and it was a fleeting target for a search."⁷³

The fact that the occupants had been placed under arrest did not alter the Court's view that the vehicle was still mobile. Similar results have been reached by the lower Federal courts. For example, in *United States v. Harris*,⁷⁴ the defendant was arrested for selling narcotics and his van immediately searched without a warrant. The Court of Appeals for the District of Columbia upheld the search, stating:

"We believe that the search of the van falls squarely within the 'automobile exception' to the warrant requirement. . . . The police had probable cause to believe that [defendant] was selling drugs out of the van, and that a search of the van would yield incriminating evidence. . . . Because of their mobility automobiles on the public highway carry with them *inherent exigent circumstances* when it is believed that they contain contraband."⁷⁵ (emphasis added)

Just as an arrest of a vehicle's occupants is not necessary to justify a search under the vehicle exception, so also the arrest of the vehicle's occupants does not render the vehicle exception inapplicable.

Delayed Search

Because the vehicle search in *Chambers* did not occur until after the occupants were arrested and the vehicle was removed to the police station, the Court had an opportunity to consid-

"Just as an arrest of a vehicle's occupants is not necessary to justify a search under the vehicle exception, so also the arrest of the vehicle's occupants does not render the vehicle exception inapplicable."

er the impact of that delay on the application of the vehicle exception. The Court advised with regard to mobile vehicles:

"... if an effective search is to be made at any time, either the search must be made immediately without a warrant or the car itself must be seized and held without a warrant for whatever period is necessary to obtain a warrant for the search.

... " 76

Considering the alternatives available to the police in such circumstances, the Court concluded:

"For constitutional purposes, we see no difference between on the one hand seizing and holding a car before presenting the probable cause issue to a magistrate and on the other hand carrying out an immediate search without a warrant. Given probable cause to search, either course is reasonable under the Fourth Amendment." 77

Facts similar to those in *Chambers* occurred in *Texas v. White*,⁷⁸ wherein the occupant of an automobile was arrested by police while attempting to pass fraudulent checks at a drive-in window of a bank. The officers also had information that a man of the same description, driving a car of exactly the same description, had attempted to negotiate some checks on a nonexistent account at a different bank just shortly before. The officers directed White to park his car at the curb. As he was doing so, he was observed attempting to stuff something between the seats. White and his automobile were taken to the station house.

About 30 to 45 minutes after arriving at the police station with White and his car, the police requested consent to search the vehicle. When consent was refused, the officers searched

anyway and discovered fraudulent checks in the car which were admitted in evidence against White at his trial. The Texas Court of Criminal Appeals reversed White's conviction on the ground that the warrantless search was a violation of the fourth amendment. The Texas court reasoned that since White was in custody and the police had the keys to his car which was parked at the station, the exigencies required for a warrantless search of the car were not present. The court found no evidence that although the car was movable, there was any prospect of it being taken from the station by anyone.⁷⁹

The Supreme Court reversed. Concluding that there was probable cause to search the car at the place where it was stopped, the Court stated:

"In *Chambers v. Maroney*, we held that police officers with probable cause to search an automobile on the scene where it was stopped could constitutionally do so later at the station house without first obtaining a warrant. There as here, 'the probable-cause factor' that developed on the scene 'still obtained at the station house.'" 80

In *Chambers* and *White*, neither the arrest of the vehicle's occupants nor a delayed search at the station house defeated the application of the vehicle exception. It should be noted that in both cases there was probable cause to search the vehicles *at the scene* of the stop, and in both cases, the Court upheld a later search at the police station.

In *United States v. Forrest*,⁸¹ FBI Agents stopped a tractor-trailer based on information that the vehicle and its contents had been stolen from interstate shipment. An immediate search

at the scene confirmed the contents as stolen property. The vehicle was then moved immediately to the Federal building where a further search occurred the following morning.

The Federal appellate court upheld the initial stop and search on the scene under the vehicle exception. With respect to the continuation of the search the following day, the court explained:

"... the mere passage of time between the seizure and the search does not change this exception to the warrant requirement... exigence is to be determined as of the time of the seizure of an automobile, not as of the time of its search; the fact that in these cases sufficient time to obtain a warrant had passed between each seizure and the corresponding search did not invalidate either." 82

Thus, while *Carroll* held that officers having probable cause to believe that a mobile vehicle contains evidence or contraband may stop the vehicle and search it without a warrant, *Chambers* holds that the vehicle may also be seized and searched later at the police station.⁸³

Parked and Unoccupied Vehicle

The year following the Supreme Court's decision in *Chambers*, the Court was called upon to consider a warrantless seizure and search of an unoccupied vehicle parked on private premises. In *Coolidge v. New Hampshire*,⁸⁴ police arrested the defendant at his residence in connection with the murder of a 14-year-old girl. At the time of the arrest, the vehicle was parked in the driveway of the home. About 2½ hours later, the vehicle was towed to the police station. The car was searched and vacuumed 2 days later,

again after a year, and a third time about 14 months following the initial seizure. One theory subsequently proffered by the prosecution to justify the warrantless seizure and searches was the vehicle exception. However, the Supreme Court ruled the rationale of the vehicle exception inapplicable and observed:

"... even granting that the police had probable cause to search the car, the application of the *Carroll* case to these facts would extend it far beyond its original rationale."⁸⁵

The Court emphasized that the previous cases in which the vehicle exception had been applied involved occupied automobiles stopped on the open highway where there was probable cause. In *Coolidge*, the Court pointed out that the police had known for some time of the probable role of the car in the crime, the defendant was in custody, at the time of the seizure the car was parked in the driveway rather than moving on an open highway, and there were no confederates waiting to move the evidence because the only other adult residing there (defendant's wife) had been taken by police to another town to stay with a relative. "In short," the Court said, "by no possible stretch of the legal imagination can this be made into a case where 'it is not practicable to secure a warrant' (cite omitted), and the 'automobile exception' despite its label is simply irrelevant."⁸⁶

The *Coolidge* case raised a question as to whether the vehicle exception could be applied to unoccupied, parked vehicles, particularly those parked on private premises. A footnote to the Court's decision stated in part:

"... it seems abundantly clear that there is a significant constitutional difference between stopping, seizing, and searching a car on the open highway, and entering private property to seize and search an unoccupied, parked vehicle not then being used for any illegal purpose."⁸⁷

Nevertheless, since the *Coolidge* decision, Federal appellate courts have frequently upheld warrantless searches of unoccupied, parked vehicles, including those parked on private premises.

In *United States v. Menke*,⁸⁸ U.S. Customs officers traced a shipment of marihuana from its origin in Korea to the defendant's home, where a controlled delivery was made. An officer observed the defendant drive to his mailbox, remove the parcel, and place it in the trunk of the vehicle. He then drove the car into the driveway of his home, some 200 yards away, removed what appeared to be the same parcel from the vehicle and entered the residence.

A warrant to search the house was obtained and executed. Although other evidence of narcotics was found, the parcel was not located. The defendant was placed under arrest and the search extended to the vehicle parked in the driveway. The parcel was located in the trunk. A Federal appeals court found that there was probable cause to believe the contraband was in the vehicle and upheld the search. The court found this case distinguishable from *Coolidge* for several reasons: There was contraband involved which could be readily removed; three other persons resided in the home besides the defendant; and it was not known if there were other confederates. These factors created exigent circumstances justifying the vehicle search.

