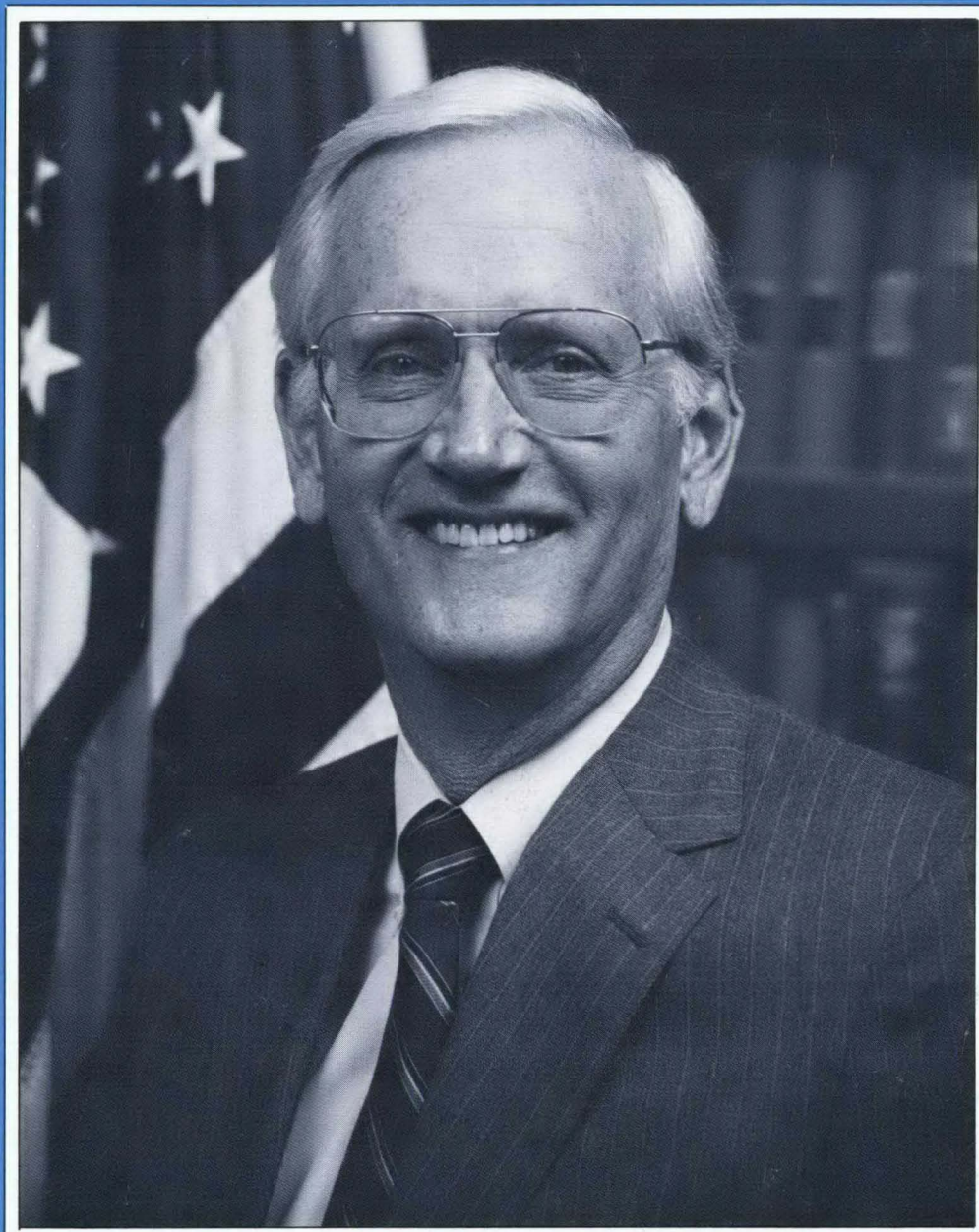




FBI

December 1987

Law Enforcement Bulletin



FBI Director William S. Sessions

Contents

December 1987, Volume 56, Number 12

- | | | |
|-----------------------|-----------|--|
| | 1 | Introducing the New Director |
| Management | 2 | Transformational Police Leadership
by Donald C. Witham |
| Crime Problems | 7 | The "Bobby Joe" Long Serial Murder Case:
A Study in Cooperation
(Conclusion)
By Gary Terry and Michael P. Malone |
| Identification | 14 | On-Line Exchange of Fingerprint Identification Data
By Dennis G. Kurre |
| Legal Digest | 17 | Look But Don't Touch: The Plain View Doctrine
By Kimberly A. Kingston |
| | 24 | Book Review |
| | 25 | 1987 Index |
| | 31 | Wanted by the FBI |

FBI

Law Enforcement Bulletin

United States Department of Justice
Federal Bureau of Investigation
Washington, DC 20535

William S. Sessions, Director

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The fourth Director of the Federal Bureau of Investigation—Judge William S. Sessions

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Introducing the New Director

"My pledge today is ... to lead in a fashion that unerringly and faithfully supports the Constitution and the laws of this great land."

**—William S. Sessions
November 2, 1987**

Judge William S. Sessions became the fourth Director of the Federal Bureau of Investigation on November 2, 1987, succeeding Director William H. Webster.

A Federal district judge for the Western District of Texas, San Antonio, since 1974, Director Sessions had been chief judge since 1980. Prior to his service as a Federal judge, he was the U.S. Attorney for the Western District of Texas from 1971 to 1974, and before that served as chief of the Government Operations Section in the Criminal Division of the U.S. Department of Justice.

Born May 27, 1930, in Fort Smith, AR, Director Sessions' family moved to Kansas City, MO. After high school, Director Sessions enlisted in the U.S. Air Force, serving 4 years as an airborne radar intercept instructor and rising to the rank of captain. While in the Air Force, the new Director married and then settled in Waco, TX, to complete college and law school at Baylor University. The Sessions have four grown children.

Transformational Police Leadership

"Upgrading the quality of American law enforcement has been an important national goal over the last 2 decades."

By

DONALD C. WITHAM, D.P.A.

*Special Agent
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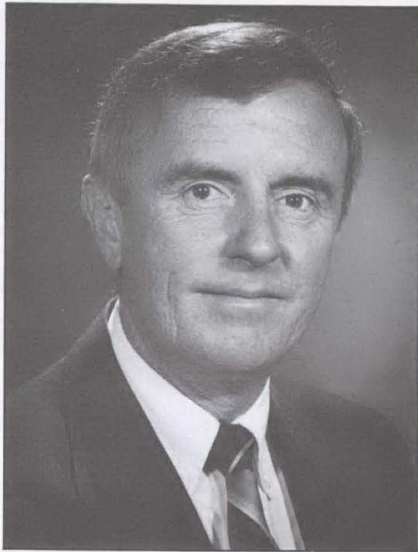
During the past decade, two seminal works on leadership have been published. In 1978, James McGregor Burns wrote a Pulitzer Prize winning book entitled *Leadership*.¹ Burns wrote that leadership is one of the most observed, but least understood, phenomena in the world. In 1985, Warren Bennis and Burt Nanus authored another important book, *Leaders: Strategies for Taking Charge*.² Bennis and Nanus built upon Burns' idea of a transformational leader, and they describe the essential roles that leaders and executives play with respect to organizational success and performance. According to these authors, the distinguishing talent possessed by transformational leaders is the ability to envision. They are capable of seeing the entire organization, the complex environment, and the interaction of the two as a single entity. Further, they are able to project this view into the future and describe a favorable future for the organization. They articulate this vision to others and provide them with a sense of meaning. Also, they inspire trust in others—partly because of their steadfastness to their vision.³ These works

have significantly advanced our understanding of the subject of leadership and brought tangible insights and guidance to students and practitioners of leadership.

This article will examine the background and preparation of police leaders in America, and it will speculate as to how these experiences may relate to their ability to envision. In particular, four areas of their preparation will be highlighted—range of police and managerial experience, level of formal education, extent of professional development or training, and involvement with community and other groups outside law enforcement. The author believes these factors are important developmental elements for successful police leadership.

Law Enforcement Executives

The literature on law enforcement has long been critical of the inadequacies of police executives as they attempt to discharge their responsibilities. Raymond Fosdick's classic book, *American Police Systems*, was published in 1920, and even then, nearly 70



Special Agent Witham

years ago, he criticized the performance of police executives:

"Far more than to any other factor, the irrational development of American police organization is due to inadequate leadership. To the lack of trained and intelligent administrators, obtaining and holding office on favorable conditions, much of the confusion and maladjustment of our police machinery is ascribable."⁴

Upgrading the quality of American law enforcement has been an important national goal over the last 2 decades. A number of task forces and commissions have developed a host of recommendations. Interestingly, few of these recommendations relate directly to police leaders. The bulk of the suggestions pertain to setting standards for police recruits in areas such as training and education. Such a bottom-up approach will eventually result in improvements in law enforcement.

Perhaps, however, a more immediate approach to upgrading law enforcement would focus upon police leaders and executives. Although no single group can bring about enhanced law enforcement competence, no other group is better positioned to effect this transformation than police administrators.

Virtually every study or commission to examine American law enforcement since Fosdick's time also has been quite critical of law enforcement administrators. Despite an awareness of the complexity of the law enforcement executive's position and an awareness of the historical inadequacies of law enforcement leadership, and furthermore, despite substantial

efforts in the last decades to upgrade American law enforcement, there has been practically no comprehensive research on this subject. This article will describe some selected findings of a recent study of law enforcement executives contained in *The American Law Enforcement Chief Executive: A Management Profile* published by the Police Executive Research Forum (PERF) in 1985.⁵

The PERF Study

During 1982 and late 1983, nearly 500 police chief executives from throughout the United States participated in a major PERF study. The executives headed the larger State, county, or municipal departments in the Nation (i.e., a minimum of 75 full-time employees). Every State in the Nation was represented by at least one executive, with the exception of Vermont. The extremely high response rates achieved by the two surveys (88% and 90% respectively) added greatly to the quality of this research. At the same time, the response rates indicate the high level of conscientiousness of the administrators and their dedication to quality policing in America. Chart 1 contains some profile data on police executives.

Discussion of Selected Findings

This section will describe those findings believed to relate to the executives' ability to become transformational leaders. First, the mean age of the participants was 49. In the chart, items 1-5 under Heading A—THE CHIEF EXECUTIVE—are all statistical means of the data. Readers interested in a more detailed description of the methodology

or statistical analysis can find that information in the book, *The American Law Enforcement Chief Executive: A Management Profile*. The respondents were not young, impressionable men, but veterans of nearly 25 years of policing. In fact, since over 90 percent of the respondents had prior police experience

and the entire group averaged over 17 years in their present department, it's quite clear that only a few could have had recent experience in other occupations or even other police agencies. Previous research has criticized the relatively narrow experience (e.g., primarily within one police agency for

many years) of law enforcement administrators. This condition appears to remain largely unchanged, and such a narrow range of experience would not seem conducive to developing a sophisticated understanding of the complex environment in which policing must function.

The educational levels achieved by the participants far exceed the levels discovered during previous research. There can be no question that law enforcement leaders have made substantial progress in this area. Again, this is an area in which the field has been harshly criticized in earlier studies. As recently as 1975, an International Association of Chiefs of Police (IACP) study found that only about 10 percent of chiefs nationwide had earned a baccalaureate degree.⁶

The percentages of college graduates among the chiefs differed markedly by region. Executives from the western region were twice as likely to have a degree as their colleagues from the northeast. Executives in the south and north central fell between the two extremes, but their percentages were much closer to their western colleagues than to their northeastern counterparts.

There was a strong consensus among the respondents that executive development training programs were excellent vehicles for improving the performance of administrators. In fact, the executives overwhelmingly selected training over other methods (e.g., more experience or education) to prepare their successors properly for the top position. Also, some respondents wrote that law enforcement has a distance yet to travel in executive training before it catches up with other types of training in the field.

CHART 1—PROFILE OF POLICE EXECUTIVE

A. THE CHIEF EXECUTIVE

1. Age _____	49 Years
2. Time in Present Position _____	5.5 Years
3. Law Enforcement Experience _____	24 Years
4. Experience in Present Department _____	17.7 Years
5. Work Week _____	56.6 Hours
6. Experience in Law Enforcement Before Becoming Executive _____	92%
7. Promoted to Chief's Position From Another Executive Position Within Law Enforcement _____	80%
8. Previous Experience as a Chief Executive in Another Law Enforcement Agency _____	10.5%
9. Experience in at Least One Other Law Enforcement Agency _____	54.9%

B. EDUCATION LEVEL

1. Minimum of a Baccalaureate Degree _____	50.7% (1982)
	56.8% (1983)
2. Graduate Degree _____	18.4% (1982)
	25.6% (1983)
3. Associate Degree _____	17.1% (1982)
	15.9% (1983)
4. Less Than an Associate Degree _____	32.2% (1982)
	27.3% (1983)
5. Most Common Field of Study (Minimum of an Associate Degree) _____	
a. Law Enforcement—Criminal Justice _____	49.5%
b. Public—Business Administration _____	29%

C. EXECUTIVE DEVELOPMENT TRAINING NEEDS

(Highest rated subject areas 1982 and 1983)

1. Executive's role in management
2. Legal problems and issues
3. Personnel management
4. Strategic planning
5. Computers and information management

"... transformational leadership addresses and stresses the morality and integrity of leaders...."

