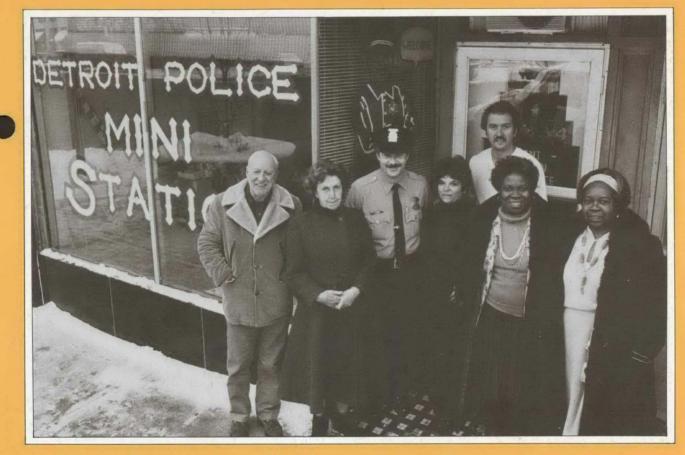
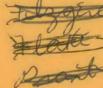
FEBRUARY 1985



Police and the Community



The Detroit Ministation Experience







FEBRUARY 1985, VOLUME 54, NUMBER 2

Contents

Operations	1	Police and the Community— The Detroit Ministation Experience By Lawrence H. Holland
Management	7	Higher Performance Through Organization Development By Donald C. Witham and David T. Mitchell
Administration	12	Public Safety Employee Support Procedure By Richard Porth and Steven P. Geiger
Law Enforcement Role	17	Professionalism, Integrity, Cooperation— The Wellspring of Law Enforcement By William H. Webster
Forensic Science	22	Chemically Enhanced Bloody Fingerprints By Jim Nutt
The Legal Digest	26	Electronic Tracking Devices: Following the Fourth Amendment (Part I) By John C. Hall
	32	Wanted by the FBI



I

The Cover: The Detroit Ministation Program is designed to bring the police force back into the neighborhood communities. See article p. 1.

(Photo courtesy Detroit Free Press)

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

William H. Webster, Director

The Attorney General has determined that the publication of this periodical is necessary in the transaction of the public business required by law of the Department of Justice. Use of funds for printing this periodical has been approved by the Director of the Office of Management and Budget through June 6, 1988.

Published by the Office of Congressional and Public Affairs, William M. Baker, *Assistant Director*

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



ISSN 0014-5688

USPS 383-310



Police and the Community The Detroit Ministation Experience

The Detroit Police Ministation Program evolved as a result of a campaign promise made in 1973 by a mayoral candidate, who promised to bring the police force back into the neighborhoods and make it more accountable to the residents of the city. After the election, the mayor and his staff began to work on making the promise a reality. Of all the ideas suggested, the ministation concept was the most promising. It included a permanency not evident in the other suggestions.

The concept of a police ministation was then sent to the police department, where it was studied and investigated, and several operational plans were developed and submitted for approval. The current program is the result of the original concept; however, most of the components have been changed to arrive at the working model.

The original goal was to place these police ministations in storefronts and public housing units throughout the city. The criteria for By

INSP. LAWRENCE H. HOLLAND

Commanding Officer Ministation Section Detroit Police Department Detroit, MI



Inspector Holland



William L. Hart Chief of Police

site selection, still valid today, consists of the following:

1) Areas which house large numbers of senior citizens will receive high priority;

2) Areas which consistently experience a disproportionate amount of crime, specifically street crime;

3) Business districts which experience undue crime victimization either to places of business or to citizens who patronize these businesses;

4) Areas housing large numbers of low income persons, such as public housing projects; and

5) Sites which sustain high use patterns or pedestrian traffic.

As stated in the ministation handbook, "... it is deemed critical to the effectiveness of ministations that they can be situated where substantial citizen support has been expressed and can be maintained."

The object of the ministation program is also most aptly defined in the introduction of the ministation handbook:

"Ministations can most readily be viewed as analogous to parked scout cars. They are fixed positions from which officers may reach out within certain prescribed geographic limits to render police service. Ministations are not public relations stations. . . Their value is to be measured by the quality of service launched from them." Once the basic goals and organizational plans were set, the department submitted a request for seed money in the form of a Federal leap grant to begin operation. The grant was approved, and shortly thereafter, locations were selected, police officers trained, and equipment made available to start the program. Even though the Federal grant ended in 1977, the mayor, chief of police, and department executives decided to continue the program and incorporate it into the police budget.

Early success was brief, and the program suffered because of the attitudes of some police officers and management who disliked this new method of policing.

Originally, the ministations were staffed 24 hours a day by police officers assigned from the local precinct.



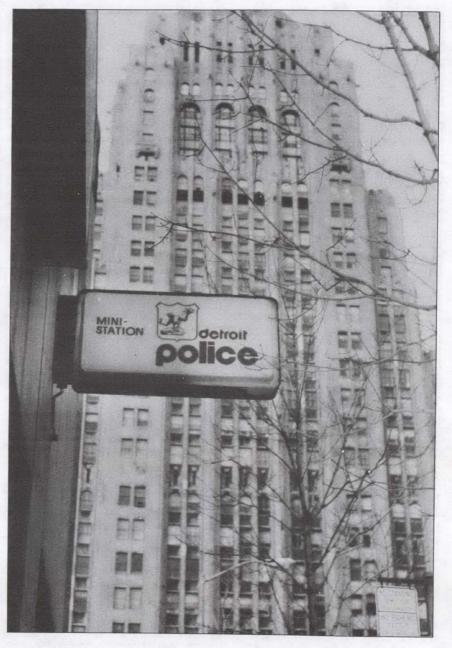
"'Ministations are not public relations stations.... Their value is to be measured by the quality of service launched from them.'"

The officers were to stay in the station and provide all the services of a precinct station, with the exception of detention facilities. The officer's duties included report writing and working with the local community. Community members were encouraged to assist in the ministations staffing and operation.

This original operational concept failed for several reasons. First, there was little activity in the stations during the late night hours, which made officers and supervision decide the program was unworkable and a waste of manpower. Also, police officers were moved from shift to shift and were rarely assigned to the same station with regularity. Because of this, the close relationship with the community which this program hoped to establish never materialized.

Over the next several years, the program was continually enlarged to approximately 36 stations, and several methods of staffing were attempted. At one point, two beat officers were assigned to each station. After walking their assigned neighborhood area. they would return to the station for 15 minutes each hour to assist community volunteers who manned the ministation and citizens who required police assistance. Another problem surfaced in that assignment to a ministation became a "penalty box" for police officers who were in disfavor with their immediate supervisors. Oftentimes, community volunteers were treated harshly by these "penalized" officers and would not return to work at the ministation.

Other methods of staffing included assigning three police officers to the ministation scout car, with one of the three always on duty in the station. At one time, officers who were on restricted duty were used to staff



"... the [ministation] program is built around [the citizen volunteer]."





the facilities. All of the programs suffered the same fate—nonuse and nonacceptance by the community. The ministation program gradually began to be considered totally ineffective by officers and citizens alike.

During this time, from mid-1974 through August 1980, the organizational placement of the administration of the program shifted from one entity to another, yet always within the patrol division. The program essentially was directed from a central ministation administration office where building acquisition, leasing, equipment, and other administrative activities were handled. This unit was also responsible for recruiting and training civilian volunteers to work in the ministation. The critical job of staffing was the precinct's patrol operation responsibility. Those supervisors and officers who could see the value of the program worked to see it succeed. Many, however, not only were passive but worked to defeat the program by making the assignments a place where problem officers were assigned.

In mid-1980, the chief of police made the program a part of his staff. Immediately, several staff meetings were held, and it was decided that the ministations would be directed from a central entity-the Ministation Section. Police officers would be selected to man the ministations based on their ability to do crime prevention and work with the community. They were told they would be responsible for recruiting, training, and scheduling civilian volunteers to man the ministations from 9:00 a.m. to 9:00 p.m. daily. The police officers were to be trained in crime prevention and were responsible for neighborhood and business watch programs in the area of their ministations. They had to be dependable, flexible, and citizen-oriented. It was envisioned that they would eventually become responsible for a majority of police activities of a minor nature which occurred in their areas. This method of staffing required the police officer to be accountable and responsible for the activities in his ministation, contrary to other methods used previously.

All ministation candidates were screened carefully, transferred in, and assigned by their request. They immediately entered a 2-week basic crime prevention course, and upon completion, were sent to their ministations where they were to begin meeting community leaders and recruiting and training volunteers.



The officers met with varying success at first; however, once the community realized that the officer was sincere in his effort to help them live in a safer and more secure environment, a measure of success came to all. In most instances, the officer's attitudes, abilities, and concerns are important factors for a successful ministation. The assigned officers should not be "community relations" officers, and no one is more adept at spotting a phony than long-suffering citizens embattled in a war to improve their "quality of life." The assigned officers, who are concerned and show this through their actions, found that an active and able community was available to assist them in their goal.

Many officers, after meeting and working in and with the community, became resource centers and found themselves elected or appointed to local business or community organization boards. In addition, most have a regular column in the community newspaper or newsletter, which generally deals with crime prevention tips, needs of the ministation, or information regarding local crime statistics.

Contrary to what many police executives and officers might expect, community relations-type officers were not highly recruited nor did they volunteer for this service. Many of the officers who eventually found their way into the ministation program were considered to be "good street cops." They believed there had to be a better and more productive way to serve.

Most ministation officers became such a force in their local community that citizens no longer thought of the Detroit Police Department but of indi-

vidual officers they knew personally. When minor problems arose, most of the citizens in a ministation area didn't bother to call the 911 number, but waited to contact their officer who responded with a service tailored for that problem and community. While most citizens across the country do not know the names of officers assigned to patrol their communities, it is a rare occurrence when a citizen doesn't know the ministation officer. Frequently, these officers show their concern by regularly calling the ministation or dropping by on off-duty hours or days off to see that things are running smoothly. Officers will also give their home phone numbers to ministation citizen volunteers and encourage them to call if problems occur. How many other officers would even consider this?

