

FBI

*Documented
copy*

Law Enforcement Bulletin

JANUARY 1974



Federal Bureau of Investigation

Clarence M. Kelley, Director

FBI

Law Enforcement Bulletin

JANUARY 1974
VOL. 43, NO. 1



Published by the
FEDERAL BUREAU of INVESTIGATION
UNITED STATES DEPARTMENT of JUSTICE
Washington, D.C. 20535

CONTENTS

MESSAGE FROM THE DIRECTOR

Justice and effective crime control are only goals of FBI NCIC.

1

DRIVER PERFORMANCE STUDY, by Hon. Walter Pudinski

Stress test identifies high risk drivers.

3

THE NATIONAL CRIME INFORMATION CENTER

A definitive statement of its concept and operation.

8

PHYSICAL FITNESS IDEAL, by Sgt. Leo Thalassites

Physical conditioning develops better police officers.

11

SYMPOSIUM ON ABA STANDARDS

Lawyer and police representatives meet at FBI Academy to improve urban law enforcement.

15

BONES CAN FOOL PEOPLE, by Dr. J. Lawrence Angel

Identifying unknown skeletal remains.

16

WARRANTLESS ENTRY TO ARREST (Conclusion), by J. Paul Boutwell

A possible violation of the fourth amendment.

21

FOUR PROGRAM MODELS IN DELINQUENCY PREVENTION, by Col. James Peter Damos and Walter Barry

Police-school liaison programs give youth a better understanding of the law.

26

NATIONAL NEIGHBORHOOD WATCH PROGRAM

Citizen self-help reduces theft.

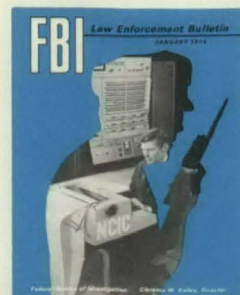
31

WANTED BY THE FBI

32

THE COVER

From the police officer on the street to the FBI National Crime Information Center (NCIC) in the Nation's Capital, and back, streaks vital law enforcement information. See Message by Mr. Kelley, opposite page, and article beginning on page 8.



Message from the Director . . .



THIS MONTH THE FBI NATIONAL CRIME INFORMATION CENTER (NCIC) marks its 7th year of operation. It was conceived in 1966 when the nationwide rate of serious crime soared sharply toward unprecedented heights. Since then the NCIC has more than met its expectations.

Serving a telecommunications network that encompasses all 50 States, the District of Columbia, and Canada, the Center's computers have processed as many as 140,000 transactions in a single day. During a 24-hour period, the NCIC furnishes member agencies throughout the system with approximately 850 positive responses (hits) to inquiries of its computerized index of documented law enforcement data. Beyond any reasonable doubt, the NCIC has established computer technology as a vital tool in the control of crime in our society.

The NCIC concept was born in an era of great need. Many changes in our society revealed that sluggish communications and fragmented record systems could no longer serve the Nation adequately. Prompt, factual information was needed to answer the growing clamor for better public and private services.

Society has become increasingly complex in its organization and its members more profuse in their activities. Fewer citizens are static elements in our population. People are on the move more than ever before. Criminals, particularly, leave behind them a far-flung trail of crimes and records with various agencies of the criminal justice system. Law enforcement agencies must depend on this catalog of crimes and criminals to better fulfill their public responsibilities.

These facts bear heavily on law enforcement performance. Faced with the responsibility of stemming a mounting volume of crime, dramatic new techniques have had to be devised to counter lawlessness. Crime is no longer simply a concern for authorities in the jurisdiction of its occurrence.

After committing a crime in Ohio, an offender from California, for example, may flee to Florida after having profitably disposed of his stolen goods in still another State. With the marvels of modern transportation, all this can and often does occur while the police pore over the fresh traces at the crime scene. To solve crime in the space-age tempo of today's society demands that law enforcement officers have available immediately the facts of crime whenever or wherever they are likely to confront suspected elements of it. The evidence of crime and those who commit criminal acts have to be connected. The swifter this is done, the better the requirements of justice are served.

These objectives—prompt justice and the effective control of crime—are the only goals of the NCIC. It is important that they be clearly understood and supported. The NCIC has developed into one of the most responsible and efficient crime-fighting weapons ever available to law enforcement performance.