The final selected finding related to how the administrators viewed their jobs. They were requested to rate their three most important duties from a list of nine functions that are frequently described within the management literature as executive in nature (e.g., identify and set objectives or establish priorities). It was obvious from their ratings that many of the chiefs realize that there is more to their job than administering a complex police organization. A number of executives rated maintaining relationships with community leaders, political figures, and the media as integral to their effectiveness. These officials know that law enforcement is a public function that will never be truly apolitical, and that if they are going to be effective in their role, they must interact with a number of significant actors outside of their organizations. This vision, which comprehends the political environment in which law enforcement occurs, was not as broadly shared as might be expected.

Preparing for Transformational Leadership

The thumbnail sketch in the first section of this article includes the essential elements of transformational leadership. Still, readers are strongly encouraged to read the Bennis and Nanus book in its entirety to receive a thorough explanation of their ideas. To avoid misunderstanding here, two critical points will be discussed more completely. First, the ability to articulate a vision of where an organization is going is not synonymous with being glib or quick witted. It is much more. Most especially, it entails sound and careful thinking. Further, steadfastness to the vision described implies more than bull-

headedness. In particular, it means that people trust a leader's integrity and character. Thus, transformational leadership addresses and stresses the morality and integrity of leaders unlike some of the fashionable but simplistic approaches so popular in recent years.

How does one go about developing the ability to envision? Or, how does one learn to make a mesh of things? Clearly, there are no guaranteed approaches or methods; however, it seems quite sensible to argue that by putting people in a wide variety of jobs and situations, and requiring them to think seriously about their lives, their profession, and their Nation, perhaps the broadening process can be facilitated. Some people will never see the big picture regardless of their preparation. Still, the four aspects of preparation discussed here can assist many individuals in furthering their understanding of law enforcement in America.

If there is any truth to the old saying that what you see depends on where you sit, then aspiring executives should attempt to sit in as many different chairs as possible. In this way, they can begin to see situations from a variety of viewpoints or perspectives.

At present, it seems unrealistic to expect many police leaders to serve in more than one department so they can gain these varied perspectives. In general, pension systems do not allow for this sort of mobility without imposing some level of risk to the financial security of the executive and his family. Nevertheless, future police leaders should give careful consideration to their career plans to allow for as many different types of jobs and experiences as possible. Several participants in the PERF study indicated that administrative positions were particularly benefi-

cial experiences for understanding the chief's position, and that in some departments, these positions were not as career enhancing as operational-type positions. Aspiring chiefs should attempt to complete both types of assignments.

The reasons for advocating that law enforcement officials have regular involvement with community and professional figures are essentially the same as those just described regarding career planning. This contact will insure that officials expose themselves to a wide variety of opinions and views. Many innovative ideas from one occupation can be adapted by other fields, and leaders must constantly scan their communities and professional discipline for new ideas. Probably an even more compelling reason for this involvement is that police organizations exist to serve the citizenry. Is there a better method to receive feedback on organizational performance than directly from influential community figures?

With respect to the necessity for a formal education, including at least a baccalaureate degree, and the need for quality developmental and executive training programs, this sort of preparation insures that administrators have been exposed to current concepts and opinions on numerous matters relevant to law enforcement. These intellectually stimulating experiences can assist executives in developing an open and inquiring mind. They should help leaders obtain a more refined understanding of the proper role of law enforcement in American society. This understanding is crucial to forming a vision of the future of the organization. Even though this knowledge is somewhat intangible

“... police organizations ... need transformational leaders to successfully confront the challenges of the future.”

and may be difficult to discern, it informs most of the daily actions and decisions of the administrators. Author Harlan Cleveland believes that there is a bright future for complexity.⁷ If this is so, can anyone doubt the importance of sound intellectual preparation for police leaders?

Perhaps, one of the best ways to highlight the necessary experiences for police leadership is to discuss the ongoing preparation of a law enforcement professional. The author suspects that there are numerous police officials who could serve as exemplars of transformational leadership. Here, John E. Granfield, Chief of the Fairfax County Police Department in Virginia, will be profiled. John is a good example of the model advocated herein, and he is well-known by the author. Neither the author nor John would argue that he is a transformational leader. Nevertheless, the author will assert that this man makes conscious efforts to develop his abilities and to expose himself to a wide variety of opinions and ideas.

The Fairfax County Police Department is the largest local law enforcement agency in the State, employing approximately 1,300 people. The department received professional accreditation in 1985. John has over 18 years' experience as a police officer with Fairfax, and he has more than 10 years' service at supervisory and executive management level positions. John is a college graduate, and he also is a graduate of the FBI National Executive Institute, the FBI National Academy, and Northwestern University's Course for Police Supervisors. He lectures regularly at a number of local universities and police academies. Chief Granfield is actively involved with pro-

fessional law enforcement associations such as the International Association of Chiefs of Police (IACP), the Police Executive Research Forum (PERF), and the Police Management Association, as well as with important community groups within Fairfax County. John continues to strive to develop himself and represent his department and profession to the utmost of his ability.

Conclusion

It is widely recognized that the most critical ingredient in the success of an organization is the quality of its leadership.⁸ Although police leaders cannot singlehandedly upgrade law enforcement, there is no other single group as important to this process. Further, police organizations, like their counterparts elsewhere, need transformational leaders to successfully confront the challenges of the future. The author believes that certain types of preparation and experience can assist an individual in developing this critical skill.

Finally, increasing fiscal pressures on all governments cannot be allowed to impede the continued upgrading of American law enforcement. Law enforcement is too important a governmental function, and good policing too important a right of all citizens and legal residents, to be sacrificed on the altar of cutback management. The real progress in policing of the last 20 years can not be allowed to dissipate. Individuals of the highest moral character and with solid intellectual ability are required to lead law enforcement agencies. Now is the time to take stock and move forward.

FBI

Footnotes

¹James McGregor Burns, *Leadership* (New York: Harper and Row, 1978).

²Warren Bennis and Burt Nanus, *Leaders: Strategies for Taking Charge* (New York: Harper and Row, 1985).

³*Ibid.*, pp. 216-219.

⁴Raymond Fosdick, *American Police Systems*, reprinted (Montclair, NJ: Patterson Smith, 1969), p. 215.

⁵Donald C. Witham, *The American Law Enforcement Chief Executive: A Management Profile* (Washington, DC: Police Executive Research Forum, 1985).

⁶National Advisory Commission on Criminal Justice Standards and Goals, *Police Chief Executive* (PCE Report) (Washington, DC: Government Printing Office, 1976), Appendix D.

⁷Harlan Cleveland, *The Future Executive: A Guide for Tomorrow's Managers* (New York: Harper and Row, 1972), p. 7.

⁸*Supra* note 2, pp. 226-227.

The "Bobby Joe" Long Serial Murder Case: A Study in Cooperation (Conclusion)

By
CAPT. GARY TERRY

*Hillsborough County Sheriff's Office
Tampa, FL*

and

SA MICHAEL P. MALONE, M.S.

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On November 3, 1984, a young girl, Lisa McVey, was leaving a doughnut shop in northern Tampa when she was abducted. The offender took her to an unknown apartment and sexually assaulted her for 26 hours before releasing her. The HCSO urged the Tampa Police Department to send their rape evidence to the FBI Laboratory, and on November 13, 1984, the FBI Laboratory called with the biggest break yet in the serial murder case; they found the same red fibers on McVey's clothes as had been found on the homicide victims.

After the rape case had been

linked to the murders, a task force was formed the next day, consisting of the Hillsborough County Sheriff's Office, the Tampa Police Department, the Florida Department of Law Enforcement, the Pasco County Sheriff's Office, and the Federal Bureau of Investigation. The rape victim, McVey, was extensively interviewed and recalled that after leaving the apartment where she was held, the suspect stopped at a "24-hour teller machine" to withdraw some money at approximately 3:00 a.m. She described the suspect's vehicle as being red with a red interior and red carpet, with the word "Magnum" on the dash. Enroute to the release site, the

victim recalled peeking out from under the blindfold and seeing a Howard Johnson's motel as they drove up on the interstate.

At this time, there were approximately 30 officers assigned to the task force. They immediately flooded the North Tampa area searching for the apartment and vehicle (only a 1978 Dodge Magnum has the word "Magnum" on the dash). A task force member was flown to the State capital and returned with a list of every Dodge Magnum registered in Hillsborough County. An examination of the computer printout of these registrations revealed



Captain Terry



Sheriff Heinrich

Robert Joe Long's name as a listed owner of a Dodge Magnum.

Each team of detectives was assigned certain areas to search, and as one team drove to their area, they noticed a red Dodge Magnum driving down Nebraska Avenue in North Tampa. The vehicle was stopped, and the driver was told that they were looking for a robbery suspect. The driver, identified as Robert Joe Long, was photographed and a field interrogation report was written.

During the same time period, bank records for all bank machines in North Tampa were being subpoenaed. These bank records revealed that Robert Long had used the 24-hour teller machine close to his apartment at approximately 3:00 a.m. on the morning the rape victim was released. The rape victim identified Long as her assailant from a photo selection. Based on McVey's statements, both an arrest warrant and a search warrant were drawn up and approved by a circuit court judge.

Robert Long was located at his apartment approximately 2 hours after being stopped by the task force members. They began a 24-hour surveillance of Long, also using aircraft to minimize the chances that Long would spot the surveillance teams.

The task force then consulted the Behavioral Science Unit at the FBI Academy for guidelines to use when interviewing the suspect. A Special Agent from the FBI Laboratory in Washington was flown to Tampa for an immediate comparison of fibers from the suspect's apartment and vehicle and to assist in the crime scene searches. An aircraft was standing by so that after the arrest this Agent could be flown immediately

to the closest FDLE laboratory which had the special microscope required for comparison of the fiber samples.

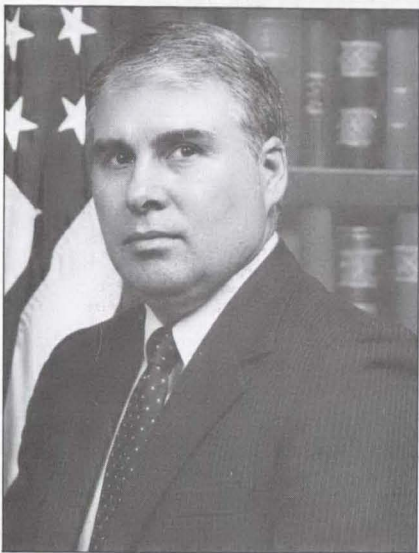
The following teams were organized from the task force:

- 1) Arrest team selected to physically arrest Long. Two of these officers were selected to interview Long at the office after the arrest.
- 2) Search and seizure team for the vehicle,
- 3) Search team for the residence, and
- 4) Neighborhood survey team to interview Long's neighbors in his apartment complex after the arrest and before any information was released to the media.

After all task force teams were at their assigned locations, the signal to effect the arrest was given. By this time, Long was in a movie theater; as Long walked out of the theater, he was arrested. This arrest occurred only 36 hours after the task force was formed.

Long was returned to his apartment where approximately 10 to 15 detectives were waiting. In this jurisdiction (Hillsborough County), it is preferred to serve a search warrant while the owner of the property is there to witness the search. In this case, an embarrassed Long refused to exit the police vehicle and witness the search. Long was then taken to the HCSO operations center for interrogation. The interview was begun after the interviewing officers had consulted with the FBI Agent present who had prepared the criminal personality profile. The Agent advised that this suspect would most likely cooperate if the officers displayed both their authority and a thorough knowledge of the case.

The officers opened the interview by carefully talking only about the



Special Agent Malone

McVey rape and abduction until the suspect confessed to the McVey case. Then, the detectives began going into the other homicide cases. Long denied any involvement in the homicides initially.

Meanwhile, the suspect's vehicle had been brought to the Sheriff's office where it was being searched. The vehicle was found to have the Vogue tire and the Goodyear Viva tire, all with the white wall inverted and in the exact location on the vehicle as had been suspected. A sample of the carpet was removed from the vehicle, and the FBI fiber expert was immediately flown with this sample and previous fiber samples to the FDLE lab in Sanford, FL, which had a comparison microscope. A short

time later, the Agent telephoned the HCSO confirming that the fibers from Long's vehicle matched the red carpet fibers found previously on the victims. Long continued to deny committing the murders until the fibers were matched. The interviewing detectives then explained the physical evidence to the suspect. They also explained the significance of the matched fibers and what other comparisons would be done i.e., hair, blood, etc. At this time, the suspect confessed.

The suspect gave a brief description of each homicide. He admitted killing Loudonback (victim #3) and using her money card. In each case, Long had talked the victims into his vehicle, immediately gaining control of them



"This case is a classic example of the success that can be achieved when law enforcement agencies cooperate."

with a knife and gun. He then bound them and took them to various areas where he sexually assaulted and then murdered them. The suspect also drew a map showing where he had placed victim number nine. This victim had been abducted from the City of Tampa during an earlier part of the investigation, and the Tampa Police Department had informed the HCSO of this fact. They believed she fit the "victim profile" but she remained missing until Long told them where to find the body.¹⁰

Eventually, a total of 10 homicides which had occurred in and around the Tampa Bay area over a period of approximately 8 months were attributed to Long (see fig. 3). The victims ranged from 18 to 28 years in age, and the majority of the victims were prostitutes. Most victims were strangled and/or asphyxiated; however, one was shot and one died of a cut throat.

Several weeks after the arrest of Long, a conference was held at the HCSO, attended by law enforcement agencies from throughout the State of Florida. The entire case was presented, and as a result, numerous rapes were cleared in the Miami area. The Public Defender's Office had attempted to obtain an injunction to prevent dissemination of information about the Long cases, but this obstacle was overcome by having this conference limited to law enforcement personnel only.

This case is a classic example of the success that can be achieved when law enforcement agencies cooperate. The following are critical areas of the investigation and how they were handled.