"... the officer's attitudes, abilities, and concerns are important factors for a successful ministation."

A good ministation police officer is a special breed and a crest to the wave of the future. However, in many instances, he is a throwback to the past as many of his contacts and duties were done by beat officers long ago. We seem to have come full circle with this modern innovation.

One cannot conclude a discussion of the ministation program without considering the importance of the civilian volunteer, since the program is built around this individual. The ministation belongs to the community and it is their responsibility to man it daily from 9:00 a.m. to 9:00 p.m. with volunteers. It is expected that the assigned officer be in the ministation a minimal amount of time, spending most of his day on the street involved in crime prevention and routine patrol activities.

This means that citizens must be trained in the basic operation of the station. These duties include such things as handling walk-in and phone complaints and requests for referral services. In addition, they assist in the crime prevention mission, blotter posting, filing, typing, and other related activities.

Many of these individuals become a real asset to the community, as well as the police department through this service. Tips regarding criminal activities, which would probably never be received, are now funneled through the volunteer to the police officer and subsequently to the Vice, Narcotics, or Detective Bureaus. In addition, they rarely request aid in taking care of



their station. The community routinely decorates and fixes the small problems that occur. There is always a plumber, electrician, or carpet layer in the group who would consider it an affront to have anyone else work in their station.

The final chapter has not been written on this program. However, experience so far would indicate that there may be no final chapter as new and innovative procedures and programs are being suggested regularly by police officers and volunteers who work in these facilities.

In early 1984, the chief of police, who was personally responsible for the activities of the Ministation Section, created a new division, the Community Services Division. This action brought together all community-related programs to make a coordinated effort toward the realization of all our goals.

Visitors from police departments across the Nation and abroad have shown a sincere interest in the ministation concept. Of all the questions asked regarding this program, the most difficult to answer is, "What do the statistics show with regard to effectiveness?" While no definitive study has been undertaken since August 1980, because of cost factors, statistics in a changing city given to problems of unemployment might not be reliable at any rate. However, after visiting the facilities, no one questions the effectiveness and value of a ministation to the citizens of our city. FBI

Higher Performance through Organization Development

By

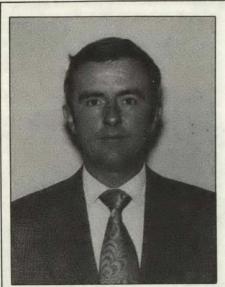
DONALD C. WITHAM Special Agent and DAVID T. MITCHELL Special Agent Federal Bureau of Investigation Washington, DC

Today, hundreds of law enforcement agencies are coping with the difficulties of administering operations during an era of cutback management. Fiscal constraints have become more pressing than ever before. Compounding this situation is the fact that citizens are concerned with crimeespecially violent crime. Departments are being asked to do more with less. Still, citizens and politicians are demanding that there be no reduction in the number of sworn officers on patrol. Consequently, cutbacks are inevitably occurring in administrative and service divisions within police organizations. These support divisions are primarily staffed with civilian, clerical personnel. Although these are not the most glamorous areas of policing, these divisions and personnel perform essential tasks within any effective law enforcement organization. Nationally, civilian personnel constitute 20 percent of law enforcement's full-time employees.¹ In terms of budget dollars, the total cost of employing these people—salary, equipment, supplies, material, and overhead—represents an even higher percentage of the law enforcement agency's budget.

Innovative police managers have developed a host of strategies to provide for more efficient and effective delivery of law enforcement services. Most of these efforts have been directed at improving the performance of sworn officers. Two examples of these approaches are directed patrol plans and crime analysis units. This article will present and describe some ideas that are applicable to increasing the productivity of civilian workers within law enforcement. All too often, it is these workers who are being asked to do more with a smaller staff.

The main ideas of this article will be presented in terms of a recent effort to improve performance in a unit at FBI Headquarters in Washington, DC. The ideas are applicable to many medium- to large-sized law enforcement agencies throughout this Nation. Providing meaning to people about their jobs and demonstrating interests in the performance and welfare of their employees are essential management tasks in all organizations. Yet, management generally has a more difficult time achieving these

"Providing meaning to people about their jobs and demonstrating interests in the performance and welfare of their employees are essential management tasks in all organizations."



Special Agent Witham



Special Agent Mitchell

tasks with lower-level employees. Although the performance of these employees is critical to organizational success, the nature of their work often routine and without challenge encourages lackluster performance. Therefore, one of management's highest priorities should be to motivate support employees to high levels of productivity.

The Problem: A Case Study

FBI Headquarters, located in Washington, DC, employs several thousand people. Many of these people work in units of from 20 to 100 people performing various record keeping and administrative duties. Recently, an effort was undertaken to improve the productivity of one of these units which consisted of approximately 60 people engaged in generating records and entering data into a mainframe computer. The volume of work in this area was very high, and a substantial backlog of records had accrued over several years. The backlog represented nearly 10 percent of all the unit's records, which meant many files were outdated and unusable. The backlog had been growing for over 5 years.

Accurate productivity records were available for all employees. Production was measured in record segments per hour (sph), with unit productivity averaging 7.04 sph over the previous 3 years. Productivity varied enormously among the employees, and the error rates of the workers fluctuated substantially.

With respect to the work, an employee would normally enter as many as seven pieces of data on each record and then go on to another record. The completed record was reviewed by both a checker and a supervisor. The records were entered into a computer where they were reverified through a second computer entry process. Even with the elaborate and redundant verification program, numerous errors were being made and frequent computer rejects occurred.

Most of the employees were in their early 20's and had worked for the FBI for less than 3 years. In many cases, this was their first job after finishing high school. Turnover and absenteeism within the unit were quite high and were considered symptomatic of overall personnel problems. Many people did not believe there was any relationship between their performance and the FBI's effectiveness, nor did they believe their performance would have any influence on the success of their FBI career.

The work area resembled a grade school classroom. Desks were arranged in neat rows with supervisors at the head of the row facing the employees. Employees were discouraged from talking, and lunch and work breaks were scheduled simultaneous-

"Efforts to improve the productivity of the unit were based on two management techniques—goal setting and job enrichment."

ly for all employees. There were rules to cover all aspects of employee behavior except job performance.

Management viewed the unit as a poor performer. The unit was known for low productivity, poor quality output, and excessive absenteeism. The unit would not be receiving additional resources and resolution of the problems had to come from within. Strategies were developed to remedy the situation.

Improving Productivity

Efforts to improve the productivity of the unit were based on two management techniques-goal setting and job enrichment. Many changes were initiated over a 7-month period but all the changes were related to implementing these concepts. This article describes the more significant actions which were taken in order to implement these management techniques. as well as providing an overview of goal setting and job enrichment. Those readers interested in a detailed description of these techniques and a thorough review of the research effectiveness of the techniques are encouraged to read Motivation and Work Behavior by Richard Steers and Lyman Porter.²

The action strategies that were implemented were a natural outgrowth of discussion between the unit's Special Agent supervisor, subordinate support supervisors, and a number of employees. The discussions revealed that the employees suffered from a long term climate of failure and believed that there was little, if any, incentive to achieve a standard other than the minimum that would be acceptable to management. Strong peer pressure militated against superior performance, redundant procedures removed personal responsibilities, and duplication of work sapped whatever incentive remained.

In order to develop momentum for additional changes, management sought immediate and dramatic successes. The long standing climate of failure and mediocrity had to be reversed quickly. The simplest method of reversing the climate of failure was creation of achievable goals for the employees. The unit's Agent supervisor, subordinate support supervisors, and an elected group of employees established a set of work standards to clarify management's expectations for the workers and serve productivity goals. The work standards were linked to a new performance appraisal system in which workers were rated in one of five categories-exceptional, superior, fully successful, marginally successful, and unsuccessful. The standards for the fully successful were based on the average performance of the entire unit over the previous 3 years, plus an increase of 10 percent. Employees were told that any employee who was producing at below the fully successful level would be expected to demonstrate a 10 percent per month increase toward the fully successful standard. This monthly 10-percent increase would be viewed as fully successful performance. In this way, standards were gradually phased into effect for the least productive workers. This deferred evaluation was intended to reduce the threat of the changes to the workers and assist in gaining their acceptance of the new proposals. It also guaranteed that any worker who made an honest effort could be fully successful within a short period of time.

Along with the establishment of the work standards, a job enrichment strategy was pursued. Procedures were implemented that stopped the repeated verification of records by several workers and gave each worker some autonomy and control over his own work. The job enrichment approach was based on the ideas that the employees themselves were most familiar with the irritants that prevented them from performing at a high level. One objective of the job enrichment effort was to demonstrate to the employees that management was committed to the employees as well as to higher productivity. To demonstrate its confidence in the employees, management relaxed the rules regarding talking in the work area and eliminated the requirement that everybody take lunch and breaks

"It is essential for people to believe that their work is important to the organization and that the organization cares about them as individuals."

at the same time.

A problem-solving team was formed within the unit to identify problems. The team was made up of employees elected by their peers. This group met with the Agent supervisor and the senior supervisor on a weekly basis. They identified several major work-related problems, including extensive duplication of work, lack of standardization in procedures, extensive peer pressure to perform at a mediocre level, and inefficient work methods. The group also identified strategies used by employees to "beat the system" and recommended solutions to these problems. The group detailed many personal irritants that were within the power of management to change.

The group developed some interesting techniques to resolve these difficulties. For example, they suggested that an unofficial letter of commendation from the unit's Agent supervisor be sent to high performers. The workers appreciated these letters even more than the formal ones they received from top-level officials, whom they believed lacked personal knowledge of their work performance.

