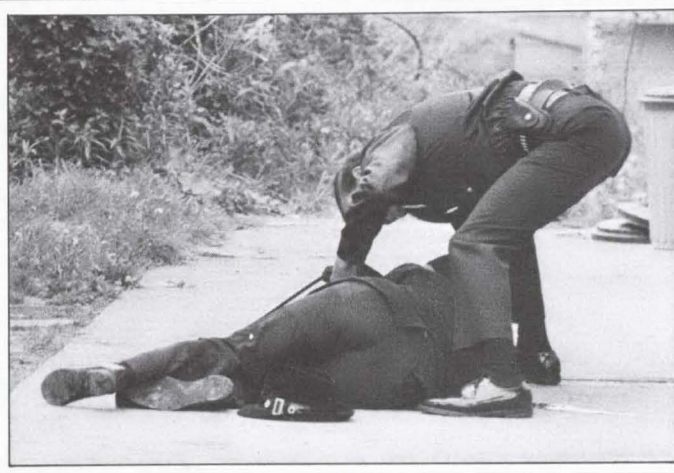
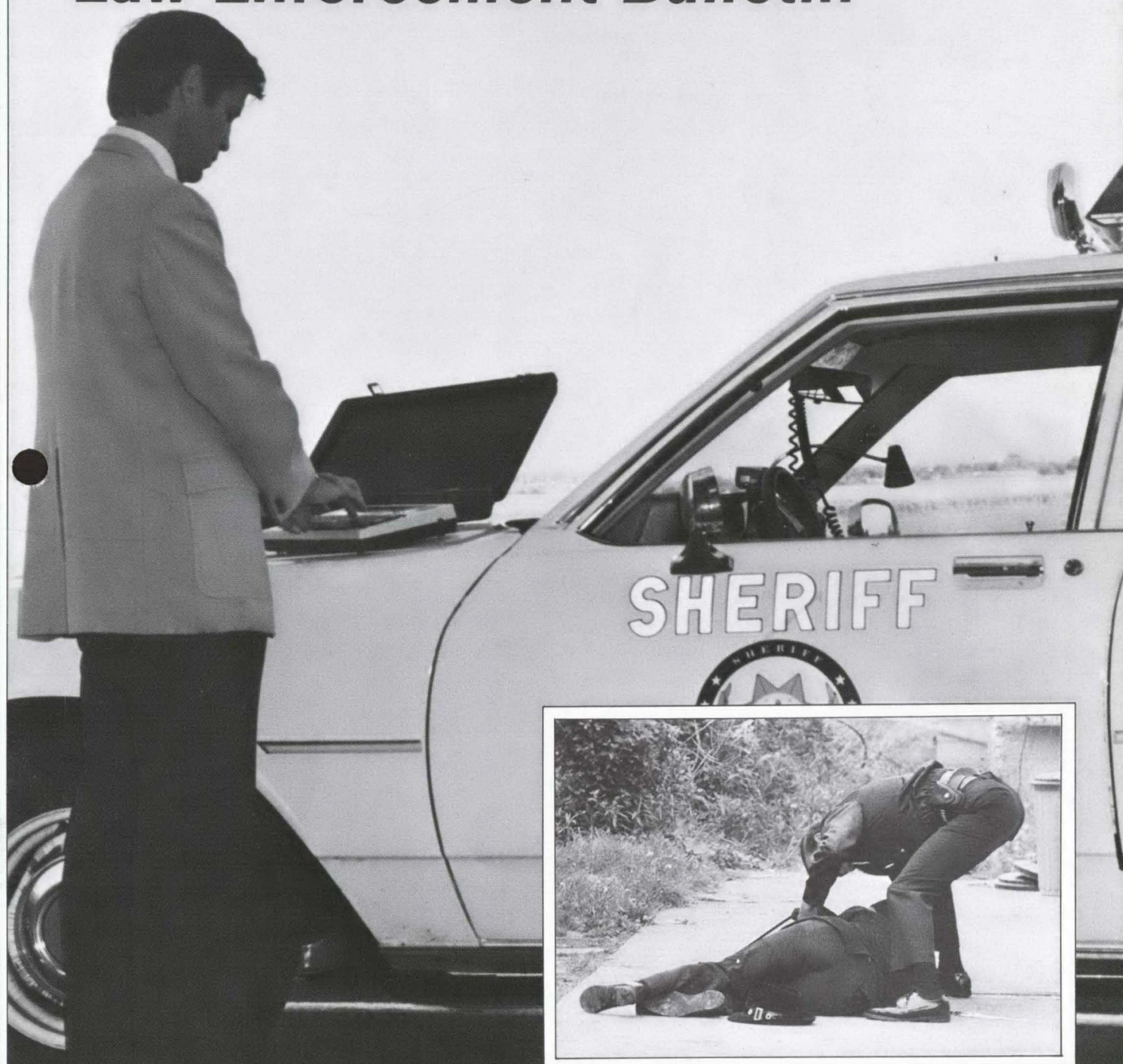




February 1987

FBI

Law Enforcement Bulletin



An Automated News Media System

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The Sicilian Mafia and Its Impact on the United States

By

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The Sicilian Mafia has, through corruption, guile, assassination, extortion, terror, and manipulation, fostered a climate where they have established themselves as the premier criminal group in Italy, with tentacles principally in Western Europe and North America and South America.

Research for this article was conducted to determine the extent of the Sicilian Mafia's influence and presence in the United States, their criminal activities with special emphasis on heroin trafficking, the degree and nature of association with the American LCN and other criminal organizations, particularly the Italian Camorra and N'Drangheta groups, and the overall impact they are having in the United States. The article traces the Sicilian Mafia's development and growth here in the United States and how American and Italian law enforcement has reacted to it.

HISTORY OF THE SICILIAN MAFIA

Early Years — Sicily

The Sicilian Mafia's main influence is in the region of Italy known as the "mezzogiorno" (The Southern Region), an area which is also "home turf" to Italy's two other major organized crime groups — the Camorra and the N'Drangheta.

Spanish kings ruled Naples and Sicily from 1504 to 1707 and from 1738 to 1860. During the first Spanish reign, the criminal organization we now know as the "Camorra" was founded in Naples. This initial organization was a mix of invading Spaniards and Neapolitans, and it was based on rules and codes of an earlier Spanish criminal society called the "Garduna."¹ During the second Spanish invasion, the "Sicilian Mafia" was formed from leaders connected to the Camorra, which was the most powerful criminal organization in Italy for most of the 18th and 19th centuries.

The Garduna, Camorra, and Sicilian Mafia all had common features, i.e., each existed to sell criminal services, whether to individuals or businesses or the lawful government itself. All three had a formal organizational structure, with each group improving on the other. The Camorra organized its members into what they called "brigades" (brigata), while the Sicilian Mafia organized its rank and file into "families" (famiglias). All three had strict rituals (the kiss on the cheek to a prospective assassination victim; the pricking or lancing of one's finger to draw blood to indicate undying loyalty to the "family"). And each organization had a strict code of silence, or as it is known today, "omerta."

Many say the "father" of the Sicilian Mafia is Giuseppe Mazzini, a Camorra associate who came into power in 1860 when groups of Sicilians he formed overthrew Bourbon invaders in Palermo. Mazzini, a scholar and adventurer, founded the "Young Italy Society" in 1831, after being released from prison where he was sent by the French for revolutionary activity.² The articles of organization for the Young Italy Society were drawn from tenets of the Camorra and later became the basis of the Sicilian Mafia organization. The word "Mafia" appeared for the first time in public print in November 1860, where it was conceded publicly that a Camorra system had been transplanted to Palermo and the Sicilian countryside.

By the 1870's, the original Sicilian Mafia, called the "Palermo Mafia," was a mixture of idealists, revolutionaries, hill bandits, and groups called "latifunda guards" (armed men who protected large estates owned by absentee landlords). From the protection of private property for a fee, the Sicilian "Mafiosi," by taking advantage of a growing popular fear, extended his "government" (the Sicilian Mafia) to attacking the state itself.³ With this growing power, the Sicilian Mafia rapidly spread outward from Palermo into the small towns and villages that dot Sicily.



Special Agent McWeeney

A prestigious Mafiosi, Giuseppe Esposito, from Palermo was the first known Sicilian Mafia member to emigrate to the United States. In November 1878, Esposito and six other Sicilians arrived by boat in New York City from Palermo via Marseilles, France, after being forced to flee Sicily for the murder of 11 wealthy landowners and the chancellor and vice-chancellor of a Sicilian province.⁴

Early Years — America

The New York City that Giuseppe Esposito and his six-man crew found was hostile to non-English speakers, very cold as the winter season was setting in, and politically and criminally dominated by the Irish and Jews. Esposito, seeking a warmer climate and sensing the hostile environment in New York, almost immediately moved from New York to New Orleans, a city with a large Sicilian community.

In New Orleans, Esposito ran the growing Sicilian Mafia clan there until his arrest in 1881 by a famous New Orleans police official, David Hennessey. Hennessey arrested Esposito on an outstanding Italian fugitive warrant and sent him to New York, where he was eventually extradited to Italy.

Esposito was replaced as "boss" by the first recognized American-born leader of a Mafia group, Joseph Macheca, born in New Orleans of Sicilian parents. Macheca and his chief associate, Charles Matranga, reinforced the New Orleans organization with numerous recruits from Sicily, a recruitment feature we have seen repeated over and over again through the years by the American LCN.

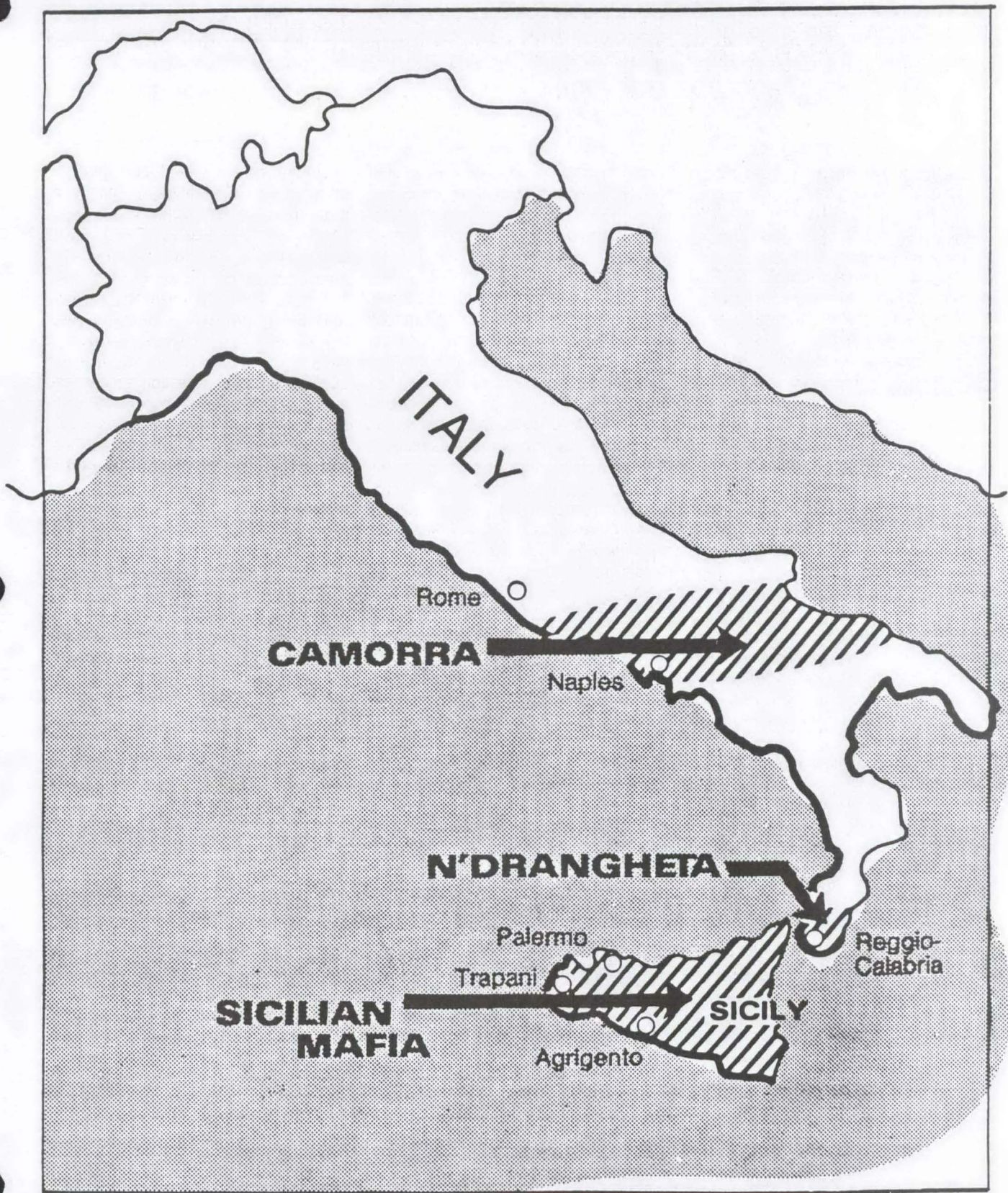
This American-run Mafia, with Sicilian imports, stamped its indelible mark on American society on October 15, 1890, when Macheca's New Orleans "family" murdered David Hennessey who, after Esposito's arrest, had risen to chief of police for New Orleans. Ten men were charged with Hennessey's murder, and after a lengthy trial, all were acquitted. The acquittals created a sensation, and an angry crowd immediately attacked Parish Prison, the New Orleans "Bastille," where 19 Sicilians were housed. The New Orleans mob roared through the prison and the eventual carnage resulted in what has been called the largest lynching in American history. Sixteen were killed, some shot, some clubbed to death, and others hanged from lampposts.⁵

Although New Orleans Mafia origins are well-documented in American annals and can be traced directly to Sicilian Mafia links in Sicily, it was not the only American city that had Sicilian Mafia societies in the late 1800's. Sicilian Mafia families were organized as early as 1890 in San Francisco, St. Louis, Chicago, New York, and probably Boston.

1920's-1930's — Sicily and America

After Benito Mussolini took over the Italian Government in the early 1920's and ushered in the Fascist Period, the famous Mori Operation started. Cesare Mori, a retired, supposedly incorruptible crime fighter, was designated Prefect (chief of police) of Palermo by Mussolini and ordered to destroy the Sicilian Mafia. Mori, known as the "Iron Prefect," arrested thousands of suspected Sicilian Mafia members and their associates, shipped many of the suspected Mafiosi to penal islands, and had numerous others executed. Often, Prefect Mori had entire

ORIGINS of SICILIAN MAFIA GROUPS



"... Italian and American law enforcement investigators estimate that as much as 70 percent of the heroin entering the United States comes by individual Sicilian Mafia members or associates...."

towns depopulated as he carried out his purge of the Sicilian Mafia.⁶

Although Mussolini announced to the world in 1927 that the Mori Operation was a success and that the Sicilian Mafia had been eliminated, he was wrong. In fact, the strong roots of the Sicilian Mafia remained. The high-ranking Mafiosi either joined the "enemy" (the Fascist Party), or as we know now, emigrated to the United States and formed the base of the American LCN. Some of the more notorious individuals that arrived in the United States at this time were Carlos Gambino, Stefano Maggadino, Joe Profaci, Joe Magliocco, Mike Coppola, and Salvatore Maranzano. They joined earlier Sicilian arrivals, such as Joe Bonanno (1915) and Lucky Luciano (1907).