News Media—In the past the HCSO bureau commander handled the initial press release to the media regarding the homicides. A sergeant from

Figure 3

Victim's Name	Date Victim Found	Date Victim Missing	Body Recovery Area	Cause of Death	Age	Occupation
Lana Long	5/13/84	5/10/84	Isolated Area Southern Hillsborough Co.	Asphyxiation	20	Exotic Dancer
Michelle Simms	5/27/84	5/25/84	Isolated Area Eastern Hillsborough Co.	Blunt Force Cut Throat	22	Prostitute
Elizabeth Loudenback	6/24/84	6/8/84	Orange Grove Southeast Hillsborough Co.	Unknown	22	Factory Worker
Chanel Williams	10/7/84	10/1/84	Isolated Area Northern Hillsborough Co.	Gunshot Wound to Head	18	Prostitute
Karen Dinsfriend	10/14/84	10/13/84	Isolated Area Northeast Hillsborough Co.	Asphyxiation	28	Prostitute
Kimberly Hopps	10/31/84	9/31/84	Isolated Area Northern Hillsborough Co.	Unknown	20's	Prostitute
Juvenile Female	11/4/84	11/3/84	---	---	17	Doughnut Shop Worker
Virginia Johnson	11/6/84	10/15/84	Isolated Area Pasco Co. Near County Line	Strangulation	18	Waitress (Prostitute)
Kim Swann	11/12/84	11/9/84	Tampa Near Rt. 60	Strangulation	21	Student (Part-Time Exotic Dancer)
Vicky Elliot	11/16/84	9/7/84	Isolated Area Northern Hillsborough Co.	Strangulation	21	Waitress
Artis Wick	11/22/84	3/28/84	Isolated Area Southern Hillsborough Co.	Unknown	18	

another bureau was selected as a public information officer for the investigation, thus taking the burden off the bureau commander and allowing for the proper supervision of the case. In the majority of these cases, the victims were unidentified, so the HCSO released a composite and physical description to the local media. Each call from the public was logged in as a

"lead," and these leads were assigned to the detectives to resolve. It was through this method that the majority of the victims were identified.

Evidence Collection and Control—The identification, collection, and preservation of physical evidence was very crucial in these cases. After the first homicide, two detectives were designated to work each scene and collect

the evidence, providing a tracking of the physical evidence in each case.

Laboratory Services—The participation of the FBI Laboratory was the key ingredient to the successful conclusion of this case. Again, continuity was obtained because all the evidence went to the same laboratory. In addition, the lab became closely involved in the case; HCSO supervisors and detec-

Figure 4

Name of Victim	Red Delustered Trilobal Nylon Fibers	Red Lustrous Trilobal Nylon Fibers	Yellow Delustered Acrylic Fibers	Hair Transfer Long → Victim	Hair Transfer Victim → Long's Car	Semen	Tire Tread	Cordage/ Knots	Misc.
Lana Long	Neg.	Yes	----	Neg.	Head Hair	Neg.	Similar Design and Size	Yes	Partially Decomposed - 3 Days
Michelle Simms	Yes	Yes	----	Neg.	Head Hair	"B" & "H"	Similar Design and Size	Yes	Intact Body - 2 Days
Elizabeth Loudenback	Yes	Yes	----	Neg.	Neg.	----	----	No	Badly Decomposed - 16 Days
Chanel Williams	Yes	Yes	----	Pubic Hair - Sweater	Neg.	"A" & "H"	----	Yes	Badly Decomposed - 6 Days
Karen Dinsfriend	Yes	Yes	Blanket to Trunk	Pubic Hair - Blanket	Head Hair	"A" & "H"	Neg.	Yes	Intact Body - 1 Day
Kimberly Hopps	Neg.	Neg.	----	Neg.	Head Hair	Neg.	----	No	Skeletonized - 1 mo.
Juvenile Female	Yes	Yes	----	Head Hair - Shirt	Neg.	Neg.	----	Yes	Head Hairs Like Victim in Long's Apartment
Virginia Johnson	Neg.	Yes	----	Neg.	Head Hair	----	----	Yes	Skeletonized - 3 wks
Kim Swann	Yes	Yes	----	Neg.	Head Hair	Neg.	Limited Design	No	Intact Body - 3 Days
Vicky Elliot	Yes	Yes	----	Neg.	Neg.	Neg.	----	Yes	Skeletonized - 60 Days
Artis Wick	Neg.	Neg.	----	Neg.	Neg.	Neg.	----	Yes	Skeletonized - 6 mos.

"The importance of the fiber evidence was apparent ... from the beginning, as 8 of the 10 victims were associated with Long's vehicle through fiber comparisons."

tives flew to Washington, DC to present the evidence from each case to the forensic experts. There was a continued dialogue and exchange of information between the HCSO and the FBI Laboratory about the physical evidence.

Task Force—An immediate advantage enjoyed by the HCSO was that the majority of the cases were in HCSO jurisdiction. When it came time for the task force to be formed, there was no question that the HCSO would be in charge. However, the task force commander had to take into account the different agencies and had to be able to blend their various responsibilities. It was decided to have one HCSO detective and one TPD detective pair up and be responsible for certain investigative tasks. The interview team consisted of one officer from each agency, thus the other agencies couldn't complain that they weren't involved. The personnel selected for the task force were all homicide and/or sex crime detectives experienced in these types of investigations. The one problem with this format was that "other homicides" and "persons" crimes continued, so that property detectives were handling the other "persons" crimes, since all homicide detectives were devoted to the task force.

Agency Commitment—An investigation of this magnitude cannot be successfully concluded without the total commitment of the agency and support of the chief executive. This commitment was given by the HCSO immediately after the first homicide, and with this commitment, the Homicide Bureau, and later the task force, had the entire resources of the HCSO and the TPD at their disposal. Examples of the commit-

ment were assignment of aircraft for surveillance, reassignment of property detectives to other homicides, purchase of personal computers to catalogue all leads and suspects, and use

of undercover personnel to observe the suspect after he was identified. In addition, detectives were allowed to travel throughout the State of Florida and the United States to trace leads; there was

Figure 5

FBI Criminal Personality Profile

Race	Caucasian	Caucasian
Age	Mid 20's	31
Personality	"Macho" Image Assaultive with Weaker Individuals	On Probation for Assault/Lifted Weights/Transferred from S.O. to State Penn.
Employment	Difficulty in Holding Job	Fired from Prev. Job Currently Unemployed
Marriage	Probably Divorced	Divorced
Vehicle	"Flashy Car"	Red Dodge Magnum
Weapons	Likely to Carry Weapons	Carried Gun and Knife
Personality	Inclined to Mentally and Physically Taunt and Torture	Tied "Leash" to some Victims
Victims	Randomly Selected Susceptible to Approach	
Geographics	Confine Activity to Given Geographic Region	Tampa Bay Area

mobilization of auxiliary personnel, realignment of patrol personnel to provide surveillance of the interstate system, and reassignment of the Selective Enforcement Unit to the Detective Division for the duration of the investigation.

As a result of laboratory examinations, numerous associations were made between the various crime scenes, the suspect, the victims, and the suspect's vehicle. (See fig. 4.) The probative value of these associations was explained to the prosecutors from the Hillsborough County State Attorney's Office and the Pasco County State Attorney's Office. The importance of the fiber evidence was apparent from the beginning, as 8 of the 10 victims were associated with Long's vehicle through fiber comparisons. The importance of the hair evidence also began to emerge as all of the forensic examinations were completed. Six of the victims were associated to Long's vehicle through hair transfers, even though Long had thoroughly vacuumed his Dodge Magnum the day before he was arrested. Two of the 10 victims were associated directly to Long by transfer of his hairs to these victims. The significance of the ligatures and knots should not be overlooked as these provided a valuable link between cases. The tire tread evidence provided many leads and would associate Long's vehicle directly to the crime scene in two of the cases. The importance of the criminal personality profile should also be noted. (See fig. 5.) In addition to providing valuable leads, it can also "guide" a case. It cannot, however, take the place of a thorough and competent investigation.

The first trial of Robert Long was held in Dade City, FL (Pasco County) on April 22, 1985. This was the trial for the murder of Virginia Johnson. The

strongest evidence presented at this trial was the hair and fiber associations, as well as the confession of Long. The trial lasted a week and received a great deal of media coverage. Long was found guilty of the murder of Virginia Johnson and was sentenced to die in the electric chair.

It was decided that the first case that would be tried in Hillsborough County would be the Michelle Simms case. This case was picked due to the brutal nature in which she had been killed and the fact that it contained the strongest forensic evidence. The second case to be tried would be the Karen Dinsfriend case. As a result of discussions between the Hillsborough County State Attorney's Office and the Public Defender's Office of Hillsborough County, a plea bargain was agreed upon for eight of the homicides and the abduction and rape of Lisa McVey. Long pled guilty on September 24, 1985, to all of these crimes, receiving 26 life sentences (24 concurrent and 2 to run consecutively to the first 24) and 7 life sentences (no parole for 25 years). In addition, the State retained the option to seek the death penalty for the murder of Michelle Simms. In July of 1986, the penalty phase of the Michelle Simms trial was held in Tampa. It lasted 1 week and again received great media attention. Long was found guilty and was again sentenced to die in Florida's electric chair. **FBI**

Footnote

¹⁰In view of the fact that the final two victims in this case, Vicky Elliot and Artis Wick, were not found until after the arrest of Robert Long, they will not be covered extensively in this article.

Line-of-Duty Deaths Decrease

According to preliminary statistics of the FBI's Uniform Crime Reporting Program, 34 law enforcement officers were feloniously killed in the United States during the first 6 months of 1987. This is a decrease from the 43 line-of-duty deaths which occurred in the first half of 1986. Law enforcement agencies have cleared all 34 slayings.

Thirty-two of the 34 officers were slain with firearms; handguns were used in 20 of the killings, shotguns in 6, and rifles in 6. The remaining 2 victims were killed with knives.

Thirteen officers were killed upon answering disturbance calls. Four were slain upon responding to burglaries; 3 while involved in drug-related situations, and 6 while attempting arrests for other offenses. Four officers lost their lives while enforcing traffic laws, 2 while handling or transporting prisoners; 1 while investigating suspicious persons or circumstances; and 1 was ambushed.

Geographically, 17 officers were slain in the Southern States, 7 in the Midwestern States, 5 in the Northeastern States, and 5 in the Western States. Nineteen of the victims were city police; 7 were county officers; 7 were employed by State law enforcement agencies; and 1 was a Federal officer.

On-Line Exchange of Fingerprint Identification Data

"... a new American national standard ... provides a means for exchanging data between different makes of [automated fingerprint identification systems]."

By

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Does the concept of on-line transmission of computerized fingerprint minutiae and image data between law enforcement agencies sound strange and far-fetched? Probably not as much today as it may have just 5 years ago!

The development of technology has reached the point today where automated fingerprint identification can be performed by law enforcement agencies throughout the world. It is possible to electronically "read" a fingerprint card, which means that a machine will scan a set of fingerprints to identify, extract, digitize, and store fingerprint minutiae data. Automated searching and matching of that stored fingerprint data can be conducted for comparison with newly received 10-print fingerprint cards or latent fingerprint minutiae data developed as a result of a crime scene search and latent fingerprint analysis. In addition, automated storage and retrieval of images on a video screen for the purpose of making positive identification and/or verifications by trained fingerprint examiners is being rapidly developed and refined.

Among all this technological advancement, however, one disturbing fact sits ominously on the horizon. Be-

cause law enforcement agencies have systems installed by different manufacturers, their data centers could not, until recently, effectively and efficiently exchange this important information.

In response to the rapidly expanding commercial market for automated fingerprint identification systems (AFIS) used by law enforcement agencies, a number of manufacturers began producing these systems. Unfortunately, these various systems could only interface or communicate with systems made by the same manufacturer. This meant that if one agency within a State purchased a system from company "A," while other agencies purchased systems from companies "B," "C," and "D," etc., none of these agencies could communicate with each other for the purpose of sharing fingerprint identification. They could only exchange on-line information with those agencies having systems manufactured by the same company. This problem also surfaced between States having different systems.

To resolve this problem facing law enforcement agencies interested in sharing fingerprint identification information, a new American national standard has been developed. This new



Special Agent Kurre

standard has been created through the sponsorship of the National Bureau of Standards with input provided by over 70 representatives of national and international law enforcement agencies, AFIS manufacturers, and others having an interest in the problem. The standard is entitled "American National Standard for Information Systems-Fingerprint Identification-Data Format for Information Interchange." It was published in December 1986, under the American National Standards Institute (ANSI) identifier code of ANSI/NBS-ICST 1-1986. This new standard provides a means for exchanging data between different makes of AFIS.

Automated fingerprint identification systems are finding ever-increasing application in State and local law enforcement agencies. As previously mentioned, these systems are available from several different suppliers. Each scans fingerprint images and detects and records information about minutiae-based features; however, all do not incorporate the exact same features, the same coordinate system, or units of measure to record fingerprint information.

A software conversion routine can be used to convert from one system of units to another. Using this approach, each AFIS user would need a different software package to interchange data with every other type of system. An alternative and more economical approach is to use an intermediate set of units and format. Then, each AFIS user would require only a single software package to convert his system's data to and from that intermediate. The standard is arranged to use the intermediate set of units and format.

All AFIS detect fingerprint minutiae (ridge endings and bifurcations) and

record their relative position and orientation. Some of the systems also record ridge counts between selected minutiae or other topological information. The standard provides for alternative means of formatting fingerprint information to cope with the problems caused by differing system requirements.