The work area, a source of great aggravation to many employees, was rearranged in a more informal manner. Dividers were obtained to allow privacy. Employees were encouraged to bring pictures, plants, and other personal items into the work

area. The employees were regrouped into work groups based on their personal preferences. The workspace was cleaned by the employees themselves. Several complaints by the staff had resulted in a number of requests to the building management to clean the workspace thoroughly. After numerous requests had failed to produce results, the employees requested permission to hold a "field day" and clean the space. Despite protests by the cleaning contractor, who attempted to stop the clean up, the workers finished the job. The employees demonstrated significant pride in the cleanliness of the workspace and the fact that they did it themselves. The unit began to act as a cohesive group.

Based on a recommendation of the problem-solving team, a promotional policy was developed which clearly articulated performance as the main criterion for advancement. Seniority was no longer the dominant factor in selecting employees for advancement. Shortly thereafter, two promotions were achieved by relatively junior employees.

Cash awards and letters of commendation were obtained for as many deserving employees as possible, and presentation of these awards was always made at a meeting with all employees in attendance. Perhaps the most important outgrowth of these joint sessions was the awareness by

all of the participants of how much had already been accomplished with respect to the problems. Suddenly, most people began to realize that significant progress had been made in improving their unit.

Results of Action Strategies

The productivity of the unit indramatically during creased the project. In terms of segments per hour, productivity increased from 7.04 for the first 9 months of the previous year to 11.45 for the period of the experiment, representing an increase of 62.6 percent. At the same time, the backlog of records was reduced substantially. The number of outdated records was cut by more than half. The great increase in productivity would not have been achieved without the participation of the workers in problem solving.

Job enrichment and goal setting may not be successful with all employees. At the end of the performance evaluation year, three employees were still unsuccessful (approximately 5 percent of the staff). Each of the three individuals was capable of reaching a fully successful performance level and had demonstrated their ability by doing so during the year. Even after extensive counseling, these people remained unconcerned about their performance.

Interviews were conducted with other staff members to assess the impact of the project on them. Employees performing at the exceptional level consistently indicated that they wanted to be "number one" in the unit. They saw their performance as a way to achieve promotions and desired transfers. They stated that they would work harder if the work standards were raised-they did not want to be less than exceptional. The superior-level employees stated that they wanted to be above average but not necessarily the best. These employees were particularly appreciative of the additional freedom they had at work as a result of the changes in policy and their superior performance. The fully successful group-more than 50 percent of the unit-indicated that they wanted to accomplish what was expected of them. One employee stated that the job was much easier once management identified its expectations. Virtually all of the fully successful employees had improved their performance substantially over the life of the project.

In addition to the positive results achieved in the area of productivity, there were dramatic gains made in the area of employee satisfaction. Satisfaction is very closely related to employee absenteeism and turnover.3 During this project, absenteeism was reduced by over 20 percent. Even more significant was the 50-percent reduction in turnover within the unit during this time. Numerous employees indicated in informal discussions that "good feelings" people have about their morale had improved considerably. They stated that the work climate was more relaxed and enjoyable. Two employees described an advantage of the work standards that lieve that their work is important to had not been anticipated by management. Both employees stated that they had previously been harassed by their supervisors regardless of what they did. The identification of an objective level of performance brought an element of fairness to the entire supervisor/employee relationship and prevented the supervisor from being subjective and capricious in dealing with subordinates. The only evident goal of these two people seemed to be to avoid being hassled by their supervisor.

Conclusion

In their best-selling book, In Search of Excellence. Peters and Waterman emphasize that exceptional organizations are able to attain higher performance from the average employee.⁴ This is the true challenge for managers! Anybody could lead an organization comprised exclusively of outstanding people. Platitudes aside, a substantial majority of the people in all organizations are not exceptional. Search of Excellence (NY: Harper and Row, 1982), p. 86. Still, these people believe that they are special, and organizations must learn how to make them feel valued. Organizations that are able to reinforce the natural and perfectly normal

themselves and their work performance will reap the rewards of high productivity.

It is essential for people to bethe organization and that the organization cares about them as individuals. Management techniques such as goal setting and job enrichment can facilitate these management tasks. Both techniques clarify for the employees exactly what is expected of them by the organization. As people begin to fulfill these expectations, organizational leaders must recognize and reward them for this behavioral change. Concerned and enlightened law enforcement managers can achieve higher productivity from their personnel. It is possible for the organization to win with higher productivity and employees to win with more rewarding and challenging work.

Footnotes

1 Crime in the U.S. (Washington, DC: U.S. Government Printing Office, 1980), p. 260.

- ² Richard M. Steers and Lyman W. Porter, Motivation and Work Behavior (NY: McGraw-Hill, 1979).
- ³ Edward Lawler III, Motivation and Work Behavior, eds. Richard M. Steers and Lyman W. Porter (NY: McGraw-Hill, 1979), pp. 287-301.

⁴ Thomas J. Peters and Robert H. Waterman, Jr., In

FBI

Public Safety Employee Support Procedure

"The key to a successful employee survivor support operation for public safety organizations is preparation and preplanning."

By

CAPT. RICHARD PORTH Police Department

and

STEVEN P. GEIGER Psychologist Peace Officers Resource Associates, Inc. Bloomington, MN When a public safety employee is killed or seriously injured, the involved agency has a moral and ethical responsibility to render psychological, social, and technical support to the surviving family members. In order to meet the needs of the family adequately, agencies must have a preconceived plan that can be immediately activated to ensure a relatively smooth and thorough assistance program.

Preplanning

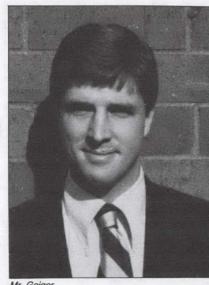
The key to a successful employee survivor support operation for public safety organizations is preparation and preplanning. The goals of the preplanning stage are to collect information necessary to notify and support the family adequately, to create a family support procedure (FSP), and to designate persons responsible for implementing the family support procedure.

The public safety function by its nature has the potential for life-threatening situations on a 24-hour a day, 365 day per year basis. In order to implement an FSP, a public safety agency must have the information necessary to contact family members at all times. A tragic scenario involves the spouse or children of a slain police officer learning about the death from a radio or television broadcast. It is important that a public safety agency make every attempt possible to notify family members personally within the shortest period of time possible. This requires accurate, up-todate information regarding spouse's employment and children's schools. as well as other pertinent data. (See fig. 1.) It is recommended that this information be updated at least yearly and that it be made immediately accessible to designated personnel on a 24-hour basis.

A public safety agency should designate the highest ranking on-duty officer not primarily involved in the handling or investigation of the incident as the official in charge of implementing the FSP. It is this individual's responsibility to ensure immediate notification and to supervise efforts to meet the family's immediate needs. A public safety agency family support plan should also be created and standardized to the extent that it can be initiated as a step-by-step procedure but at the same time remain flexible enough to be adaptable to the different situations that may arise.



Captain Porth



Mr. Geiger

Notification

Notifying family members of an injured or killed public safety employee in an effective, caring, and speedy manner is extremely important. The support offered to the family within the first hours can be viewed as psychological first aid. Quality support can reduce psychological trauma and aid the recovery process. Every attempt should be made to notify the family before other sources, such as radio, television, or friends. This will give the family immediate support rather than them facing the ordeal alone.

The notification should be made by at least two persons and not more than three. It is suggested that one person be the officer in charge of implementing the procedure. Wives of Minnesota peace officers killed in the line of duty believe this person should not be the officer's immediate supervisor, if at all possible. This person should be aware of the basic details of the incident. He should also be trained in "death/severe injury notification." The second person should be a mental health professional, such as a clergyman, psychologist, psychiatrist, social worker, or another professional knowledgeable in crisis counseling and the grieving process. This person must also be trained in death notification and should be totally familiar and comfortable with the function of the particular public safety organization. The third person might be a close friend of the family. However, close friends often are not initially helpful because they themselves are significantly affected by the incident.

Since time is a critical element, the mental health professional must be accessible. If they are not available upon the first call, the notification should be made by two public safety officials. Once again, it is stressed that these people be trained to handle family support situations.

Immediate Support

Immediate support refers to servicing needs that typically arise from the time of the notification until the funeral is over or the injured party returns home. Since many needs are common, a public safety agency can anticipate their occurrence and address them in their FSP. These needs would include:

- 1) Transportation needs-An agency may wish to assign a car and a driver to the family.
- 2) Child-care needs-An employee could be assigned for child care until a volunteer or paid help is arranged. It may be useful to take a child-care person to the home when notifying the spouse in case she wishes to proceed directly to the hospital.
- 3) Prepared meals-Prepared meals brought to the home frees the family from this timeconsuming task.
- 4) Public/media liaison needs-A family should be insulated from those segments of the public that might attempt to exploit the family during a time of extreme vulnerability. An employee or volunteer should be assigned to screen phone calls and visitors.
- 5) Protection-A familiar burglary MO involves the burglary of a home of a bereaving family during a funeral or while the family is visiting the injured

	DOB
address	
position date of	

Spouse's name	
Home address	
Work address	
Place of employment	

Names of children	
	DOB
name	
Address	
School & address	
name	
address	
School & address	

name	DOB
address	home phone
school & address	phone
Hospitalization Insurance Physician/Medical Group Significant medical history	phone
	and the second
Medication use	
Allergies to medication	
Allergies to medication Dental insurance	
Allergies to medication Dental insurance	
Allergies to medication Dental insurance Dentist Religion	phone
Allergies to medication Dental insurance Dentist Religion Church affiliation	phone
Allergies to medication Dental insurance Dentist Religion Church affiliation address	phone
Allergies to medication Dental insurance Dentist Religion Church affiliation address Attorney	phone
Allergies to medication Dental insurance Dentist Religion Church affiliation address	phone **phone ** phone
Allergies to medication	phone **phone ** phone
Allergies to medication	phone **phone ** phone
Allergies to medication	phone **phone ** phone

person in the hospital. In one case, the home of a victim of a fatal traffic accident was burglarized while the family was identifying the body. To protect against this loss, a public safety employee should be assigned to stay at the house when the family is away.