When the likes of Gambino and others arrived in New York, they were immediately accepted in the then active Sicilian Mafia organization in New York called "Unione Sicilione." Eventually, Gambino, Bonanno, and Profaci surfaced as highranking members of New York Mafia families.

Salvatore Maranzano, when he came to New York from Sicily in 1927, announced that he was a direct representative of the boss of the Palermo Sicilian Mafia, and one of his goals was to organize the American crime families, including the Irish and Jewish gangs, under one leadership. Maranzano, by 1928, had everyone in line with his idea except Joe Masseria, who led a group of men that had all, with a few exceptions, been in America since childhood. The resulting 3-year conflict, called the Castellammarese War, pitted the Sicilian Mafia-dominated faction lead by Maranzano against the American Mafia-dominated faction led by Masseria. On April 15, 1931, the war ended

when Masseria was gunned down in a Coney Island restaurant, having been lured there by Lucky Luciano and Vito Genovese, who had secretly struck a deal with Maranzano.

Two weeks later, Maranzano convened a meeting in the Bronx of all Mafia members. This became the first official meeting of the *American La Cosa Nostra*. Joe Valachi, who was a Government witness, attended this meeting and told investigators that Maranzano set forth for all present the official code or principles of Cosa Nostra (Our Thing). At the meeting, according to Valachi, Maranzano divided Cosa Nostra into new families, with New York having five separate LCN families. Maranzano rewarded Luciano and Genovese (a non-Sicilian from Naples) for the Masseria treachery by making Luciano a family boss and Genovese his "Soto Capo" (underboss). Luciano and Genovese repaid Maranzano's kindness by arranging to have Maranzano killed in September 1931, in protest to Maranzano's plan that he be made "Capo di tutti Capi," boss of all bosses in America.

During the rest of the 1930's, Luciano and the other Cosa Nostra bosses solidified their bases of operation and expanded to a nationwide organization, which today is active in 25 American cities, with an estimated membership of 2,000 members.

SICILIAN MAFIA — MODERN ERA

The "French Connection"

During the 1960's and early 1970's, France became known as the source for approximately 80 percent of the heroin available on the streets of the United States. Marseilles was the center of clandestine heroin laboratories, with the morphine base imported primarily from Turkey. The finished heroin was then smuggled into the United States (the famous French Connection)

by French-Corsicans teamed with Sicilian Mafia and American La Cosa Nostra members and associates. Diplomatic initiatives between the United States, France, and Turkey and investigative breakthroughs by the Drug Enforcement Administration (DEA) and the French and Italian police forces blunted the French Connection by the early 1970's. Later, French-Corsicans and Sicilian Mafia traffickers attempted to reestablish the Marseilles region laboratories, but immediate police action stopped the effort. Today, DEA does not consider France to be a major producer of heroin sold on the American market.

"Sicilian Connection" — Italy

DEA reports indicate that Italy resumed its role as a major producer of heroin in the mid-1970's, which time-frame lines up with the breakdown of the French Connection. Heroin laboratory facilities were set up mainly in Sicily, with a very small number of other laboratories located in Northern Italy (Milan region) to take advantage of the French chemists needed to process the morphine base and other chemicals into the finished product. During this period, the ever-important morphine base reached the Sicilian Mafia traffickers from sources in the Eastern Mediterranean countries of Syria, Lebanon, and Jordan. Current intelligence, as of May 1985, indicates the Sicilian Mafia is now using Lebanon and Pakistan as sources for morphine base.

Because of increased Italian police enforcement activity from 1980-1985, Sicilian Mafia-controlled heroin laboratory production activity had diminished

considerably. However, the Sicilian Connection, the trafficking of processed heroin to European and North American markets, solidified during this time-frame. In 1984, Southwest Asian (SWA) heroin, primarily heroin refined along the Afghanistan/Pakistan border, accounted for 51 percent of the total U.S. supply. Seventeen percent of the U.S. heroin supply came from Southeast Asia (SEA) (Hong Kong, Burma, Thailand); the remaining U.S. heroin supply, approximately 32 percent, came from Mexico.⁷

The Sicilian Mafia controls the transshipment through Italy to the United States of both SWA- and SEA-processed heroin. The proportion of SWA heroin to SEA heroin entering Italy, according to DEA, is 70 percent to 30 percent, with recent indicators showing SWA heroin on the decrease, primarily because of the Afghanistan/Soviet war.

Smuggling of the processed heroin into the United States via the Sicilian Connection runs the gamut and is limited only by the bounds of one's imagination. Surprisingly, Italian and American law enforcement investigators estimate that as much as 70 percent of the heroin entering the United States comes by individual Sicilian Mafia members or associates traveling by air, wearing bodypacks of 2- to 3-kilo quantities. Other known smuggling methods include heroin secreted in toys, statues, wheels of provolone cheese, film canisters, coffee machines, wooden pallets, shipped vehicles, furniture, dry-cell batteries, cans of baby powder, transistor radios/televisions, shoes, mail, food products, and clothing. Once the heroin reaches the United States, with New York City being the center of activity, the Sicilian Connection's American-based operation, in place we now know since the mid-1960's, goes into action.

Sicilian Connection — United States

The Federal Bureau of Investigation (FBI), DEA, and Immigration and Naturalization Service (INS) investigators, along with their Italian counterparts, have confirmed that between the mid-1960's and the early 1970's, the United States, Canada, and parts of South America were "flooded" with Sicilians departing Italy. The Sicilians entering the United States were either smuggled through Canada or Mexico or legally issued visas and/or citizenship. Most of those entering the United States illegally were fugitives from Italy on charges ranging from murder to narcotics trafficking.

There are two main reasons why the Sicilians left Italy at this time. First, during the late 1950's and into the mid-1960's, the Italian Government implemented a system of internal exile for suspected Mafia members similar to the "Mori Operation," only without the killings. This effort, called "Soggiorno Obligato," resulted in approximately 500 suspected Sicilian Mafiosi being relocated from Sicily to various Italian towns and cities. However, "Soggiorno Obligato" only served to spread the tentacles of the Sicilian Mafia power base throughout all of Italy and heightened their aspirations. Many of these transplanted Sicilian Mafiosi, barred from effectively operating in Sicily, emigrated to the United States, Canada, and South America.

While the "Great Exile" of Sicilian Mafiosi was taking place, a ferocious war broke out throughout Sicily between the majority of families of the Sicilian Mafia. Numerous Mafioso members and associates were killed or maimed. The Italian police forces immediately cracked down on the warring factions, and the Mafia just as swiftly retaliated by killing police officers and blowing up public buildings. The result was a tremendous turmoil throughout

Sicily, which lasted from approximately 1958 to the early 1970's. Many Sicilian Mafia members and associates during this period fled Sicily for other countries to avoid arrest by the police on murder and bombing charges. This conflict flared up again in 1980 and ended about 3 years later, with some Sicilian Mafiosi fleeing the battle scene for the United States and other locations. Knowledgeable Italian organized crime police officials have told the FBI and DEA that as of today, the conflict (sometimes referred to as the Great Sicilian War) is over.

The Sicilians who came to the United States during the mid-1960's—early 1970's became involved in cash flow businesses, though the great majority worked in pizzerias controlled either by the American LCN or earlier Sicilian Mafia arrivals in the United States. The Pennsylvania Crime Commission did an exhaustive study of the cheese and pizza industry and concluded in 1980 that much of the industry was controlled by "organized crime" (American LCN and Sicilian Mafia members are mentioned in the report.)⁸

The entanglement of the Sicilian Mafia in the heroin and the cheese industry is shown best by the following:

Felipe Casamento, owner of Eagle Cheese, was arrested, tried, and convicted in 1973 in New York for heroin smuggling. Ten years later, he becomes involved in a major heroin smuggling conspiracy with Sicilian Mafia members. Ferro Cheese Company in Brooklyn, controlled by Paoli Gambino, Sicilian born and a brother of Boss Carlos Gambino, and a Michael Piancone's Pizza Place, located in New Jersey, are cited as bases of operations for the Casamento heroin operation.

"... during part of 1982 and 1983, one of the group's operations out of Sicily had scheduled 1½ tons of heroin for importation to New York City, which had a wholesale value of over \$333 million."

Michael Piancone was convicted in 1973 for arranging a marriage of convenience to keep an illegal Sicilian alien in the United States. Benedetto Buscetta, Eagle Cheese employee, and his father, Tomasso, were arrested in New York on heroin smuggling charges in 1970. Frank Casamento, Eagle Cheese vice-president, is known to the owner of the Casamento Salumeria (Cafe-Deli) in Brooklyn, which is frequented today by a group of Sicilian Mafia members and associates, known as "The Knickerbocker Avenue Crew."⁹

The "Knickerbocker Avenue Crew" was the focal point of what former Attorney General William French Smith, in 1984, called one of the most important investigations ever conducted by the Justice Department, a case referred to by the mass media as the "Pizza Connection." The Pizza Connection investigation, conducted by the FBI and DEA, ran almost 3 years and targeted Sicilian Mafia members and associates centered in New York who were engaged in large scale distribution of heroin into the United States.

SICILIAN MAFIA IN THE UNITED STATES

"Pizza Connection" Case

The Pizza Connection case grew out of an organized crime investigation by the FBI of the Bonanno family of the New York LCN. The FBI's New York Office, assisted by DEA, New York City Police, several other FBI and DEA field offices in the United States, and Italian police agencies, uncovered a massive conspiracy involving importation of heroin and money laundering by Sicilian Mafia members in the United States.

The investigation led to the indictment in New York in 1984 of 35 alleged members of the Sicilian Mafia.

The investigation showed that the Sicilian Mafia group was importing massive amounts of heroin into the United States. For example, during part of 1982 and 1983, one of the group's operations out of Sicily had scheduled 1½ tons of heroin for importation to New York City, which had a *wholesale* value of over \$333 million. Between 1980 and 1983, the New York Sicilian Mafia group was proven to have shipped over \$40 million in cash from New York to Sicily via Switzerland.

The scope of the operation was literally worldwide. Members of the organization operated from Brazil, Spain, Switzerland, Sicily, Canada, and throughout the United States. Gaetano Badalamenti, a notorious Sicilian Mafia "boss," had fled Sicily in the mid-1970's and took refuge in Brazil. In 1984, he was arrested in Spain, shortly after leaving Brazil. This arrest occurred as a result of a court-approved wiretap conducted by the FBI of Badalamenti's nephew, Pietro Alfano, who owned a pizzeria in Oregon, IL. Badalamenti and Alfano were attempting to put together a heroin "deal" with their New York-area Sicilian Mafia associates when they were overheard by the investigators.

The leader of the Sicilian Mafia group in New York was Salvatore Toto Catalano, who was known to many of his neighbors in Queens as the owner of a small bakery. To the FBI and DEA, however, he was the apparent leader of a group of Sicilians known as The Knickerbocker Avenue Crew. Besides heroin importation, Catalano and his crew were charged in the New York indictment with the murder of Carmine Galante, a ranking member of the Bonanno LCN family, on July 12, 1979, in the rear of Joe and Mary's Restaurant in Brooklyn.

Several of the other subjects indicted in the Pizza Connection case were from unlikely locations such as Temperance, MI, and Milton, WI. Pietro Alfano traveled to Naples, FL, on the orders of Badalamenti, and to this date, investigators are not positive who he saw there, if anyone. The majority of people who assisted Alfano in this phase of the operation were related to him by either blood or marriage. Each had distinct roles; some delivered packages, some simply stored the heroin for short periods, others collected money and brought it back to Alfano, who would then transfer the money to Badalamenti in Brazil.

One member of the Sicilian Mafia organization indicted in New York, Salvatore Salamone, had the job of changing small denomination bills into large denomination bills so that the money could be more conveniently transported in suitcases overseas. Once the money got to Switzerland, there were several other individuals who were responsible for converting the dollar bills into Swiss francs, and then to Italian lira for ultimate delivery to Sicily, the source of the heroin.

Sicilian Mafia Lifestyle in the United States

The FBI and DEA are just beginning to determine the number of Sicilian Mafia members in the United States and where they live and operate their criminal networks. The FBI is systematically entering intelligence data into the Organized Crime Information System (OCIS) as field investigators from the FBI and DEA obtain it. To date, the FBI has "positive" data from sources, electronics overhears, and surveillances, corroborated by Italian police agencies, indicating that there are over 25 Sicilian Mafia "members" in the

United States, although many more Sicilian Mafia "members" are suspected to be in the United States. Data are also being entered into OCIS on the numerous Sicilian Mafia "associates" in the United States.

The Pizza Connection case involved subjects who were from different Sicilian Mafia families and regions in Sicily and resided in widely diverse locations in the United States. The center of the operation was New York City, with operatives in the heroin network located in the suburbs of New Jersey and outside Philadelphia and small isolated communities in Oregon, IL, Temperance, MI, and Milton, WI. All mem-

bers were very mobile, traveling throughout the United States and overseas to Italy, Switzerland, Spain, and South America. Similar to the FBI's experience in foreign counterintelligence investigations, individuals within the organization had very limited, well-defined roles, such as simply receiving a phone call late at night at a phone booth and passing the brief message to a higher-ranking person in the operation.

Criminal activities, besides heroin trafficking, associated with the Sicilian Mafia in the United States include cocaine trafficking, loansharking, gambling, counterfeiting, theft, burglary, arson, murder, extortion, and cigarette

smuggling. All of these latter criminal activities are relatively minor in scope and impact at this time, but with their continuing immersion into our society, Sicilian Mafiosi in the future surely may wish to diversify their criminal program to include more than just heroin smuggling. If that occurs, the question becomes, how will the American LCN react to an invasion of its "criminal turf," particularly in the loansharking and gambling areas?

Sicilian Mafia — Relationship with American LCN

Dr. Giuseppe Fera, a highly respected Italian police official, describes

SICILIAN MAFIA in the U.S.



"Criminal activities, besides heroin trafficking, associated with the Sicilian Mafia in the United States include cocaine trafficking, loansharking, gambling, counterfeiting, theft, burglary, arson, murder, extortion, and cigarette smuggling."

the relationship between the Sicilian Mafia and the American LCN as one of "common interests," narcotics trafficking and money laundering, where one group needs the other. He says the relationship is very precise, equal, and built on respect for each other; the common denominator is the "ability to make money" together. Dr. Fera says the Americans and Sicilians have a much better relationship than, for instance, the Sicilian Mafia and the Camorra based in Naples. The latter relationship is one "not on equal footing," with the Sicilians being the dominant group and the "Neapolitans always trying to ingratiate themselves with the Sicilians."