The NCIC *is not*, as some have alleged, a secret intelligence-gathering network filled with loosely managed and frivolously gathered information concerning anyone coming to the attention of the police. The *facts* about the NCIC stand out in bold contrast to such assertions. *It is a*

MESSAGE

widely publicized law enforcement program which is firmly rooted in statutory authority. *It is* most prudently managed and directed by skilled professionals of the criminal justice system. *It is* operated under the most responsible safeguards to insure the validity and security of its information, as well as to protect fully the constitutional rights of individuals. It has indexed *only* the names of individuals for whom arrest warrants are outstanding or persons who have had substantial involvement, supported by fingerprint records, with the criminal justice system.

Recognizing that any program of such magnitude needs continuing attention, the FBI is working with other elements of the Department of Justice in continually evaluating the security of

the NCIC system so as to insure the maximum protection of individual rights and the information contained in the system.

I sincerely want the general public to have the facts concerning the NCIC program. Space does not permit me to furnish here all the details concerning this law enforcement information network. But, I encourage an objective examination of the detailed statement concerning the NCIC which is featured in this issue of the Bulletin. It specifically defines what the NCIC is and the safeguards that protect its integrity.

Information is the lifeblood of the investigative process. And the NCIC is truly a heart in the flow of information within the criminal justice system.


CLARENCE M. KELLEY
Director

JANUARY 1, 1974

"... the conclusions suggest the possibility of developing a new screening technique for excluding potential high-accident-risk drivers before they assume the role of traffic enforcement officers."

Driver Performance Study

The test vehicle on the emergency operations course.



By
HON. WALTER PUDINSKI
Commissioner,
California Highway Patrol,
Sacramento, Calif.

The notion of creating a perpetual motion machine tantalizes physical scientists. The search for a valid method of predetermining the accident-prone driver similarly torments those confronting problems of vehicular safety.

Both goals appeared equally unattainable a few years ago. Now researchers in the California Highway Patrol (CHP), in cooperation with the Space Biology Laboratory at the UCLA Brain Research Institute, have isolated the high-accident-risk driver.

Of course, there are some strings tied to that startling claim, but the stark facts are (and CHP officials were elated by the findings) that within the stringent testing framework established, researchers correctly classified 95 percent of the drivers as high or low accident risk, based on

experimental findings which coincided with the participants' prior experience.

The keys are surprising, not in themselves, but because they were unexpected. Heading into the experimental program which began in 1971, considerable weight was attached to the significance of brain waves, heart action, psychomotor response, and eye movements. Of these four, only heart action proved significant, and even so, it is pertinent to only two of the seven determinants found valid in measuring driver performance.

"... researchers correctly classified 95 percent of the drivers as high or low accident risk. . . ."

Minimize Accidents

Highway patrol instigation of the study was predicated on the very practical necessity to minimize preventable accidents among traffic officers. The patrol's Emergency Vehicle Operations Course (EVOC), a standard rigor for every cadet who successfully completes 16 weeks of CHP training, obviously produces a far-better-than-average driver. CHP accident rates are well below those of the general public, in spite of the frequency of high-speed pursuits and other unusual driving demands placed upon a traffic enforcement officer.

Still, the continuing search for a reduction even of that low rate demanded inquiry into the ultimate question: Can the high-accident-risk driver be identified?

The experimental design called for matching pairs of officers, each set including a driver with one or more preventable accidents and a driver with no such accidents. A preventable accident was defined as one due in some degree to an avoidable driving

"... each pair [of drivers tested] had similar highway patrol histories—length of service was approximately equal, types of service were virtually identical, and birth dates fell within the same year."

error on the part of the officer. The qualifying accidents all occurred during an emergency situation—when the vehicle displayed flashing lights and the siren was operating.

In all other respects, each pair had similar highway patrol histories—length of service was approximately equal, types of service were virtually identical, and birth dates fell within the same year.

Psychomotor testing preceded driving tests, which were conducted at the highway patrol's Sacramento academy. The former included reaction time measurements, rotary pursuit tracking and "embedded figures" testing—picking a simple figure out of a more complex design.