Other cases have sustained warrantless searches and seizures of vehicles parked in parking lots or on public streets. In *Cardwell v. Lewis*,⁸⁹ the Supreme Court considered the warrantless seizure of an automobile from a public commercial parking lot and the warrantless examination of the car's exterior at the police impoundment lot for tire impressions and paint scrapings. At the time the car was seized, the owner, who had voluntarily appeared at a nearby police station for questioning in connection with a homicide, had been placed under arrest pursuant to a warrant.

The existence of probable cause to search the car was conceded by the defense, but the warrantless seizure and search were held by the lower Federal courts to be invalid, inasmuch as there was no consent, the search was not incident to arrest, and the seizure could not be justified as a plain view seizure of an instrumentality of the crime.

The Supreme Court reversed. With respect to the *search*, the Court found that the external examination of the car did not implicate traditional considerations of the owner's privacy interests. The Court concluded:

"Under circumstances such as these, where probable cause exists, a warrantless examination of the exterior of a car is not unreasonable under the Fourth and Fourteenth Amendments."⁹⁰

"Because of their inherent mobility and the diminished expectation of privacy surrounding them, vehicles can be searched without warrants under circumstances which would not permit warrantless searches of other property."

With respect to the warrantless seizure of the parked vehicle, the Court noted that "the automobile was seized from a public place where access was not meaningfully restricted."⁹¹ Citing the rationale of *Chambers v. Maroney*, *supra*, the Court stated:

"The fact that the car in *Chambers* was seized after being stopped on a highway, whereas Lewis' car was seized from a public parking lot, has little, if any, legal significance."⁹²

One final issue raised in *Cardwell* was the defendant's contention that probable cause to search the car existed for some time prior to arrest and therefore there were no exigent circumstances justifying the warrantless search. The Court's response is significant:

"Assuming that probable cause existed, we know of no case or principle that suggests that the right to search on probable cause and the reasonableness of seizing a car under exigent circumstances are foreclosed if a warrant was not obtained at the first practicable moment. Exigent circumstances with regard to vehicles are not limited to situations where probable cause is unforeseeable and arises only at the time of arrest. The exigency may arise at any time, and the fact that the police might have obtained a warrant earlier does not negate the possibility of a current situation's necessitating prompt police action."⁹³

A vehicle parked alongside a public road would obviously present problems similar to those of a vehicle parked in a parking lot. In *United States v. Newbourn*,⁹⁴ two men were arrested following their attempt to sell weapons to a police informant. The vehicle in which they had been riding immediately prior to their arrests was parked by the road. An immediate warrantless search of the trunk of the car uncovered the weapons. The trial court suppressed the evidence, holding that it would have been practicable under the circumstances for the officers to obtain a search warrant for the car. A Federal appeals court agreed that the officers could have procured a search warrant after they came upon the scene and arrested the defendants, but held that factor alone did not remove the case from the vehicle exception to the warrant requirement:

"Here the [vehicle] exception applies both because the officers reasonably believed that the vehicle contained a cache of weapons potentially dangerous to the public if in the wrong hands, and because of the potential mobility of the vehicle parked on the shoulder of a public road."⁹⁵

The fact that a vehicle is parked at the time it is searched or seized does not by itself render the vehicle exception inapplicable, as the foregoing cases clearly indicate.⁹⁶ It is interesting to note, however, that whenever the vehicle is parked, the courts tend to look to factors other than mobility to establish justification for a warrantless search. For example, in *Menke* and *Cardwell*, *supra*, where the vehicle owners were in police custody, the courts were concerned that confederates or relatives, who were alerted to police interest in the vehicles, could gain access to them. In *Newborn*, *su-*

pra, the court was concerned that the vehicle parked alongside a public road contained weapons potentially dangerous to the public which could fall into the wrong hands.⁹⁷

Conversely, when the vehicle is stopped on the open highway, the *inherent mobility* alone is generally sufficient to satisfy the exigency requirement. In *United States v. Whitfield*,⁹⁸ the U.S. Court of Appeals for the District of Columbia upheld the warrantless search of a van on a public street after the arrest of its occupants for selling narcotics. In sustaining the search the court reasoned:

"We believe that the mobility of a motor vehicle, without more, creates an exigency permitting a warrantless search based on probable cause and that the police need not carry out this search immediately upon the crystallization of probable cause. . . . We believe that the requirement of exigency is satisfied by the very nature of an operable motor vehicle; no further exigent factors are necessary."⁹⁹

As the foregoing cases illustrate, *mobility* has historically been the major factor recognized by the courts as distinguishing vehicles from houses or other property, and when coupled with probable cause, justifies a warrantless search. It is also clear from the cases that courts tend to base their judgments as to exigent circumstances on *inherent mobility* rather than practical or actual mobility.

There is, however, a second distinction between vehicles and other property, recognized by the courts in recent years. It sheds further light on the application of the vehicle exception. In *Cady v. Dombrowski*, the Supreme Court explained:

"Although the original justification advanced for treating automobiles differently from houses . . . was the vagrant and mobile nature of the former (citations omitted) . . . warrantless searches of vehicles have been sustained in cases in which the possibilities of the vehicles being removed or evidence in it destroyed was remote, if not nonexistent." ¹⁰⁰

The reason given by the Court was that one has a *lesser expectation of privacy* in a motor vehicle. ¹⁰¹

Lesser Expectation of Privacy

Whether the protections of the fourth amendment to the Constitution are applicable in any case is dependent upon whether there is a governmental intrusion which infringes upon one's reasonable expectation of privacy. ¹⁰² The *degree* of fourth amendment protection is commensurate with the level of reasonable privacy expectation.

The Supreme Court has given several reasons to support its conclusion that there is a lesser expectation of privacy in motor vehicles than in other property: ¹⁰³

- 1) The function of a vehicle is transportation;
- 2) A vehicle seldom serves as one's residence or as the repository of personal effects;
- 3) A vehicle has little capacity for escaping public scrutiny;
- 4) A vehicle travels public thoroughfares where both its occupants and its contents are in plain view;
- 5) Vehicles are subjected to pervasive and continuing governmental regulation and control, including periodic inspection and licensing requirements; and

- 6) As an everyday occurrence, police stop and examine vehicles with regard to proper registration and licensing, as well as enforcement of safety standards.

The lesser expectation of privacy rationale offers some explanation for the Court's decisions allowing warrantless searches of vehicles even when mobility is for all practical purposes nonexistent. It further explains the Court's unwillingness to extend the warrantless search authority to other movable property, such as personal luggage or other containers, which, despite their movability, do not share some of the other attributes of vehicles listed above.

In *United States v. Chadwick*, ¹⁰⁴ Federal narcotics agents seized a 200-pound, double-locked footlocker from the open trunk of a parked automobile based upon information which led them to believe the footlocker contained marihuana. The footlocker was removed to the Federal building and opened without a warrant about 1½ hours later. One theory offered by the prosecution to support the warrantless search was that a container such as the footlocker is analogous to motor vehicles for fourth amendment purposes. The Supreme Court responded:

"Our treatment of automobiles has been based in part on their inherent mobility, which often makes obtaining a judicial warrant impracticable. Nevertheless, we have also sustained 'warrantless searches of vehicles . . . in cases in which the possibilities of the vehicle's being removed or evidence in it destroyed were remote'. . . ." ¹⁰⁵

After noting that there are several distinctions between an automobile and a footlocker, the Court concluded that "a person's expectations of privacy in personal luggage are substantially greater than in an automobile." ¹⁰⁶

Similarly, in *Arkansas v. Sanders*, ¹⁰⁷ the Supreme Court ruled that personal luggage found in a lawfully stopped and searched automobile could not be searched under the same rationale that justified the vehicle search, despite the probable cause which the officers had to believe the suitcase contained marihuana. The reason is the distinction between the privacy expectation one has in luggage as opposed to that in an automobile. In other words, a closed piece of luggage found in a lawfully searched car is constitutionally protected to the same extent as are closed pieces of luggage found elsewhere, and authority to search the vehicle does not extend to luggage located therein.