The standard defines four types of records that may be used in exchanging an individual's fingerprint information. The first of these, a Type-1 record, is used in all transactions. It defines the type of transaction (inquiry, addition, etc.) and contains information about the other record types that may be included in the transaction. It also contains agency identification, subject identification, and descriptive information. Each of the items of information is contained in a numbered field. Use of most of these fields is optional. If the information is not available or is not applicable to the transaction, the field may be omitted. The numbering permits identification of those fields that have been used.

The other three types of records contain information from a single fingerprint of the subject. Thus, up to 10 of each of these records may be involved in a transaction.

The Type-2 record contains a small amount of descriptive information and a complete listing of the feature information that has been detected and recorded by the AFIS. Each minutiae is assigned a reference number. The position of that minutiae in X and Y and its orientation in Theta is listed. The listing is in units that are of higher precision than those used by any of the AFIS systems so that accuracy is not degraded by the conversion process. There is also a provision to enter ridge

"The standard defines four types of records that may be used in exchanging an individual's fingerprint information."

counts and the identity of the adjacent minutiae that are involved. If the AFIS at the agency preparing the record does not provide ridge count information, calculated values can be used. This may affect performance at a destination agency using an AFIS that requires ridge count information. Alternatively, a Type-3 or Type-4 record may be prepared.

The Type-3 record contains image data. The resolution of these data is a nominal 10 picture elements (pixels) per millimeter. Information about the scanning sequence and quantization level is contained as a part of the descriptive information in the associated

Type-1 record. A Type-3 record can be used as direct input to the destination AFIS as though it were output data from that system's scanner. In that way, the required set of minutiae-based features can be detected directly from the image data record. This bypasses any feature detection limitations in the AFIS at the originating agency.

The Type-4 record is identical to the Type-3 record, except that the resolution is increased to a nominal value of 20 pixels per millimeter.

The records involved in a transaction can be recorded on magnetic media (tape or disks) for transfer to a destination agency, or data communications facilities can be used for transfer. The

choice may depend upon cost and urgency considerations.

ANSI/NBS-ICST 1-1986, "American National Standard for Information Systems-Fingerprint Identification-Data Format for Information Interchange," is available from the Sales Department, American National Standards Institute, 1430 Broadway, New York, NY 10018. The cost is \$15.00 plus \$4.00 shipping and handling. Agencies that are in the process of procuring AFIS might wish to consider including in their specifications the requirement that the supplier provide the capability of interchanging fingerprint data with other agencies in accordance with this standard.

FBI

Increase in Crime Recorded

The FBI has released preliminary crime statistics for January through June 1987. During this 6-month period, crime reported to law enforcement rose 1 percent, when compared to the same period of 1986. The increase was measured by a Crime Index of selected offenses for which law enforcement agencies nationwide provide data to the FBI's Uniform Crime Reporting Program.

While violent crime overall dropped 1 percent in volume, aggravated assault showed an increase of 2 percent. The murder total declined 2 percent, robbery dropped 5 percent, and forcible rape showed no change.

Conversely, property crimes were up 2 percent. Reported larceny-thefts

increased 2 percent, and motor vehicle thefts rose 6 percent. Burglaries declined 1 percent in number, and the arson total dropped by 6 percent.

Regionally, this year's semiannual Crime Index totals showed no change from the first half of 1986 in the Midwestern and the Western States. An increase of 3 percent was experienced in the Southern States, and the Northeastern States recorded a 2-percent rise.

The Crime Index total remained stable in the Nation's rural areas and those cities with populations under 10,000. Cities of other sizes registered increases ranging from 1 to 3 percent. A 1-percent increase was experienced in the suburban areas.

Look But Don't Touch: The Plain View Doctrine

"To be in plain view, an item must be plainly visible to a law enforcement officer standing in a position where he has a lawful right to be."

By
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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.

ARIZONA v. HICKS¹

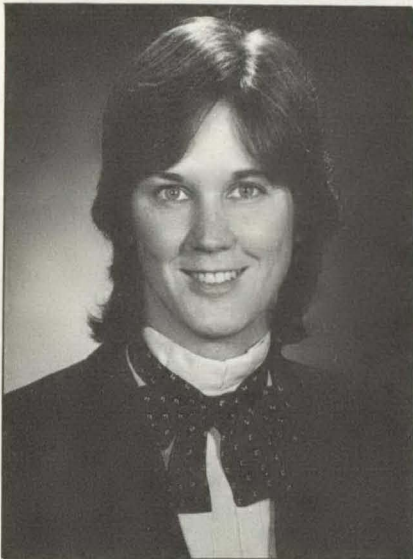
On April 18, 1984, police officers in Phoenix, AZ, were called to a local apartment complex to investigate an apparent shooting. Early reports indicated that a bullet, which was fired through the floor of an apartment occupied by James Hicks, struck and injured a man living in the apartment below. Once on the scene, the officers quickly entered Hicks' apartment² and

conducted a cursory search for the shooter, other victims, and weapons. Although no people were found, several weapons and a stocking-cap mask were discovered during the search.

Before leaving the scene, one of the officers noticed two sets of expensive stereo components in Hicks' apartment. Noting that the stereo equipment appeared out of place in the otherwise ill-appointed apartment, the officer began to suspect that the components may have been stolen. To satisfy his curiosity, the officer more closely examined the stereos, moving the individual components in the process, to read and record their serial numbers. A subsequent telephone call to police headquarters revealed that a number of the components had been taken in a recent armed robbery. The stolen components were ultimately seized,³ and Hicks was

indicted on charges of armed robbery.

Prior to trial, the State court granted Hicks' motion to suppress the stereo equipment seized from his apartment. On review, the Arizona Court of Appeals,⁴ although recognizing the validity of the initial warrantless entry into the apartment due to the exigent circumstances created by the shooting,⁵ affirmed the lower court's order to suppress on the grounds that the obtaining of the serial numbers was an additional search that was unrelated to and, therefore, not justified by the exigency.⁶ In so holding, the court of appeals implicitly rejected the State's steadfast contention that the officer's actions regarding the stereo components were totally justified under the "plain view" doctrine. After the Arizona Supreme Court denied further review in the matter, the



Special Agent Kingston

U.S. Supreme Court granted certiorari⁷ to more closely examine the State's contention in light of previous decisions involving the "plain view" doctrine.

ORIGIN OF THE PLAIN VIEW DOCTRINE

The U.S. Supreme Court officially recognized the concept of "plain view" in the 1968 case of *Harris v. United States*.⁸ In *Harris*, a police officer, while in the process of securing an impounded automobile, discovered evidence of a robbery. The evidence, a vehicle registration card that was found lying face down on the door jamb, was later introduced against Harris, the owner of the impounded automobile, and he was convicted on robbery charges. The conviction was first reversed, then affirmed by the court of appeals.⁹ Finally, when the U.S. Supreme Court had an opportunity to address the issue of whether the registration card had been obtained by means of an unlawful search,¹⁰ the Court, in a very short *per curiam* decision, simply announced that "objects falling in the plain view of an officer who has a right to be in the position to have that view are subject to seizure and may be introduced in evidence."¹¹ Because the Court found that the officer had a right to be in a position to view the vehicle registration card, the card was deemed to have been lawfully seized and admitted into evidence. Consequently, the conviction was affirmed, and the plain view doctrine was formally adopted.

A few years later, in the case of *Coolidge v. New Hampshire*, the Supreme Court had another opportunity to clarify the concept of plain view. In *Coolidge*, police officers investigating the murder of a 14-year-old girl obtained warrants to arrest Coolidge and search his car. Acting on those warrants, officers arrested Coolidge in his home and seized the automobile

parked in his driveway. The automobile was thoroughly searched and vacuumed 2 days later. Evidence obtained during the search was later admitted against Coolidge, who was found guilty and sentenced to life in prison. Both the judgment and sentence were affirmed by the Supreme Court of New Hampshire.¹² The U.S. Supreme Court then granted certiorari to "consider the constitutional questions raised by the admission of [certain] evidence against Coolidge at his trial."¹³

The first question considered by the Court in *Coolidge* was the validity of the warrant that authorized the search of Coolidge's car. The warrant in question was signed by the State attorney general acting as a justice of the peace.¹⁴ The attorney general, however, was also actively in charge of the murder investigation and later assumed the role of chief prosecutor at trial. Because the Court found that the attorney general was so closely aligned with law enforcement in this case that he could not be considered a neutral and detached magistrate as required by the Constitution,¹⁵ the warrant was declared invalid. With the warrant nullified, the search of Coolidge's automobile stood "on no firmer ground than if there had been no warrant at all."¹⁶ If, therefore, the search was to be justified, it had to be justified on one of the exceptions to the warrant requirement.¹⁷

In an effort to preserve the evidence seized from the automobile, the State advanced a number of theories which would bring the search of the automobile within one of the exceptions to the warrant requirement.¹⁸ One of the theories proposed by the State suggested that the vehicle could have been seized under the plain view doctrine and searched later as part of a custodial inventory. Ignoring the inventory portion of the State's argument, a

"... if probable cause to believe that an item is evidence of a crime cannot be established without making some further intrusion, no matter how slight, then the search and seizure of that item cannot be justified under the plain view doctrine."

plurality¹⁹ of the Court in *Coolidge* focused on the plain view exception to the warrant requirement and concluded that it was inapplicable to that case. In reaching this conclusion, the Court made the following statement regarding the plain view doctrine:

"What the 'plain view' cases have in common is that the police officer in each of them had a prior justification for an intrusion in the course of which he came inadvertently across a piece of evidence incriminating the accused. The doctrine serves to supplement the prior justification—whether it be a warrant for another object, hot pursuit, search incident to lawful arrest, or some other legitimate reason for being present unconnected with a search directed at the accused—and permits the warrantless seizure. Of course the extension of the original justification is legitimate only where it is immediately apparent to the police that they have evidence before them; the 'plain view' doctrine may not be used to extend a general exploratory search from one object to another until something incriminating at last emerges."²⁰

This synopsis of the plain view doctrine recognizes three limitations inherent in the concept: (1) The law enforcement officer must be in a lawful position when he (2) inadvertently comes across an item, (3) the evidentiary value of which is immediately apparent. Applying these limitations to the facts in *Coolidge*, the plurality found that the plain view doctrine did not apply because the discovery of the automobile in *Coolidge's* driveway was expected, not inadvertent. The seizure of the automobile was, therefore, unconstitutional, as was the subsequent search.

Although the decision in *Coolidge*

was merely a plurality opinion which established no binding precedent, the lower courts have generally adhered to the plurality's interpretation of the plain view doctrine and applied the inherent limitations to subsequent cases.²¹ The remainder of this article will examine the concept of plain view, analyze its limitations, and discuss what effect these limitations had on the outcome of *Arizona v. Hicks*.

LIMITATIONS TO THE PLAIN VIEW DOCTRINE

Officers in a Lawful Position

To See

Before the seizure of an item of evidence can be fully scrutinized in terms of the limitations of the plain view doctrine to determine whether it is admissible against a criminal defendant, the item must first be found to have been in plain view at the time it was seized. In other words, before the plain view doctrine can apply, a court must find that the particular object in question was plainly visible at the time it was seized by a law enforcement officer and that no unauthorized intrusion was necessary to bring the object into view.

This initial requirement for application of the plain view doctrine was illustrated in the case of *United States v. Irizarry*.²² In *Irizarry*, Federal agents and local law enforcement officers, armed with a valid arrest warrant, knocked and announced their presence prior to making a demand to enter the defendant's hotel room in Isla Verde, Puerto Rico. Before entering, one of the agents peered through the hotel room window and observed the defendant removing a gun from a handbag resting on a dresser. The agents and officers quickly took cover and made repeated demands for defendant and others in the room to come out. Approximately 5

minutes later, defendant and two others exited the room and were arrested. One agent then entered the hotel room to insure that no one else remained inside. Once in the room, the agent noticed marijuana residue in the bathtub and marijuana cigarette butts in the ashtrays. While this evidence was being collected, a second agent entered the hotel room to assist in securing the premises. In the bathroom, the second agent noted that a soundproofing panel in the ceiling was ajar. Climbing onto the toilet and looking into the space above the drop-ceiling, the agent found and seized three guns, two packages of marijuana, and one package of cocaine.²³ Defendant was subsequently charged with possession of the firearms and possession of the controlled substance with intent to deliver.

Prior to trial, defendant moved to suppress all the evidence seized from the hotel room. This motion, along with a second identical motion made during trial, was denied and defendant was convicted. On appeal, the government offered a two-step justification for the hotel room seizures. First, they argued that the initial entry and brief search of the room were made necessary by the exigent circumstances surrounding the arrest. Second, the government asserted that all items of evidence confiscated, including those items discovered above the ceiling, were in plain view and could lawfully be seized by agents legitimately on the premises.

Conceding the government's first argument, the court of appeals in *Irizarry* readily recognized that the emergency situation created by the lawful arrest of the hotel room occupants justified the subsequent entry of that room to search for others who might be present. Likewise, the court accepted a portion of the government's second argument—that the marijuana residue in the bathtub and the cigarette butts in

“... [p]lain view alone is never enough—the doctrine requires a catalyst to place an officer in a lawful position to seize the evidence.”

the ashtrays were items of evidence found in plain view by agents lawfully in the hotel room. However, the court was not willing to extend its acceptance to the items found above the ceiling soundproofing panel. Although noting that a law enforcement officer may “crane his neck, or bend over, or squat”²⁴ to observe items of interest without rendering the plain view doctrine inapplicable, the court held that the doctrine was not intended to “permit an officer to indulge in a frolic of his own.”²⁵ More simply, the plain view doctrine, by itself, cannot authorize any further intrusion into premises.²⁶

To be in plain view, an item must be plainly visible to a law enforcement officer standing in a position where he had a lawful right to be. Clearly, the agents who arrested Irizarry had a right to be in his hotel room, and they could lawfully seize items of evidence plainly visible to them. Unfortunately, the items of evidence found above the ceiling panel were not plainly visible to the agents standing in the room. Discovery of those items required the additional intrusion of climbing on the toilet, lifting the panel, and peering into the space above the ceiling. Because an additional intrusion, for which the agents had no legal basis, was required, seizure of these items could not be justified under the plain view doctrine. Consequently, the court of appeals in *Irizarry* suppressed these items of evidence and reversed defendant's conviction.