- 6) Funeral arrangements—A public safety agency may offer to help the family contact a funeral home in order to make the necessary arrangements. The agency should assist, not take control. The funeral is an important ritual within the grieving process. Family members giving up this task may regret their actions at a later date.
- 7) Need for information—When the death or injury of a public safety employee involves a criminal act, the family should be kept informed of developments or progress of the case prior to the media.

Long Term Support

The long term support period begins after the funeral or a short time after the injury occurs and lasts until the family is once again functioning normally. Often, the beginning of this phase is marked by the sudden decline of support which was once overabundant. This is unfortunate since the family is more in need of support during this time.

We are not suggesting that a public safety agency fund all the services a family of a slain or injured officer may require—this is a decision for each agency. We do, however, recommend that an agency be aware of the needs of a family and assist in meeting those needs as much as possible.

"[Psychological] counseling should continue until the family and the department believe it is no longer necessary."

Legal Considerations

Numerous legal issues arise when a public safety officer dies. Perhaps the most confusing to survivors are the death benefits furnished by Federal, State, and private organizations. The following is a list of benefits available to families of peace officers who lose their lives in the line of duty and those who die off duty. It is recommended that the public safety agency provide a liaison person who can assist survivors in applying for these benefits.

- Benefit from the U.S. Government for peace officers who have lost their lives in the line of duty (\$50,000) as stated in Public Law 94–403. Correspond with Office of Justices Programs/Bureau of Justice Assistance, U.S. Department of Justice, 633 Indiana Avenue, Washington, DC 20531.
- 2) Benefits for peace officers who have lost their lives in the line of duty while enforcing a Federal law (amount varies). Refer to Title 5, U.S.C. Sec. 8101. Correspond with Chief, Branch of Special Claims, Employee Standards Administration, Office of Federal Employee Compensation, U.S. Department of Labor, Washington, DC 20211.
- Benefit from deceased officer's retirement plan (amount varies). Correspond with appropriate State, county, or city retirement plan coordinator.

- 4) Benefit from the U.S. Government for deceased officers who qualify under social security (amount varies). Refer to the Social Security Act. Correspond with the nearest office of the Social Security Administration.
- 5) Benefits for deceased peace officers who are qualified veterans of the U.S. Armed Forces (amount varies). Refer to the Veterans Administration Act. Correspond with the nearest office of the Veterans Administration.
- Benefits from associations and organizations in which the deceased officer was a member. Correspond with appropriate organizations.
- Benefit from lawsuit brought against the person responsible for the officer's death. Consult with a private attorney regarding feasibility of such a lawsuit.

Long Term Counseling

When a public safety officer dies, the likelihood is great that the survivors will need on-going counseling in the form of psychological counseling, career counseling, and/or financial counseling. The availability of professionals trained in these areas varies by geographic region. Public safety agencies should create a written list of individuals and organizations who could meet the needs of the survivors. This list should be designed in such a way that it could be given directly to the surviving family members as a reference and resource guide.

Psychological Counseling

The grief associated with an unexpected death can be overwhelming for the family. It is not unusual for the surviving spouse to temporarily lose touch with daily tasks such as grocery shopping, paying bills, or feeding the children. This period, commonly referred to as the shock stage of the grieving process, may last from hours to a period of weeks. A department representative trained in counseling should make periodic contact (daily to weekly as needed) to offer support and to check for unmet needs. This counseling should continue until the family and the department believe it is no longer necessary.

Career Counseling

Some surviving spouses may be forced into entering full time employment. These individuals may be unsure about possible career/employment options available to them. A trained career counselor may be able to assist in helping survivors make logical and productive decisions.

Financial Counseling

Some surviving spouses may not have the basic understanding or skills necessary to perform tasks such as balancing checking accounts, keeping records for income tax purposes, or purchasing household-auto insurance. Those who encounter these difficulties may find it helpful to take a class in personal money management or be personally counseled by a money management counselor. Many financial institutions provide this service at low or no cost.

Posttraumatic Incident Counseling

Public safety officers who survive a severe injury or a perceived close "Public safety agencies have a responsibility to anticipate the needs that a public safety officer or his family may have at a time of serious injury or death."

encounter with death often exhibit posttraumatic stress disorder. This psychological manifestation is often characterized by recurring dreams of the event, sleep disturbance, fatigue, flashbacks to the event, extreme feelings of guilt, and avoidance of activities that arouse recollections of the event. The ramifications of posttraumatic stress disorder can be lessened with prompt counseling for the officer and his family. Many law enforcement agencies require posttraumatic incident counseling, while others offer it as an option. When selecting a professional for this task, it is important that he be familiar with this particular disorder and the intricacies of the public safety service.

Conclusion

Public safety agencies have a responsibility to anticipate the needs that a public safety officer or his family may have at a time of serious injury or death. This family support procedure was designed to assist agencies to prepare for such events so that better and more sensitive assistance can be rendered to surviving family members.

FBI

NCJRS Announces New The National Institute of Justice

Service

(NCJRS) announces a unique new service to help State and local agencies build criminal justice libraries quickly and economically. NCJRS information specialists search the NCJRS 77,000-document data base, plus other data bases and information sources, to select candidates for the new collection after the agency has indicated the topics it wants covered. Once the final selection is made, NCJRS takes over some or all of the details of ordering the books, paying for them, cataloging them, and preparing them for shelving.

The NCJRS Document Ordering Service is designed to let public and private criminal justice agencies throughout the country take advantage of the information contacts and library-building expertise of the world's largest criminal justice reference service. The service saves the local agencies time, since NCJRS's existing ordering, bill-paying, cataloging, and shelving operations are used. It saves the agencies money as well because of the efficiencies an experienced, largevolume operation like NCJRS can implement.

Organizations interested in acquiring NCJRS's criminal justice library-building services should write the National Institute of Justice/ NCJRS Document Ordering Service, Box 6000, Rockville, MD 20850, or call 800/851–3420 (in Maryland and DC area call 301/251–5500) to set up an appointment to discuss the service with an NCJRS librarian.

Law Enforcement Role

These remarks were presented before the International Association of Chiefs of Police in Salt Lake City, UT, on October 23, 1984. Director Webster asserts that today's law enforcement officers are more respected and more successful than ever before—a respect earned by hard work, professionalism, and integrity. By continued training and cooperation, law enforcement professionals can maintain their deserved reputation for effectiveness.



By WILLIAM H. WEBSTER

Director Federal Bureau of Investigation Washington, DC

Professionalism, Integrity, Cooperation

The Wellspring of Law Enforcement

February 1985 / 17

I sense a growing appreciation among our citizens for the work that we in law enforcement are doing. And equally important, what we are doing together. This view has been reinforced by my discussions with leaders in local, State, and Federal law enforcement agencies across the country and in some nine other countries that I have visited in the past 12 months.

This message comes through, too, in the decisions handed down by the Supreme Court in some landmark cases this last term—cases that have helped to significantly clarify and redefine the application of the exclusionary rule. The adoption of the inevitable discovery doctrine and the recognition of a good faith exception put an end, I think, to the mechanical application of the exclusionary rule, no matter how technical or how trivial the defect in procedures.

Years ago, Justice Cardozo complained that the exclusionary rule allowed the prisoner to go free because the constable had blundered. In more recent times, Chief Justice Burger has been a persistent critic of the mindless, mechanical application of this rule. Now this has changed, and with it, I think, will come a greater respect for the judicial process—a process that many felt had turned the criminal justice system upon its head.

With this victory for law enforcement comes an important challenge. The exclusionary rule was adopted in 1914 as a therapeutic countermeasure for violations of constitutional protections against unreasonable searches, seizures, and involuntary confessions and disregard for the important right to counsel. The exceptions recently announced by the Supreme Court recognize that professionalism in law enforcement has come a long way since 1914 and that societal interest in convicting the guilty can be served without doing damage to individual rights and liberties.

I don't think these changes came about just because some judges reexamined the intellectual underpinnings of the rule. I don't think they came about because of new personnel on the Supreme Court—there just have not been that many changes. And they didn't come about merely because public opinion was with us on this issue, although that certainly didn't hurt. I submit that they would not have come about unless we had reduced to a minimum the incidents of constitutional intrusions by individual officers and if we had not earned and kept the trust of the American people.

This has not always been so. From my visits to other parts of the world, I can say that many law enforcement agencies outside the United States are suffering today from a lack of this discipline and a lack of this trust. We have a tremendous responsibility because this trust now rests squarely upon our shoulders especially the shoulders of the people here in this room. But as Justice

"Professionalism and increased citizen cooperation are two very important reasons why the crime rate has declined during the past years."

Blackmun warned in his concurring opinion in the *Leon* case,¹ the Court will be watching—watching us to see, if contrary to their expectations, the good faith exception results in a "material change" in our compliance with the fourth amendment. I, for one, don't think it will. I'm confident that we can, and that we will, live up to the Supreme Court's expectations.

The key, of course, is continued professionalism and training. As *The Christian Science Monitor* put it in a recent editorial: "Until future cases yield firm guidelines, it will be difficult for police to know what kinds of illicitly obtained evidence will be judged admissible in courts and what will be ruled out. To cope with these problems many police need additional training in legal issues and in professional methods that incorporate the latest technology. . . ." And it concludes, "It is in society's best interest for police officers to continue to increase their knowledge of the law, thereby improving the quality of the work they are able to do."²

As the theme of this conference implies, knowing and understanding the Constitution is an important part of our work. In fact, legal training has become an essential element in law enforcement today. The complexity of the legal issues we face has made it necessary for even the smallest police and sheriff's departments to have access to legal assistance. Many agencies rely on city attorneys or retained counsel; others have hired full- or part-time legal advisors. In light of the ever-changing legal requirements we face, some of us in the FBI thought it was time to provide specialized instruction for those legal advisors who lacked a sufficient working knowledge of criminal law and the myriad other legal issues that we confront. That's the reason we established the FBI National Law Institute at the FBI Academy in Quantico, VA. Our goal is to provide an intensive 1week course that will lay a firm groundwork for your legal advisors. We'll address such topics as the role of the law enforcement legal advisor, current legal problems facing law enforcement agencies, recent developments in constitutional criminal procedure, and first amendment freedom of speech and press issues.