Preparation for the driving phase resembled a scene from outer space as participants were fitted with electrodes and transistorized helmets which transmitted physiological information. The test vehicle was simi-

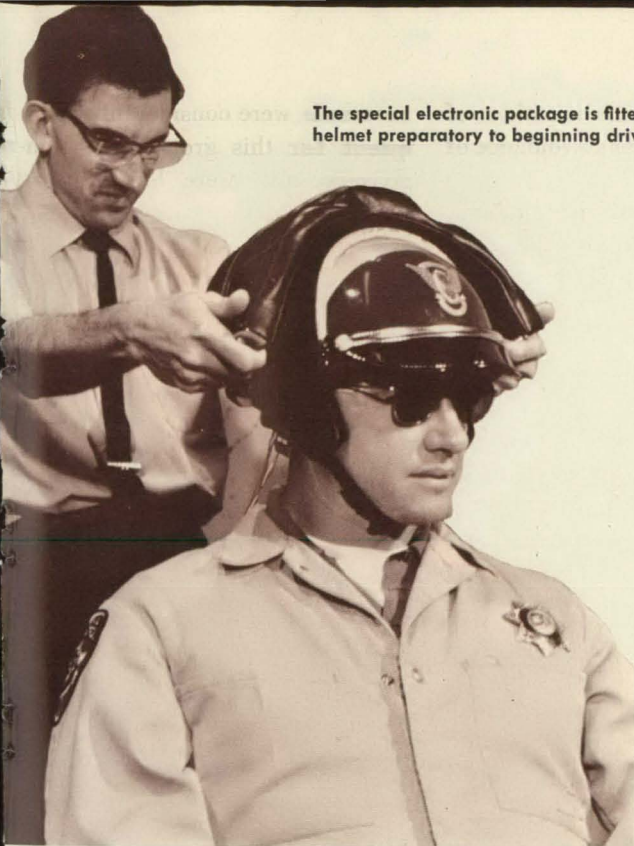
larly instrumented to record braking and steering actions, throttle movements, and chassis sway.

Driving Tests

Once on the 1.54-mile CHP Academy track, officers were permitted three practice runs in each direction, followed by four actual test laps each way, or 14 in all. Researchers purposely issued vague instructions, telling drivers to accustom themselves to the track during practice laps, then to proceed as rapidly as possible during test laps using proper cornering techniques. This seemingly shallow task definition was tied closely to the test design and calculated to increase stress. Preventable accidents which earned a position in the experimental program for one-half the participants had occurred during stress situations—while responding to an emergency. Drivers with no preventable

The special helmet used in the driver performance study transmitted information relative to the driver's physiological responses to recording devices.





The special electronic package is fitted to a driver's helmet preparatory to beginning driving phase.

accidents obviously experienced similar stress on patrol duty, yet had successfully avoided the types of driving errors which led others to an accident.

The track itself exudes stress. Roughly oblong in shape, it incorporates typical roadway situations—a long straightaway which encourages maximum speeds, a sharply banked southwest turn which can be negotiated with moderate deceleration, a devilish southeast turn—flat and virtually 90 degrees—followed by a short east-side straight which leads precipitously into the “last straw,” an S-turn requiring a skillful combination of braking and steering simply to remain on the roadway.

The challenge was to minimize lap times—an accomplishment which tended to maximize errors. How participating drivers adapted to this assignment represents the core of the experimental findings.

The human heart, identified in song and fable as the measure of a man's emotions, lived up to that billing in the CHP test.

Heart actions of the two groups disclosed significant differences. During the three-lap practice runs, both groups displayed similar heart rates, and fluctuations were minimal.

Stress Factors

As the actual test laps began, heart rates of the low-risk drivers moved substantially higher, and remained so with only moderate fluctuations. The high-risk group, however, displayed considerable variability in rate—a roller-coaster effect, responding to different sections of the track with variable levels of stress.

In essence, the low-risk drivers interpreted the entire driving task as

“. . . low-risk drivers interpreted the entire driving task as stressful . . . [while] high-risk drivers tended to relax. . . .”

stressful, which elevated their heart rates throughout. High-accident-risk drivers tended to relax a bit on portions of the track they perceived as less difficult.