Most recently, in *Robbins v. California*, ¹⁰⁸ the Court ruled that a closed, opaque plastic package located in a lawfully searched car could not be searched pursuant to the vehicle exception. Again the officer had probable cause to believe the package contained marihuana. But the Court held that "unless the container is such that its contents may be said to be in plain view, those contents are fully protected by the Fourth Amendment." ¹⁰⁹

In both *Sanders* and *Robbins* the vehicle searches were sustained; the searches of the separate containers found inside the vehicles were not. The Court has based these holdings on the "diminished expectation of privacy which surrounds the automobile." ¹¹⁰

“...Whenever it is reasonably practicable to do so, securing a search warrant not only affords the greatest protection to the privacy of the citizen but also provides the greatest protection to the law enforcement officer.”

Conclusion

Because of their inherent mobility and the diminished expectation of privacy surrounding them, vehicles can be searched without warrants under circumstances which would not permit warrantless searches of other property.

That is not to suggest that vehicles are in some way excluded from the protections of the fourth amendment. Quite the contrary is true. As the Supreme Court has observed: “The word ‘automobile’ is not a talisman in whose presence the Fourth Amendment fades away and disappears.”¹¹¹

Probable cause is an absolute requisite to invocation of the warrantless search, and an officer's judgment as to the existence of that probable cause will only suffice to support the warrantless search when there are *exigent circumstances*.

Although the cases discussed in this article clearly indicate that the level of exigency necessary to justify a warrantless vehicle search is considerably less than that which would be necessary to justify a warrantless search of other property, there is nothing to suggest that the *probable cause* standard is any less strictly applied. The Supreme Court has emphasized: “When the right of privacy must reasonably yield to the right of search is, as a rule, to be decided by a judicial officer, not by a policeman or government enforcement agent.”¹¹²

The vehicle exception is without doubt one of the most valuable tools available to American law enforcement officers. Due to the complex problems with which vehicles confront law enforcement officers, the courts have allowed considerable latitude in police response. However, a word of caution is in order. Warrantless searches, even more so than those conducted with a warrant, are subjected to close scrutiny by the courts. The officer who conducts a warrantless search of a vehicle assumes the risk that a reviewing court will determine that the facts available at the time were not sufficient to establish probable cause or that there were no exigencies present to justify the search without a warrant. The result could be the loss of critical evidence in an important case. If the officer's actions were taken in bad faith, civil and/or criminal liability could be incurred.

The message is clear: Whenever it is reasonably practicable to do so, securing a search warrant not only affords the greatest protection to the privacy of the citizen but also provides the greatest protection to the law enforcement officer.

FBI

Footnotes

⁵⁹ 267 U.S. 132 (1925).

⁶⁰ *Id.* at 149.

⁶¹ *Id.* at 153.

⁶² In *Chambers v. Maroney*, 399 U.S. 42, 50 (1970), the Supreme Court stated: “Neither *Carroll* . . . nor other cases in this Court require or suggest that in every conceivable circumstance the search of an auto even with probable cause may be made without the extra protection for privacy that a warrant affords.”

⁶³ *Id.* at 51.

⁶⁴ *Warden v. Hayden*, 387 U.S. 294 (1967).

⁶⁵ E.g., *Vale v. Louisiana*, 399 U.S. 30 (1970).

⁶⁶ See, e.g., *Katz v. United States*, 389 U.S. 347 (1967); *Mincey v. Arizona*, 437 U.S. 385 (1978).

⁶⁷ *Supra* note 59, at 153.

⁶⁸ See *Cardwell v. Lewis*, 417 U.S. 583 (1974).

⁶⁹ See also, *Arkansas v. Sanders*, 442 U.S. 753 (1979); *Brinegar v. United States*, 338 U.S. 160 (1949); *Husty v. United States*, 282 U.S. 694 (1931).

⁷⁰ *Supra* note 62.

⁷¹ *Id.* at 47.

⁷² *Id.* at 47 and 48.

⁷³ *Id.* at 52.

⁷⁴ 627 F.2d 474 (D.C. Cir. 1980).

⁷⁵ *Id.* at 476-477. See also, *United States v. Brannon*, 616 F.2d 413 (9th Cir. 1980), *cert. denied*, 447 U.S. 908 (1980); *United States v. Newbourn*, 600 F.2d 452 (4th Cir. 1979); *United States v. Gooch*, 603 F.2d 122 (10th Cir. 1979); *United States v. Williams*, 526 F.2d 1000 (5th Cir. 1975); *United States v. Harflinger*, 436 F.2d 928 (8th Cir. 1970).

⁷⁶ *Supra* note 62, at 50-51.

⁷⁷ *Id.* at 52.

⁷⁸ 423 U.S. 67 (1975).

⁷⁹ *White v. State*, 521 S.W.2d 255, 257 (Tex. Cr. App. 1975).

⁸⁰ *Supra* note 77, at 68.

⁸¹ 620 F.2d 446 (5th Cir. 1980).

⁸² *Id.* at 454. See also, *United States v. Williams*, 626 F.2d 697 (9th Cir. 1980), *cert. denied*, 101 Sup. Ct. 586 (1981); *United States v. Kimack*, 624 F.2d 903 (9th Cir. 1980); *United States v. Dien*, 609 F.2d 1038 (2d Cir. 1979); *United States v. Chulengarian*, 538 F.2d 553 (4th Cir. 1976).

⁸³ See, e.g., *Coolidge v. New Hampshire*, 403 U.S. 443, 458 (1971).

⁸⁴ *Id.*

⁸⁵ *Id.* at 458.

⁸⁶ *Id.* at 461-462.

⁸⁷ *Supra* note 78, at 463.

⁸⁸ 468 F.2d 20 (3d Cir. 1972).

⁸⁹ *Supra* note 68.

⁹⁰ *Id.* at 592.

⁹¹ *Id.* at 593.

⁹² *Id.* at 594.

⁹³ *Id.* at 595-596. See also, *United States v. Forrest*, 620 F.2d 446 (5th Cir. 1980); *United States v. Beckwith*, 619 F.2d 649 (7th Cir. 1980); *United States v. McGrath*, 613 F.2d 365 (2d Cir. 1979).

⁹⁴ 600 F.2d 452 (4th Cir. 1979).

⁹⁵ *Id.* at 454.

⁹⁶ See, e.g., *United States v. Fultz*, 622 F.2d 204 (6th Cir. 1980), *cert. denied*, 101 Sup. Ct. 105 (1980); *United States v. Matthews*, 615 F.2d 1279 (10th Cir. 1980); *United States v. Pappas*, 600 F.2d 300 (1st Cir. 1979); *United States v. Milhollan*, 599 F.2d 518 (3d Cir. 1979); *United States v. Alden*, 576 F.2d 772 (8th Cir. 1978); *United States v. Robinson*, 533 F.2d 578 (D.C. Cir. 1976).

⁹⁷ *Cl. v. Dombrowski*, 413 U.S. 433 (1973).

⁹⁸ 629 F.2d 136 (D.C. Cir. 1980), *cert. denied*, 101 Sup. Ct. 875 (1981).

⁹⁹ *Id.* at 140 and 141. See also, *United States v. Harris*, 627 F.2d 474 (D.C. Cir. 1980), *cert. denied*, 101 Sup. Ct. 375 (1981).

¹⁰⁰ *Supra* note 97, at 441-442.