Experienced FBI organized crime investigators in New York have concluded the following about the Sicilian Mafia/American LCN relationship:

- 1) The Sicilian Mafia operates in the United States as a separate criminal organization, specializing in heroin smuggling, with first allegiance to their "family" in Sicily;
- 2) Prior to initiating a major heroin smuggling operation, they obtain the "sanction" of certain American LCN families (Gambino family in New York, DeCavalcante family in New Jersey are examples); and
- 3) As payment for the American LCN family granting its "sanction," the Sicilian Mafia pays a monetary tribute (e.g., up to \$5,000 for each kilo of heroin smuggled into the United States) to the American LCN family.

The FBI offices in both Newark and New York have conducted surveillance on prominent American LCN members,

including one surveillance of a meeting with the boss of a major New York LCN family. Also, in at least two cases, investigators have identified individuals living in the United States who are "positive" members of both the American LCN and the Sicilian Mafia. According to some, this is impossible, but as with all rules, there are many exceptions. Obviously, the investigators will have to keep an open mind when examining the special relationship between the members of the Sicilian and American criminal organizations.

Will the Sicilian Mafia in the United States expand into other criminal activities, such as gambling and loansharking, running head on with American LCN interests? Most investigators believe that as long as the heroin smuggling operations remain as lucrative as in the past, the Sicilians, with isolated exceptions, are not likely to take on the American LCN in areas of their criminal expertise. More probably, according to the experts here and in Italy, the Sicilian Mafia will use its extensive South American contacts to expand into major cocaine smuggling and trafficking in the United States. The likely adversary then would be the "Colombian Mafia," the major cocaine trafficking organization in this country.

Cocaine use in Italy, as well as the United States, is a major substance abuse problem. Through the Camorra criminal organization, Naples has become the central distribution center for cocaine for Italy and other countries in Europe. The major importer of cocaine into Italy is Italian fugitive, Antonio Bardellino, the boss of one of three Camorra "families" that are closely aligned, if not part, of the Sicilian Mafia. Bardellino is believed to be in Sao Paulo, Brazil, which he fled to in 1982, when charged with "Mafia association." Bardellino, along with other Sicilian Mafia and Camorra members and as-

sociates in South American, are in an excellent position to establish cocaine smuggling routes into the lucrative American market. Most investigators believe it is just a matter of time before this happens.

USA/ITALIAN GOVERNMENT EFFORTS

Anti-Mafia Legislation — Maxi-Trial

After a wave of murders and bombings of police officers, investigating magistrates, and judges in Sicily and other parts of Italy, the legislature of the Central Government of Italy enacted on September 11, 1982, the Anti-Mafia law. The main features of the Anti-Mafia law are:

- "Association" with known Mafia types is illegal, whether a crime is committed or not;
- "Association" also applies to the Camorra and other "Mafia-type groups";
- "Exile" locations for "Mafiosi" shall be in towns with a population of 10,000 or less, and unauthorized leaving of the exiled location shall cause imprisonment;
- Property and other assets are subject to confiscation;
- Telephone wiretaps are authorized on persons suspected of belonging to a "Mafia-type" association; and
- The term "omerta" is defined in the law in its most negative connotation, as a "conduct of non-cooperation with public safety officials due to fear."

This law has had a significant impact on Sicilian Mafia heroin traffickers. It is the basis of action that led to the worldwide arrest in 1984 of over 460 mem-

bers and associates of the Sicilian Mafia. The trial of these defendants, called the "Maxi-Trial," began in February 1986, in Palermo.¹⁰

The "Maxi-Trial" is described as a "collage" of all the Mafia investigations throughout Italy from 1970 to 1984. The case against the suspected 468 Mafiosi is set forth in a "40-volume, 8,632-page indictment that details 90 murders, countless kidnappings, and the use of torture chambers."¹¹ The trial will also detail the extensive heroin-smuggling operation of the Sicilian Mafia. One defendant alone is accused of laundering about \$600 million in drug profits through Swiss bank accounts. Two of the principal witnesses, or "penitents" as they are called in Sicily, are Tomasso Buscetta and Salvatore Contorno. Both Buscetta and Contorno are in American Federal custody and are currently testifying in New York in the Pizza Connection case.

The Maxi-Trial is called the most intense crackdown on the Sicilian Mafia since the Mori Operation instituted in the 1920's by Mussolini. The principal defendant in the Maxi-Trial is Michele Greco, the boss of Palermo and the chairman of the interprovincial commission of the Sicilian Mafia. Greco, with his brother, Salvatore, are charged with the planning of the car-bomb assassination of Palermo Judge Rocco Chinnici in 1984. Judge Chinnici is fondly remembered by many FBI and DEA Agents who recall his extensive dedication to the investigation of what he called "the worldwide Sicilian Mafia plague."

The Maxi-Trial is considered by many experts as "outstanding publicity," for it exposes the Sicilian Mafia to extensive media scrutiny, but most do not think the case, because of its unwieldy size, can be successfully prosecuted. In any case, no one seriously

believes that the Maxi-Trial signals the end of the Sicilian Mafia. At best, if the prosecution is fully or partially successful, several members will have reduced power and influence within their respective families and the organization as a whole.

The most positive effects of the Maxi Trial, and the publicity surrounding the deaths of Chinnici and other anti-Mafia investigators, are the breakdown of "omerta" through the testimony of Buscetta and others, and more importantly, the public outcry that has ensued in Sicily and elsewhere over the Sicilian Mafia's illicit organization. For the first time, the Roman Catholic Church, through the Bishop of Palermo and the Pope himself, has condemned Mafia activity as bad for society. Sicilian college students have staged public anti-Mafia demonstrations, in cooperation with the widows and children of magistrates and police assassinated by the Mafia. Many hope this public activity will spur the Government of Italy, in cooperation with the United States and other countries, to continue a maximum worldwide effort against the Sicilian Mafia.

Law Enforcement Cooperation

The investigative thrust against the Sicilian Mafia in the United States has been shared by the FBI and DEA. Both agencies work closely with major local police agencies, such as the New York City Police Department, and other involved Federal departments and agencies.

There are four principal police agencies in Italy dedicated to Sicilian Mafia investigations:

Central Anti-Drug Service (SCA)

— The SCA coordinates, without operational control, the drug investigations of the three police services of Italy.

Italian National Police (State Police of Polizia dello Stato) — This organization is charged with the investigation of all crimes committed within major cities in Italy. There are approximately 80,000 positions in the state police.

Guardia di Finanza (Finance Guards) — This organization enforces tax, fiscal, excise, and smuggling laws. It enforces the financial confiscation aspects of the Anti-Mafia law. It has 41,500 members.

Arma dei Carabinieri (Judicial Military Police) — This service investigates crimes in major cities and those areas where the state police does not have representation. There are approximately 82,000 positions.

Despite occasional differences, the three police agencies in Italy are seen as increasing their effectiveness against the Sicilian Mafia and drug trafficking.

The quality of cooperation and intelligence sharing between Italian and U.S. law enforcement agencies is improving. The major drug problem each country shares is the central riveting point that drives the joint investigative effort against the Sicilian Mafia. In June 1984, Italy and the United States had the first meeting of the Italian-U.S. Working Group on Drug Interdiction. The co-chairmen are the Minister of Interior for Italy and the Attorney General of the United States. This working group has served to keep the "pressure on" the problem facing both countries.

Another subworking group, made up of field and headquarters investigative personnel assigned Sicilian Mafia matters, has had major meetings in the

"The Sicilian Mafia intelligence base must be expanded to help further define this serious problem and to assist in developing the identities and organizational structure of those engaged in criminal activities."

past 3 years, one in Quantico, VA, and the other in Ottawa, Canada. This group, representing the United States, Italy, Canada, and Australia, is scheduled to meet next in Italy to discuss operational matters of mutual interest.

The Italian Minister of the Interior recently proposed a change to the Italian narcotics law which will allow controlled drug deliveries. When enacted, this will aid in Sicilian Mafia investigations, where a police-controlled drug delivery can lead to identification of high-level conspirators. Police officials in Italy are also pressing the Minister of the Interior to sponsor new legislation that will allow witnesses or informants to be given immunity and protection. Such legislation would bring Italy in line with the United States.

A potential roadblock to the continuing battle against the Sicilian Mafia is the "terrible morale situation" currently affecting the Palermo Mobile Police Squad. American Embassy personnel advised that the Sicilian Mafia's recent terror campaign of bombings and killings against the Palermo investigative team of police, magistrates, and judges has had a very detrimental effect. Palermo is now classified as an "extreme hardship" post and permanent assignment of American investigative personnel is considered too dangerous and out of the question.

Adding to the deteriorating morale of the police in Palermo was the arrest in October 1985, of 15 members of the Palermo Mobile Squad and three Carabinieri. They were charged with the alleged torture death of a Sicilian Mafiosi implicated in the assassination of a Palermo police commissioner in July 1985.

One of the policemen arrested was additionally charged with narcotics trafficking and is believed to be a Sicilian Mafia "mole," who is suspected of being the "finger man" for the Mafia assassination of the vice chief of the Palermo Mobile Squad in August 1985.

CONCLUSION

The Sicilian Mafia has had a tremendous impact on crime in the United States since the turn of the century. The American LCN, the most powerful and sophisticated organized crime group in America, grew out of the Sicilian Mafia organization that first surfaced in New Orleans in the 1800's and later in New York City in the 1920's. Today, the Sicilian Mafia is a formidable criminal organization in this country, in control of a worldwide heroin distribution network. Their relationship with the American LCN seems to be in excellent shape, and their contacts with other criminal groups, the blacks, Colombians, etc., are increasing.

In order to effectively cope with Sicilian Mafia criminal problems, the FBI, DEA, and the Departments of Justice, State, and Treasury, as well as other American law enforcement entities, continue to cooperate with each other and their foreign counterparts, particularly in Italy, Canada, Switzerland, and Australia. Sicilian Mafia investigations must receive "top priority" handling within each American and foreign law enforcement agency. In 1984, the Director of the FBI designated Sicilian Mafia cases to be a major priority within the FBI's Organized Crime Program. Other agencies are encouraged to actively contribute intelligence data on the Sicilian Mafia to the FBI's OCIS. The Sicilian Mafia intelligence base must be expanded to help further define this serious problem and to assist in developing the identities and organizational

structure of those engaged in criminal activities.

The leaders of American law enforcement, primarily the Attorney General, the Director of the FBI, and the Administrator of DEA, continue to emphasize the need to educate the American public through periodic and opportune announcements of the danger the Sicilian Mafia poses for the citizens of this country. Even to this day, there are those in this country who believe that the American LCN is a "figment in the imagination" of law enforcement. We should not and cannot let that happen with the Sicilian Mafia.

FBI

Footnotes

¹David Leon Chandler, *Brothers in Blood* (E.P. Dutton and Co., 1975), p. 15.

²*Ibid.* pp. 26-28.

³Giuseppe Fava, *Mafia from Giuliano do Salla Cheese* (I. Siciliani, 1982), p. 8.

⁴*Supra* note 1, p. 41.

⁵*Supra* note 1, pp. 87-90.

⁶*Supra* note 3, pp. 13-14.

⁷"Narcotics Intelligence Estimate — 1984," *The National Narcotics Intelligence Consumers Committee*, p. 46.

⁸"A Report of the Study of Organized Crime's Infiltration of the Pizza and Cheese Industry," *Pennsylvania Crime Commission*, March 1980.

⁹*Ibid.*

¹⁰"474 go on trial in Sicily as Italy takes on Mafia," *Washington Times*, February 11, 1986.

¹¹Jeff Trimble, "A Citizens' War on the Mafia," *U.S. News and World Report*, February 3, 1986, p. 31.

A Tradition of Excellence **The Southern Police Institute**

By
NORMAN E. POMRENKE

Director
Southern Police Institute
and

B. EDWARD CAMPBELL

Faculty Member
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University of Louisville
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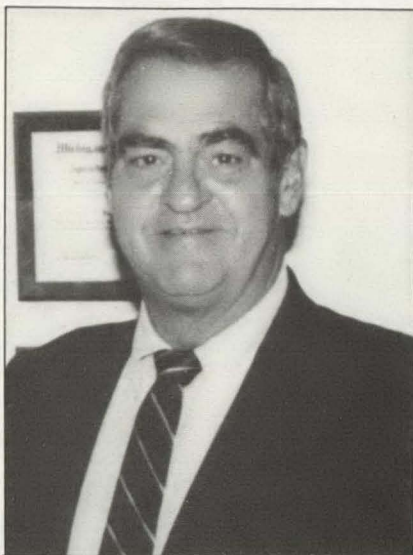


A tradition of excellence in police training and education began 35 years ago when the Southern Police Institute was founded at the University of Louisville. The success of the thousands of graduates provides ample evidence for the wisdom of the enterprise. But, as is the case with most other worthwhile human endeavors, the formation and de-

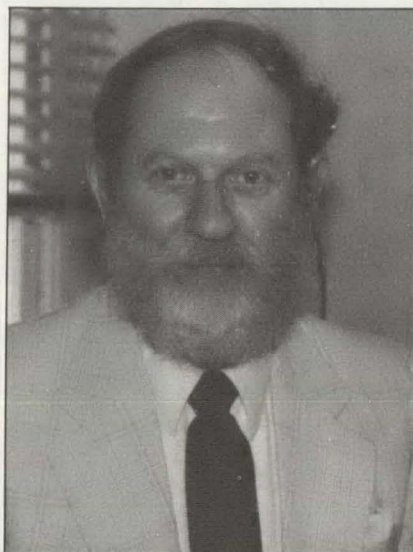
velopment of the Southern Police Institute during this time have required planning, tending, and nurturing.

Historical Development

The original idea for the establishment of the Southern Police Institute did not germinate in the mind of a police administrator or a practicing lawyer or a



Mr. Pomrenke



Mr. Campbell

learned jurist. A Swedish economist developed the concept that such an institute would be both practical and beneficial. Gunnar Myrdal, in his 1944 book *An American Dilemma*, planted a seed when he wrote:

"It is my conviction that one of the most potent strategic measures to improve the Southern interracial situation would be the opening of a pioneering modern police college in the South, which would give a thorough social and pedagogical training as well as a technical police training."

The late Dr. Joseph D. Lohman (formerly Chairman, Illinois Division of Correction; Sheriff, Cook County, IL; and Dean, School of Criminology, University of California) first suggested organizing the Southern Police Institute to the late Dean David A. McCandless in 1949. Mr. McCandless, at the time Director of Public Safety with the City of Louisville, carried the idea through with a series of discussions with university and city officials until the proposal began to take root.

A short time later, a committee was appointed to develop the plans for the institute. The committee, chaired by the dean of the Kent School of Social Work, consisted of an assistant professor in the School of Law, the superintendent of the Louisville Police Crime Prevention Bureau, and the superintendent of the Personnel and Education Bureau, Louisville Police Division, with Mr. McCandless ex officio. This committee recommended the annual presentation of three 12-week courses for 25 student officers. The courses were designed primarily for an audience of commanding, supervising, and administrative police officers from southern and bordering States.