Last year, I spoke to you about harnessing modern technology and planning to meet our future needs, to gain a larger control over our destiny in law enforcement and to keep it relevant to our times. I want to continue that theme today, with specific emphasis upon how cooperative efforts rather than centralization of authority can help us increase our mutual effectiveness in the communities we serve. The National Law Institute that I just described is one such example. And we are seeing increased cooperation from citizen groups across the country. The prestigious Naisbitt

Group—headed by John Naisbitt, author of *Megatrends*—recently made his observation in one of its publications: "Where once we decried the level of criminal activity, we nonetheless felt it was the responsibility of the duly elected officials to solve the problems for us, we now believe that it is the responsibility of every citizen to play a role in the prevention of crime and to participate in the process of making decisions about how the 'criminal element' is to be dealt with."

It's gratifying to hear these comments because I think most of us have long realized that citizen cooperation is indispensable if we hope to be successful in our work. Citizen groups are some of our best allies and we need to encourage and work with organizations such as Crime Stoppers and the many others that are concerned with the problems of crime.

Professionalism and increased citizen cooperation are two very important reasons why the crime rate has declined during the past years. The 7-percent drop in crime in 1983, coupled with 1982's 3-percent decrease, is good news to citizens and to law enforcement officers nationwide. A look at our comparable historical data shows that this is the first time that we have had 2 years of annual decline and we've never had a drop of such proportions before. The figures for the first 6 months of 1984 [also] reflect that the numbers of serious crimes continue to decline in this country.

Many people have tried to tie the declining crime rates to the shrinking number of people in the "crimeprone" years—the 14- to 24-yearolds. But this explanation simply doesn't wash. As far back as 1967, the President's Commission on Law Enforcement and Administration of Justice concluded that only 40 to 50 percent of the variation in crime rates could be attributed to demographic changes. And there are clear inconsistencies between the patterns of crime and the patterns of population. It's obvious that other factors are at work, and one that has long been overlooked is the impact of a growing number of well-educated, skillful, and capable law enforcement officers. And this is no time for us to pause or step aside. We must do everything in our power to convince the legislators who provide the resources and the citizens who give the support that this momentum must be continued.

In spite of the downturn in the crime rate, we all know that there is still much to do. In the area of violent crime, for example, we have witnessed a rising concern about serial murders, rapes, arsons and related crimes, and the sexual exploitation of children. These are difficult crimes for individual investigators to solve because they often transcend jurisdictional boundaries. More than ever before, we must work together to solve these vicious crimes.

"... we need close commitment and understanding ... in investigations involving the sexual exploitation of our children."

As most of you know, we recently announced the creation of the National Center for the Analysis of Violent Crime at the FBI Academy at Quantico. This center is a partnership between State and local law enforcement and the FBI. One of the important programs of this center is VI-CAP, which stands for Violent Criminal Apprehension Program. VI-CAP is presently being supervised by Pierce Brooks, retired chief of police of Eugene, OR, and will be staffed by veteran police investigators and other support employees. Many of you know Pierce and know that he has long been a proponent of a national clearinghouse of information on unsolved homicides. VI-CAP will fill that role. If everything goes according to

plan, by June 1985, we can begin to look at every unsolved homicide occurring in the United States from that time on.

Your participation in the National Center for the Analysis of Violent Crime is strictly voluntary. You will be asked to submit specially designed reports on unsolved crimes of violence. Using your reports we will be able to link crimes in different jurisdictions together so that the investigators can work more effectively. Without your cooperation, we won't be able to build the reliable data base that we need to thoroughly analyze the serial murders, rapes, arson, and other crimes we've targeted.

We are selecting local police officers from around the country for specialized training at the center, where they will learn the concept of VI-CAP and gain skills in criminal profiling and crime scene analysis. Each trained police investigator will then join a local FBI Agent, who has also been trained as a criminal profile specialist, to form a crime scene assessment and profile team that will work with local investigators on difficult homicide, rape, or arson investigations.

In addition to VI–CAP, the center will also conduct research and development projects to look at the violent criminals from an investigator's perspective. And we'll expand the criminal profiling work we've done in the past and offer instruction to local officers on how to use the center.

The National Center for the Analysis of Violent Crime will be an important tool in solving those perplexing violent crimes that are committed by the highly mobile criminals in our society. We're very excited about the center's potential. We really owe its existence to a great deal of cooperation and support by other Federal agencies and by local officials like Pierce Brooks who had the vision of what this center would become.

Everywhere I go I'm told by police officers about recent crimes in which this profiling technique has been useful in helping to describe and identify the kind of person they should be looking for on the street and the great successes that this work has produced for all of us.

All of us know the relationship between violent crime and narcotics trafficking. Any attack on violent crime must include a hard-hitting coordinated assault on the narcotics problem. In every major narcotics investigation, we are working with State and local law enforcement agencies to be more effective. And the results speak for themselves. In fiscal year 1984, convictions were up 300 percent over fiscal year 1982 levels. We are currently investigating almost 2,000 guality narcotics cases-up from 1,500 cases this time last year. And about 800 of our current cases are being investigated jointly with DEA.

International cooperation is extremely important in these cases. Last year President Reagan and Prime Minister Craxi established the Italian-American Drug Working Group to Combat Organized Crime and Narcotics Trafficking. The recent case involving LCN-Sicilian Mafia heroin trafficking, dubbed "the Pizza Connection" by the media, is a prime example of the benefits that we can expect with this new alliance. We developed this case in cooperation with a number of other agencies such as DEA, U.S. Customs, the State Department, the New York City Police Department, the New York State Police. and numerous foreign officials including Brazilian, Swiss, and Italian law enforcement officers. Working together, over 40 individuals have been indicted who imported over \$1.5 billion in heroin during the past 5 years.

Still another area where we need close commitment and understanding is in investigations involving the sexual exploitation of our children. These reprehensible crimes require a coordinated response from law enforcement. On the Federal level, we're working with the U.S. Postal Service and the U.S. Customs Service to interrupt the shipment of pornographic materials from outside the United States. But all of us must be concerned for the innocent children who are victimized by the purveyors and consumers of this material. This is where your work on the local level is having an impact. The Department of Justice has instructed the U.S. attorneys' offices that prosecutive priority shall be given to matters involving the sexual exploitation of children. And the FBI will continue to give priority to these investigations. Regardless of what decision is made concerning Federal prosecution, if there is evidence that child abuse is involved, the FBI will bring the matter to the attention of local investigators and prosecutors. We want to work with you to end this terrible abuse of America's greatest resource, and indeed our future: the young people of America.

Last year was a busy year in law enforcement. The special events of the summer-the Olympics, the two national political conventions, and a World's Fair-have demonstrated to

"Divided, drifting, and indifferent, we will not succeed. United. dedicated, and determined, we cannot fail."

our citizens, and to the world, that American law enforcement agencies on all levels can work together effectively toward a common goal. In planning and preparing for these events, we've seen the impact that we can have with good coordination. We've learned that it is possible to bring numerous agencies together, to share intelligence, and to delineate areas of responsibility. We've shown that we can pull together with a common purpose. All of this can't help but make our fellow citizens more confident in the ability of their law enforcement officers. As I mentioned earlier, the trust that we have earned has paved the way for the Supreme Court's recent vote of confidence in us. It's also a factor in our citizens' increasing willingness to work with us to reduce the level of crime in this country.

The statistics show that we are

having an impact on the challenging crime problems of the 1980's. To con tinue this momentum, we must maintain and advance the highest levels of professionalism and integrity. After the turmoil of the 1960's and 1970's, today's law enforcement officer again enjoys a widely respected reputation in his community; but this reputation has come the hard way-it has been earned.

We've kept peacekeeping close to the people where it belongs. At the same time we've moved forward in cooperative efforts to improve the quality and the effectiveness of our performance. More and more, we are anticipating and getting out in front of our problems, harnessing modern technology and forensic science to reinforce the courage, the dedication, and the integrity that are the wellspring of our profession.

The ties that bind us today are greater by far than those that would divide us. Let us support the constructive work of this great association, and by our active participation, make certain that it continues to be worthy of that support. Here in this hall is the leadership essential to set the course of modern law enforcement into the next century. Let us now stand tall, sharing and working together. Divided, drifting, and indifferent, we will not succeed. United, dedicated, and determined, we cannot fail. FBI

Footnotes

¹United States v. Alberto Antonio Leon et al., 52 LW 5155, 6/26/84.

² The Christian Science Monitor, editorial, June 13, 1984, p. 21.

Exemplary Performance to be Honored The Association of Former

Agents of the U.S. Secret Service, Inc., (AFAUSSS) will again present an annual cash award (or donation to a charity of the honoree's choice) to a deserving law enforcement officer, alive or deceased, for exemplary performance in any aspect of law enforcement work.

Any sworn full-time officer below the rank of chief who is serving in a city, county, State, or Federal law enforcement agency in the United States is eligible for nomination. Exceptional achievement in any law enforcement endeavor, including but not limited to extraordinary valor, crime prevention, drug control and prevention, investigative work, traffic safety, juvenile programs, community relations, training programs, and innovative approaches to law enforcement, gualifies an individual for nomination. The act or incident for which the nomination is made must have occurred since July 1, 1984.