Researchers summed it up this way: “The low-risk drivers were substantially more cautious during the early ‘practice’ laps of the test run, and made a much more exaggerated distinction between test and practice conditions than the high-risk subjects. They (low risk) were under much greater psychological stress throughout the final eight test laps.

“The high-risk drivers were observed to revert to much lower levels of stress during certain portions of the track. The low-risk group did so at first, but as they drove faster, all portions of the track were perceived as equally stressful, and variations in their stress levels . . . were much diminished. By contrast, such variations in the high-risk group were much increased.”

From the data gathered on heart rates, the research team was able to draw a corollary conclusion which it considered important. The low-risk drivers interpreted the southeast turn (90 degrees and unbanked) as one of the most stressful points on the circuit. High-risk drivers viewed it as among the least stressful. This turn ordinarily is negotiated in a controlled, four-wheel drift, a maneuver which once established may have permitted the high-risk driver to relax. The low-risk driver, however, concerned with proper orientation of the vehicle at the exit point, perceived the drift itself as a point of stress.

Five other factors were pertinent to the evaluation—road departures, line quality and skids, steering-throttle-brake usage, elapsed lap times, and an element defined as “time caution.”

The two groups displayed significantly different learning curves based on elapsed times for each of the 14 tours of the track. The low-risk groups

proceeded at consistently slower speeds during practice laps, both groups approximated equal speeds during the first four test laps, but the low-risk groups ran consistently faster on the final four laps. By the end of the test, low-risk drivers were averaging one second per lap less than the high-risk drivers.

In calculating the so-called "time caution" factor, statistical selection processes identified laps 4 and 14 (the first and last actual test laps) as accurate discriminators between the qualities of judgment and skill. The low-risk drivers were slower on lap 4, their caution reflecting better judgment. On lap 14 their faster times were interpreted as evidence of greater driving skill.

Results

In general, the high-accident-risk group displayed consistently less skill in the mechanical functions—steering, throttle action, maintenance of

correct road line, minimization of skids and fishtailing, and avoidance of the shoulder.

Results showed that the high-risk drivers were more willing to traverse the unpaved shoulders, and a few drivers within this group persisted in tracing a path through the S-turn which led to catastrophic loss of control.

Low-accident-risk drivers initially displayed loss of control in the S-turn as well, but none continued to do so, and all worked to improve their line as the test laps progressed.

Moving out of the southwest turn and lining up for entry into the difficult S-turn proved considerably more of a problem for the high-risk group, as they more frequently wavered or fishtailed in selecting an approach line.

Even the long, flat north and west portions of the track proved illuminating. High-risk drivers seemed less able to adopt a satisfactory speed or consistent acceleration pattern—throttle

reversals were considerably more frequent for this group. The high-risk drivers also were less effective in maintaining steering stability at high speeds.

Taken as a group, the seven key factors etched a clear pattern, distinguishing between high-risk and low-risk drivers with 95 percent accuracy. No one factor alone was considered adequate basis for such designation; the break point was three. All but one driver in the high-accident-risk group displayed the characteristics of this group in three or more of the seven identifiers. All but one in the low-risk group displayed two or less of these characteristics, although six low-risk drivers were presumed to be at "higher risk" than the balance of the group since they shared two of the discriminating traits which identified high-risk drivers. The two drivers who by experience were classified one way, but as a result of the test program, appeared to belong in the opposite group represent the other 5 percent.

A driver is ready to begin track phase of study. Wires lead from electronic package in headgear to sensors on his body.



Study Potential

For the California Highway Patrol, the conclusions suggest the possibility of developing a new screening technique for excluding potential high-accident-risk drivers before they assume the role of traffic enforcement officers. But that's not quite as simple as it sounds.

One of the major strings tied to the findings is that a well-defined common denominator linked the participants. All had similar original training, and all had similar driving experience performing precisely the same job, facing similar stress situations. Research conclusions carefully stipulate that working off this predetermined base aided immeasurably in establishing valid benchmarks.

It would be impossible, for example, to presume that a group of 60 new CHP cadets would represent anything but greatly disparate driving back-

grounds. Testing cadets after they had completed the usual EVOC training might be more suitable, since then each would have shared the common driving experiences provided through that course. Still, considerable baseline establishment would be necessary to assure valid separation of the high-risk potentials.