Recognizing the importance of adequate financing, two grants were obtained to help support the institute and ensure success in the endeavor. These grants came from the General Education Board, an affiliate of the Rockefeller Foundation, established to aid educational endeavors in the South, and The Carnegie Corporation of New York. These and additional grants made by the two foundations, along with support from the city and the university, financed the institute through 1960. Ford Foundation grants rounded out needed revenues for the 10-year period July 1960 through June 1970, and since 1970, the institute has been financed by tuition and general university funds.

A critical ingredient in establishing the Southern Police Institute was attracting students. The first recruiting effort for the institute was launched by the then chief of the Louisville Police Division and Mr. McCandless. They visited prominent city and police officials in nine cities located throughout the South to acquaint them with the institute's program.

After the funding was assured by the foundation grants and student-officers were recruited, a screening committee selected Mr. McCandless to become director of the institute. Then, after a nationwide search, Mr. Rolland L. Soule, a former police sergeant in Wichita, KS, and at the time on the faculty at Washington State College, was chosen as the first full-time instructor.

Refinement of the Institute

In 1955, after a review of the institute's program, four 2-week seminars were added and the winter term of the Administrative Officers Course was discontinued. These sessions of intensive instruction in specialized topics of police administration and science demonstrated another endeavor to fulfill the broad purpose of the Southern Police

"...the Southern Police Institute became the first school of its type in the United States to offer college credit for inservice police education."



The late David A. McCandless, first Director of the Southern Police Institute

Institute. For example, the institute pioneered seminars and conferences related to police responsibility in racial harmony. Within the first 10 years, these short-term courses attracted officers from 167 municipalities, 38 States, and 22 foreign countries.

In 1961, at the suggestion of Associate Director John C. Klotter, who joined the faculty after service with the FBI, a group of police administrators from several cities in the eastern, central, and southern parts of the United States met with officers of administration and instruction from the University of Louisville to reassess the program.

As a result, the curriculum was altered to emphasize instruction in police administration, personnel management, the social and behavioral sciences, and criminal and constitutional law. The number of hours of classroom instruction was reduced from 420 to 300, but more individual outside study was required.

The expanded 12-week course earned approval of the curriculum committee for 12 semester hours of credit in the College of Arts and Sciences during 1962. Thus, the Southern Police Institute became the first school of its type in the United States to offer college credit for inservice police education. This feature of the program signaled a precedent for other similar schools to follow.

As the faculty continued to expand, guest lecturers became fewer, but they continued to make significant contributions. Class size increased to 60 officers during 1967, and the inauguration of a series of workshop-discussion sessions added a new dimension to the program.

Late in 1971, the faculty conducted an analysis of the Southern Police Institute's Administrative Officers Course, which resulted in the addition of a communications course to the curriculum and the expansion of sessions to 14 weeks starting with the spring term 1973. Later, the Administrative Officers Course returned to the original 12-week session to fit the schedules of the student-officers better. However, the basic content of the curriculum remained unchanged.

Initiation of Degree Programs

On March 5, 1969, after many meetings with several concerned committees, the University Senate endorsed the proposal to establish a degree-granting School of Police Administration, which received a favor-

able vote by the University Assembly the following month. The School of Police Administration became effective July 1, 1969.

Mr. McCandless became Dean of the School of Police Administration and also remained as Director of the Southern Police Institute. With his death in 1971, Professor Klotter was selected Dean of the School and Director of the Southern Police Institute.

The Southern Police Institute continued to grow during the 1970's and embarked on furthering the seminar program, while maintaining the academic excellence of the Administrative Officers Course. A graduate option started with the 1973 fall term to meet the educational and administrative needs of the new breed of police manager. Thus, the Southern Police Institute faculty once again set the pace for police education.

The Southern Police Institute of the 1980's

Professor Norman E. Pomrenke, the present Director of the Southern Police Institute, was appointed in 1977, with Professor Klotter remaining as Dean of the newly named School of Justice Administration. Three years later, Dr. J. Price Foster succeeded Professor Klotter as Dean of the School of Justice Administration and subsequently became the Dean of the College of Urban and Public Affairs. This led to a national search for a new director for the School of Justice Administration, the parent component of both the Southern Police Institute and the National Crime Prevention Institute. The search culminated in July 1986, with the appointment of Dr. William V. Pelfrey, a renowned academician and administrator. Dr. Pelfrey brings to the

"The Southern Police Institute has had a long and arduous journey in the pursuit and quest for excellence in police education and training."

School of Justice Administration and the Southern Police Institute the talent to blend theory and practice with sound managerial skills, coupled with the integrity of academic standards.

Broadening the Geographical Base

The Southern Police Institute had been in existence for only a short time when the decision was made to broaden the geographical base from which students were selected, based mainly on appeals from potential students. By the 1953 fall term, foreign students enrolled for training under the auspices of the International Cooperation Administration of the Federal Government. During the past several years, students from New Zealand and Great Britain have graduated from the Administrative Officers Course. No parochial or geographical boundaries influence the selection of students, the content of the programs, or the location of the offerings. Not only do the faculty and staff welcome applications from officers throughout the United States and foreign countries, but we are also prepared to take our seminars to any location in the country.

The Southern Police Institute Alumni Association

One of the most significant assets of the Southern Police Institute is the alumni association. Created in 1951, it has grown to be one of the largest and most active alumni groups at the University of Louisville.

The Southern Police Institute Alumni Association meets annually for retraining at a site designated by the current president. Much of the success

of the Southern Police Institute is directly attributed to the graduates, as members serve on search, curriculum development, and planning committees.

The Southern Police Institute Today

The present offerings of the Southern Police Institute include the 12-week Administrative Officers Course, administrative, supervisory and investigative seminars on campus, and an extensive 1986-87 catalog of off-campus seminars. The off-campus programs are a result of agency or regional requests. Cost factoring is done between the Southern Police Institute and the agency.

The cornerstone of the Southern Police Institute is the 12-week Administrative Officers Course. Undergraduate course options include instruction in police administration and management, personnel administration and management, critical issues in police management and administration, constitutional aspects of police management, and criminal justice behavioral dynamics or organizations. Graduate courses are offered in personnel administration and management, constitutional and administrative law, and special topics in police administration and management.

Tuition, books, room, and board costs for the Administrative Officers Course is \$2,200, not including meals. The respective agencies determine meal costs usually through their per diem system. Seminar costs depend on the length of the session. One-week seminars cost \$390, while 2-week seminars cost \$650, including tuition and housing.

Enrollment figures for the 1985-86 academic year show 117 Administrative Officers Course graduates, 232 graduates of on-campus seminars, and

511 graduates of off-campus seminars. The Southern Police Institute issued 1,931 credit hours and 2,752 continuing educational units for the 1985-86 academic year.

More than 10,000 police officers from the United States and foreign nations have graduated from the Southern Police Institute, and the demand for the Administrative Officers Course continues. In 1985, the Southern Police Institute launched a planned off-campus seminar program, the success of which led to contracts for 20 off-campus seminars in the 1986-87 academic year.

The Southern Police Institute has had a long and arduous journey in the pursuit and quest for excellence in police education and training. It has survived when police education and training were not popular, when monies for training were sparse, when Federal assistance was unavailable, and during periods of national economic recession. The Southern Police Institute has survived because the assumption made 35 years ago and maintained ever since has proven that quality, excellence, and the maintenance of high academic standards will result in a heritage and tradition that can stand the test of time.

FBI

"Men and Women Who Wear the Badge... That Others May Find Their Way"

By
HON. PETER T. FAY
*11th Judicial Circuit
U.S. Court of Appeals
Miami, FL*

EDITOR'S NOTE:

The following are excerpts of remarks made by Judge Fay before the 146th graduating class of the FBI National Academy on September 12, 1986, at Quantico, VA.

I am honored to be here at the National Academy with you, because you are very special people.

Turning to the activities at hand, I tell you a true story. When I talked to Judge Webster, I asked him what he was looking for today, and he said, "Well you know, after 20 or 30 minutes it gets a little old." I had a conversation with an Assistant Director after that and he suggested, "Well, why don't you take 15 minutes." Then I got a letter from Jim McKenzie of the Training Division. It was very precise. It said go ahead and take 7½ minutes. Now, I haven't called my office. I left my office earlier in the week; we held court in Tampa and I came here from Tampa. I'm afraid to call my office. I probably got a post card from a secretary that said don't come.

But, in any event, as long as I am here, and they have been so nice to let me participate today, I would like to suggest to you that I have often wondered why commencement activities, exercises of this sort, have speakers. It seems to me it's a well-established American tradition that deserves nothing less than total abolishment.

Having said that, let me impose upon you for 7 minutes and 30 seconds with three very personal thoughts.

The first is about the loss of our freedom and what's going on in our world today. The second is on the importance of your work. And, the third is really a personal heartfelt thanks to you and all like you for the service you perform.

Our family lives in south Florida, and I was really thrilled to run into Mrs. Turner in the hallway as we came in, because our local chief of police is here among you—Chief Turner from the City of South Miami. Our home is in South Dade between Homestead and Miami. We have become an international city; a bilingual metropolitan area with a genuine mixing of many races and many cultures. We boast the busiest passenger port in the world. We have a Disney-like metro rail system with an

exciting people mover that circles the downtown area. And, modestly, I can tell you I think we have the most exciting city in the world. We have 150 international banks, the fastest growing free trade zone in the world, miles of public beaches, incredible weather, and crime—lots of crime.

More and more in our neighborhoods and around our city, you see bars going up on windows, bars going up on doorways, and I'm not talking about the influence of Spanish architecture, because this is not the result of our Latin friends moving into our neighborhoods.

Our streets downtown are almost deserted after dark. Neighborhoods lock themselves up at night. When I was growing up in Ft. Lauderdale, my parents used to love to take a stroll in the evenings, as did many folks. You don't see that any more. Nobody just goes out and strolls around the streets in the neighborhood. The kids don't play stick ball or capture the flag or play in the side yards. They go to supervised playgrounds or they play in groups where parents are there or teachers or chaperones. We have surrendered much of our world to the criminals. And

"... our society, our 200-year experiment in democratic living, is totally dependent upon the quality of our law enforcement personnel."



Judge Fay with FBI Director William H. Webster

more and more communities are suffering exactly the way we are suffering, because the problems are the same in New York City, Los Angeles, Chicago, Atlanta, New Orleans, and on and on. We are all aware of what's happening, but we sort of take it for granted. In airports it's become routine now and we just accept the fact that we are searched. Our luggage is searched; our bodies are searched with magnetometers and instruments like that so they can x ray everything that goes in and out.

Our freedoms are being compromised every day—a little bit more every day.

When you board a boat, and that vessel is on navigable waters, it doesn't matter whether you are on the high seas or in the intercoastal waterway or in Biscayne Bay, you have no fourth amendment rights. We have abolished the fourth amendment on sea-going vessels on navigable waters as a direct result of the drug war. And please understand, I'm not being critical of the rulings being made by the courts. Indeed, I participate in many of those rulings; my only purpose is to underline what's happening in our way of life and what's happening to our personal freedom.

As our numbers increase and we concentrate more and more people in large cities, we arm ourselves with weapons. You can read almost any survey you want in our area. I have read them reporting as high as 70 percent of all adults in south Florida are armed. As we become the drug capital, the drug country of the world, we breed more and more crime. And, it is this war on crime that inevitably leads to a loss of constitutional freedoms, to a change in our way of life.

When the dangers become so enormous, when the crime so blatant, we give up our freedoms in an effort to find solutions. And I could give no better illustration than what's going on in Congress yesterday, today, and I assume next week, on the new legislation. I have no idea what will come out of it but you are aware of the rhetoric and we are all reading about the debate going on and what the suggestions are. And, again, I suggest to you, we are going to give up more and more freedoms in an attempt to solve some of these problems.

The bums of the world, the punks of the world, are destroying our freedoms. The drugs kings are the ones who have caused us to do away with the fourth amendment on the high seas. Hijackers have forced our present airport security. And street criminals have literally run us off the public streets, out of public places, and into our homes. How many millions of dollars are spent on home burglar alarms? How many of your neighbors use a remote control to open the garage door and drive in and put it down behind them?

More and more of our communities have become armed and are living in fear. And my second thought is that you, yes, each one of you and the thousands like you, are our only hope. Upon your shoulders rests the very survival of our way of life and our personal freedoms. The efficiency with which you can carry out your mission is the key. And those of us who know what is going on must speak out. Our national priorities are literally upside down. Society's priorities have got to be changed. And some of us have to do something about it. I don't begrudge Jim Kelley his \$8 million salary. I don't begrudge Dan Moreno his \$9 million.

But it is simply wrong when society allows athletes to be paid those wages, and police officers are not paid a living wage. In my opinion, the two most important professions in our society are school teachers and police officers. Nothing is more important. Young minds must be taught by the very best talent available. And our society, our 200-year experiment in democratic living, is totally dependent upon the quality of our law enforcement personnel. And yet the salary scale for teachers and police officers is nothing short of being disgraceful. The training in many areas is woefully deficient. The support facilities, equipment, and technology are sporadic at best.

In south Florida, we have U.S. Customs airplanes and boats that are inoperable for lack of parts. Inoperable for lack of parts! Our county jail processes somewhere between 35,000 and 50,000 suspects every year and has not yet had a computer for identification purposes to even find out with whom they are dealing.

We just lost a local policeman from carbon monoxide poisoning due to faulty maintenance on his squad car, said to have been a result of inadequate funds. That is totally intolerable and we must change this situation because you deserve the best and nothing short of the best. To start, salaries must be such that law enforcement careers will support a family without moonlighting. And training is essential, like the training you are getting here. We don't send soldiers into combat without adequate training. And today's police officers are fighting a war. You know it and the public must be made aware of it. Your equipment must be the state of the art and maintained

just as we would maintain a jet aircraft that was sitting on the edge of a runway at battle alert. It matters little whether the gun battle is in Florida or New York City, the bullets kill. Our way of life is dependent upon you. Our children will have no more rights than you can preserve. You say, oh no, that is too extreme. Will we see the day when all of us walking down a street will have to carry an identification and explain our presence? We do it now when we walk into a government building or a Federal courthouse. How far are we from having to do it on the streets? It depends upon you and the support we give you and others like you.

My last thought is one of thanksgiving because I am delighted to have the opportunity to thank you, each one of you, and those who work with you for being what you are. Thank you for making the sacrifices that you make everyday for me, for my family, and for roughly 260 million other Americans. Because you are true American patriots. My children know who FBI Agents Grogan and Dove were. They were literally the Sergeant Yorks of our neighborhood. We know also of the deaths of DEA Agents Rios and Benitez, casualties of the dreadful war on drugs being fought down in our community. We also know of and remember county and city officers like Fred Groves, Lindell Gibbons, Robert Zore, and Donald Kramer. And many others like them. These are just some who have made the ultimate sacrifice in our area of the country. These are the Congressional Medal of Honor winners of the daily war going on in our communities. And, I thank you for caring enough to be here. I thank you for being what you are.