¹⁰¹ *Supra* note 68. See also, *South Dakota v. Opperman*, 428 U.S. 364 (1976); *United States v. Chadwick*, 433 U.S. 1 (1977).

¹⁰² See *Katz*, *supra* note 66.

¹⁰³ See *Cardwell*, *supra* note 68; *Opperman*, *supra* note 101.

¹⁰⁴ *Supra* note 101.

¹⁰⁵ *Id.* at 12.

¹⁰⁶ *Id.*

¹⁰⁷ 442 U.S. 753 (1979).

¹⁰⁸ 29 CrL 3115 (1981).

¹⁰⁹ *Id.*

¹¹⁰ *Chadwick*, *supra* note 101, at 12.

¹¹¹ *Coolidge*, *supra* note 83, at 461.

¹¹² *Johnson v. United States*, 333 U.S. 10, 13-14 (1948).

1981 Index

ADMINISTRATION

"XII Olympic Winter Games—New York State Police Coordination of Emergency Services," Lt. Leigh F. Hunt, April 1981, p. 1.

AIRCRAFT

"Houston Police Department's Eye in the Sky," Capt. Ken T. DeFoor, September 1981, p. 1.

ARSON

"Arson Information: Who, What, Where?" Rebecca T. Ferrall, May 1981, p. 16.

"National Response Teams: ATF's Coordinated Effort in Arson Investigations," Robert E. Sanders, December 1981, p. 1.

"New York State Gears Up to Fight Arson," Francis A. McGarry, October 1981, p. 19.

"Organizing An Arson Task Force," Sheriff Kenneth J. Braun and Robert E. Ford, March 1981, p. 22.

COMMUNICATIONS

"Small Department Communications for Small Dollar\$," Jerry W. Lowe, October 1981, p. 8.

COOPERATION

"Consolidation Alternatives: Coordination, Cooperation, and Sharing," Walter M. Francis, May 1981, p. 9.

"Joint FBI/NYPD Task Forces: A Study in Cooperation," Dep. A. D. Kenneth P. Walton and Patrick J. Murphy, November 1981, p. 20.

"National Response Teams: ATF's Coordinated Effort in Arson Investigations," Robert E. Sanders, December 1981, p. 1.

"Police and Prosecutors—A Professional Partnership," Robert M. Morgenthau, March 1981, p. 6.

CRIME PROBLEMS

"Death Scene Checklist," James C. Beyer, M.D., and William F. Enos, M.D., August 1981, p. 14.

"Film and Video Tape Piracy: A Growing Epidemic," Richard H. Bloeser, February 1981, p. 12.

"Heavy Equipment Theft," Special Agent George J. Lyford, March 1981, p. 1.

"New York State Gears Up to Fight Arson," Francis A. McGarry, October 1981, p. 19.

"Organizing An Arson Task Force," Sheriff Kenneth J. Braun and Robert E. Ford, March 1981, p. 22.

"Ponzi Schemes and Laundering—How Illicit Funds Are Acquired and Concealed," Special Agents Vincent P. Doherty and Monte E. Smith, November 1981, p. 5.

"A Practical Overview of Hostage Negotiations," G. Wayne Fuselier, Ph.D., (Part 1) June 1981, p. 2; (Conclusion) July 1981, p. 10.

"Shopping Malls: New Problems for Law Enforcement," Sgt. Tom Mahoney, March 1981, p. 12.

CRIME RESISTANCE

"Commercial Crime Prevention Can Earn Insurance Discounts," Chief D. P. Van Blaricom, February 1981, p. 10.

"A Crime Prevention Program for the Handicapped," William E. Perry, Jr., February 1981, p. 24.

"Crime Stoppers," Demetria Martinez, September 1981, p. 5.

CRIME STATISTICS

"Heavy Equipment Theft," Special Agent George J. Lyford, March 1981, p. 1.

"Murder Victimization: A Statistical Analysis," Yoshio Akiyama, Ph.D., March 1981, p. 8.

"1980 Crime Statistics," November 1981, p. 12.

EQUIPMENT

"An Automated Police Photo Lab," William J. Miederhoff, April 1981, p. 16.

"California's Automated Latent Print System," Jack Scheidegger, August 1981, p. 2.

"Leasing Economical Unmarked Police Vehicles," Chief Roger M. Moulton, September 1981, p. 13.

"Small Department Communications for Small Dollar\$," Jerry W. Lowe, October 1981, p. 8.

EVIDENCE

"Bite Mark Evidence in Crimes Against Persons," Norman D. Sperber, D.D.S., July 1981, p. 16.

"Evidence Exhibits in White-Collar Crime Cases," John R. Kleberg and C. Allen Shaffer, July 1981, p. 1.

"Examination of a Typewritten Document," Special Agents David W. Attenberger and W. Gary Kanaskie, June 1981, p. 22.

"Feathers Are Not Lightweight Evidence," Special Agent Douglas W. Deedrick and John P. Mullery, September 1981, p. 22.

"Photographing Light Powder Latent Prints," Det. Larry D. Kutz, July 1981, p. 20.

FIREARMS

"Developing An Inservice Firearms Training Program," Sgt. Robert F. Phillips and Dep. Martin R. Wolinski, August 1981, p. 19.

"Officer Disarmings and Revolver Retention—5 Years Later," James W. Lindell, September 1981, p. 16.

"Sighting Shadow Box," Special Agent Robert W. Harmon, October 1981, p. 16.

FORENSIC SCIENCE

"Bite Mark Evidence in Crimes Against Persons," Norman D. Sperber, D.D.S., July 1981, p. 16.

"Examination of a Typewritten Document," Special Agents David W. Attenberger and W. Gary Kanaskie, June 1981, p. 22.

GAMBLING

"The Basket Game," June 1981, p. 14.

"The 'Game' of Razzle Dazzle," Special Agent R. Phillip Harker and Gary Bald, May 1981, p. 2.

IDENTIFICATION

"California's Automated Latent Print System," Jack Scheidegger, August 1981, p. 2.

"Photographing Light Powder Latent Prints," Det. Larry D. Kutz, July 1981, p. 20.

INVESTIGATIVE AIDS

"Bite Mark Evidence in Crimes Against Persons," Norman D. Sperber, D.D.S., July 1981, p. 16.

"Death Scene Checklist," James C. Beyer, M.D., and William F. Enos, M.D., August 1981, p. 14.

"Evidence Exhibits in White-Collar Crime Cases," John R. Kleberg and C. Allen Shaffer, July 1981, p. 1.

"Examination of a Typewritten Document," Special Agents David W. Attenberger and W. Gary Kanaskie, June 1981, p. 22.

- "Feathers Are Not Lightweight Evidence," Special Agent Douglas W. Deedrick and John P. Mullery, September 1981, p. 22.
- "Social Network Analysis: An Aid In Conspiracy Investigations," Special Agent Roger H. Davis, December 1981, p. 11.

LABOR RELATIONS

- "Management: Labor's Most Effective Organizer," Special Agent Walt H. Sirene, January 1981, p. 4.
- "The Police Labor Movement: Prospects for the 1980's," John H. Burpo, January 1981, p. 9.
- "Police On Strike: What Triggers Their Walkouts?" Special Agent Richard M. Ayres and Marilyn B. Ayres, January 1981, p. 13.
- "Should Police Be Permitted to Organize and Bargain Collectively?" William P. Hobgood, January 1981, p. 1.
- "Strike Management: Trust, Involvement, Communication, and Planning," Sheriff John W. Carpenter and Capt. George J. Bregante (Ret.) January 1981, p. 17.
- "Training: A Prescription for Job Action," Special Agent Edward J. Tully, January 1981, p. 23.