The research conclusions point out that if 10 percent of cadets are screened out and all are from the high-risk pool postulated by the study, the "pursuit accident rate for subsequent cadet classes should be reduced by over one-third."

The more far-reaching question which begs to be answered is: Can this type of test procedure be perfected to measure the accident potential of drivers in the general population?

The answer is a heavily qualified yes—the first qualification being the enormous expense which such a pro-

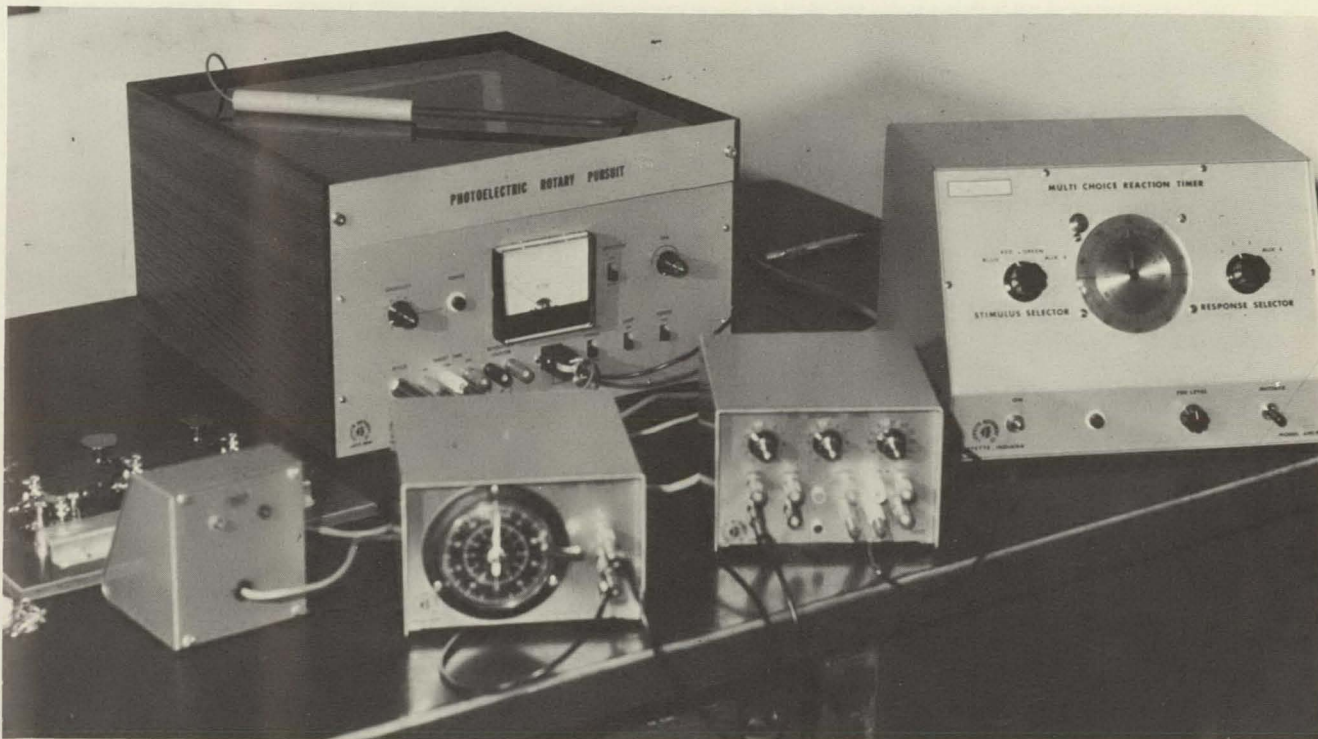
gram would involve. Just as important, evolution of the test procedure would require considerably more experimentation because research is not even ready to guess at the difficulties in creating baselines which could validly discern the high-risk drivers among the broad California driving population. Undoubtedly, any procedure would concentrate upon the new driver being tested for his initial license.

For the California Highway Patrol, study results offer significant implications, and steps already have been taken to incorporate recognition of certain keys into the standard Emergency Vehicle Operations Course.