In closing, because my 7½ minutes are probably up, let me try to express a thought in verse. And I hope you will judge it on effort and not on talent.

Our Forefathers had a special dream, a country with citizens really free.

Many have struggled to keep it so, a land of opportunity for you and me.

To practice religion as we see fit, even speak in dissent as the case may be.

To travel freely from city to state, select by vote those in authority.

To hunt in the woods or fish a stream, plant a beech or sail under the stars.

To raise a family with loving care, have schools teaching all the three R's.

We relish these rights and surely should, they come at a price plenty steep.

Many of those fighting real wars, so that others enjoy a peaceful sleep.

I salute those of you gathered here, civilian soldiers in battle each day.

Men and women who wear the badge so that others may find their way.

May God protect you in what you do.

May he guide your way in every case.

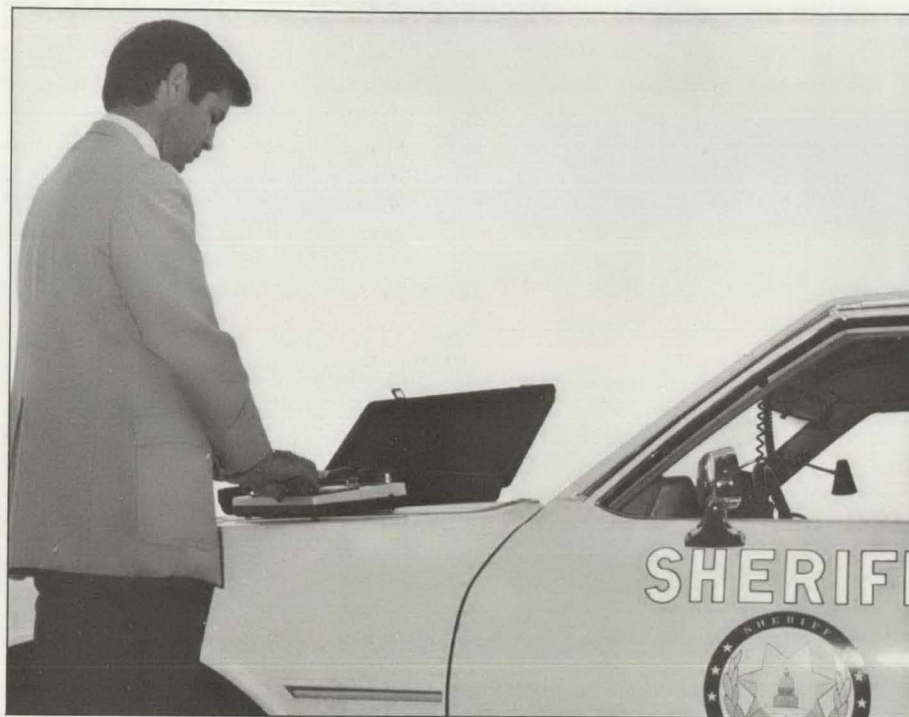
May he keep you strong and always alert, and may he shower you with a special grace.

Thank you for allowing me to share this day with you.

FBI

An Automated News Media System

By
SGT. ROGER DICKSON
Public Information Officer
Sacramento County
Sheriff's Department
Sacramento, CA



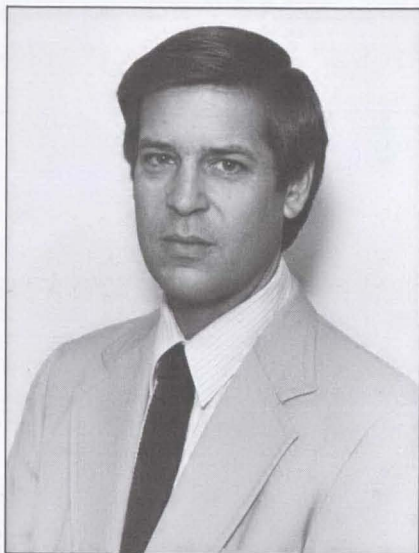
"The media computer network allows the agency to work with the media more efficiently and eliminates claims of favoritism."

Interaction with the media is an inescapable aspect of law enforcement. Newspapers, radio, and television create an image through which law enforcement is often evaluated by the general public. Unfortunately, the media is oftentimes viewed as an adversary, an irritant when police agencies are merely trying to perform the job of removing criminals from society.

In order to accommodate the media's right to know, many law enforcement agencies have established offices of public information to deal professionally with media inquiries. The designa-

tion of one office to control the information flow eliminates much of the confusion and frustration experienced by the media in trying to develop a news story through a variety of departmental sources.

In Sacramento, the job of the public information officer (PIO) has been made easier by the local media in return for more-comprehensive news coverage. The tool that made this possible is the media computer network (MCN), an innovation that grew out of dissatisfaction with other available methods of communication.



Sergeant Dickson



Sheriff Glen Craig

The media computer network consists of hard-disk computers, several smaller computers, and printers. The computers form a web, or network, connecting portable computers at local police agencies to the computers in the news rooms. A modem and telephone lines make transmission from remote areas possible. Computers in the local news rooms receive, record, and print the messages arriving from the emergency agencies.

Installed in each media facility is a computer terminal and printer. Emergency agency news releases come into the news room over regular telephone lines and are printed on high-speed, dot matrix printers. Reporters and camera crews are then handed the hard-copy printout and dispatched to the event in the field.

Nineteen radio, television, and newspaper facilities belong to the Sacramento Valley Media Association (SVMA). The association is a nonprofit organization formed specifically to administer the media computer network for the Sacramento area. SVMA provided equipment to the charter emergency agencies free of charge in exchange for up-to-date information.

Police agencies on the system include the Sacramento County Sheriff's Department, the Yolo County Sheriff's Department, and the Sacramento City Police Department. Other local members include the Sacramento Municipal Utilities District (SMUD) which administers the Rancho Seco Nuclear Power Plant, the Sacramento County and City Fire Departments, and the Sacramento County District Attorney's Office.

The Federal Bureau of Investigation in Sacramento, also a MCN charter member, indicates the far-reaching, interagency use of the system. The FBI is joined by Folsom Prison, the U.S. Attorney's Office, and the California Highway Patrol as users of the network.

Several Sacramento police agencies have been given portable computers. The lap-size computers have acoustic telephone couplers for sending information over any phone and these computers fit snugly into their own briefcase. The equipment is easily taken to crime scenes to expedite news releases. The public information officer types the news release into the computer, goes to any nearby public phone, and forwards the information using the computer's built-in modem through acoustic couplers attached to the pay phone receiver. The computer network delivers the release simultaneously to all Sacramento metropolitan news media. An accurate, printed copy of the news release direct from the agency becomes a solid basis for accurate reporting. In many cases, PIO's take these computers home when off duty, since they are on call 24 hours a day, to eliminate overtime/callout costs.

Prior to the installation of MCN, a telephone hotline provided the only link between the emergency agencies and the media facilities. News releases from the scene were dictated to headquarters, then verbally transmitted over the telephone hotline to each news room. The receiving media facility had to copy the information by hand as it crackled across their receiver. This antiquated system was not only cumbersome but resulted in misinterpretation of the facts, as well as callbacks asking for information to be repeated or clarified, thereby consuming valuable time. Also, the same prepared material had to be

"... agencies interacting with the media over the media computer network claim a better working relationship among themselves."

conveyed repeatedly to the various media representatives. It was not unusual to get 20-25 calls on a single crime that was developing — a scenario familiar to emergency agencies nationwide.

Since competition is inherent in the media, the emergency agency wants to be able to respond to inquiries with a degree of fairness to everyone. But, without MCN, whoever calls first gets the break on a story. As that facility begins reporting the news, an avalanche of calls starts from the rest of the media who have heard the story break on a competitor's news channel.

Failure to respond to media requests or an inability to respond generates hostility toward a law enforcement agency. The media is often unaware of the difficulty experienced by the lone public information officer when dealing with multiple media requests precipitated by short deadlines or the desire to compete with another news facility that already has the story. Unchecked hostility, capable of occurring on a regular basis without modern news media release systems such as MCN, will affect the way the media cooperates with the agency or portrays its activities in the press.

The media computer network allows the agency to work with the media more efficiently and eliminates claims of favoritism. One release, complete and accurate, is sent with the touch of a computer key and received by all the media at one time. If the officer relays a thorough message, incoming questions from the media are minimal. MCN saves time, both for the agency staff and the media facilities.

A former sheriff of Sacramento County was a motivating force behind the development of such a communica-

tions system for his department and other emergency agencies. Early in his administration, he was looking for an innovative way to circulate information to the media more efficiently in order to solve cases. The old system did not enhance the best image of the department or elicit the cooperation of all the media facilities.

The sheriff authorized staff time to locate and install a better system. The system ultimately adopted provides full-page typewriter-like printouts and permits two-way communication between the news room and the emergency agencies. Using two-way communication capabilities, electronic mail can be transmitted to and received from any member of the network. For example, it allows one media facility to request from a particular public agency, via computer, some specific information that bolsters their slant to the story. The agency can respond privately, again over the computer, to that one facility. The convenience of electronic mail almost eliminates telephone call backs and missed messages that waste valuable time.

At the crime scene, the public information officer acts as a liaison between the department and the media. When a major event is in progress, the scene commander cannot afford to act as a public information officer. If there is a tactical problem, such as a barricaded subject or a serious felony, the commander must be able to control the operation and not be distracted by the media.

Often, reporters have a problem accessing information about a crime; there is a reluctance to give information too early in an investigation. Premature discussion of a case or release of pertinent information might jeopardize successful completion of the case.

On the other hand, the media depend on having someone at the scene to expedite their news gathering. The public information officer becomes that buffer. Using the portable computer, he can have printouts covering the facts as they develop posted for the on-site media. The PIO stands in until the commander can be interviewed as the situation stabilizes.

The Sacramento media know a conscientious information officer will give them as comprehensive a report as the department can allow. The officer prepares an extensive news release from the perspective of what the media needs, anticipates their questions, and protects the interest of the department. The officer is aware of, and tries to meet, news media deadlines.

Because they are also on the network, the Sacramento County District Attorney's office routinely receives a printout of every news release sent on MCN, allowing the D.A. to anticipate potential requests from the media. Often, in complicated or delicate cases, a police agency receives a request from the district attorney not to publicize the case. Too much publicity might cause a change of venue, increasing prosecution costs. Consequently, a news release is written to the satisfaction of the D.A., attributing comments to the investigators involved. The media is asked to structure interviews confined solely to the pre-approved information in the original release.

In major cases with potential for great media concern, agencies on MCN can process and file their news releases with the original case record.

The sending agency and the receiving facility have exact copies of any information sent over MCN. If a lawyer claims adverse pretrial publicity, proof of the information released to the public is readily available.

The media computer network represents a new way of dealing with reporters and breaking cases. The role of the media officer is to help the department solve crimes. The media contribute by broadcasting appeals for public assistance to fill in a restricted description of a vehicle involved in a crime or by publishing calculated comments that speak specifically to the person who committed the crime so that he might disclose his identity to an informant or surrender on his own.

For example, a shooting occurs involving an individual asleep in an abandoned car. Two o'clock in the morning is an inappropriate time to canvass the neighborhood for witnesses. Limited resources will delay timely questioning of all the residents until the following day. How does the department do a good job under these circumstances?

A printed news release goes out on MCN disclosing the exact time and location of the murder and requesting the media to make a plea for assistance from people in the vicinity. One neighbor who responds heard shots, looked out the window, and recognized someone carrying a deer rifle in a group walking down the street. The shooter is identified and arrested. The neighboring witness tells authorities that the media coverage precipitated his call.

The Folsom City police chief credits the media computer network with saving an abducted child in his jurisdiction. The network got the word out so rapidly and the media responded so

quickly by publicizing the child's photo and a description of the suspects' car that the abductors abandoned the child in a shopping center and fled the area.

Case information is readily accessible to the media from crime reports. Rapes, robberies, or purse snatchings with bodily injury get the greatest news coverage. But such stories of horrible crime have a negative impact. How can law enforcement agencies counteract this trend?

People are affected by police activity. They should be told what a police agency is doing; it adds to their sense of well-being. When a crime occurs in their neighborhood, it draws attention — the police cars, the camera, the cordoned-off areas. People need reassurance that an arrest has been made before they comfortably return to their daily routine.

A PIO's responsibility is to enhance the image of the public service agency and to inspire a high degree of public confidence. However, because of the time involved and the problems encountered with the usual verbal or written methods of transmitting information to the media, and the media's dilemma of restricted news staff size and competing news stories, little else beyond the sensational receives attention.

Every community experiences more victims of misdemeanor crimes than of felony crimes. There is a need to develop a partnership between law enforcement and private citizens to reduce crime. Law enforcement must solicit community support to report crime and become involved. The public service agencies must make an effort to provide the media with positive stories, law enforcement success stories. Success stories increase public awareness of a department's efforts on its behalf and generate public support and cooperation.

To this end, a court calendar is released daily over MCN by a Sacramento County deputy district attorney. The media is thereby assisted in following cases through the legal maze to termination. Now, not only the crime but the arrest, conviction, and jail sentence are publicized. A significant communication posture has been established, whereby a crime deterrent is achieved by using the media computer network.

The media computer network is also an investigative tool in terms of missing persons. Many families are insistent that detectives attempt to use the media to locate a lost person. They can be critical if all investigative avenues are not used. MCN makes it easy to satisfy their demands. It only takes a minute on the computer to ask the media to pick up a picture of a missing person.

Because it is easy to operate, MCN is also used to provide the media with human interest stories, accomplishments of agency employees, crime statistics, and humorous items that may have taken place in normal day-to-day operations. It can also be used to make the public aware of community service programs in which the agencies play an active role.

Above all, agencies interacting with the media over the media computer network claim a better working relationship among themselves. MCN has virtually eliminated preferential treatment in a very competitive business. The media and public service agencies in Sacramento are working together to benefit the community.

FBI

Intrusive Body Searches

A Question of Reasonableness

"... the search which satisfies the procedural protections of the fourth amendment must still be judged on the grounds of reasonableness."