Law enforcement personnel may be nominated by any source, but must have the endorsement of the chief of police or agency head. Each nomination must also be accompanied by a brief statement of specific circumstances involving the distinguished enforcement performance, supplemented by supporting documentation such as departmental citations, letters of commendation, newspaper clippings, or copies of reports.

The review and final selection of the winner will be made by the Board of Directors of the AFAUSSS and will be announced at the annual conference in the fail. Letters of nomination should be mailed to:

Association of Former Agents of the U.S. Secret Service, Inc. Post Office Box 31073 Temple Hills, MD 20748

Nominations must be received by no later than June 30, 1985.

Spring-loaded Knife

The Pilum Ballistic knife was recently demonstrated by its manufacturer. Measuring 10 inches by 1 inch, the knife is made of machined aluminum and is reportedly effective up to 30 feet. The manufacturer also claims that it is five times more powerful than a manual stab. (See fig. 1.)

The weapon is fired by pressing the trigger located on top of the handle. (See fig. 2.) The spring uncoils, propelling the blade and hollow base silently toward the target.

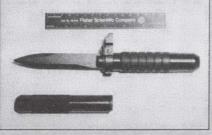
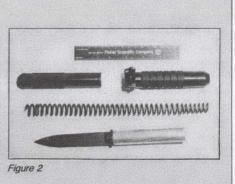


Figure 1



Chemically Enhanced Bloody Fingerprints

By

JIM NUTT

Police Specialist Technical Services Division Police Department Oklahoma City, OK The Oklahoma City Police Department has been experimenting with different chemicals for enhancing and developing fingerprints which result from coming into contact with blood. Not only have procedures for the use of these chemicals been established, but more importantly, the hazards of using certain chemicals have been recognized.

The chemical ortho-tolidine, a possible blood enhancer, was first

used by this department in the investigation of a still unsolved homicide where the suspect left a partial palm print in blood on a plaster wall. After spraying *ortho*-tolidine on this partial print using a technique called layered spraying, the print was greatly enhanced.

The second opportunity to use this chemical occurred in the fall of 1982. An Indian female was found in a 10-foot x 10-foot cinderblock build-

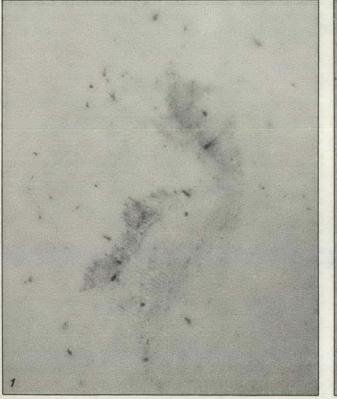


Photo number (1) is of an untreated bloody palm print left on a plaster wall.



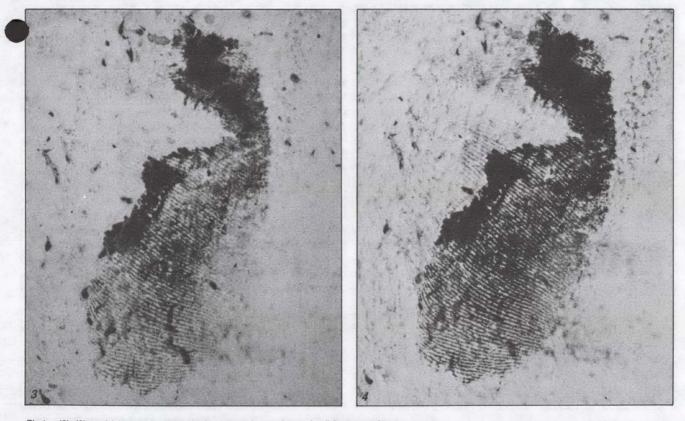
"Tetramethylbenzidine (TMB) has proven to be very effective in blood print enhancement and development."

ing. She had been strangled, raped, and died as a result of her torture. Blood was present on the buttocks, as well as other parts of the body. On one area of the buttocks was a faint ridge detail.

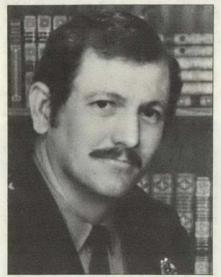
After meeting with the medical examiner, permission was granted to apply *ortho*-tolidine to that area of the buttocks in the hope of enhancing the ridge detail. However, after spraying the area in question, no further ridge detail appeared. All other bloody areas were also sprayed with the same results. In a gesture of frustration, an area on the small of the back which gave no visible signs of blood was sprayed. Almost instantly, a single latent fingerprint developed containing clear and distinctive points of identification.

The next step was to photograph this single latent print. Approximately 50 photographs were taken. However, since the special equipment needed to properly complete this task had yet to be delivered, only 1 photograph could be used for comparison purposes. With the assistance of the department's most experienced fingerprint examiner, an identification was made, and the suspect was located, tried, and convicted.

While conducting their examination of the body for latents, the forensic technicians had spent more than 4



Photos (2), (3), and (4) show layered spraying to acquire maximum detail for comparison.



Mr. Nutt



Lloyd Gramling Chief of Police

hours in the small building. Neither had worn any type of protective clothing or breathing apparatus, nor had they taken any safety precautions while using *ortho*-tolidine, except for removing any possibility of sparks. No one considered the possible hazards this chemical could produce.

Shortly thereafter, both experienced dull headaches, and the portions of their bodies which came into contact with the chemical were burning. Within 1 hour, the headaches became severe and continued for several days.

Early reports listed *ortho*-tolidine as a carcinogenic, requiring the use of this chemical to be suspended until further experiments could be conducted. It was later confirmed that *ortho*tolidine was a carcinogenic. Its use was allowed, but only when wearing protective clothing and other safety equipment.

As a safety precaution, this department decided to discontinue all use of *ortho*-tolidine. However, there still remained a need to have a chemical for enhancing bloody fingerprints and provide a margin of safety.

In 1983, while attending an advanced laser latent fingerprint and forensic research course at the FBI Academy, Dr. Henry Lee of the Forensic Science Laboratory of the Connecticut State Police proposed the use of tetramethylbenzidine as a replacement for *ortho*-tolidine. His demonstration proved the effectiveness of this chemical for enhancing and developing bloody fingerprints. Also, this chemical was not listed as a carcinogenic. Tetramethylbenzidine (TMB) has proven to be very effective in blood print enhancement and development. However, extreme caution should be used with TMB or any other chemical, regardless of its safety report.

Formula and Technique

The completed combined solution for TMB consists of mixing 0.5 gm sodium perborate, 6 ml of the TMB solution, and 120 ml of the collodion solution. (See fig. 1.) All ingredients can be prepared individually and stored in an explosive-proof refrigerator for up to 6 months, although final mixing should be done just prior to use. TMB should be sprayed using an air canister and attached bottle.

Before attempting to enhance and develop partial or invisible latents as a result of blood or blood property transfer to a deceased body or object, several factors and rules need to be mentioned:

1) If any blood analysis is to be performed, it should be done before spraving TMB. TMB coats the blood or area sprayed with a plastic-like film. Attempts to absorb the blood by swabbing have been unsuccessful in some cases. although most serological determinations may still be done. It should be noted, however, that TMB does have a diminishing or retarding effect on the serological results, and good results depend on the concentration of the stain being analyzed. If it is a question of getting good prints for identification purposes or obtaining a bloodstain, I would suggest opting for the blood print and collect a bloodstain afterwards, bearing in mind that the serological results might be limited to analysis involving positive

"... extreme caution should be used with TMB or any other chemical, regardless of its safety report."

Figure 1

Formula presently used to prepare TMB:

TMB solution-Acetate buffer: Combine 5 am sodium acetate, 50 ml deionized H₂O, and 43 ml glacial acetic acid. Mix or stir 10 ml of acetate buffer with 0.2 gm of TMB (3,3', 5,5' tetramethylbenzidine) for 10 minutes. If any particles remain, filter.

Collodion solution

-Combine 30 ml colliodion, 15 ml ethanol, and 120 ml ethyl ether. Mix or stir for 10 minutes.

identification of blood, specie determination, and the ABO blood type.

2) Photograph all visible ridge characteristics before spraying. Use of vellow and orange filters in some cases involving deceased bodies aids in contrast.

3) Spray TMB in a wellventilated area or use a vent hood. Not doing so could result in severe headaches, burning eyes, and difficult breathing.

4) Wear eye protectors, some type of breathing filter, gloves, and protective covering (lab smock).

5) Eliminate any flame or possibility of flame or spark. Ethyl ether is extremely flammable.

6) While spraying, keep observers at least 6 feet from the area. If a fan is used to direct fumes, keep observers from this area. The atomized droplets, as a result of spraying, have bounced off the skin of a deceased body and struck the eyes of an unprotected observer standing several feet away. Although no permanent damage was done, the observer was in pain for several minutes.

7) Until further research is conducted, avoid spraying live skin tissue.

When an area or object is to be sprayed and there are visible ridge characteristics, it is wise to remember that not only will the weaker area be enhanced but the darker area will also be enhanced. Overenhancing to the point of complete loss of ridge characteristics is possible. One way to prevent this is to cover the visible area, or darker area, and sprav around the covered area to achieve a color likeness. Photograph each lavered spraving until the desired contrast or maximum development is acguired. Spraving should be done by short bursts of the air canister while moving in a back and forth motion, holding the canister approximately 6 to 8 inches from the area.

Where blood is present or the suspicion of blood properties is possible, and the area in question does not reveal visible blood traces, spray the area anyway. TMB reacts to a property of the blood (Heme group) which is invisible, but is made visible by the chemical reaction as a result of the spraying.

Conclusion

No matter how safe a chemical may be at the present time, it may be found tomorrow on a list of hazardous chemicals. All chemicals should be considered dangerous. Before using any chemical, be sure to determine its safety to the extreme. Even if it presents itself as being safe, treat it otherwise for your safety and the safety of others.