And for the patrol's operational analysis personnel who coordinated the entire effort, the findings represent an exciting breakthrough.

Who knows, perhaps the perpetual motion machine is just around the corner, too. (B)

Rotary pursuit and reaction timer equipment used prior to actual driving test to ascertain reaction time of drivers.



The National Crime Information Center

A Special Report ■ ■ ■

The NCIC is a computerized information system established as a service to all law enforcement agencies—local, State, and Federal. The system operates by means of computers, data transmission over communication lines, and telecommunication devices. Its objective is to improve the effectiveness of law enforcement through the more efficient handling and exchange of documented police information.

The NCIC will serve as a national index for the eventual development of 50 statewide computerized law enforcement information systems. The States need to centralize crime information for management, operational, and research purposes. The State agency operating the centralized statewide system is identified as a control terminal in the NCIC system. The development of State and metropolitan area computerized systems is strongly urged by NCIC in order that the NCIC, which complements these systems, can become

fully effective. Through these State and metropolitan area systems, the NCIC becomes available for use by all law enforcement agencies.

The original network of 15 law enforcement control terminals and one FBI field office has expanded to 90 law enforcement control terminals and to terminals in all FBI field offices, providing NCIC service to all 50 States, the District of Columbia, and Canada. From the beginning, a control terminal has been defined as a State agency or large core city operating a metropolitan area system which shares with the FBI the responsibility for overall system discipline as well as for the accuracy and validity of records entered in the system.

The first computer-to-computer interface was with the California Highway Patrol in April 1967. The tie-in of the St. Louis, Mo., Police Department computerized system soon followed. These events marked the first use of computer communication technology to link together local, State, and Federal governments in an operational system for a common functional purpose.

In the beginning, there were five computerized files: namely, wanted persons; stolen vehicles, license plates, and guns; and stolen identifiable articles. In 1968, a securities file was added, and the vehicle file was expanded to include aircraft and snowmobiles. In the following year, a boat file was added. The most recent addition was in November 1971, when a file of offenders' criminal histories was made operational. It is identified as the Computerized Criminal History (CCH) file.

Through the telecommunication equipment in possession of criminal justice agencies which access NCIC, inquiries may be made using specific codes and formats. Through the same pieces of equipment, the updating of records in the system may be made online.

In September 1968, NCIC staff and Working Committee members met to discuss standards, procedures, and policies for a CCH file. At this meeting, a criminal history summary and a complete criminal history record were examined for the first time. By February 1969, the basic offense classification standards were established. Late in 1969 and during 1970, the Law Enforcement Assistance Administration (LEAA) sponsored Project SEARCH (System for Electronic Analysis and Retrieval of Criminal Histories). The purpose of this project was

to demonstrate the feasibility of exchanging criminal history data interstate by means of a computerized system.

The Attorney General of the United States on December 10, 1970, authorized the FBI to develop and implement a program for the interstate exchange of criminal history records through the NCIC which operates a telecommunication network over dedicated lines to criminal justice agencies in each of the 50 States, 29 metropolitan areas, and some Federal agencies.

The CCH file is now one of the eight files in NCIC. The other seven files relate to wanted persons and stolen property. The purpose of CCH is to speed up the criminal justice process. A more rapid flow of criminal offender information can bring about more realistic decisions with respect to bail, sentencing, probation, and parole. For over 49 years, the FBI has been exchanging criminal history information with police, courts, and correctional agencies in the form of the criminal identification record using the U.S. mails. The NCIC system offers a more efficient and effective means of handling this essential service.

The CCH record is segmented to include identification information concerning the individual, as well as available and significant data concerning arrests, court dispositions, and custody/supervision status changes following conviction.

The CCH program operates on the basis of computer storage of local, State, and Federal criminal offense information, which information is supplied to the computer by the FBI with respect to Federal offenses and by State control terminal agencies with respect to State and local offenses. It was never intended nor does the practice exist for information on every arrest in the Nation to be stored in a central computer. Many State computer systems have been developed and each State storing such data has developed its own policy as to how detailed such information will be within that State.