By

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

The fourth amendment to the U.S. Constitution guarantees the right of the people to be secure from unreasonable searches and seizures.¹ Over the years, the U.S. Supreme Court has assumed the unenviable task of interpreting this guarantee and developing concomitant rules of procedure that embody both the protections and the prohibitions of the amendment. The most fundamental of these rules states that any search conducted without a warrant is *per se* invalid, unless it fits within one of the narrowly defined exceptions to the warrant requirement recognized by the Supreme Court.² For purposes of this article, it is important to note that the reverse of this basic principle is not true; a search is not rendered *per se* valid simply because a warrant is obtained or one of the recognized exceptions applies. Rather, the fourth amendment requires that searches not only be based on probable cause but also that they authorize intrusions that are reasonable in terms of their scope. Therefore, the search which satisfies the procedural protections of the fourth amendment must still be judged on the grounds of its reasonableness.³ In other words, any search, whether authorized by an otherwise valid warrant or based on a recognized exception to the warrant requirement, may be

deemed unconstitutional if the execution of that search would violate the fourth amendment prohibition against unreasonable searches and seizures.⁴ This prohibition presents particular problems when the object of the search is a person and the execution of the search requires an actual intrusion into the body of that person. These problems, as they pertain to the intrusive body search, were recently addressed by the Supreme Court in the case of *Winston v. Lee*.⁵

BALANCING TEST

In *Lee*, the Commonwealth of Virginia sought to compel Rudolph Lee, an armed robbery suspect, to undergo surgery for the removal of a bullet lodged in his chest. Law enforcement officers were both willing and able to meet the procedural requirements of the fourth amendment by obtaining a search warrant authorizing the surgery. In fact, grounds for the issuance of such a warrant were abundant.

Ralph Watkinson, proprietor of Lombardy's Market, was closing the store for the evening when he saw an armed individual approach from the street. Fearing a robbery attempt, Watkinson drew his own revolver and pointed it in the direction of the oncoming intruder. When the intruder ordered Watkinson to "freeze," a shootout ensued, in which Watkinson was shot once in each leg, and the intruder was



Special Agent Kingston

wounded in the left side of his chest before making his escape to a nearby alley. Once medical teams arrived at the scene, Watkinson was transported to the Medical College of Virginia (MCV) for emergency treatment, but the intruder was nowhere to be found.

Within minutes of receiving notification of shots being fired at Lombardy's Market, police officers were summoned to an alley eight blocks away, where they discovered Lee with an apparent gunshot wound in his chest. Prior to being taken to the emergency room at MCV, Lee advised the officers that he had been shot when two men tried to rob him. Once inside the emergency room, however, Watkinson, who at the time was still awaiting treatment, recognized Lee and identified him as the intruder who initiated the shootout.

After further investigation, officers discounted Lee's version of how he obtained his wounds and charged him with attempted robbery.⁶ In an effort to obtain physical evidence linking him to the crime, the Commonwealth sought a court order directing Lee to undergo surgery for the removal of the bullet still lodged in his chest. Unable to contest successfully the existence of probable cause for such a search,⁷ Lee challenged the constitutionality of the court's order to compel surgery on the grounds that such an intrusive search into his body would violate the fourth amendment prohibition against unreasonable searches. Lee's request for a court order enjoining the surgery was granted after several procedurally complex hearings in both State and Federal courts.⁸ Ultimately, the U.S. Supreme Court agreed⁹ to consider whether the proposed surgery would, in fact, constitute an unreasonable search in violation of Lee's fourth amendment rights.

Before addressing the precise issue presented in *Lee*, the Supreme Court took a fresh look at its previous decision in the case of *Schmerber v. California*.¹⁰ In *Schmerber*, the Court, dealing for the first time with a search that intruded into the human body, concluded that "a state may, over the suspect's protests, have a physician extract blood from a person suspected of drunken driving without violation of the suspect's right secured by the Fourth Amendment not to be subjected to unreasonable searches and seizures."¹¹ In reaching this conclusion, the Court found it necessary to weigh the individual suspect's interest in privacy and security against society's interest in fairly and accurately determining guilt or innocence. On balance, the Court in *Schmerber* held that the forced removal of a blood sample by medically trained personnel, while unquestionably highly intrusive, was not such an unduly extensive invasion into the individual's expectation of privacy as to outweigh society's interest in conducting the search.¹² Therefore, because the search also satisfied the procedural requirements of the fourth amendment, it was not considered unreasonable. In *Schmerber*, however, the Court voiced the following caution:

"The integrity of an individual's person is a cherished value of our society. That we today hold that the Constitution does not forbid the states minor intrusions into an individual's body under stringently limited conditions in no way indicates that it permits more substantial intrusions, or intrusions under other conditions."¹³

With this cautionary statement in mind, the Supreme Court returned its attention to the task of determining the reasonableness of the proposed bullet removal surgery in *Lee*.

"... the reasonableness of any intrusive body search depends on a case-by-case application of the balancing test."

The problem confronting the Court in *Lee* was whether the forced removal of the bullet from Lee's chest was as innocuous as the forced removal of a blood sample or an example of the "more substantial intrusion" warned against in *Schmerber*.¹⁴ Employing the same balancing test used in the *Schmerber* case, the Court weighed Lee's interest in privacy and security against the Commonwealth's interest in having surgery performed. This time, the balance tipped in favor of individual privacy, and the proposed surgery was pronounced unreasonable. The Court in *Lee* was careful to emphasize that it was not proclaiming all compelled surgery, or even all compelled bullet removal surgery, unreasonable. Rather, the reasonableness of any intrusive body search depends on a case-by-case application of the balancing test.¹⁵

FACTORS CONSIDERED

Fortunately, there are a number of factors which provide the framework for the balancing test, and these same factors may be used as a guide by law enforcement officers when contemplating the reasonableness of a proposed intrusive body search. When calculating the weight of a person's privacy interest, the courts inevitably consider three factors: (1) Any threat to life or safety posed by the proposed procedure,¹⁶ (2) the extent of the contemplated intrusion upon the individual's bodily integrity,¹⁷ and (3) the reasonableness of the method employed to carry out the search.¹⁸ On the other hand, when evaluating the extent of society's interest in conducting the intrusive body search, courts commonly focus on two factors: (1) The reliability of the evidence sought through the proposed

search¹⁹ and (2) the availability of evidence from alternative, less-intrusive sources.²⁰ The remainder of this article will focus on these five factors, analyzing how each factor affected the outcome of the Court's decision in *Lee*, and determining what role these factors played in other cases involving intrusive body searches.

INDIVIDUAL'S PRIVACY INTEREST Threat to Life or Safety

The question whether the proposed bullet removal surgery would pose a threat to the subject's life or safety was subject to considerable dispute in the *Lee* case. A major portion of the controversy was generated by a shift in the location of the bullet, differing opinions as to the seriousness of the proposed surgery by various medical personnel, or a combination of the two.

Pursuant to the Commonwealth's initial request for a court order directing Lee to submit to bullet removal surgery, an evidentiary hearing was conducted to determine the feasibility of that request. At the evidentiary hearing, the Commonwealth's medical expert testified that in his opinion, the surgery would take approximately 45 minutes to perform and would involve a three- to four-percent chance of temporary nerve damage and one-tenth of one-percent chance of death.²¹ Before the court issued a ruling, new evidence was discovered, and a second evidentiary hearing was convened. At this second hearing, the same medical expert testified that on re-examination, he found the bullet in Lee's chest to be just beneath the skin. The proposed surgery, therefore, would require only a one-half inch incision and would involve no danger of death because it would be performed under local anesthesia.²² Given this new evidence, the court did not hesitate to order the surgery. However, the Commonwealth's medical expert

refused to perform the surgery against Lee's will, and a second surgeon had to be called in. Immediately prior to the scheduled surgery, the second surgeon reviewed Lee's x rays and discovered that the bullet was much deeper than originally believed and its removal would require the use of a general anesthetic. Armed with this new information, Lee was able to win an injunction staying the compelled surgery until the appellate review could determine the reasonableness of the proposed procedure.

On review, the Supreme Court scrutinized the testimony of the Commonwealth's experts and found that although the medical risks of the operation were not apparently severe, the very uncertainty exhibited by the expert's testimony "mitigat[ed] against finding the operation to be 'reasonable.'"²³ In the opinion of the Court, the Commonwealth had failed to meet its burden of proving by clear and convincing evidence that the surgical procedure would pose no serious threat to the suspect.²⁴ Thus, for purposes of the balancing test, the weight of this factor fell on the side of Lee's right to privacy and security.

In similar cases, other courts have evaluated the risks of bullet removal surgery with varying results.²⁵ In *Bowden v. State*,²⁶ for instance, the Supreme Court of Arkansas was asked to quash a court order authorizing the retrieval of a bullet from the spinal canal of a robbery-murder suspect.²⁷ Despite the fact that the suspect's own doctors recommended the removal of the bullet, the Court in *Bowden* held that the argument most favorable to the prosecution — "that the risk of serious complication of [the suspect's] injury by removal of the bullet at least equals the risk of complication with the bullet left in place"²⁸ — was not sufficient to justify

the surgery under the stringent standard of reasonableness enunciated by the fourth amendment. Consequently, as in *Lee*, the Court in *Bowden* declared the proposed compelled surgical procedure unreasonable and quashed the lower court order authorizing the operation.

In contrast, the District of Columbia Court of Appeals, in the case of *Hughes v. United States*,²⁹ upheld a court order compelling bullet removal surgery. Hughes, also the suspect in a robbery-homicide,³⁰ was admitted to the hospital with five gunshot wounds in his body. After emergency surgery was performed, it became apparent that three small caliber bullets were imbedded just under the skin of Hughes' right side and right hip. At first, Hughes agreed to the removal of the bullets, but promptly withdrew his approval when he discovered they would be turned over to the police as evidence. Consequently, the prosecutor sought a court order compelling Hughes to submit to the surgery. In response to the prosecution's request, an adversary hearing was conducted during which two witnesses testified. One witness established probable cause for the search while the other witness, a renowned surgeon, assured the court that the bullets, which were in the fatty tissues very close to the surface of the skin, could be readily and safely removed by using a minor surgical procedure. Furthermore, the surgeon testified that the risks inherent in the proposed procedure were "extremely nil."³¹ Finding the prosecution's evidence convincing, the trial court issued an order compelling the surgery. On review, the court of appeals upheld the order and justified its decision as follows:

"Considering all the circumstances of this case, we find no legal impediment — constitutional or otherwise

— to the trial court's order. The trial judge's factual finding that the removal of the presumed bullets from under [Hughes'] skin would be a minor surgical procedure involving virtually no risk is not only supported by the evidence ... but also no evidence to the contrary has been proffered by [Hughes]."³²

Thus, Hughes was compelled to submit to the surgical removal of the bullets in a search deemed reasonable under the fourth amendment.

Bowden and *Hughes* present strikingly similar fact situations. Both cases involve murder suspects allegedly shot during the commission of a robbery. Also, due to a lack of witnesses and other physical evidence, the bullets in question were critical to the prosecution in both cases. Additionally, prosecutors in both cases had more than ample probable cause to support the issuance of a search warrant authorizing the surgical removal of the bullets. The one fact that separates these two cases is the degree of risk involved in the proposed surgery. In *Bowden*, the contemplated surgery posed a considerable risk and was consequently declared unreasonable and unconstitutional. In *Hughes*, on the other hand, the surgery presented little or no risk, and thus, was both reasonable and constitutional. The deciding factor in each case was, therefore, the threat to life or safety caused by the intrusive body search.³³

Extent of Intrusion on Bodily Integrity

By definition, every search of a person involves some intrusion on bodily integrity. Obviously, not all such searches are unreasonable. Rather, the reasonableness of the search will depend, in large part, on the degree or extent of the intrusion. The more intru-

sive the search, the more likely the balance of interests will lean in favor of personal privacy.

When deciding how much weight to apportion to this factor, some courts have had difficulty determining what criteria should be used to calculate "intrusiveness."³⁴ In *United States v. Vega-Barvo*,³⁵ for instance, the 11th Circuit Court of Appeals considered the intrusiveness of an x ray search. The court analyzed its options as follows:

"[I]t is necessary to decide whether intrusiveness is to be defined in terms of whether one search will reveal more than another, or whether intrusiveness is to be interpreted in terms of the indignity that will be suffered by the person being searched. For example, is an x-ray more intrusive than a cavity search because it will reveal more than the cavity search, or less intrusive because it does not infringe upon human dignity to the same extent as a search of private parts? A person can retain some degree of dignity during an x-ray, but it is virtually impossible during a rectal probe, despite the more limited scope of such a search."³⁶

Ultimately, the court in *Vega-Barvo*, opting to focus on the indignity of the search instead of its scope, concluded that the x ray search was less intrusive than the body cavity search³⁷ and should, therefore, be given less weight when applying the balancing test. This conclusion, though not uniformly accepted by all courts,³⁸ is seemingly supported by the U.S. Supreme Court. In the *Schmerber* decision, the Supreme Court stated that "[t]he overriding function of the Fourth Amendment is to protect personal privacy and dignity

"... the prosecution must be able to demonstrate a strong likelihood that reliable evidence will be obtained as a result of the search."

against unwarranted intrusion by the state."³⁹ Similarly, in *Lee*, the Court found that a fourth amendment analysis of a search necessarily involved an assessment of "the extent of intrusion upon the individual's dignity interest in personal privacy and bodily integrity."⁴⁰

Not surprisingly, the Court in *Lee*, apparently adopting the definition of "intrusiveness" announced in *Vega-Barvo*, held that the proposed bullet removal surgery imposed an extreme intrusion on Lee's privacy interest.⁴¹ Of import to the Court was the fact that the Commonwealth intended to "take control of [Lee's] body, to 'drug this citizen — not yet convicted of a criminal offense — with narcotics and barbiturates into a state of unconsciousness' and then search beneath his skin for evidence of a crime."⁴² Recognizing the magnitude of the assault on bodily integrity generated by this type of governmental action, the Court in *Lee* characterized the extent of the intrusion as "severe"⁴³ and afforded this factor a commensurate measure of weight.⁴⁴

Reasonableness of Methods Employed

The controversy over what methods may reasonably be employed to carry out intrusive body searches began over 3 decades ago in the case of *Rochin v. California*.⁴⁵ In *Rochin*, police officers, acting without probable cause, forced their way into a bedroom where they saw Rochin, a suspected narcotics user, put two capsules into his mouth. Failing in their attempts to retrieve the capsules before they were swallowed, the officers arrested Rochin and transported him to a nearby hospital where he was forced to ingest an emetic solu-

tion that caused him to vomit the capsules. The contents of the capsules, an undisclosed amount of morphine preparation, were later used to convict Rochin on charges of narcotics possession. On review, however, the Supreme Court found that the methods employed to obtain the evidence used against Rochin were "too close to the rack and the screw to permit of constitutional differentiation"⁴⁶ and reversed the conviction.

The Court in *Rochin* was disturbed, not so much by the fact that an intrusive body search had occurred, as by the methods employed to carry out that search. On this point, the Court made the following statement:

"This is conduct that shocks the conscience. Illegally breaking into the privacy of [Rochin,] the struggle to open his mouth and remove what was there, the forcible extraction of his stomach contents — this course of proceeding by agents of government to obtain evidence is bound to offend even hardened sensibilities."⁴⁷

Since *Rochin*, law enforcement officers have struggled to find methods of conducting intrusive body searches that would not "shock the conscience" of the Court. In *Schmerber*,⁴⁸ the struggle was abated somewhat when the Court recognized the extraction of a blood sample as a reasonable means of testing a suspect's blood-alcohol level.⁴⁹ Of course, the blood test at issue in *Schmerber* was "taken by a physician in a hospital environment according to accepted medical practices."⁵⁰ Consequently, the Court did not have to decide whether a blood test administered under less stringent conditions would nevertheless be reasonable.⁵¹ Common sense, however, dictates that any intrusive body search which involves the use of a medical technique, no mat-

ter how rudimentary, should be conducted by medically trained personnel in a sterile surrounding.