FBI

Electronic Tracking Devices Following the Fourth Amendment (Part I)

"... the formula for determining whether a fourth amendment search or seizure has occurred hinges on privacy expectations rather than property concepts...."

By

JOHN C. HALL

Special Agent FBI Academy Legal Counsel Division Federal Bureau of Investigation Quantico, VA

Law enforcement officers of other than Federal jurisdiction who are interested in any legal issue discussed in this article should consult their legal advisor. Some police procedures ruled permissible under Federal constitutional law are of questionable legality under State law or are not permitted at all. "Nothing in the Fourth Amendment prohibited the police from augmenting the sensory faculties bestowed upon them at birth with such enhancement as science and technology afforded them in this case. . . . We have never equated police efficiency with unconstitutionality, and we decline to do so now." ¹

"Although the augmentation in this case was unobjectionable, it by no means follows that the use of electronic detection techniques does not implicate especially sensitive concerns."²

These statements appear in the same U.S. Supreme Court case and were written by two different Justices who agreed on the final judgment. They typify the dilemma which increasingly confronts the courts in the age of technology as they struggle to maintain a balance between the citizen's fourth amendment protections against unreasonable searches and seizures and society's legitimate interest in effective law enforcement.

Until recent years, the Supreme Court viewed the fourth amendment as providing protection to "constitutionally protected areas" against unreasonable government intrusions. This formula was derived from the literal language of the amendment,³ as interpreted in light of traditional property concepts. The Court had held that the protections of the amendment applied only to tangible property and then only when there was a physical trespass by the government.⁴

However, 20th-century technology has raised issues not foreseen by the 18th-century authors of the fourth amendment and thus compelled a change in the way the Court views the scope and application of the amendment. The first significant change came in 1961 when the Court concluded that the "Fourth Amendment governs not only the seizure of tangible items, but extends as well to the recording of oral statements. . . . "5 In addition, the Court moved away from the requirement that an actual physical trespass must occur to trigger the fourth amendment, but retained the notion that there must be in any event "an actual intrusion into a constitutionally protected area."6

Six years later, a more significant change came about in *Katz* v. *United States.*⁷ Government agents had placed a microphone on the top of a public telephone booth and intercepted the defendant's incriminating conversation. The Court was asked to



Special Agent Hall

decide two questions: (1) Whether a public telephone booth is a constitutionally protected area; and (2) whether an actual intrusion into such an area is necessary to trigger the fourth amendment. Choosing instead to frame a new standard of fourth amendment analysis, the Court stated:

". . . the Fourth Amendment protects people, not places. What a person knowingly exposes to the public, even in his home or office, is not a subject of Fourth Amendment protection. [cites omitted] But what he seeks to preserve as private, even in an area accessible to the public, may be constitutionally protected."⁸

As a result of the *Katz* decision, the formula for determining whether a fourth amendment search or seizure has occurred hinges on privacy expectations rather than property concepts and is summed up in the concurring opinion of Justice Harlan:

"... there is a twofold requirement, first that a person have exhibited an actual (subjective) expectation of privacy and, second, that the expectation be one that society is prepared to recognize as reasonable."⁹

One of the greatest challenges to the Court in recent years has been to apply the *Katz* standard to the myriad fact situations which confront law enforcement officers daily and to devise principles which provide some guidance to the police, the prosecutors, and the courts.

This article analyzes the application of the fourth amendment to one area of law enforcement activity—the use of electronic tracking devices, commonly referred to as "beepers." The article will address three questions: (1) Does either the installation or monitoring of a beeper constitute a fourth amendment "search"? (2) if either is a search, is a warrant required? and (3) where required, what kind of a warrant is necessary to satisfy the fourth amendment? Part I reviews two recent Supreme Court cases in which the Court resolved some of these issues. Part II examines some of the major issues that remain and endeavors to provide some guidance to the law enforcement community regarding the proper use of this investigative technique.

RECENT SUPREME COURT DECISIONS

United States v. Knotts 10

The Facts

Three men were convicted of conspiracy to manufacture controlled substances based on evidence recovered from Knotts' cabin during the execution of a search warrant. The search warrant, in turn, was based largely upon the use of a beeper placed inside a 5-gallon container of chloroform which enabled the narcotics officers to trace the container from the point where one of the defendants purchased it in St. Paul, MN, to its ultimate destination, Knotts' cabin, near Shell Lake, WI.

Two additional facts are of interest. First, the tracking device was installed with the consent of the original owner and before the container was purchased by the defendants. Second, the monitoring of the beeper occurred while the container and the vehicle in which it was transported were outside private dwellings. During execution of the search warrant, the

"... monitoring beepers in *public places,* or places open to visual observation, does not implicate the fourth amendment."

officers located the chloroform container under a barrel outside the cabin.

Issue

Inasmuch as the defendants did not challenge the warrantless installation of the beeper inside the container of chloroform, the Supreme Court limited its consideration to the issue whether the monitoring of the beeper in areas open to visual surveillance invaded any reasonable expectation of privacy.

Decision

Noting that the beeper surveillance by the officers "amounted principally to the following of an automobile on public streets and highways,"¹¹ the Court stated:

"A person travelling in an automobile on public thoroughfares has no reasonable expectation of privacy in his movements from one place to another. When [defendant] travelled over the public streets he voluntarily conveyed to anyone who wanted to look the fact that he was travelling over particular roads in a particular direction, the fact of whatever stops he made, and the fact of his final destination when he exited from public roads onto private property." ¹²

With regard to the monitoring of the beeper which occurred after the container had been taken onto private property, the Court observed that Knotts, the owner of the cabin and surrounding premises, undoubtedly had the traditional expectation of privacy within the dwelling. However, "no such expectation of privacy extended to the visual observation of [the] automobile arriving on his premises after leaving a public highway, nor to movements of objects such as the drum of chloroform outside the cabin in the 'open fields.' "¹³

Hypothetically, 'visual surveillance from public places along Knotts' route or adjoining his premises could have revealed the destination of the chloroform container to the police. Such surveillance would not have infringed any reasonable expectation of privacy and would not have been a fourth amendment search. Likewise, the Court believed the use of a beeper to augment the surveillance did not require a different result. In the absence of any infringement by the officers into Knotts' reasonable expectation of privacy, there was "neither a 'search' nor a 'seizure' within the contemplation of the Fourth Amendment." 14

All nine Justices supported the judgment of the Court that monitoring beepers *in public places*, or places open to visual observation, does not implicate the fourth amendment. Other questions remained. Specifically, would the *installation* of a beeper or *monitoring* its signal *inside a private dwelling* constitute a fourth amendment search or seizure? If so, is a warrant required. The answers to these questions were not long in coming.

United States v. Karo 15

The Facts

In facts generally similar to those in *Knotts*, Drug Enforcement Administration (DEA) agents installed a beeper in a can of ether that was to be delivered to an unsuspecting buyer. The agents then monitored the beeper in order to locate the site of illegal drug activities. From that point, however, the details and the issues

are sufficiently distinct to warrant further exposition. DEA agents learned that James Karo, Richard Horton, and William Harley had ordered 50 gallons of ether from a government informant in Albuquerque, NM. They planned to use the ether to extract cocaine from clothing that had been imported into the United States. Based on that information, the agents obtained a court order authorizing the installation and monitoring of a beeper in one of the cans of ether. They then obtained the informant's consent to place that can in the shipment to be sold to the defendants.

The agents tracked the container from the point of purchase to Karo's home, where its presence inside the residence was confirmed later that day by continued monitoring of the beeper. Some time thereafter, it was determined-presumably because of the absence of the beeper signalthat the ether was no longer inside Karo's residence. The agents were able to again pick up the beeper's signal and then locate the ether inside Horton's house. (One of the agents was also able to detect the odor of ether by standing on a public sidewalk near the residence.)

Over an additional period of about 5 months, the beeper was monitored to locate the can of ether inside the residence of Horton's father, two different commercial storage facilities, and finally, a house in Taos, NM, rented by Horton and another individual. Beeper surveillance confirmed that the ether was still inside the Taos residence the day following its arrival. When the agents observed the windows of the house were wide open despite cold, windy weather, they concluded that the ether was being used.

A search warrant for the residence, based partly on information acquired through use of the beeper. uncovered cocaine and laboratory equipment. The trial court suppressed the evidence on the grounds that the initial warrant to install the beeper was based on deliberate misrepresentations by the government in the supporting affidavits and that the search warrant for the residence was tainted by the initial illegality. The government, for reasons not explained in the case, did not appeal the trial court's ruling on the installation order. Instead, the government argued that no warrant was necessary for installation since the defendants had no reasonable expectation of privacy in the contraband ether. In addition, any intrusion from the installation and monitoring of the beeper, even within private premises, was too minimal to implicate the warrant requirement.

The U.S. Court of Appeals for the 10th Circuit held that although some courts had concluded that a person has no reasonable expectation of privacy in contraband, ether is not contraband and suspicion that noncontraband material might be used in criminal activity does not transform it into contraband. Therefore, the court said, the defendants had a legitimate expectation of privacy in the can of ether.

However, the court found that the fourth amendment was not implicated by the *installation* of the beeper, which occurred while the property was lawfully possessed by the government, but by the *transfer* of the property to the defendants. The court stated:

"All individuals have a legitimate expectation of privacy that

Accordingly, the court held that before the agents could transfer the can of ether containing the beeper to the defendants, they required a valid warrant. In addition, the court noted that the beeper was monitored by the agents while it was located inside private residences and storage lockers, and "the warrantless use of a beeper to monitor the location of noncontraband withdrawn from public view inside private residences or similarly protected places is an unconstitutional search or seizure." ¹⁷

Finally, the court affirmed the trial court's ruling that the search warrant for the Taos residence was invalid inasmuch as the information acquired through illegal monitoring of the beeper was essential to the finding of probable cause.¹⁸

The Issues

The government appeal to the Supreme Court raised the following questions which had not been resolved in Knotts:

- Whether installation of a beeper in a container of chemicals with the consent of the original owner constitutes a search or seizure within the meaning of the fourth amendment when the container is then transferred to an unsuspecting buyer; and
- 2) Whether monitoring the beeper is a fourth amendment search

when it reveals information that could not have been obtained through visual surveillance.