LAW ENFORCEMENT PROBLEMS

- "High-Risk Lifestyle: The Police Family," Special Agent Roger L. Depue, August 1981, p. 7.
- "Police Stress," James D. Sewell, April 1981, p. 7.

THE LEGAL DIGEST

- "Chains, Wheels, and the Single Conspiracy," Special Agent Jerome O. Campane (Part 1) August 1981, p. 24; (Conclusion) September 1981, p. 24.
- "Conspiracy and the Defense of Feigned Acquiescence," Special Agent Jerome O. Campane, October 1981, p. 24.
- "Documentary Subpenas and Fifth Amendment Protection," Special Agent Kenneth A. Jacobsen, March 1981, p. 27.
- "In the Katz Eye—Use of Binoculars and Telescopes," Special Agent Robert L. McGuinness (Part 1) June 1981, p. 26; (Conclusion) July 1981, p. 27.
- "Law Enforcement and Governmental Liability: An Analysis of Recent Section 1983 Litigation," Special Agent Daniel L. Schofield, January 1981, p. 26.
- "The Motor Vehicle Exception to the Search Warrant Requirement," Special Agent John C. Hall, (Part 1) November 1981, p. 24; (Conclusion) December 1981, p. 20.

- "The Privacy Protection Act of 1980," Special Agent Larry E. Rissler, February 1981, p. 26.
- "Search of Persons During Search Warrant Execution," Special Agent Joseph R. Davis, (Part 1) April 1981, p. 25; (Conclusion) May 1981, p. 27.

MANAGEMENT

- "The Cost of 'Coming out on Top'—Emotional Responses to Surviving the Deadly Battle," Walter Lippert, Ph.D., and Eugene R. Ferrara, December 1981, p. 6.
- "Group Decisions: The Promise and the Reality," Special Agent Donald C. Witham, May 1981, p. 23.
- "Internal Auditing: A Management Tool," Robert H. Gebhardt, March 1981, p. 17.
- "Management: Labor's Most Effective Organizer," Special Agent Walt H. Sirene, January 1981, p. 4.
- "Managing Promotions and Resulting Conflict: A Realistic Approach," Special Agent Norman C. Couns, February 1981, p. 19.
- "Patrol Resource Allocation in a Medium-Sized Police Department," Lt. William J. Hoover and S. Sgt. John Bodenschatz, September 1981, p. 7.
- "The Police Labor Movement: Prospects for the 1980's," John H. Burpo, January 1981, p. 9.
- "Police On Strike: What Triggers Their Walkouts?" Special Agent Richard M. Ayres and Marilyn B. Ayres, January 1981, p. 13.
- "Results Management," Maj. John N. Dempsey and Pamela A. Hamm, (Part 1) June 1981, p. 8; (Conclusion) July 1981, p. 22.
- "Should Police Be Permitted to Organize and Bargain Collectively?" William P. Hobgood, January 1981, p. 1.
- "Strike Management: Trust, Involvement, Communication, and Planning," Sheriff John W. Carpenter and Capt. George J. Bregante (Ret.), January 1981, p. 17.

OPERATIONS

- "California's Automated Latent Print System," Jack Scheidegger, August 1981, p. 2.
- "Houston Police Department's Eye In the Sky," Capt. Ken T. DeFoor, September 1981, p. 1.
- "Joint FBI/NYPD Task Forces: A Study in Cooperation," Dep. A. D. Kenneth P. Walton and Patrick J. Murphy, November 1981, p. 20.
- "Leasing Economical Unmarked Police Vehicles," Chief Roger M. Moulton, September 1981, p. 13.

- "National Response Teams: ATF's Coordinated Effort in Arson Investigations," Robert E. Sanders, December 1981, p. 1.
- "New York State Gears Up to Fight Arson," Francis H. McGarry, October 1981, p. 19.
- "Organizing An Arson Task Force," Sheriff Kenneth J. Braun and Robert E. Ford, March 1981, p. 22.
- "Patrol Resource Allocation in a Medium-Sized Police Department," Lt. William J. Hoover and S. Sgt. John Bodenschatz, September 1981, p. 7.

PATROL

- "Houston Police Department's Eye In the Sky," Capt. Ken T. DeFoor, September 1981, p. 1.
- "Officer Reaction: The Key to Survival," Col. Jack Walsh, May 1981, p. 12.
- "Patrol Resource Allocation in a Medium-Sized Police Department," Lt. William J. Hoover and S. Sgt. John Bodenschatz, September 1981, p. 7.
- "Police Officer Survival During Traffic Stops," William J. Thomas and Frank W. Boyer, February 1981, p. 1.
- "Shopping Malls: New Problems for Law Enforcement," Sgt. Tom Mahoney, March 1981, p. 12.

PERSONNEL

- "The Cost of 'Coming out on Top'—Emotional Responses to Surviving the Deadly Battle," Walter Lippert, Ph.D., and Eugene R. Ferrara, December 1981, p. 6.
- "High-Risk Lifestyle: The Police Family," Special Agent Roger L. Depue, August 1981, p. 7.
- "Managing Promotions and Resulting Conflict: A Realistic Approach," Special Agent Norman C. Couns, February 1981, p. 19.
- "Organizing An Arson Task Force," Sheriff Kenneth J. Braun and Robert E. Ford, March 1981, p. 22.
- "Patrol Resource Allocation in a Medium-Sized Police Department," Lt. William J. Hoover and S. Sgt. John Bodenschatz, September 1981, p. 7.
- "Police Stress," James D. Sewell, April 1981, p. 7.

PHYSICAL SECURITY

- "Police Planning for Prison Disturbances," Capt. Charles McCarthy, February 1981, p. 7.
- "Suicide Prevention at the County Jail," Dennis G. Donahue, A.C.S.W., and Hugh E. Chavern, M.D., April 1981, p. 22.

POINT OF VIEW

"The Police: From Slaying Dragons to Rescuing Cats," Edwin J. Delattre, November 1981, p. 16.

POLICE-COMMUNITY RELATIONS

- "A Crime Prevention Program for the Handicapped," William E. Perry, Jr., February 1981, p. 24.
- "Crime Stoppers," Demetria Martinez, September 1981, p. 5.
- "Duffystown—A One-of-a-Kind Tactical Training Facility," Lt. Jack Drown, June 1981, p. 16.

POLICE HISTORY

"Preserving Police History," George F. Maher, November 1981, p. 1.

RECORDS

"Police Report Writing Manuals Need Dusting Off," Jane Duncan, July 1981, p. 6.

RESEARCH

"Murder Victimization: A Statistical Analysis," Yoshio Akiyama, Ph.D., March 1981, p. 8.

TRAINING

- "Department Training Officers and the Training Process," George R. Bandics, April 1981, p. 12.
- "Designing a Training Response to Stress," Special Agents John C. LeDoux and Henry H. McCaslin, Jr., October 1981, p. 11.
- "Developing An Inservice Firearms Training Program," Sgt. Robert F. Phillips and Dep. Martin R. Wolinski, August 1981, p. 19.
- "Driver Training For Your Department???" Lt. James J. Barron and Sgt. Steven L. Aurilio, October 1981, p. 1.
- "Duffystown—A One-of-a-Kind Tactical Training Facility," Lt. Jack Drown, June 1981, p. 16.
- "Officer Disarmings and Revolver Retention—5 Years Later," James W. Lindell, September 1981, p. 16.
- "Officer Reaction—The Key to Survival," Col. Jack Walsh, May 1981, p. 12.
- "Police Officer Survival During Traffic Stops," William J. Thomas and Frank W. Boyer, February 1981, p. 1.
- "Sighting Shadow Box," Special Agent Robert W. Harmon, October 1981, p. 16.
- "Training: A Prescription for Job Action," Special Agent Edward J. Tully, January 1981, p. 23.