Because there was never any question that the bullet removal surgery proposed in *Lee* would be performed in a hospital by suitably trained professionals, this factor did not play a major role in the Court's decisionmaking process. Other courts, however, have weighed this factor very heavily when less pristine methods have been employed to carry out intrusive body searches.⁵² For example, in *United States ex rel. Guy v. McCauley*,⁵³ the U.S. District Court for the Eastern District of Wisconsin, applying the balancing test, declared a body cavity search unreasonable because of the manner in which it was conducted.

Betty Jean Guy, a convicted felon who was 7 months pregnant at the time of her arrest, was forced to submit to two body cavity searches. The first search was conducted by two policewomen in the bathroom of Guy's apartment shortly after her arrest. Because of the cramped quarters and poor lighting, the officers were unable to complete their examination.

Consequently, a second body cavity search was performed in the vice squad room at police headquarters. There, officers found and removed from Guy's vagina a packet containing .29 grams of heroin. Subsequent to a conviction on charges related to the possession, Guy challenged in Federal court the use of the heroin as evidence against her. On review, the U.S. district court made the following observations:

"The police actions in this case abused common conceptions of decency and civilized conduct... [Guy,] at the time of the searches, was seven months pregnant; she was painfully forced to bend over

twice; and the two policewomen who perpetrated the search were not medically trained, nor did they utilize medical facilities or equipment to aid them in their search, nor was it done in a hospital or medical environment."⁵⁴

These observations led the court to conclude that the "uncivilized" manner in which these searches were conducted far outweighed all other considerations, and thus, the searches were unreasonable.

It is noteworthy that not all intrusive body searches need be conducted by medically trained personnel in a hospital environment to be reasonable. Some searches that intrude into the body require no medical procedures and can reasonably be performed by any law enforcement officer. A typical example of such a search is the forced intrusion into a suspect's mouth to retrieve evidence secreted there. Although this type of search is not as intrusive as compelled bullet removal surgery, it is scrutinized under the same fourth amendment standard and must pass the same balancing test. To do so, the intrusion must be accomplished through methods that are reasonable. While most courts recognize that some force is necessary to compel an uncooperative suspect to reveal the contents of his mouth, to be reasonable the amount of force used should not exceed that which is absolutely necessary.⁵⁵ In an extreme instance, it may be advisable to allow the suspect to swallow the evidence and retrieve it later by alternative means.⁵⁶ To act otherwise would increase the risk of a court viewing the amount of force used as excessive and declaring the intrusion unreasonable.

SOCIETY'S INTEREST

Reliability of Evidence

After weighing the effects of an in-

trusive body search on an individual's privacy interest, a court must turn its attention to society's interest in conducting the search. While society's interest — to fairly and accurately determine guilt or innocence⁵⁷ — is of great importance, it cannot begin to outweigh the individual's privacy interest unless a compelling need to conduct the search is shown.⁵⁸ Clearly, society's need falls short of compelling if the search at issue would produce only items of questionable evidentiary value. Consequently, if there is to be any hope of tipping the scales in favor of society's interest, the prosecution must be able to demonstrate a strong likelihood that reliable evidence will be obtained as a result of the search.

In *Lee*, the weight in favor of the defendant's privacy interests was so overwhelming that the court barely took time to consider what evidentiary value the bullet might have had if it was recovered.⁵⁹ In other cases involving intrusive body searches, however, the court's assessment of the reliability of the evidence sought has been a declining factor.⁶⁰ In *Doe v. State*,⁶¹ for example, the perceived evidentiary value of a bullet lodged in a suspect's leg induced a Florida court of appeals to first reverse then, on rehearing, affirm a lower court order authorizing surgical removal of the bullet.

Hamby McCaskill, defendant in *Doe*, was suspected of murdering a gas station attendant during an armed robbery attempt. The initial investigation indicated that the victim, prior to his death, fired four rounds from a .32-caliber pistol. It wasn't until 4 years later that police officers, acting on an informant's tip, developed probable cause to arrest McCaskill by uncovering hospital records establishing that he had been treated for a gunshot wound the morning after the robbery attempt.

X rays taken subsequent to his arrest confirmed that a bullet remained lodged approximately one-half inch below the skin surface of McCaskill's left leg. A court order authorizing surgical removal of the bullet was obtained. On review, however, the court of appeals reversed that order after weighing society's interest in conducting the search and finding it wanting due to the lack of "a 'clear indication' that evidence of the requisite character would be obtained."⁶² In explanation, the court pointed out that over the past 4 years, the fine rifling striations on the bullet needed to make a ballistics comparison had most likely been altered or destroyed by the effects of McCaskill's body fluids, and therefore, the evidentiary value of the bullet was speculative at best.

Undaunted, the prosecution obtained a rehearing on this matter in an effort to convince the court that the bullet in question had evidentiary value apart from the rifling striations. Specifically, the prosecution reminded the court that because McCaskill claimed his injury was accidentally inflicted with a .22-caliber rifle, the size and weight of the bullet had evidentiary significance as well. Recognizing the validity of the prosecution's argument, the court held that the bullet itself was sufficiently reliable evidence and affirmed the lower court order authorizing the removal surgery.

Doe clearly illustrates the importance of demonstrating that reliable evidence will be obtained as a result of an intrusive body search. The surgery at issue in *Doe* was minor, posing little or no threat to McCaskill's life, and undoubtedly going to be performed by suitably trained medical personnel. Yet,

"The reasonableness of [a] search will be determined by weighing the individual's privacy interests against the government's interests in conducting the search."

the court of appeals refused to permit the intrusion, finding it unreasonable under the fourth amendment, because there was no "clear indication" that the surgery would produce reliable evidence. Not until the prosecution came forward with this "clear indication" would the court allow the balance to shift in favor of society's interest in performing the surgery.

Available Alternatives — Necessity

The final factor a court must weigh when applying the balancing test — or more specifically, when determining whether the prosecution has a compelling need to conduct an intrusive body search — is the availability of alternative sources or types of evidence. No matter how reliable the sought-after evidence may be, if that same evidence could be obtained by less-intrusive means or is made superfluous by the existence of other admissible evidence, then the prosecution's need to conduct the search simply cannot be compelling.

In *Lee*, while there was no means less intrusive than the proposed surgery to retrieve the bullet from the suspect's chest, the court held that ample alternative evidence existed to negate the prosecution's need for the bullet. The court's reasoning is embodied in the following statement:

"The Commonwealth has available substantial additional evidence that [Lee] was the individual who accosted Watkinson on the night of the robbery. No party in this case suggests that Watkinson's entirely spontaneous identification of [Lee] at the hospital would be inadmissible. In addition [the Commonwealth] can no doubt prove that [Lee] was found a few blocks from Watkinson's store shortly after the incident took place. And [the Commonwealth] can certainly show that the location of the bullet ... seems to correlate with

Watkinson's report that the robber 'jerked' to the left."⁶³

For these reasons, the court concluded that the Commonwealth's need to force Lee to undergo the contemplated surgery was substantially less than compelling and apportioned the weight attributable to this factor accordingly.

Similarly, in *United States v. Cameron*,⁶⁴ the U.S. Court of Appeals for the Ninth Circuit concluded that the government's need to conduct a body cavity search fell somewhat short of compelling. This conclusion, however, was not based on any belief that ample alternative evidence existed to negate the need for the search. Rather, the court in *Cameron* found that the same evidence seized as a result of the body cavity search could have been obtained through less-intrusive means.

Cameron, a habitual heroin user, was stopped by customs officers as he attempted to return to the United States after making a trip to Mexico. The ensuing investigation, which included a visual body search, gave the customs officers reason to believe Cameron was concealing narcotics in his rectal cavity. A telephone call to the U.S. attorney's office, placed prior to taking Cameron to a medical facility for a cavity search, revealed that Cameron was currently free on bond while awaiting trial on narcotics charges, and his trip to Mexico was a violation of the conditions of his bond. The officers were, therefore, directed to detain Cameron regardless of the results of the cavity search.

At the hospital, Cameron was subjected to two rectal probes, given two warm enemas, and forced to drink an oral laxative before he finally passed a condom containing heroin. The heroin was introduced at Cameron's trial, over his objections, and he was convicted.

On appeal, Cameron argued that the intrusive body search that led to the recovery of the heroin violated the fourth amendment prohibition against unreasonable searches and seizures. Concurring, the court of appeals suppressed the evidence and reversed Cameron's conviction. One of the reasons for the reversal⁶⁵ was that there was no compelling need to conduct the body cavity search. Cameron, who was going to remain in custody for violating the conditions of his bond, would have eventually eliminated the heroin naturally. Thus, the court concluded that the same evidence could have been obtained by simply observing Cameron while in custody — a decidedly less-intrusive means than the body cavity search.

CONCLUSION

All fourth amendment searches fall into three general categories: (1) Some searches, because they are minimally intrusive, may be conducted without a warrant;⁶⁶ (2) other searches, because they are more intrusive or implicate higher privacy values, require warrants;⁶⁷ and (3) still other searches, because they are so intrusive or involve such high levels of privacy, simply may not be conducted notwithstanding the existence of a warrant.⁶⁸ Although intrusive body searches raise issues of personal privacy and dignity not normally raised by other types of searches, they may still fall into any one of these three categories.⁶⁹

Regardless of what category a particular intrusive body search falls within, the reasonableness of that search will be determined by weighing the individual's privacy interests against the government's interests in conducting the search. If, for instance, the search falls within the first category and can be con-

ducted without a warrant, the law enforcement officer contemplating the search will have to apply the balancing test to determine what procedures are reasonable, then act accordingly. The officer's actions will subsequently be judged by a court employing the same balancing test. If, however, the search falls within the second or third category because it involves a greater intrusion or a higher level of personal privacy, a court, applying the balancing test, will have to be convinced of the reasonableness of that search before it can be conducted.

In light of the special sensitivities raised by an intrusive body search, law enforcement officers are advised to obtain, whenever possible, a search warrant which both authorizes the search and particularly describes a reasonable means of conducting the search. This added precaution will likely reduce the risk of civil liability and ensure the admissibility of evidence. Indeed, scrupulous execution of such a warrant may invoke the good faith exception to the exclusionary rule and prevent the suppression of evidence seized during the search subsequently declared unreasonable.⁷⁰

Because the law enforcement officer may be required to apply the balancing test, or at the very least, supply the court with the information necessary to weigh both the individual's privacy interests and the government's interest in conducting an intrusive body search, the officer who recognizes and understands the factors that provide the framework of the balancing test will have a decided advantage. A thorough knowledge of these factors and an understanding of how they affect the balance of interests will enable the law enforcement officer to provide the court with all relevant information and meet any challenges to reasonableness that may arise.

FBI

Footnotes

¹U.S. Const. amend. IV reads: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

²*Katz v. United States* 389 U.S. 347 (1967).

³*See, e.g., Schmerber v. California*, 384 U.S. 757 (1966) [hereinafter cited as *Schmerber*].

⁴*See, e.g., Winston v. Lee*, 105 S.Ct. 1611 (1985) [hereinafter cited as *Lee*].

⁵*Lee, supra* note 5.

⁶In addition to attempted robbery, Lee was also charged with malicious wounding and using a firearm in the commission of a felony.

⁷Watkinson's spontaneous identification of Lee and the fact that Lee was found only a few blocks from the scene of the crime with a bullet wound in his chest combined to make any attempt to challenge the prosecution's probable cause futile.

⁸Lee's original challenge was rejected by the State trial court that issued the order authorizing the surgery and his subsequent request for a writ of habeas corpus was denied by the Virginia Supreme Court and the Federal district court. After new evidence was discovered, Lee renewed his challenge but was again rejected by the trial court and the Virginia Supreme Court. However, the Federal district court, after an evidentiary hearing, supported Lee's challenge and issued an order enjoining the surgery. The U.S. Court of Appeals for the Fourth Circuit affirmed.

⁹466 U.S. 942 (1984) (cert. granted).

¹⁰*Schmerber, supra* note 3.

¹¹*Lee, supra* note 4, at 1614.

¹²*Id.* at 1617.

¹³*Schmerber, supra* note 3, at 772.

¹⁴*Lee, supra* note 4, at 1614.

¹⁵*Id.* at 1616.

¹⁶*See, e.g., Bowden v. State*, 510 S.W.2d 879 (Ark. 1974); *Hughes v. United States*, 429 A.2d 1339 (D.C. App. 1981); *Brown v. State*, 231 S.E.2d 65 (Ga. 1976); *Creamer v. State*, 192 S.E.2d 350 (Ga. 1972).

¹⁷*See, e.g., United States v. Vega-Barvo*, 729 F.2d 1341 (11th Cir. 1984); *United States v. Sanders*, 663 F.2d 1 (2d Cir. 1981); *People v. Scott*, 578 P.2d 123 (Cal. 1978).

¹⁸*See, e.g., United States v. Cameron*, 538 F.2d 254 (9th Cir. 1976); *Huguez v. United States*, 406 F.2d 366 (9th Cir. 1968); *United States ex rel. Guy v. McCauley*, 385 F. Supp. 193 (E.D. Wis. 1974).

¹⁹*See, e.g., People v. Scott*, 578 P.2d 123 (Cal. 1978); *Doe v. State*, 409 So.2d 25 (Fla. App. 1982); *State v. Haynie*, 242 S.E.2d 713 (Ga. 1978).

²⁰*See, e.g., United States v. Cameron*, 538 F.2d 254 (9th Cir. 1976); *United States v. Clymore*, 515 F.Supp. 1361 (E.D.N.Y. 1981); *People v. Bracamonte*, 540 P.2d 624 (Cal. 1975).

²¹*Lee, supra* note 4, at 1614.

²²*Id.*

²³*Id.* at 1620.

²⁴*Id.*

²⁵*See, e.g., Bowden v. State*, 510 S.W.2d 879 (Ark. 1974) (surgery denied); *Hughes v. United States*, 429 A.2d 1339 (D.C. App. 1981) (surgery approved); *State v. Haynie*, 242 S.E.2d 713 (Ga. 1978) (surgery denied).

²⁶510 S.W.2d 879 (Ark. 1974).

²⁷Bowden fit the description of one of two men seen fleeing the scene of a robbery-murder. Eye witness reports indicated that one of the two men ran bent forward clutching his stomach, apparently shot by the victim. Within moments of the crime, an unidentified individual brought Bowden to a local hospital, where he was treated for a stomach wound.

²⁸*Supra* note 26, at 881.

²⁹429 A.2d 1339 (D.C. App. 1981).

³⁰Hughes was suspected of murdering Richard Edwards during an armed robbery. Edwards, a restaurant manager licensed to carry a pistol, was taking daily proceeds to the bank when he was shot and robbed by a black male. Edwards, before he died, fired five shots at his assailant. A trail of blood at the scene indicated that the assailant had been wounded. Approximately one-half hour later, Hughes was admitted to a nearby hospital; he had been shot five times.