To Seize

Once a reviewing court has determined that a particular item of evidence was plainly visible to a law enforcement officer prior to its seizure, that court must next ascertain whether the law en-

forcement officer had a right to be in the position he occupied when he seized the evidence. Simply because an officer is in a lawful position to see an item does not necessarily mean he is in a lawful position to seize that item. If, for example, an officer standing on a public sidewalk, where he undoubtedly has a right to be, can look through the window of a private residence and see something he has reason to believe is evidence of a crime, the plain view doctrine would not justify the warrantless entry on to those premises to seize that item.²⁷ Although the officer was in a lawful position to see the evidence, he was not in a lawful position to seize it.

The difference between being in a lawful position to see and seize evidence is often explained by distinguishing “plain view” from “open view.” Judge Charles Moylan of the Maryland Special Court of Appeals aptly distinguished these two concepts as follows:

“Seeing something in open view does not, of course, dispose, ipso facto, of the problem of crossing constitutionally protected thresholds. Those who thoughtlessly overapply the plain view doctrine to every situation where there is a visual open view have not yet learned the simple lesson long since mastered by old hands at the burlesque houses, ‘You can’t touch everything you see.’

“Light waves cross thresholds with a constitutional impunity not permitted arms and legs. Wherever the eye may go, the body of a policeman may not necessarily follow.”²⁸

The Court in *Coolidge* recognized that a variety of reasons could justify an officer being in a lawful position to seize evidence in plain view. For instance, the Court pointed out that an officer executing a search warrant for specific

objects may, during the course of that search, come across some other items of an incriminating nature, and thus, be in a lawful position to seize those items.²⁹ Similarly, the initial intrusion which brings the law enforcement officer into contact with plain view evidence may be lawful, not because a warrant exists, but because one of the exceptions to the warrant requirement applies, such as consent,³⁰ hot pursuit,³¹ or a search incident to arrest.³² Regardless of the reason legitimizing an officer's presence in an area, one thing is clear: Plain view alone is never enough—the doctrine requires a catalyst to place an officer in a lawful position to seize the evidence.

Inadvertent Discovery

After concluding that a law enforcement officer was in a lawful position to both see and seize an item of evidence, a court must next decide whether the discovery of that particular item of evidence was inadvertent.³³ The inadvertency requirement, although discussed at length in *Coolidge*, has never been defined by the Supreme Court, and consequently, has caused considerable confusion in the lower courts. Some courts interpret the inadvertent limitation as requiring the discovery of plain view evidence to be totally unexpected.³⁴ An ever-increasing majority of courts,³⁵ however, considers the inadvertency requirement satisfied if, prior to conducting a search, law enforcement officers had less than probable cause to believe that the plain view evidence would be found.³⁶ Both interpretations of the inadvertency requirement are involved in the case of *United States v. Hare*.³⁷

In *Hare*, defendant was arrested by local police officers and was found to be

in possession of an illegal firearm. The weapon and information regarding Hare was turned over to agents of the Federal Bureau of Alcohol, Tobacco and Firearms (ATF) who began an intensive investigation which led them to believe that Hare was a key figure in an illegal firearms operation. During the course of their investigation, ATF agents also discovered that Hare was suspected by agents of the Drug Enforcement Administration (DEA) of being involved in the illegal distribution of cocaine. Consequently, when ATF agents obtained a warrant to search Hare's premises, DEA agents were requested to participate in the search to identify any controlled substances that may be found at the scene. The subsequent search resulted in the seizure of numerous weapons and large quantities of cocaine.

During the preliminary stages of his narcotics prosecution, Hare moved to suppress the cocaine on the grounds that it had been illegally seized. The government, recognizing that a warrant to search for illegally possessed weapons could not support the seizure of controlled substances, argued that the cocaine was discovered in plain view while the agents were lawfully on Hare's premises pursuant to the search warrant. Resolving the dispute, the district court analyzed the seizure of the cocaine in light of the limitations announced in *Coolidge* and found it to be illegal. The discovery of the cocaine, claimed the district court, was expected, and therefore, not inadvertent. Proof of the agents' expectations was found in the presence of DEA agents during the search. In granting defendant's motion to suppress, the district court stated:

"The Agents in this case expected to find drugs at the residence, and

this expectation supplied at least some impetus for the search. Furthermore, the Court finds that the warrant was executed with the intention of seizing any drugs found in plain view and thus was used, at least in part, as a pretext or subterfuge to search for evidence of drug violation."³⁸

The court of appeals reviewing the decision in *Hare*, however, subscribed to a different interpretation of the *Coolidge* inadvertency requirement. According to the court of appeals, the requirement that the discovery of evidence be inadvertent was intended only to condemn reliance on the plain view doctrine for seizures that *could have been authorized by warrant*.³⁹ Because the mere expectation that evidence will be found during a search could not support the issuance of a warrant, the purpose of the inadvertency requirement would not be contravened by allowing the plain view seizure of such evidence. If, on the other hand, prior to the search probable cause exists to believe that certain evidence will be found, a warrant could be issued, and the purpose of the inadvertency requirement would be satisfied by prohibiting the plain view seizure of that evidence.⁴⁰ Applying this interpretation of the inadvertency requirement to the facts in *Hare*, the court of appeals concluded that prior to commencing the search, the agents did not have probable cause to search for drugs, no warrant could have been issued to authorize such a search, and consequently, the discovery of the cocaine was inadvertent. The decision of the district court was, therefore, reversed, and the evidence was declared admissible.

Both interpretations of the inadvertency requirement have won acceptance in various courts over the years.⁴¹

Although the interpretation advanced by the court of appeals in *Hare* appears to be more logical, no definitive statement can be made regarding the validity of either interpretation without a pronouncement from the Supreme Court. Until then, law enforcement officers can avoid the potential risks of suppression by obtaining search warrants whenever possible and by describing in the warrants all items for which probable cause can be established.

Immediately Apparent

The final limitation placed on the plain view doctrine by the Supreme Court in *Coolidge* is the requirement that the incriminating nature of seized items be "immediately apparent" to law enforcement officers. Like the inadvertent requirement, the concept of "immediately apparent" was never defined in *Coolidge* and caused considerable consternation in the lower courts.⁴² In fact, the Supreme Court itself later observed that "the use of the phrase 'immediately apparent' was very likely an unhappy choice of words, since it can be taken to imply that an unduly high degree of certainty as to the incriminatory value of evidence is necessary for an application of the 'plain view' doctrine."⁴³ Fortunately, the confusion caused by the phrase "immediately apparent" was, for the most part,⁴⁴ resolved by the Court in the 1983 case of *Texas v. Brown*.⁴⁵

In *Brown*, defendant's automobile was stopped by a local police officer manning a routine driver's license checkpoint. When asked to produce his driver's license, Brown withdrew his hand from his pocket and dropped an opaque, green party balloon, knotted about one-half inch from the top, onto the seat beside him. While looking for

"... law enforcement officers can avoid the potential risks of suppression by obtaining search warrants whenever possible and by describing in the warrants all items for which probable cause can be established."

his license, Brown rummaged through the contents of the glove compartment, which included an open bag of party balloons and several plastic vials of a white powder. All of Brown's actions were observed by the police officer standing next to the automobile.⁴⁶ Unable to produce his license, Brown was asked to step out of the car. When Brown complied, the attending police officer reached inside the vehicle and seized the green balloon which appeared to contain a powdery substance. Believing the substance to be a narcotic, the officer placed Brown under arrest and conducted a search of the entire vehicle. Later, it was determined that the balloon contained heroin.

Brown moved to suppress the contents of the balloon on the grounds that the initial seizure was unlawful. Specifically, Brown argued that contrary to the government's assertions, the balloon could not have been seized pursuant to the plain view doctrine because the evidentiary value of the balloon was not "immediately apparent" at the time of the seizure. Not swayed by Brown's argument, the trial court denied the motion to suppress, and Brown was subsequently convicted on charges of possessing the heroin. The State court of appeals, however, was more receptive to Brown's contentions and ultimately reversed the conviction on the grounds that the "immediately apparent" limitation of the plain view doctrine required the police officer to "know that incriminatory evidence was before him when he seized the balloon."⁴⁷ The U.S. Supreme Court granted certiorari⁴⁸ to resolve the conflict over the meaning of the phrase "immediately apparent."

A majority of the Supreme Court in *Brown* had no trouble deciding that the "immediately apparent" requirement would be satisfied if a law enforcement officer had probable cause to believe

what he saw was either evidence or contraband. Citing the language in previous decisions, the Court stated that "the seizure of property in plain view involves no invasion of privacy and is *presumptively reasonable, assuming that there is probable cause to associate the property with criminal activity.*"⁴⁹ Requiring probable cause for the seizure, reasoned the Court, was consistent with fourth amendment principles and constituted a workable standard for law enforcement officers.

Applying the now clearer concept of "immediately apparent" to the facts in *Brown*, the Court found that it was obvious, based on the arresting officer's observations and expertise, that probable cause existed to believe that the party balloon contained a controlled substance. Accordingly, seizure of the balloon was deemed lawful under the plain view doctrine, and the decision of the court of appeals was reversed.

APPLICATION OF THE PLAIN VIEW DOCTRINE IN *ARIZONA v. HICKS*

In *Hicks*, the Supreme Court was tasked with determining whether the stolen stereo components were properly seized from Hicks' apartment. As previously noted, the stereo equipment was seized pursuant to a search warrant. However, if the serial numbers that formed the basis of the probable cause used to support the issuance of the warrant were obtained unlawfully, then the warrant would be rendered invalid. To resolve this issue, the Supreme Court focused its attention on the initial search which had revealed those serial numbers. The Court's analysis was divided into two phases.

In the first phase of its analysis, the Supreme Court considered whether those serial numbers were obtained in accordance with the plain view doc-

trine. On this particular point, despite vehement dissents by three members of the Court,⁵⁰ the majority concluded that the plain view doctrine could not justify the recording of the serial numbers. While accepting that the officers were lawfully present in Hicks' apartment based upon the emergency created by the shooting, the Court found that the concealed serial numbers on the stereo components were not plainly visible to those officers because they had to move the components to gain access to those numbers.⁵¹ Inasmuch as an additional intrusion was required to reveal the serial numbers, the search for the serial numbers could not be justified under the plain view doctrine.

In the second phase of its analysis, the Court contemplated whether the plain view doctrine would have sustained the seizure of the stereo equipment itself. For, according to the Court, "it would be absurd to say that an object could lawfully be seized and taken from the premises, but could not be moved for closer examination."⁵² Clearly, the stereo equipment was plainly visible to the officers lawfully on Hicks' premises. Additionally, there was no question that those same officers were in a lawful position to seize the equipment which they inadvertently discovered. The final issue was, therefore, whether the evidentiary value of the stereo components was "immediately apparent" to those officers. In other words, prior to the search which revealed the serial numbers, did the officers have probable cause to believe the equipment was stolen. Unfortunately, in response to this question, the State had previously conceded that the officers merely had a reasonable suspicion that the items were stolen.⁵³ Consequently, the Supreme Court had no alternative but to find that the "immediately apparent" requirement of the plain view doctrine

was not satisfied. Because neither the serial numbers nor the stereo equipment itself could be seized pursuant to the plain view doctrine, the search was declared unlawful and the evidence was suppressed.

CONCLUSION

The importance of the decision in *Hicks* is found, not so much in what the Court did, as in what it did not do. Specifically, the Supreme Court refused to make a distinction between cursory inspections involving minor intrusions and "full blown" searches.⁵⁴ Instead, the Court ruled that both actions require probable cause to make them reasonable under the fourth amendment. Although numerous lower courts have made this distinction and allowed cursory inspections of items in plain view for which law enforcement officers had only a reasonable suspicion that the items were evidence or contraband,⁵⁵ a majority of the Supreme Court⁵⁶ held that such a distinction contravenes the probable cause requirement of the fourth amendment. With respect to the facts in *Hicks*, the Court stated that "it matters not that the search uncovered nothing of any great value to [Hicks]—serial numbers rather than (what might, conceivably have been hidden behind or under the equipment) letters or photographs. A search is a search, even if it happens to disclose nothing but the bottom of a turntable."⁵⁷

The Supreme Court's refusal to permit cursory inspections of items in plain view absent probable cause to believe that those items have evidentiary value may have a wide-ranging effect on law enforcement investigations. For instance, the *Hicks* decision makes it clear that under the plain view doctrine, weapons found during a search could not be moved to reveal serial numbers unless there is probable cause to be-

lieve those weapons are evidence of a crime.⁵⁸ Similarly, notebooks could not be opened or video tapes played⁵⁹ to reveal their contents without the requisite probable cause. In short, if probable cause to believe that an item is evidence of a crime cannot be established without making some further intrusion, no matter how slight, then the search and seizure of that item cannot be justified under the plain view doctrine.