TERRORISM

- "Joint FBI/NYPD Task Forces: A Study in Cooperation," Dep. A. D. Kenneth P. Walton and Patrick J. Murphy, November 1981, p. 20.
- "A Practical Overview of Hostage Negotiations," G. Wayne Fuselier, Ph.D., (Part 1) June 1981, p. 2; (Conclusion) July 1981, p. 10.

WHITE-COLLAR CRIME

- "Evidence Exhibits in White-Collar Crime Cases," John R. Kleberg and C. Allen Shaffer, July 1981, p. 1.
- "Film and Video Tape Piracy: A Growing Epidemic," Richard H. Bloeser, February 1981, p. 12.
- "Ponzi Schemes and Laundering—How Illicit Funds Are Acquired and Concealed," Special Agents Vincent P. Doherty and Monte E. Smith, November 1981, p. 5.
- "Social Network Analysis: An Aid in Conspiracy Investigations," Special Agent Roger H. Davis, December 1981, p. 11.

Author Index

A

- Akiyama, Yoshio, Ph.D., Chief Statistician, Uniform Crime Reporting Program, Federal Bureau of Investigation, Washington, D.C., "Murder Victimization—A Statistical Analysis," March 1981, p. 8.
- Attenberger, David W., Special Agent, Document Section, Laboratory Division, Federal Bureau of Investigation, Washington, D.C., "Examination of a Typewritten Document," June 1981, p. 22.
- Aurilio, Sgt. Steven L., Police Department, Daly City, Calif., "Driver Training For Your Department???" November 1981, p. 1.
- Ayres, Marilyn B., Writer/Editor, "Police on Strike: What Triggers Their Walkouts?" January 1981, p. 13.
- Ayres, Richard M., Special Agent, Management Science Unit, FBI Academy, Quantico, Va., "Police On Strike: What Triggers Their Walkouts?" January 1981, p. 13.

B

- Bald, Gary, Gambling Technician, Laboratory Division, Federal Bureau of Investigation, Washington, D.C., "The 'Game' of Razzle Dazzle," May 1981, p. 2.
- Bandics, George R., Investigator, Middlesex County Prosecutor's Office, New Brunswick, N.J., "Department Training Officers and the Training Process," April 1981, p. 12.

- Barron, Lt. James J., Police Department, Daly City, Calif., "Driver Training For Your Department???" November 1981, p. 1.
- Beyer, James C., M.D., Deputy Chief Medical Examiner, Office of Chief Medical Examiner, Northern Virginia Division, Falls Church, Va., "Death Scene Checklist," August 1981, p. 14.
- Bloeser, Richard H., Director, Film Security Office, Motion Picture Association of America, Inc., Los Angeles, Calif., "Film and Video Tape Piracy: A Growing Epidemic," February 1981, p. 12.
- Bodenschatz, S. Sgt. John, Police Department, Ann Arbor, Mich., "Patrol Resource Allocation in a Medium-Sized Police Department," September 1981, p. 7.
- Boyer, Frank W., Instructor-Coordinator, Division of Law Enforcement Training, Kentucky Department of Justice, Bureau of Training, Richmond, Ky., "Police Officer Survival During Traffic Stops," February 1981, p. 1.
- Braun, Kenneth J., Sheriff, Erie County Sheriff's Office, Erie County, N.Y., "Organizing An Arson Task Force," March 1981, p. 22.
- Bregante, Capt. George J. (Ret.), Sheriff's Office, Santa Barbara County, Calif., "Strike Management: Trust, Involvement, Communication, and Planning," January 1981, p. 17.
- Burpo, John H., Labor Relations Consultant, Combined Law Enforcement Associations of Texas (CLEAT), San Antonio, Tex., "The Police Labor Movement: Prospects for the 1980's," January 1981, p. 9.
- C**
- Campane, Jerome O., Special Agent, Legal Counsel Division, Federal Bureau of Investigation, Washington, D.C., "Chains, Wheels, and the Single Conspiracy," (Part 1), August 1981, p. 24; (Conclusion) September 1981, p. 24; "Conspiracy and the Defense of Feigned Acquiescence," October 1981, p. 24.
- Carpenter, John W., Sheriff, Santa Barbara County, Calif., "Strike Management: Trust, Involvement, Communication, and Planning," January 1981, p. 17.
- Chavern, Hugh E., M.D., Director, Community Mental Health Center, Westmoreland Hospital, Greensburg, Pa., "Suicide Prevention at the County Jail," April 1981, p. 22.

Couns, Norman C., Special Agent, Federal Bureau of Investigation, Los Angeles, Calif., "Managing Promotions and Resulting Conflict: A Realistic Approach," February 1981, p. 19.

D

Davis, Joseph R., Special Agent, Legal Counsel Division, Federal Bureau of Investigation, Washington, D.C., "Search of Persons During Search Warrant Execution," (Part I) April 1981, p. 25; (Conclusion), May 1981, p. 27.

Davis, Roger H., Special Agent, Behavioral Science Unit, FBI Academy, Quantico, Va., "Social Network Analysis: An Aid in Conspiracy Investigations," December 1981, p. 11.

Deedrick, Douglas W., Special Agent, Laboratory Division, Federal Bureau of Investigation, Washington, D.C., "Feathers Are Not Lightweight Evidence," September 1981, p. 22.

DeFoor, Capt. Ken T., Helicopter Patrol, Police Department, Houston, Tex., "Houston Police Department's Eye in the Sky," September 1981, p. 1.

Delattre, Edwin J., President, St. John's College, Annapolis, Md., "The Police: From Slaying Dragons to Rescuing Cats," November 1981, p. 16.

Dempsey, Maj. John N., Staff Administration, Colorado State Patrol, Denver, Colo., "Results Management," (Part 1) June 1981, p. 8; (Conclusion) July 1981, p. 22.

Depue, Roger L., Special Agent, Behavioral Science Unit, FBI Academy, Quantico, Va., "High-Risk Lifestyle: The Police Family," August 1981, p. 7.

Doherty, Vincent P., Special Agent, Economic and Financial Crimes Training Unit, FBI Academy, Quantico, Va., "Ponzi Schemes and Laundering—How Illicit Funds are Acquired and Concealed," November 1981, p. 5.

Donahue, Dennis G., A.C.S.W., Director of Out-Patient Services, Community Mental Health Center, Westmoreland Hospital, Greensburg, Pa., "Suicide Prevention at the County Jail," April 1981, p. 22.

Drown, Lt. Jack, Public Affairs Division, San Diego County Sheriff's Department, San Diego, Calif., "Duffystown—A One-of-a-Kind Tactical Training Facility," June 1981, p. 16.

Duncan, Jane, Project Coordinator, Standardized Crime Reporting System, SEARCH Group, Inc., Sacramento, Calif., "Police Report Writing Manuals Need Dusting Off," July 1981, p. 6.

E

Enos, William F., M.D., Pathologist, Northern Virginia Doctors Hospital, Arlington, Va., "Death Scene Checklist," August 1981, p. 14.

F

Ferrall, Rebecca T., Librarian, FBI Academy Library, Quantico, Va., "Arson Information: Who-What-Where?" May 1981, p. 16.

Ferrara, Eugene R., Chief of Police, Medical Center Police Division, University of Cincinnati, Cincinnati, Ohio, "The Cost of 'Coming Out on Top'—Emotional Responses to Surviving the Deadly Battle," December 1981, p. 6.