³¹*Supra* note 29, at 1340.

³²*Id.* at 1341.

³³In the Matter of a Paternity Proceeding Joseph P.M. on Behalf of Karen S. v. Boyce R., 487 N.Y.S.2d 685 (1985), this factor provided respondent with a novel argument. Petitioner Karen Smyth named Boyce Rawson as father of her child, and through the State, brought an action for child support. Rawson, a correction officer, denied paternity and was ordered to submit a blood test. Rawson challenged the order, claiming that the risks involved made the forced extraction of his blood unreasonable. Specifically, Rawson argued that because his work brought him in contact with AIDS victims, the puncture wound resulting from a blood test would pose a serious threat to his health. However, the court, after hearing expert testimony indicating that no open wound results from venipuncture because the skin immediately seals itself, found that the blood test would not jeopardize respondent's health and rebuked the challenge.

³⁴*See, e.g., United States v. Elk*, 676 F.2d 379 (9th Cir. 1982).

³⁵729 F.2d 1341 (11th Cir. 1984).

³⁶*Id.* at 1345.

³⁷In *Vega-Barvo*, the Court "isolated three factors which contribute to the personal indignity endured by the person searched: (1) physical contact between the searcher and the person searched; (2) exposure of intimate body parts; and (3) use of force." *Id.* at 1346.

³⁸*See, e.g., United States v. Shreve*, 697 F.2d 873 (9th Cir. 1983); *United States v. Elk*, 676 F.2d 379 (9th Cir. 1982).

³⁹*Schmerber, supra* note 3, at 767.

⁴⁰*Lee, supra* note 4, at 1617.

⁴¹In *Lee*, the Court warned that "a compelled surgical intrusion into an individual's body for evidence . . . implicates expectations of privacy and security of such magnitude that the intrusion may be 'unreasonable' even if likely to produce evidence of a crime." *Id.* at 1616.

⁴²*Id.* at 1619.

⁴³*Id.* at 1620.

⁴⁴In *United States v. Sanders*, 663 F.2d 1 (2d Cir. 1981), defendant argued that the search of his artificial leg was as intrusive as a body cavity search and should be afforded a great deal of weight when applying the balancing test. The court, however, disagreed and found that while "the exposure of the stump to which the prosthetic device is attached, accompanied by a temporary lack of mobility, constitutes an embarrassment, . . . the search here was no more intrusive than [a] strip search . . . and clearly less intrusive than a body-cavity search." *Id.* at 3.

⁴⁵342 U.S. 165 (1952).

⁴⁶*Id.* at 172.

⁴⁷*Id.*

⁴⁸*Schmerber, supra* note 3.

⁴⁹In *Schmerber*, the Court recognized that blood tests are "commonplace in these days of periodic physical examinations and experience with them teaches that the quantity of blood extracted is minimal, and that for most people the procedure involves virtually no risk, trauma, or pain." *Schmerber*, *supra* note 3, at 771.

⁵⁰*Id.*

⁵¹The Court in *Schmerber*, was "not presented with the serious questions which would arise if a search involving use of medical technique ... were made by other than medical personnel or in other than a medical environment — for example, if it were administered by police in the privacy of the stationhouse." However, the Court warned that to "tolerate searches under these conditions might be to invite an unjustified element of personal risk of infection and pain." *Id.* at 772.

⁵²See, e.g., *United States v. Carpenter*, 496 F.2d 855 (9th Cir. 1974); *Haguez v. United States*, 406 F.2d 366 (9th Cir. 1968); *State v. Williams*, 560 P.2d 1160 (Wash. App. 1977).

⁵³385 F.Supp. 193 (E.D. Wis. 1974).

⁵⁴*Id.* at 198.

⁵⁵See, e.g., *State v. Lewis*, 566 P.2d 678 (Ariz. 1977); *State v. Jaques*, 587 P.2d 861 (Kan. 1978); *People v. Holloway*, 330 N.W.2d 405 (Mich. 1982); *State v. Santos*, 243 A.2d 274 (N.J. Super. 1968).

⁵⁶See, e.g., *State v. Williams*, 560 P.2d 1160 (Wash. App. 1977) wherein the court suppressed heroin extracted from a suspect's mouth after he was "pinned to the couch" by an officer who pinched the suspect's nose and spread his mouth open while another officer "choked off" his air supply.

⁵⁷*Lee*, *supra* note 4, at 1618.

⁵⁸*Id.* at 1619.

⁵⁹*Id.* at 1619 n.10.

⁶⁰See, e.g., *People v. Scott*, 578 P.2d 123 (Cal. 1978) (compelled production of semen sample in child molestation case rejected where the evidence sought, signs of trichomaniasis, was highly circumstantial and speculative); *State v. Haynie*, 242 S.E.2d 713 (Ga. 1978) (defendant's request for a court order compelling the victim of a shooting to undergo bullet removal surgery was denied on the grounds that no conclusive ballistics comparison could be made due to a "chain of custody" problem).

⁶¹409 So.2d 25 (Fla. App. 1982).

⁶²*Id.* at 27.

⁶³*Lee*, *supra* note 4, at 1619.

⁶⁴538 F.2d 254 (9th Cir. 1976).

⁶⁵Other reasons for reversal voiced by the court were the highly intrusive nature of the search and the "humiliating" manner in which it was conducted.

⁶⁶See, *Terry v. Ohio*, 392 U.S. 1 (1968).

⁶⁷See, *Katz v. United States*, 389 U.S. 347 (1967).

⁶⁸See, e.g., *Lee*, *supra* note 4.

⁶⁹For example, the forced inspection of an arrestee's mouth is a relatively minor intrusion that normally can be done without a warrant. On the other hand, more significant intrusions, such as probing body cavities or compelling surgical procedures will, absent consent or emergency, require the production of a warrant. Finally, in extreme cases, an intrusive body search may pose such a severe threat to the individual that the search may not be conducted despite the fact that ample grounds for the issuance of a warrant exist.

⁷⁰See, *Massachusetts v. Sheppard*, 104 S.Ct. 3424 (1984) and *United States v. Leon*, 104 S.Ct. 3405 (1984).

Parking Meter Key

The San Diego area had been experiencing numerous thefts from Duncan Vip-type parking meters. Law enforcement personnel subsequently observed an individual opening these meters with a device that allowed easy access. The device was made from electrical connectors soldered together and attached to a handle. Further investigation indicated that these are widely used for unlawful entry into parking meters throughout the United States.

(Submitted by the San Diego, CA, Harbor Police.)



WANTED BY THE FBI

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

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



Photograph taken in 1981

Stephen Kent Mitchell, also known as Stephen K. Mitchell. W; born 6-16-45; Evanston, IL (not supported by birth records); 5'9"-5'10"; 150 lbs; med bld; brn/graying hair (may be wearing beard); bl/hzl eyes; med comp; occ-bank management, financial consultant; remarks: Enjoys tennis and racquetball. Wanted by the FBI for INTERSTATE FLIGHT-FAILURE TO APPEAR; ATTEMPTED MURDER; CONSPIRACY TO MURDER; SOLICITATION TO MURDER.

NCIC Classification:

DOPO23DI21DI21182121

Fingerprint Classification:

23 0 29 W OOI 21 Ref: 29 29 29
1 17 U OOO 18 21 22

I.O. 4949

Social Security Number Used: 495-46-5931

FBI No. 825 756 W9

Caution

Mitchell is being sought for failure to appear, attempted murder, conspiracy to murder, and solicitation to murder a female victim. Consider Mitchell armed and dangerous.



Right index fingerprint



Photographs taken in 1977

Pascual Alfonseca, also known as Pascual Alfonsecaa, Jr., Pascual Alfonsa, Pascual Alfonseca-Ozoria, Pascual Ozoria, "Pedro," "Pacolo." B; born 5-28-58; Dominican Republic (not supported by birth records); 5'8"; 140-150 lbs; sldr bld; blk hair; brn eyes; drk comp; occ-laborer. Wanted by the FBI for INTERSTATE FLIGHT-MURDER, AGGRAVATED ROBBERY, ATTEMPTED AGGRAVATED BURGLARY.

NCIC Classification:

16PI16PO1516PIPI15

Fingerprint Classification:

16 M 27 W IOO 15
M 4 W III

I.O. 4928

Social Security Number Used: 050-50-1367

FBI No. 484 345 V10

Caution

Alfonseca is being sought in connection with the murder of a paraplegic who was shot with a large caliber revolver during the robbery/burglary of his residence. Consider Alfonseca armed and dangerous.



Left ring fingerprint



Photographs taken in 1975, 1980, 1983

John Alexander Riccardi, also known as Dean Riccardi, Dean A. Riccardi, Jackie Riccardi, John Riccardi, John A. Riccardi, Rick Riccardi, George Sammartino, Emanuel Shaparro. W; born 10-1-35, Yonkers, NY; 5'11"-6'; 180 lbs; lge bld; brn hair; hzl eyes, med comp; occ-bar owner, businessman, food manager, owner/hairstylist; scars and marks: Mole on right cheek; remarks: Avid weight lifter, health food addict; may wear glasses and dye hair black.

Wanted by the FBI for INTERSTATE FLIGHT-MURDER.

NCIC Classification:

25101313062210161309

Fingerprint Classification:

25 L 1 U OOI 6 Ref: 1
L 1 U OOI 3

I.O. 4960

Social Security Number Used:

051-28-8672; 051-28-8072

FBI No. 152 655 C

Caution

Riccardi is being sought in connection with the shooting murder of two female victims. He reportedly has suicidal tendencies and vows not to be taken alive. He may be armed with a .38 revolver or a .357 magnum revolver. Consider armed and dangerous.



Right thumbprint

WANTED BY THE FBI



Photographs taken in 1977, 1979, 1981

David Richard Davis,

also known as Dave R. Davis, Dave Davis. W; born 9-27-44; Flint, MI; 6' to 6'1"; 180-210 lbs; lrg bld; lt brn to bld hair; bl eyes; ruddy comp; occ-farmer, fisherman, personnel supervisor, school teacher, scuba diver; remarks: He can convincingly present himself as a doctor, nurse, or pharmacist, is an experienced recreational sailor and good paddle ball player, represented himself as a harpsichord player and has fondness for color yellow, reportedly speaks Spanish and French; scars and marks: Cut scar on top of head, scar on forehead near hairline, surgical scars on lower back and lower abdomen, "hammerhead thumbs," very wide, with very short nails. Wanted by FBI for INTERSTATE FLIGHT-MURDER.

NCIC Classification:

23TT1008072055131008

Fingerprint Classification:

23 L 1 T II 7
L 1 R IOI

I.O. 4944

Social Security Number Used: 380-44-0596

FBI No. 501 337 X10

Caution

Davis is being sought in connection with the murder of his wife by reportedly injecting her with a strong muscle relaxer. Consider Davis armed, dangerous, and a suicidal risk.



Right index fingerprint



Photographs taken in 1984

Glyde Earl Meek,

also known as Daniel M. Burton, D. Mike Daniels, Daniel Mikel Daniels, Michael Kelley, Carl E. Meek, Clyde E. Meek, Clyde Earl Meeks, Earl C. Meek, Mike G. Meek, "Shorty", and others. W; born 7-22-35 (True date of birth), 7-22-37, Pasco, WA; 5'10"; 185 lbs; stky bld; brn-gray hair (balding); bl eyes, ruddy comp; occ-carpenter, salesman, sign painter, truck driver, vehicle reposessor, wood carver; scars and marks: Scar upper chest, tattoo of roses on upper right arm, cast gold inlay on right incisor tooth; remarks: Known to wear a hair piece, reportedly wears large silver belt buckle and a silver and turquoise ring on left hand. Wanted by FBI for INTERSTATE FLIGHT-MURDER.

NCIC Classification:

POTT010709DI62050809

Fingerprint Classification:

1 O 5 T II 9
I 17 R OII

I.O. 5007

Social Security Nos. Used:

527-59-5297; 536-30-4342

FBI No. 732 602 B

Caution

Meek is being sought in connection with multiple murders in which the victims were bound, gagged, and stabbed multiple times. He is reportedly in possession of a shotgun. Consider armed and dangerous, escape risk, suicidal tendencies. Meek may be accompanied by Page Jennings, white female, date of birth January 2, 1964. JENNINGS IS NOT WANTED BY LAW ENFORCEMENT AUTHORITIES.



Right index fingerprint



Photographs taken in 1983

Claude Lafayette Dallas, Jr.,

also known as Jack James Chappel, Claude Dallas, Claude L. Dallas, Claude L. Dallas, Jr., Claude Lafayette Dallas, Claude L. Dalles. W; born 3-11-50, Winchester, VA; 5'10"; 170-180 lbs; med bld; brn hair; brn eyes; ruddy comp; occ-cowboy, farmhand, general laborer, gunsmith, logger, ranch hand, trapper, truck driver; scars and marks: Bullet wound scar outside left calf; remarks: Reportedly a loner and outdoorsman, neat and meticulous in attire, usually wears western outdoor wear and wire rimmed glasses, has demonstrated his proficiency with firearms, reportedly speaks Spanish, has worn long hair and ponytail in the past. Wanted by FBI for INTERSTATE FLIGHT-VOLUNTARY MANSLAUGHTER; ESCAPE.

Wanted by FBI for INTERSTATE FLIGHT-VOLUNTARY MANSLAUGHTER; ESCAPE.

NCIC Classification:

12AA0807041652081308

Fingerprint Classification:

12 M 1 A II 4
M 1 R III

I.O. 5008

Social Security Numbers Used:

270-48-0246; 270-48-0296; 270-40-0476

FBI No. 208 406 M1

Caution

Dallas, who is being sought as a prison escapee, was at the time of escape serving a lengthy sentence for the shooting murders of two fish and game conservation officers. Dallas, who has always been armed in the past, has claimed he will not be taken alive. Consider armed, extremely dangerous, and an escape risk. FBI TOP TEN FUGITIVE



Left middle fingerprint

Interesting Pattern

The minimum requirements of a whorl are two deltas and a recurve in front of each. Although this impression has two deltas, it lacks a recurve in front of the left delta, and therefore, cannot be classified as a whorl. It is classified as an upthrust tented arch.



Change of Address

Not an order form

FBI

Law Enforcement Bulletin

Complete this form and return to:

Director
Federal Bureau of
Investigation
Washington, DC 20535

Name _____

Title _____

Address _____

City _____

State _____

Zip _____

Washington, D.C. 20535

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

The Bulletin Notes

Officer Edwin Marok of the Toledo, OH, Police Department responded to an accident while off duty where a semi-tractor trailer had struck an automobile, pushing it into the rear of another automobile. Both cars caught fire. Officer Marok, realizing that the automobiles could explode at any moment and observing a young woman unconscious in the front seat of one car, forced the door open and carried the woman to safety. Seconds later both automobiles exploded. The Bulletin is very pleased to join Officer Marok's superiors in recognizing his heroism.



Officer Marok