FBI

Footnotes

- ¹107 S.Ct. 1149 (1987) [hereinafter cited as *Hicks*].
- ²The officers were admitted to Hicks' apartment by the manager of the apartment complex.
- ³One turntable was seized immediately. The remaining components were seized pursuant to a search warrant issued on the basis of an affidavit containing the serial number information.
- ⁴*State v. Hicks*, 707 P.2d 331 (Ariz. App. 1985).
- ⁵This point was conceded by both parties to the action.
- ⁶The Arizona Court of Appeals relied on a statement in *Mincey v. Arizona*, 437 U.S. 385 (1978), that a "warrantless search must be 'strictly circumscribed by the exigencies which justify its initiation.'" *Id.* at 393 (citation omitted). See, *supra* note 4, at 332.
- ⁷106 S.Ct. 1512 (1986).
- ⁸390 U.S. 234 (1968) [hereinafter cited as *Harris*].
- ⁹The U.S. Court of Appeals for the District of Columbia Circuit reversed the conviction of Harris on the grounds that the registration card had been seized as a result of an unlawful search. However, the government's petition for an *en banc* review was granted, and the conviction was affirmed. See *Harris v. United States*, 370 F.2d 477 (D.C. Cir. 1966).
- ¹⁰The Supreme Court granted certiorari at 386 U.S. 1003 (1967).
- ¹¹*Harris*, *supra* note 8, at 236.
- ¹²403 U.S. 443 (1971) [hereinafter cited as *Coolidge*].
- ¹³See *State v. Coolidge*, 260 A.2d 547 (N.H. 1969).
- ¹⁴*Coolidge*, *supra* note 12, at 448.
- ¹⁵The Supreme Court found that the policy underlying the fourth amendment to the Constitution requires that all warrants be issued by neutral and detached magistrates. *Coolidge*, *supra* note 12, at 449.
- ¹⁶*Id.* at 453.
- ¹⁷Any search conducted without a warrant is per se invalid unless it can be fit into one of the narrowly defined exceptions to the warrant requirement. *Katz v. United States*, 389 U.S. 347 (1967).
- ¹⁸In addition to "plain view," the State also argued unsuccessfully that the search was justified either as a search incident to arrest or under the motor vehicle exception to the warrant requirement.
- ¹⁹Only four justices agreed on the portion of the decision that pertained to plain view.
- ²⁰*Coolidge*, *supra* note 12, at 466.
- ²¹In *Texas v. Brown*, 460 U.S. 730 (1983), the Supreme Court noted that although the *Coolidge* decision was not binding precedent, it should obviously be the point of reference for further discussion on the issue. *Id.* at 737.
- ²²673 F.2d 554 (1st Cir. 1982) [hereinafter cited as *Irizarry*].

²³The agent used a flashlight when searching the space above the ceiling. However, the use of the flashlight had no bearing on the outcome of the case. For plain view cases involving the use of flashlights, see *United States v. Wright*, 449 F.2d 1355 (D.C. Cir. 1971); *United States v. Lara*, 517 F.2d 209 (5th Cir. 1975); *United States v. Lewis*, 504 F.2d 92 (6th Cir. 1974); *United States v. Johnson*, 506 F.2d 674 (8th Cir. 1974); and *United States v. Hood*, 493 F.2d 677 (9th Cir. 1974).

²⁴*Irizarry*, *supra* note 22, at 560.

²⁵*Id.*

²⁶In *Irizarry*, the court noted that if the plain view doctrine could be cited as justification for further entry into premises, a "police officer who entered a student's room to break up a brawl would be allowed to clamber up the bookcase to see what sort of illicit matter might be hiding behind Madame Bovary." *Id.*

²⁷For an excellent discussion on this issue, see *Ensor v. State*, 403 So.2d 349 (Fla. 1981).

²⁸Moylan, "The Plain View Doctrine: Unexpected Child of the Great 'Search Incident' Geography Battle," 26 Mercer L. Rev. 1047, 1096 (1975).

²⁹*Coolidge*, *supra* note 12, at 582.

³⁰See, e.g., *United States v. Baldwin*, 621 F.2d 251 (6th Cir. 1980) and *Lance v. State*, 425 N.E. 2d 77 (Ind. 1981).

³¹See, e.g., *Warden v. Hayden*, 387 U.S. 58 (1967).

³²See, e.g., *Chimel v. California*, 395 U.S. 752 (1969).

³³The inadvertency requirement has never been adopted by a majority of the U.S. Supreme Court. Justice White is particularly opposed to this requirement and has made his position quite clear. See, e.g., *Hicks*, *supra* note 1 (White, J., concurring); *Texas v. Brown*, 460 U.S. 730 (1983) (White, J., concurring); *Coolidge*, *supra* note 12 (White, J., dissenting).

³⁴See, e.g., *State v. Caponi*, 466 N.E.2d 551 (Ohio 1984); *Gonzales v. State*, 507 P.2d 1277 (Okla. Crim. 1973); *State v. Catlette*, 221 N.W.2d 25 (S.D. 1974).

³⁵See, e.g., *United States v. Hare*, 589 F.2d 1291 (6th Cir. 1979); *United States v. Bolts*, 558 F.2d 316 (5th Cir. 1977); *United States v. Montell*, 526 F.2d 1008 (2d Cir. 1975).

³⁶Justifying its position on this issue, the court of appeals in *United States v. Hare*, 589 F.2d 1291 (6th Cir. 1979) made the following statement:

"We conclude, then, that 'inadvertence' in this context means that the police must be without probable cause to believe evidence would be discovered until they actually observe it in the course of an otherwise-justified search. There are many times when a police officer may 'expect' to find evidence in a particular place, and that expectation may range from a weak hunch to a strong suspicion. However, the Fourth Amendment prohibits either a warrant to issue or a search based on such expectation. Yet, if... that hunch or suspicion is confirmed by actual observation, the police are in precisely the same position as if they were taken wholly by surprise by the discovery. The same exigent circumstances exist, and no warrant could have been obtained before the discovery." *Id.* at 1294.

³⁷589 F.2d 1291 (6th Cir. 1979) [hereinafter cited as *Hare*].

³⁸*Id.* at 1293.

³⁹*Id.* at 1294.

⁴⁰*Id.*

⁴¹See *supra* notes 34 and 35.

⁴²See Ronnie Altman Cintron, "The Plain View Exception to the Fourth Amendment," Search and Seizure Law Report, vol. 10, No. 10, November 1983, p. 178. See also, *United States v. Thomas*, 676 F.2d 239 (7th Cir. 1980); *United States v. Schire*, 586 F.2d 15 (7th Cir. 1978).

⁴³*Texas v. Brown*, 460 U.S. 730, 741 (1983).

⁴⁴In *Brown*, the Court did not answer whether "in

Book Review

Personal Identification From Human Remains,

by Spencer L. Rogers,
Charles C. Thomas—Publisher
1987. \$23.50, 70 pages.

On a scale of 1 to 10, *Personal Identification From Human Remains* has to score top marks. The book is a good companion analysis of forensic medicine and is short enough, full enough, and nontechnical enough to be understood by those officers with no previous forensic background. This does not mean the work is superficial; on the contrary, it is precise and accurate and covers all spectrums of forensic investigation. Professor Rogers has somehow managed to condense a great deal of knowledge on the subject into some 70 pages of easy-to-read text and still retain excellence and thoroughness in six chapters embracing (1) The Transformations of Death and Visual Recognition, (2) Fingerprinting the Dead, (3) Identification Through Dentition, (4) Reconstruction From the Skeleton, (5) Reconstructing the Face and (6) Pathology, Trauma and Surgery.

The dental section is extremely well done—very detailed, nicely diagrammatic, and with many useful tables. The early part of the book could possibly use a bit more in the way of tables, not necessarily diagrams, but tables which relate to timing. The osteological section (relating to bones) is good without being too technical or involved and hence is easily understood.

One gets the impression that the entire book is probably as up-to-date as possible, but there is an inkling that the general field requires much more research as far as the timing of death is concerned. Perhaps more details about the various psychological processes of death require more forensic research? Such knowledge would certainly man-

ifest greater accuracy in timing where death happens to occur in less than 2 weeks, even down to time periods measured in hours. We are not referring here to a newly found body, but one that is, for instance, a week or so old. The lack of this particular element is not so much a failure of the book, but a failure of current forensic fact in terms of needed research.

The chapter dealing with the transformation of death and visual recognition is exceptionally good and well written. For instance, an example of the author's style in this chapter reads: "In summary, the decomposition of the body depends on four primary factors: warmth, air, moisture and bacteria. The presence or absence of any or a combination of these has a profound effect on the preservation of a body."

The text on fingerprinting the dead is both definitive and easy to follow. Dental identification, reconstruction from the skeletal remains, reconstructing the face, and the subjects of pathology, trauma, and surgery are normally deemed to be quite complicated fields of study. Nevertheless, this book will meet most of the requirements of officers in county sheriff and police departments who have to deal with identification from human remains.

Law enforcement officers wishing to specialize in the forensic aspects of investigatory procedures will find a wealth of further reading listed in the book's comprehensive bibliography, and unlike far too many texts of this nature, there is also a full glossary of terms used.

The average young officer (and older officers too) would glean enough useful information from this book to make its acquisition more than worth while.

Dr. Alastair Segerdal
Dr. Eugene Miller
Dr. Norman Singer

some circumstances, a degree of suspicion lower than probable cause would be sufficient basis for a seizure in certain cases." *Id.* at 742, n. 7. This question was not completely resolved in the negative until the Court's decision in *Hicks*, *supra* note 1.

⁴⁵460 U.S. 730 (1983) [hereinafter cited as *Brown*].

⁴⁶The police officer in *Brown* used a flashlight to see into the automobile. However, the use of the flashlight had no impact on the outcome of the case. See *supra* note 23.

⁴⁷*Brown v. State*, 617 S.W.2d 196, 200 (Tex. Crim. App. 1982).

⁴⁸457 U.S. 1116 (1982).

⁴⁹*Brown*, *supra* note 45, at 741, 742 (emphasis in original) [quoting *Payton v. New York*, 445 U.S. 573 (1980)].

⁵⁰Chief Justice Rehnquist along with Justices Powell and O'Connor dissented on the grounds that recording of the serial numbers could be justified on less than probable cause. The dissenters expressed the belief that the cursory inspection of an item found in plain view is reasonable if there is reasonable suspicion that the item is evidence of a crime. *Hicks*, *supra* note 1, at 1157 (O'Connor, J., dissenting).

⁵¹The Court in *Hicks* made the following observation:

"Merely inspecting those parts of the turntable that came into view during the latter search would not have constituted an independent search, because it would have produced no additional invasion of respondent's privacy interest. But taking action, unrelated to the objectives of the authorized intrusion, which exposed to view concealed portions of the apartment or its contents, did produce a new invasion of respondent's privacy unjustified by the exigent circumstances that validated the entry." *Hicks*, *supra* note 1, at 1152 (citations omitted).

⁵²*Hicks*, *supra* note 1, at 1153.

⁵³Justice Powell termed the State's actions in conceding this point as "unwise." *Id.* at 1156 (Powell, J., dissenting).

⁵⁴The court held that the "distinction between 'looking' at a suspicious object in plain view and 'moving' it even a few inches is much more than trivial for purposes of the Fourth Amendment." *Id.* at 1152.

⁵⁵See, e.g., *United States v. Marbury*, 732 F.2d 390 (5th Cir. 1984); *United States v. Hillyard*, 677 F.2d 1336 (9th Cir. 1982); *United States v. Wright*, 667 F.2d 793 (9th Cir. 1982); *United States v. Crouch*, 648 F.2d 932 (4th Cir. 1981); *United States v. Roberts*, 619 F.2d 379 (5th Cir. 1980); *United States v. Damitz*, 495 F.2d 50 (9th Cir. 1974).

⁵⁶Chief Justice Rehnquist along with Justices Powell and O'Connor dissented on this issue. The dissenting Justices would support making a distinction between the cursory inspection of an item and a "full blown" search of that item. See *supra* note 50.

⁵⁷*Hicks*, *supra* note 1, at 1152, 53.

⁵⁸See, e.g., *United States v. Gray*, 484 F.2d 352 (6th Cir. 1973).

⁵⁹See, e.g., *Stanley v. Georgia*, 394 U.S. 557 (1969).

1987 Index

ARSON

"Motive-Based Offender Profiles of Arson and Fire-Related Crimes," David J. Icove and M.H. (Jim) Estep, April 1987, p. 17.

COOPERATION

"Military Assistance and Surplus Government Property to Law Enforcement Agencies," C. Fredric Anderson, July 1987, p. 15.

CRIME PROBLEMS

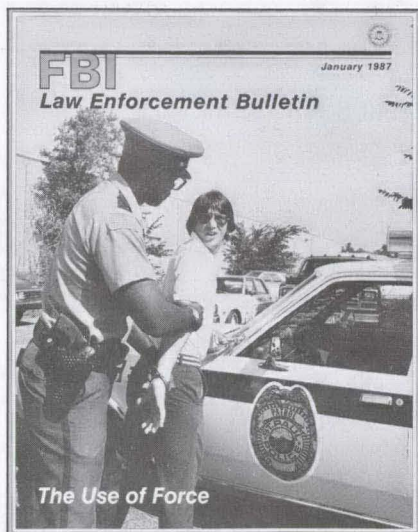
"Boating and Alcohol: A Crucial Law Enforcement Issue," Capt. Franklin I. Wood, August 1987, p. 11.
 "Telecommunications Fraud Devices," George N. Aylesworth and Det. Marianne Swan, September 1987, p. 1.
 "Children As Burn Victims," D/Lt. Jack R. Shepherd, July 1987, p. 9.

CRIME STATISTICS

"Crime in the United States—1986," September 1987, p. 5.

EQUIPMENT

"SONAR: Underwater Search and Recovery," Sgt. John W. Will, May 1987, p. 1.