Ford, Robert E., Chief of Operations, Erie County Sheriff's Office, Erie County, N.Y., "Organizing An Arson Task Force," March 1981, p. 22.

Francis, Walter M., Chairman, Criminal Justice Department, Linn-Benton Community College, Albany, Oreg., "Consolidation Alternatives: Coordination, Cooperation, and Sharing," May 1981, p. 9.

Fuselier, G. Wayne, Ph.D., Staff Clinical Psychologist, U.S. Air Force Medical Center, San Antonio, Tex., "A Practical Overview of Hostage Negotiations," (Part 1) June 1981, p. 2; (Conclusion) July 1981, p. 10.

G

Gebhardt, Robert H., Director, Bureau of Management Analysis, Division of Inspectional Services, St. Louis County Police Department, St. Louis, Mo., "Internal Auditing—A Management Tool," March 1981, p. 17.

H

Hall, John C., Special Agent, Legal Counsel Division, Federal Bureau of Investigation, Washington, D.C., "The Motor Vehicle Exception to the Search Warrant Requirement," (Part I) November 1981, p. 24; (Conclusion) December 1981, p. 20.

Hamm, Pamela A., Results Management Coordinator, Colorado State Patrol, Denver, Colo., "Results Management," (Part 1) June 1981, p. 8; (Conclusion) July 1981, p. 22.

Harker, R. Phillip, Special Agent, Laboratory Division, Federal Bureau of Investigation, Washington, D.C., "The 'Game' of Razzle Dazzle," May 1981, p. 2.

Harmon, Robert W., Special Agent, Firearms Training Unit, FBI Academy, Quantico, Va., "Sighting Shadow Box," October 1981, p. 16.

Hobgood, William P., Assistant Secretary of Labor, Washington, D.C., "Should Police Be Permitted to Organize and Bargain Collectively?" January 1981, p. 1.

Hoover, Lt. William J., Police Department, Ann Arbor, Mich., "Patrol Resource Allocation in a Medium-Sized Police Department," September 1981, p. 7.

Hunt, Lt. Leigh F., New York State Police, Bureau of Criminal Investigation, Troop B, Ray Brook, N.Y., "XIII Olympic Winter Games—New York State Police Coordination of Emergency Services," April 1981, p. 1.

J

Jacobsen, Kenneth A., Special Agent, Legal Adviser, Federal Bureau of Investigation, Los Angeles, Calif., "Documentary Subpenas and Fifth Amendment Protection," March 1981, p. 27.

K

Kanaskie, W. Gary, Special Agent, Document Section, Laboratory Division, Federal Bureau of Investigation, Washington, D.C., "Examination of a Typewritten Document," June 1981, p. 22.

Kleberg, John R., Former Deputy Chief, Ohio State University Police, Columbus, Ohio, "Evidence Exhibits in White-Collar Crime Cases," July 1981, p. 1.

Kutz, Det. Larry D., Onondaga County Sheriff's Department, Syracuse, N.Y., "Photographing Light Powder Latent Prints," July 1981, p. 20.

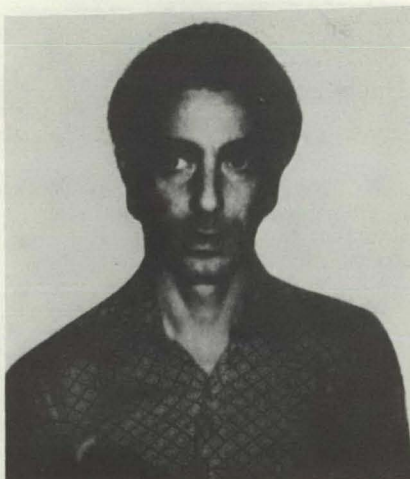
L

LeDoux, John C., Special Agent, Education and Communication Arts Unit, FBI Academy, Quantico, Va., "Designing a Training Response to Stress," October 1981, p. 11.

Lindell, James W., Physical Training Supervisor, Regional Training Academy, Penn Valley Community College, Kansas City, Mo., "Officer Disarmings and Revolver Retention—5 Years Later," September 1981, p. 16.

- Lippert, Walter, Ph.D., Clinical Psychologist, Cincinnati, Ohio, "The Cost of 'Coming Out on Top'—Emotional Responses to Surviving the Deadly Battle," December 1981, p. 6.
- Lowe, Jerry W., Chief of Police, Police Department, Carmel, Ind., "Small Department Communications for Small Dollars," October 1981, p. 8.
- Lyford, George J., Special Agent, National Crime Information Center, Federal Bureau of Investigation, Washington, D.C., "Heavy Equipment Theft," March 1981, p. 1.
- Maher, George F., Chief of Headquarters, Nassau County Police Department, Mineola, N.Y., "Preserving Police History," November 1981, p. 1.
- Mahoney, Sgt. Tom, Personnel and Training, Police Department, Culver City, Calif., "Shopping Malls—New Problems for Law Enforcement," March 1981, p. 12.
- Martinez, Demetria, Crime Stoppers USA, Inc., Albuquerque, N. Mex., "Crime Stoppers," September 1981, p. 5.
- McCarthy, Capt. Charles, Department of Law Enforcement, Illinois State Police, Pontiac, Ill., "Police Planning for Prison Disturbances," February 1981, p. 7.
- McCaslin, Henry H., Jr., Special Agent, Education and Communication Arts Unit, FBI Academy, Quantico, Va., "Designing a Training Response to Stress," October 1981, p. 11.
- McGarry, Francis A., State Fire Administrator, New York State Office of Fire Prevention and Control, Albany, N.Y., "New York State Gears Up to Fight Arson," October 1981, p. 19.
- McGuinness, Robert L., Special Agent, Legal Counsel Division, Federal Bureau of Investigation, Washington, D.C., "In the Katz Eye—Use of Binoculars and Telescopes," (Part 1) June 1981, p. 26; (Conclusion) July 1981, p. 27.
- Miederhoff, William J., Supervisor, Photography Service Section, St. Louis County Police Department, St. Louis, Mo., "An Automated Police Photo Lab," April 1981, p. 16.
- Morgenthau, Robert M., District Attorney, New York, N.Y., "Police and Prosecutors: A Professional Partnership," March 1981, p. 6.
- Moulton, Roger M., Chief, Police Department, Montclair, Calif., "Leasing Economical Unmarked Police Vehicles," September 1981, p. 13.
- Mullery, John P., Writer, Office of Congressional and Public Affairs, Federal Bureau of Investigation, Washington, D.C., "Feathers Are Not Lightweight Evidence," September 1981, p. 22.
- Murphy, Patrick J., Chief of Operations, New York City Police Department, New York, N.Y., "Joint FBI/NYPD Task Forces: A Study in Cooperation," November 1981, p. 20.
- P**
- Perry, William E., Jr., Deputy Commissioner, Community Affairs, Police Department, New York, N.Y., "A Crime Prevention Program for the Handicapped," February 1981, p. 24.
- Phillips, Sgt. Robert F., Erie County Sheriff's Department, Buffalo, N.Y., "Developing An Inservice Firearms Training Program," August 1981, p. 19.
- R**
- Rissler, Larry E., Special Agent, Legal Counsel Division, Federal Bureau of Investigation, Washington, D.C., "The Privacy Protection Act of 1980," February 1981, p. 26.
- S**
- Sanders, Robert E., Assistant Director (Criminal Enforcement), Bureau of Alcohol, Tobacco and Firearms, Washington, D.C., "National Response Teams: ATF's Coordinated Effort in Arson Investigations," December 1981, p. 1.
- Scheidegger, Jack, Program Manager, Bureau of Criminal Statistics, California State Department of Justice, Sacramento, Calif., "California's Automated Latent Print System," August 1981, p. 2.
- Schofield, Daniel L., Special Agent, Legal Counsel Division, Federal Bureau of Investigation, Washington, D.C., "Law Enforcement and Governmental Liability—An Analysis of Recent Section 1983 Litigation," January 1981, p. 26.
- Sewell, James D., Chief, Criminal Intelligence Bureau, Department of Law Enforcement, Tallahassee, Fla., "Police Stress," April 1981, p. 7.
- Shaffer, C. Allen, Supervisor, Medical Motion Media, Ohio State University, Columbus, Ohio, "Evidence Exhibits in White-Collar Crime Cases," July 1981, p. 1.
- Sirene, Walt H., Special Agent, Management Science Unit, FBI Academy, Quantico, Va., "Management: Labor's Most Effective Organizer," January 1981, p. 4.
- Smith, Monte E., Special Agent, Economic and Financial Crimes Training Unit, FBI Academy, Quantico, Va., "Ponzi Schemes and Laundering—How Illicit Funds are Acquired and Concealed," November 1981, p. 5.
- Sperber, Norman D., D.D.S., Forensic Odontologist, San Diego County Coroner's Office, San Diego, Calif., "Bite Mark Evidence in Crimes Against Persons," July 1981, p. 16.
- T**
- Thomas, William J., Director, Division of Law Enforcement Training, Kentucky Department of Justice, Bureau of Training, Richmond, Ky., "Police Officer Survival During Traffic Stops," February 1981, p. 1.
- Tully, Edward J., Special Agent, Education/Communication Arts Unit, FBI Academy, Quantico, Va., "Training: A Prescription for Job Action," January 1981, p. 23.
- V**
- Van Blaricom, D. P., Chief of Police, Police Department, Bellevue, Wash., "Commercial Crime Prevention Can Earn Insurance Discounts," February 1981, p. 10.
- W**
- Walsh, Col. Jack, Superintendent, Ohio State Highway Patrol, Columbus, Ohio, "Officer Reaction—The Key to Survival," May 1981, p. 12.
- Walton, Kenneth P., Deputy Assistant Director, Federal Bureau of Investigation, New York, N.Y., "Joint FBI/NYPD Task Forces: A Study in Cooperation," November 1981, p. 20.
- Witham, Donald C., Special Agent, Management Science Unit, FBI Academy, Quantico, Va., "Group Decisions: The Promise and the Reality," May 1981, p. 23.
- Wolinski, Martin R., Deputy, Erie County Sheriff's Department, Buffalo, N.Y., "Developing An Inservice Firearms Training Program," August 1981, p. 19.