The Decision

Installation

With regard to the installation of the beeper inside the can of ether, the Supreme Court held that there was no violation of anyone's fourth amendment rights. The Court stated:

"The can into which the beeper was placed belonged at the time to the DEA, and by no stretch of the imagination could it be said that [defendants] then had any legitimate expectation of privacy in it." ¹⁹

The Court added that even if the can had belonged to, and was in the possession of, a third party (the government informant) at the time of installation, the consent of that party would be sufficient to validate the beeper's installation.

Transfer

The Supreme Court disagreed with the appellate court's holding that the fourth amendment violation occurred at the time the beeper-laden can was transferred to the unsuspecting defendant. The Court reasoned that no privacy interest was infringed and hence no "search" took place because no information was conveyed to the government at the time of the transfer. The Court stated:

"To be sure, it created a *potential* for an invasion of privacy, but we have never held that potential, as opposed to actual, invasions of privacy constitute searches for

"In the absence of an emergency, the monitoring of a beeper inside private areas must be authorized by a warrant."

purposes of the Fourth Amendment."²⁰

Likewise, the Court found that there was no fourth amendment "seizure" occasioned by the transfer. Defining a fourth amendment seizure as a "meaningful interference with an individual's possessory interests in property,"²¹ the Court concluded:

"Although the can may have contained an unknown and unwanted foreign object, it cannot be said that anyone's possessory interest was interfered with in a meaningful way. At most, there was a technical trespass on the space occupied by the beeper . . . however, . . . an actual trespass is neither necessary nor sufficient to establish a constitutional violation." ²²

The Court next considered the question whether any fourth amendment interests were infringed by the monitoring of the beeper.

Monitoring

Karo presented the Court with a clear instance of monitoring a beeper in a private residence-a location not open to visual surveillance. These facts were unlike the Knotts case where the monitoring of the beeper occurred while the can of chloroform which contained it and the automobile which transported it were in open areas which could have been visually observed. The Court determined that monitoring in a private residence constituted a search within the meaning of the fourth amendment because it conveyed to the agents critical information about the interior of the residence which could not have been lawfully obtained by visual observation from outside the curtilage 23 of the house.

The Court then emphasized that "private residences are places in which the individual normally expects privacy free from governmental intrusion . . . and that expectation is plainly one that society is prepared to recognize as justifiable." 24 An entry by the agents into the premises to verify the presence of the ether would clearly have been a search: the result is the same when an electronic device is used to obtain the same information.25

Having concluded that monitoring a beeper inside private premises constitutes a search, the Court proceeded to consider whether the warrant requirement should be applied. The government contended that it should not, because the degree of intrusion is less than that of searches to which the warrant requirement has traditionally been applied. The Court rejected the suggestion that "the beeper constitutes only a miniscule intrusion on protected privacy interests" 26 and added that "requiring a warrant will have the salutary effect of ensuring that use of beepers is not abused, by imposing upon agents the requirement that they demonstrate in advance their justification for the desired search." 27 The Court concluded:

"In sum, we discern no reason for deviating from the general rule that a search of a house should be conducted pursuant to a warrant."²⁸

Ironically, the defendants in *Karo* did not benefit by the holding in the case. The Supreme Court upheld the search of the Taos residence on the ground that there was sufficient untainted information in the search warrant affidavit—after striking the facts acquired through beeper surveillance inside the residence—to support a

finding of probable cause. The Court found no reason to strike the information concerning the two storage lockers for the reason that in neither case was the beeper used to pinpoint the specific locker in which the container had been placed. Having located the general areas to which the can had been taken, the agents pinpointed the specific lockers in both instances by detecting the odor of ether as they walked through areas accessible to the public. The Court noted that if the monitoring of the beeper had disclosed the presence of the ether in a particular locker, that would have constituted an intrusion into an area where some of the defendants had a reasonable expectation of privacy.29

Summary of the Case

Reviewing the *Knotts* and *Karo* decisions, the following points are clear:

- Installation of a beeper in or on property which is in the lawful possession of the government, or with the consent of the lawful possessor, is not a search or seizure under the fourth amendment and does not require either a warrant, probable cause, or reasonable suspicion.
- Merely transferring a beeperladen container to a suspect is neither a search nor a seizure.
- Monitoring a beeper in areas where visual surveillance could disclose the same information is not a search.
- Monitoring a beeper inside private areas, i.e., areas not normally open to visual surveillance, is a search.
- 5) In the absence of an emergency, the monitoring of a



beeper inside private areas must be authorized by a warrant.

Several questions remain which are not clearly resolved by these two cases. For example, in *Knotts* and *Karo* the government either had lawful possession of the containers in which the beepers were placed or had the consent of a lawful possessor. Could there be other circumstances where the *installation* of a beeper would constitute a search or seizure? If so, would a warrant be required to justify the installation? And, what would be the essential ingredients of such a warrant?

Part II of this article considers these additional issues.

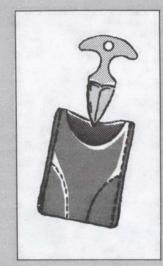
FBI

Footnotes

1 United States v. Knotts, 75 L.Ed. 2d 55, at 63 and 64 (1983). ² Id. at 66 (Justice Stevens concurring). ³ The fourth amendment states in pertinent part: The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated. 4 Olmstead v. United States, 277 U.S. 438 (1928); Goldman v. United States, 316 U.S. 129 (1942) 5 Silverman v. United States, 365 U.S. 505 (1961). 6 ld. at 512. 7 389 U.S. 347 (1967). 8 ld. at 351 and 352. 9 ld. at 361 10 75 L.Ed.2d 55 (1983). 11 ld. at 62. 12 ld. 13 ld. 14 ld. at 64. 15 82 L.Ed.2d 530 (1984). 16 ld. at 539. 17 710 F.2d 1433, at 1439 (10th Cir. 1983). 18 Id. at 1440. 19 Supra note 15, at 539. 20 Id. 21 Id. at 540. Cf. United States v. Jacobsen, 80 L.Ed.2d 85, 104 S.Ct. 1652 (1984). 22 Id. 23 "Curtilage" has been described by the Court as "the land immediately surrounding and associated with the home" and "the area to which extends the intimate activity associated with the 'sanctity of a man's home and the privacies of life.' " Oliver v. United States, 80 L.Ed.2d 214, at 225 (1984).

²⁴ Karo, supra note 15, at 541.
²⁵ Id. at 542.
²⁶ Id. at 543.
²⁷ Id.
²⁸ Id. at 543-544.
²⁹ Id. at 545, n.6.

Wallet Knife



While mail-order advertisements for this unusual weapon claim it to be the most modern and strongest pocket knife in the world, the threat of physical danger it poses to law enforcement officers is unquestionable. With an overall length of 3 inches, the knife is forged from solid stainless steel and comes complete with a leather credit card case. This wallet knife is being offered for sale to the general public, and while in its carrying case, appears to be a harmless item which can be carried and concealed easily in a pocket or purse.

(Submitted by the Freeburg, IL, Police Department)

BY THE FBI

Frank Wayne Charneco

Frank Wayne Charneco, also known as "Pope"

Wanted for:

Interstate Flight—Aggravated Assault; Battery upon a Law Enforcement Officer

The Crime

Frank Wayne Charneco is wanted in connection with the aggravated assault and battery of a Florida highway patrolman, which occurred during December 1980.

A Federal warrant was issued on August 18, 1981, in Jacksonville, FL, charging Charneco with unlawful interstate flight to avoid prosecution for aggravated assault and battery upon a law enforcement officer.



Photograph taken 1979

Description

Age	
Height	1951, Tampa, FL. 5'9".
Weight	
	pounds.
Hair	Brown.
Eyes	Brown.
Complexion	. Medium.
Race	. White.
Nationality	American.
Occupations	
Social Security	
Number used	. 265-96-8892.

rearriboti	 200	00	0002.	
FBI No.	 659	780	N9.	

Classification Data:

NCIC Classification:

2957121817DI66111717

Fingerprint Classification: 29 L 5 R 100 17

11R 000

1.0. 4951



Right middle fingerprint

Photograph taken 1980

Caution

Frank Wayne Charneco is also wanted by local Florida authorities for armed robbery, armed burglary, aggravated battery, and the use of a firearm in committing a felony. He should be considered armed and dangerous.

Notify the FBI

Any person having information which might assist in locating this fugitive is requested to notify immediately the Director of the Federal Bureau of Investigation, U.S. Department of Justice, Washington, 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 this fugitive has already been apprehended. The nearest office of the FBI will have current information on this fugitive's status.



Change of Address Not an order form	FBI	LAW ENFORCEME BULLETIN	NT		
Complete this form and return to:	Name		*		
Director Federal Bureau of Investigation	Title Address				
Washington, DC 20535	City	State	Zip		

Questionable Pattern

The questionable pattern presented here is given the preferred classification of a tented arch. However, since undue pressure or heavy inking may cause the core formations to appear as recurves, the pattern is referenced to a loop with two ridge counts.



U.S. Department of Justice

Federal Bureau of Investigation

Second Class Mail Postage and Fees Paid Federal Bureau of Investigation ISSN 0014–5688



Washington, DC 20535

Official Business Penalty for Private Use \$300 Address Correction Requested

The Bulletin Notes

Officer Brian Vold of the Mercer Island Department of Public Safety, Mercer Island, WA, saved the life of an apparent attempted suicide on July 14, 1983. Officer Vold had to jump into the lake from a rowboat 200 yards from shore and physically restrain the victim. The Bulletin is pleased to join Officer Vold's superiors in recognizing his heroism.



Officer Vold