FORENSIC SCIENCE

"Collecting and Handling Evidence Infected with Human Disease-Causing Organisms," Paul D. Bigbee, July 1987, p. 1.
 "Making Effective Forensic Audio Tape Recordings," Bruce E. Koenig, May 1987, p. 10.
 "The 'Bobby Joe' Long Serial Murder Case: A Study in Cooperation," Capt. Gary Terry and Michael P. Malone, (Part 1) November 1987, p. 12; (Conclusion) December 1987, p. 7.

IDENTIFICATION

"On-Line Exchange of Fingerprint Identification Data," Dennis G. Kurre, December 1987, p. 14.

INVESTIGATIVE TECHNIQUES

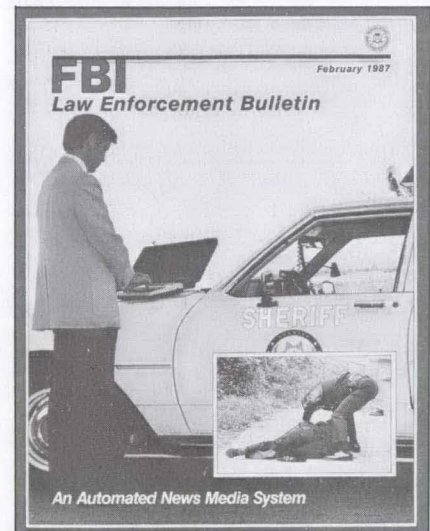
"Benevolent Interrogation," Stephen D. Gladis and John E. Hess, Jr., July 1987, p. 20.
 "Police Interviews of Sexually Abused Children," Sgt. Michael A. Hertica, April 1987, p. 12.

LAW ENFORCEMENT ROLE

"Integrity: The Cornerstone of Our Tax System," C. Arnold Decker, August 1987, p. 8.
 "Mandating Arrests for Domestic Violence," Lt. Harv Ferguson, April 1987, p. 6.

LEGAL DIGEST

"Emergency Searches of Premises," John Gales Sauls, (Part 1) March, 1987, p. 23; (Conclusion) April 1987, p. 24.
 "Fourth Amendment Rights of Law Enforcement Employees Against Searches of Their Workspace," Daniel L. Schofield, July 1987, p. 24.
 "Intrusive Body Searches: A Question of Reasonableness," Kimberly A. Kingston, February 1987, p. 22.
 "The Inventory Search," John C. Hall, (Part 1) August 1987, p. 26; (Con-



clusion) September 1987, p. 25.
 "Look But Don't Touch: The Plain View Doctrine," Kimberly A. Kingston, December 1987, p. 17.
 "Minimization Requirements in Electronic Surveillance," Robert A. Fiatal, (Part 1) May 1987, p. 25; (Conclusion) June 1987, p. 21.
 "Urinalysis Drug Testing Programs for Law Enforcement," Jeffrey Higginbotham, (Conclusion) January 1987, p. 16.
 "Waiver of Rights in Custodial Interrogations," Jeffrey Higginbotham, November 1987, p. 22.

MANAGEMENT

"Transformational Police Leadership," Donald C. Witham, December 1987, p. 2.

NARCOTICS

"Sports Drug Awareness Program," Rose Anne Fedorko, January 1987, p. 1.

OPERATIONS

"Impact Fees: A Fiscal Response," Lt. Bruce A. Mills, September 1987, p. 14.

"ROPE: Repeat Offender Program Experiment," Cornelius J. Behan, March 1987, p. 1.

"Use of a Video Camera for DUI Investigations," Sgt. Lloyd Kilpack, May 1987, p. 6.

ORGANIZED CRIME

"The Sicilian Mafia and Its Impact on the United States," Sean M. McWeeney, February 1987, p. 1.

PERSONNEL

"The Employee Council," James W. Skidmore, March 1987, p. 13.

PHYSICAL FITNESS

"Health/Fitness and Professional Education: An Innovative Course at the FBI Academy," Gerald M. Smith and Francis R. Dunphy, August 1987, p. 16.

POINT OF VIEW

"An Idea Whose Time Has Come," Jan C. Scruggs, November 1987, p. 20.

"I Answered the Call of Duty," Edward J. Tully, November 1987, p. 19.

"Men and Women Who Wear the Badge ... That Others May Find Their Way," Hon. Peter T. Fay, February 1987, p. 15.

"You're a Newly Appointed Chief of Police!" William D. Franks, July 1987, p. 6.

POLICE COMMUNITY RELATIONS

"Establishing a Foreign Language Bank," Matt L. Rodriguez and Sgt. James Devereaux, March 1987, p. 9.

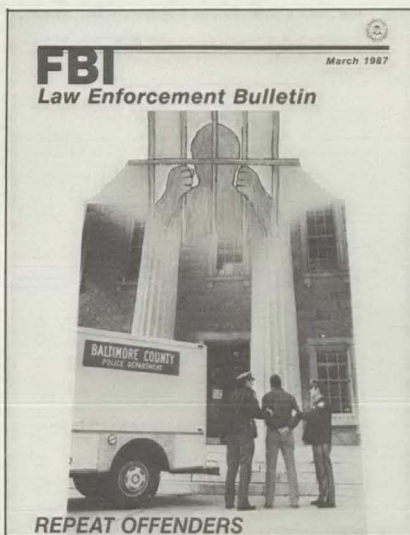
"Detroit's Proactive Approach to Law Enforcement," Insp. Nathaniel Topp, August 1987, p. 22.

Ross Lundstrom, January 1987, p. 6.

POLICE HISTORY

"A Tradition of Excellence: The Southern Police Institute," B. Edward Campbell and Norman E. Pomrenke, February 1987, p. 11.

"FBI Director Webster's Impact on Law Enforcement," Thomas J. Deakin, August 1987, p. 1.



POLICE CONDUCT

"The Use of Force: One Department's Experience," Cynthia Mullan and Lt.

PRESS RELATIONS

"An Automated News Media System," Sgt. Roger Dickson, February 1987, p. 18.

"In and Out of a Question-and-Answer Period—SUCCESSFULLY," Harry A. Mount, March 1987, p. 17.

RESEARCH

"An Introduction to the Serial Rapist: Research by the FBI," Ann W. Burgess and Robert R. Hazelwood, September 1987, p. 16.

TECHNOLOGY

"Polygraph Policy Model for Law Enforcement," Ronald M. Furgerson, June 1987, p. 6.

"Teleconferencing System History," Mitchell C. Kelsey, November 1987, p. 9.

"Televised Courtroom Proceedings as an Alternative to Prisoner Transports," 1st Sgt. Drew Rotermund, May 1987, p. 19.

"Testing Technology for Law Enforcement Agencies," Jolene HERNON and Lester Shubin, January 1987, p. 10.

TERRORISM

"Domestic Terrorism in the 1980's," John W. Harris, Jr., October 1987, p. 5.

"The FBI and Terrorism," Steven L. Pomerantz, October 1987, p. 14.

"FBI's Expanding Role in International Terrorism Investigations," D.F. Martell, October 1987, p. 28.

"A Hostage Psychological Survival Guide," Thomas Strentz, November 1987, p. 1.

"Irish Terrorism Investigations," J.L. Stone, Jr., October 1987, p. 18.

"Narco-Terrorism," Daniel Boyce, October 1987, p. 24.

"Terrorism Today," Oliver B. Revell, October 1987, p. 1.

TRAINING

"Mandated Training for Private Security," Joseph G. Deegan, March 1987, p. 6.

"Joint Satellite Venture Yields Down-To-Earth Benefits," Tony E. Triplett and Michael P. Kortan, June 1987, p. 1.

"St. Louis Police Training: A Long and Proud History and Today's Regional Concept," Larry L. Brockelsby and Col. Robert E. Scheetz, April 1987, p. 1.

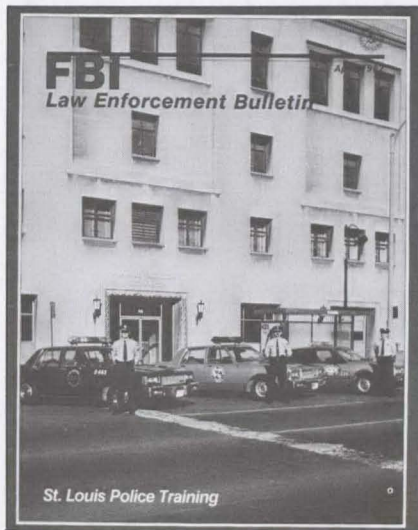
1987 Author Index

A

- Anderson, C. Fredric, Special Agent, Criminal Investigative Division, Federal Bureau of Investigation, Washington, DC, "Military Assistance and Surplus Government Property to Law Enforcement Agencies," July 1987, p. 15.
- Aylesworth, George N., Supervisor, Police Legal Unit, Metro-Dade Police Department, Miami, FL, "Telecommunications Fraud Devices," September 1987, p. 1.

B

- Behan, Cornelius J., Chief of Police, Baltimore County, MD, "ROPE: Repeat Offender Program Experiment," March 1987, p. 1.
- Bigbee, Paul D., Special Agent, Serology Unit, Laboratory Division, Federal Bureau of Investigation, Washington, DC, "Collecting and Handling Evidence Infected with Human Disease-Causing Organisms," July 1987, p. 1.
- Boyce, Daniel, Intelligence Research Specialist, Terrorist Research and Analytical Center, Federal Bureau of Investigation, Washington, DC,



"Narco-Terrorism," October 1987, p. 24.

- Brockelsby, Larry L., Director, Greater St. Louis Police Academy, St. Louis, MO, "St. Louis Police Training: A Long and Proud History and Today's Regional Concept," April 1987, p. 1.

Burgess, Ann W., van Amerigen Professor of Psychiatric Mental Health Nursing, University of Pennsylvania, Philadelphia, PA, "An Introduction to the Serial Rapist: Research by the FBI," September 1987, p. 16.

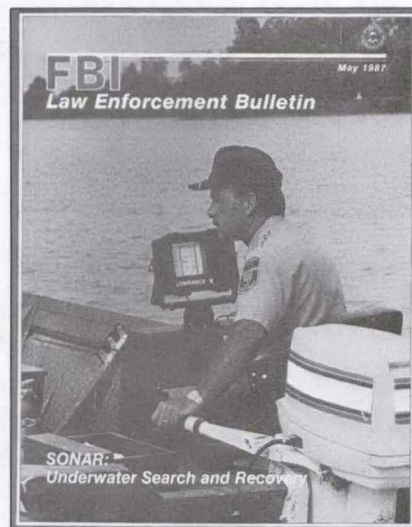
C

- Campbell, B. Edward, Faculty Member, Southern Police Institute, University of Louisville, Louisville, KY, "A Tradition of Excellence: The Southern Police Institute," February 1987, p. 11.

D

- Deakin, Thomas J., Editor, FBI Law Enforcement Bulletin, "FBI Director Webster's Impact on Law Enforcement," August 1987, p. 1.
- Decker, C. Arnold, Director, Internal Security Division, Inspection Service, Internal Revenue Service, Washington, DC "Integrity: The Cornerstone of Our Tax System," August 1987, p. 8.
- Deegan, Joseph G., General Supervisor, Loss Prevention, Baltimore Gas and Electric, Baltimore, MD, "Mandated Training for Private Security," March 1987, p. 6.
- Devereaux, Sgt. James, Administration Section, Bureau of Technical Services, Police Department, Chicago, IL, "Establishing a Foreign Language Bank," March 1987, p. 9.

Dickson, Sgt. Roger, Public Information Officer, Sacramento County



Sheriff's Department, Sacramento, CA, "An Automated News Media System," February 1987, p. 18.

Dunphy, Francis R., Special Agent, Police Training Unit, FBI Academy, Quantico, VA, "Health/Fitness and Professional Education: An Innovative Course at the FBI Academy," August 1987, p. 16.

E

Estepp, M.H. (Jim), Fire Chief, Prince George's County Fire Department, Upper Marlboro, MD, "Motive-Based Offender Profiles of Arson and Fire-Related Crimes," April 1987, p. 17.

F

Fay, Hon. Peter T., 11th Judicial Circuit, U.S. Court of Appeals, Miami, FL, "Men and Women Who Wear the Badge ... That Others May Find Their Way," February 1987, p. 15.

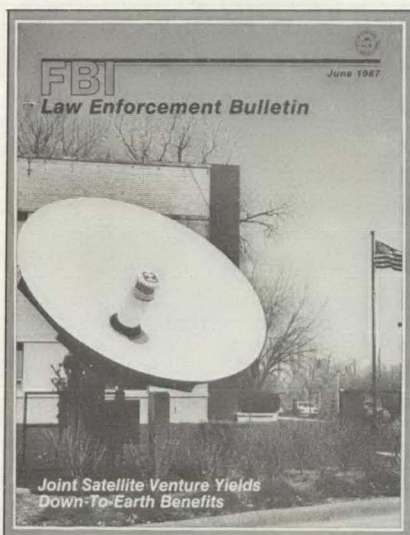
Fedorko, Rose Anne, Writer, Office of Congressional and Public Affairs, Federal Bureau of Investigation, Washington, DC, "Sports Drug Awareness Program," January 1987, p. 1.

Ferguson, Lt. Harv, Seattle Police Department, Seattle, WA, "Mandating Arrests for Domestic Violence," April 1987, p. 6.

Fiatal, Robert A., Special Agent, Legal Counsel Division, FBI Academy, Federal Bureau of Investigation, Quantico, VA, "Minimization Requirements in Electronic Surveillance," (Part 1) May 1987, p. 25; (Conclusion) June 1987, p. 21.

Franks, William D., Chief of Policy, Fargo, ND, "You're a Newly Appointed Chief of Police!" July 1987, p. 6.