WANTED BY THE FBI



Photograph taken in 1974.

Joseph Nicholas Crisafi

Joseph Nicholas Crisafi, also known as Al Alddan, William J. Bray, Joseph Dipalo, Joseph Prisafi, Joseph John Prisauafi, Joseph Prisaffolli, Ernest Rousseau, Frank Tolido, Joseph Nicholas Trisafolli, Joseph Nicholas Trisafulli, Frank Wilson, and others.

Wanted for:

Interstate Flight—Aggravated Sexual Assault, Armed Robbery

The Crime

Crisafi is being sought for the aggravated sexual assault of a real estate saleswoman. He is also being sought by local authorities for additional sexual assaults.

A Federal warrant was issued for Crisafi's arrest on December 8, 1980, at Newark, N.J.

Criminal Record

Crisafi has been convicted of forgery, petty larceny, grand theft, rape, kidnaping, sexual abuse, and interstate transportation of stolen property.

Description

Age50, born April 15, 1931, Brooklyn, N.Y.
Height5'8" to 5'9".
Weight130 to 160 pounds.
BuildMedium.
HairBrown, graying.
EyesBrown.
ComplexionMedium.
RaceWhite.
NationalityAmerican.

OccupationsCook, drapery hanger, floor covering mechanic, salesman.

Scars and Marks.....Scars on left middle finger, both knees, left leg from knee to hip, and left side of stomach; crossed right eye; large front upper teeth and extensive bridgework; second toe on right foot missing. Tattoos: Heart and flowers, "JOE," "JOHN," and "MOM" on upper left arm.

Remarks.....Crisafi, a heavy gambler who poses as a prospective home buyer and advertising producer, is believed to be accompanied by Carol L. McCarthy, white female, born June 11, 1961, Denver, Colo., 5'2", 115 pounds, brown hair, brown eyes. McCarthy is also being sought by the FBI.

Social Security

No. Used091-24-7799.
FBI No.808 809 B.

Caution

Crisafi has been known to carry a gun in the past and is being sought by local authorities for several sexual assaults. He 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.

Classification Data:

NCIC Classification:

24TT13171922TTTT2016

Fingerprint Classification:

24	L	1	T	19	Ref:	RTR
	L	1	Tt			TUU



Right middle fingerprint.

Change of Address

Not an order form

FBI LAW ENFORCEMENT BULLETIN

Complete this form and return to:

Director
Federal Bureau of
Investigation
Washington, D.C. 20535

Name _____

Title _____

Address _____

City _____

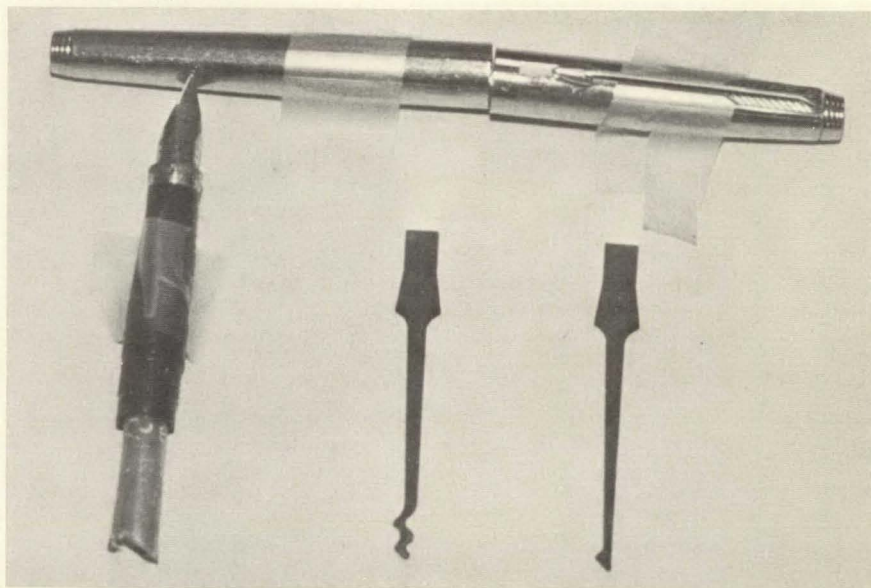
State _____

Zip _____

Pen Conceals Lock Picks

Found in the possession of a burglary suspect, this fountain pen had been modified to contain two lock picks. The ink cartridge of the pen had been emptied in order to allow for storage of the picks.

(Submitted by the Yonkers, N.Y., Police Department)





Washington, D.C. 20535

Interesting Pattern

The pattern appearing here presents no problem as to its classification. It consists of two separate loop formations over a whorl-type pattern. It is classified as an accidental-type whorl with an inner tracing. If the impression is not as widely rolled, the left loop would not be visible. However, the classification would remain unchanged because the pattern still contains the requirements of an accidental-type whorl, i.e., a combination of two pattern types—a loop and a whorl.



693-25