Furgerson, Ronald M., Special Agent/Asst. Sect. Chief, Document Section, Laboratory Division, Federal Bureau of Investigation, Washington, DC, "Polygraph Policy Model for Law Enforcement," June 1987, p. 6.



G

Gladis, Stephen D., Special Agent, Office of Congressional and Public Affairs, Federal Bureau of Investigation, Washington, DC, "Benevolent Interrogation," July 1987, p. 20.

H

Hall, John C., Special Agent, Legal Counsel Division, FBI Academy, Federal Bureau of Investigation, Quantico, VA, "The Inventory Search," (Part 1) August 1987, p. 26; (Conclusion) September 1987, p. 25.

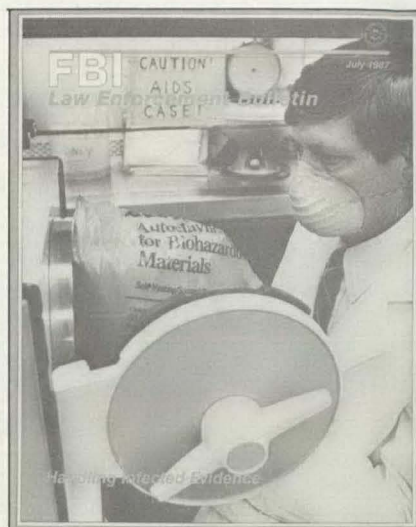
Harris, John W., Jr., Intelligence Research Specialist, Terrorist Research and Analytical Center, Federal Bureau of Investigation, Washington, DC, "Domestic Terrorism in the 1980's," October 1987, p. 5.

Hazelwood, Robert R., Special Agent, Behavioral Science Instruction and Research Unit, FBI Academy, Quantico, VA, "An Introduction to the Serial Rapist: Research by the FBI," September 1987, p. 16.

Hernon, Jolene, Senior Writer-Editor, Technology Assessment Program Information Center, Rockville, MD, "Testing Technology for Law Enforcement Agencies," January 1987, p. 10.

Hertica, Sgt. Michael A., Supervisor, Juvenile Section, Police Department, Torrance, CA, "Police Interviews of Sexually Abused Children," April 1987, p. 12.

Hess, John E. Jr., Special Agent, Education/Communication Arts Unit, FBI Academy, Quantico, VA, "Benevolent Interrogation," July 1987, p. 20.



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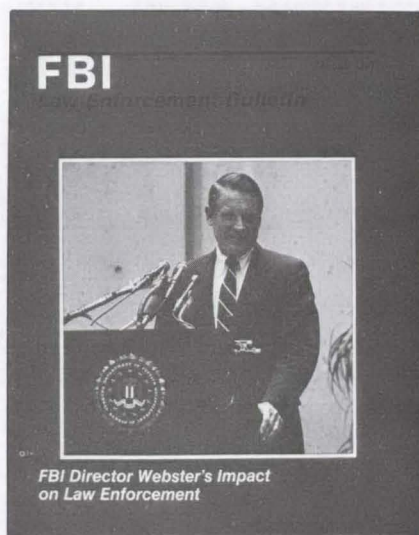
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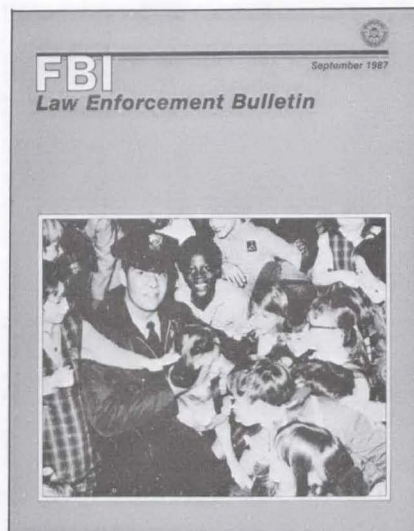
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FBI

Law Enforcement Bulletin



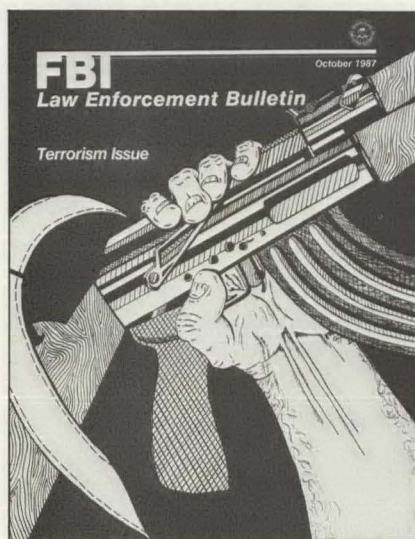
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WANTED BY THE FBI

Any person having information which might assist in locating these fugitives is requested to notify immediately the Director of the Federal Bureau of Investigation, U.S. Department of Justice, Washington, DC 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.

Because of the time factor in printing the FBI Law Enforcement Bulletin, there is the possibility that these fugitives have already been apprehended. The nearest office of the FBI will have current information on the fugitives' status.



Photographs taken 1981

Steven Girard Tormas,

also known as Steven G. Tormas, "Fat Boy." W; born 7-27-59; Bronx, NY; 5'8"; 245 lbs; hvy bld; brn hair; blue eyes; fair comp; occ-laborer; remarks: Reportedly a heavy drinker. May have lost weight and be clean shaven. May have shortened and dyed his hair in an attempt to elude detection. He may be traveling with Dana Meredith Ross, white female, born 9-18-61, 5'2", 130 lbs, dark hair, blue eyes, Social Security Number Used: 170-38-4477, ROSS IS NOT WANTED BY LAW ENFORCEMENT AUTHORITIES; scars and marks: Tattoo of a "Tiger's Head" on upper left arm. Wanted by FBI for INTERSTATE FLIGHT-RAPE

23CI0917101809091511

Fingerprint Classification:

23 L 17 W IIO 10

L 1 U IIO

I.O. 5011

Social Security Numbers Used:

170-56-2689; 170-56-1689

FBI No. 661 546 W1

Caution

Tormas is being sought for rape during which the victim was brutally beaten around the head. Narcotics user.



Right index fingerprint



Photographs taken 1985

James Wesley Dyess,

also known as James Dyess, James W. Dyess, James Nobles, "Monkey." B; born 6-10-56; Laurel, MS; 6'; 190 lbs; musc bld; blk hair; brn eyes; dark comp; occ-laborer, oil field worker, truck driver; remarks: Reportedly a heavy drinker and frequents gay bars; scars and marks: Scars on forehead, in both eyebrow areas, on left arm, left elbow, and abdomen, tattoo of heart on left forearm. Wanted by FBI for INTERSTATE FLIGHT-MURDER

NCIC Classification:

DO1415PM15DIP1PI16

Fingerprint Classification:

14 O 15 U OOM 15

I 20 W III

I.O. 5016

Social Security Numbers Used:

587-90-8905; 587-90-9005

FBI No. 692 593 T2

Caution

Dyess, an escapee from custody, is being sought in connection with the burglary of a residence and the subsequent shooting murders of the two occupants. Dyess has carried a handgun in the past and should be considered armed, extremely dangerous, and an escape risk.



Right middle fingerprint



Photographs taken 1980

Wardell David Ford,

also known as David Ford, Wardell D. Ford. B; born 5-10-56; Detroit, MI; 5'9"; 150 lbs; med bld; blk hair; brn eyes; med comp; occ-construction laborer; remarks: Wears prescription glasses and may be clean shaven. Wanted by FBI for INTERSTATE FLIGHT-MURDER

NCIC Classification:

150911PO121209101312

Fingerprint Classification:

15 M 9 U IOO 12

M 1 U III

I.O. 5015

Social Security Number Used: 369-64-7878

FBI No. 452 646 R6

Caution

Ford is being sought in connection with robbery and subsequent murder of a Purolator armored car service guard. He may be armed with a .22-caliber revolver and should be considered armed and dangerous.



Right index fingerprint

WANTED BY THE FBI



Photographs taken 1980 and 1981

Carl Robert Patterson,

also known as Bob Patterson, Bobby Patterson, Bobby Joe Patterson, C. Patterson, Carl Patterson, Carl R. Patterson, Robert Patterson, Robert Patton, Wiley E. Rankin. W; born 2-25-47 (true date of birth), 3-5-44, 2-25-48; Briceville, TN; 5'10"; 160 lbs; med bld; brn (greying) hair; blue eyes; med comp; occ-carpenter, construction foreman, lumber company employee; remarks: Reportedly has poor sight in one eye and normally wears nonprescription glasses, frequently wears a mustache and beard, may have curly hair and possibly dyes hair black. He frequents bars and associates with "Go-Go" girls and prostitutes. He tends to suffer from bleeding ulcers when drinking heavy; scars and marks: 1/2-inch scar on right palm; scar mid-chest to naval; two small scars left side of back; metal pins in both legs.

Wanted by FBI for INTERSTATE FLIGHT-AGGRAVATED SEXUAL ABUSE

NCIC Classification:

17541109131212521013

Fingerprint Classification:

17 L 1 R 13

M 1 Ur

I.O. 4970

Social Security Numbers Used:
411-88-1938; 410-80-3290; 244-66-4493

FBI No. 708 626 F

Caution

Patterson is being sought for rape during which the victim was brutally raped and assaulted. Patterson may be armed with a .32-caliber revolver. Consider armed and extremely dangerous.



Left little fingerprint



Photographs taken 1984

Julio Alfonso Parias-Carbo,

also known as Julius Carbo, Julio DeParias-Carbo, Julio Edward DeParias-Carbo, Julio Parias-Carbo, Julio Edward DeParias, Julio DeParis, Julio Carbo Deparis, Julio Paris, Felipe Rasgo, Felipe Riasgo, and others. W; born 3-7-57 (not supported by birth records) 3-7-58; Barranquilla, Colombia; 5'6" to 6'; 170 to 195 lbs; musc bld; blk hair; brn eyes; med comp; occ-cab driver, student pilot; remarks: He speaks and understands Spanish fluently. He is an avid weightlifter and bodybuilder who has competed in various local contests of this nature. He likes to frequent discos and night clubs catering to young singles; scars and marks: Scar on chin.

Wanted by FBI for HOBBS ACT-EXTORTION; CONSPIRACY, KIDNAPING

NCIC Classification:

DIDI202216POPO161617

Fingerprint Classification:

20 I 21 W IOO 16

O 19 W OOO

I.O. 4979

Social Security Numbers Used:
144-52-3906; 144-52-3096; 144-52-3909

FBI No. 94 069 M8

Caution

Parias-Carbo, who is allegedly involved in narcotics trafficking, is being sought in connection with a kidnaping and subsequent brutal murder of the victim. He may be armed with a handgun and should be considered armed and extremely dangerous.



Left index fingerprint



Photographs taken 1984

Glyde Earl Meek,

Also known as Daniel M. Burton, D. Mike Daniels, Daniel Mikel Daniels, Michael Kelley, Carl E. Meek, Clyde E. Meek, Clyde Earl Meek, Earl C. Meek, Mike G. Meek, "Shorty," and others. W; born 7-22-35 (true date of birth), 7-22-37; Pasco, WA; 5'10"; 185 lbs; stocky bld; brn-grey (balding) hair; blue eyes; ruddy comp; occ-carpenter, salesman, sign painter, truck driver, vehicle repossessor, wood carver; remarks: Known to wear a hair piece. Reportedly wears large silver belt buckle and a silver and turquoise ring on left hand. Meek may be accompanied by Page Jennings, white female, date of birth 1-2-64. JENNINGS IS NOT WANTED BY LAW ENFORCEMENT AUTHORITIES; scars and marks: Scar upper chest, tattoo of roses on upper right arm, cast gold inlay on right incisor tooth. Wanted by FBI for INTERSTATE FLIGHT-MURDER

NCIC Classification:

POTT010709DI62050809

Fingerprint Classification:

1 O 5 T II 9

I 17 R OII

I.O. 5007

Social Security Numbers Used:
527-59-5297; 536-30-4342

FBI No. 732 602 B

Caution

Meek is being sought in connection with multiple murders in which the victims were bound, gagged, and stabbed multiple times. He is reportedly in possession of a shotgun. Consider armed and dangerous, escape risk, suicidal tendencies.



Right middle fingerprint

Interesting Pattern

This pattern is given the classification of double loop whorl, inner tracing. It is interesting since the loop appearing on the left side is exceptionally diminutive in relation to the loop on the right.



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FBI

Law Enforcement Bulletin

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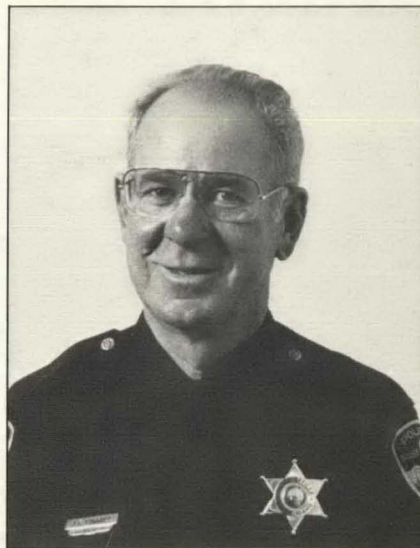
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The Bulletin Notes

On June 13, 1987, Officer Jack Carroll of the Boise, ID, Police Department, responded to a call of a boat engulfed in flames on Lucky Peak Lake. Officer Carroll witnessed a man thrashing in the water, then the man disappeared under water. Officer Carroll dove in the water, located the drowning man, brought him to the surface, and towed him to the safety of his own boat. The man regained consciousness soon afterwards. The Bulletin is pleased to join Officer Carroll's chief in commending this lifesaving action.



Officer Carroll