When criminal offender information, however, is furnished by a State for storage in the NCIC computer, policy provisions developed by criminal justice members of NCIC and approved by the NCIC Advisory Policy Board must be followed. This policy provides that criminal history information on persons currently

involved in the criminal justice process only may be entered into the NCIC/CCH file. Such information must be documented by a fingerprint card for each arrest and this information is to be restricted to serious and/or significant violations. Excluded is information on juvenile offenders, as defined by State law (unless the juvenile is tried in court as an adult); charges of drunkenness and/or vagrancy; certain public order offenses such as disturbing the peace, curfew violations, loitering, and false fire alarm; traffic violations (except data will be stored on arrests for manslaughter, driving under the influence of drugs or liquor, and "hit-and-run"); and nonspecific charges of suspicion or investigation.

Criminal history information in NCIC may be entered and/or retrieved by authorized criminal justice agencies only. Such an agency has management control over the computer equipment and personnel through which and by whom the interstate exchange of criminal history data is handled. NCIC criminal history data is made available to criminal justice agencies for criminal justice purposes and is not authorized to be disseminated for use in connection with licensing or local or State employment, other than with a criminal justice agency, or for other uses unless such dissemination is pursuant to Federal and State statutes.

As to updating or deleting criminal history information stored in the NCIC computer, one of the policy requirements for entry of such data in NCIC is for the entering agency to have updating capability and to properly exercise such capability. The policy also provides for the expunction of any arrest or related data upon court order or in compliance with statutory authority. Every effort is made to encourage inclusion of court disposition data and correctional information on any individual whose record is entered into NCIC. All NCIC participants have long recognized the need for following the above-mentioned policy provisions.

The ultimate concept of CCH is that there will be a national index to criminal history records of individuals arrested for serious or significant offenses. FBI studies have shown that about 70 percent of rearrests will be within the same State; therefore, an offender criminal history file, in scope and use, is essentially a State file and a State need. There is, however, substantial inter-

state criminal mobility which requires sharing of information from State to State. A national index is required to coordinate the exchange of criminal history data among State and Federal jurisdictions and to contend with interstate criminal mobility. These considerations give rise to the "multistate, single-State" concept. NCIC/CCH will maintain an abbreviated or summary record (index) on single-State offenders and a complete detailed record on multistate offenders.

Entries (except for Federal offenders which the FBI will enter) into the CCH file will be made from the State level with each entry supported by a fingerprint card. Should the State agency not be able to identify a fingerprint card in its State identification bureau, it would forward the card to the FBI which would conduct a technical fingerprint search in an effort to identify the individual with an existing CCH record from another State. If no identification is made, the submitting State would establish a CCH record. If an identification is made, the submitting State would update the existing CCH record with this arrest. Should this latter action have the effect of creating a multistate record, the abbreviated national record would be replaced by a complete detailed record.

Currently, the national file contains the complete record and will continue to do so until such time as all States develop essential services such as identification, information flow, and computer systems capabilities. The CCH program will be continually evaluated, looking toward implementation of the single-State/multistate concept.

The CCH program was initiated online through the NCIC system in November 1971. Currently, the States of Arizona, California, Florida, Illinois, New York, and Pennsylvania have supplied to the FBI computerized records for the national file. In addition, the FBI has been making entries on Federal offenders who have been arrested since January 1970, including entries for the District of Columbia. As of October 1973, records of 400,000 individuals were in the CCH file.


Not all criminal history records on file in the FBI's Identification Division have been entered in the NCIC/CCH file. However, assuming that an individual does have a criminal record supported by fingerprints and that record has been entered in the NCIC/CCH file, it

is available to that individual on presentation of appropriate identification. Identification would include being fingerprinted for the purpose of insuring that he is, in fact, the person he purports to be and that the record on file can be validated as being his by comparing fingerprints.

It would be proper, should an individual wish to review his own criminal history record, to make such request of a law enforcement agency which has access to the NCIC/CCH file. That agency, within the limits imposed on it by State statutes or other regulations, could fingerprint him and ask for other identifiers or information which would assist in making positive identification, e.g., full name, other names used when arrested, birth date, etc.

If the cooperating law enforcement agency can make an identification with fingerprints previously taken which are on file locally and if the FBI Identification Number of the individual's record is available to that agency, it can make an online inquiry of NCIC to obtain his record online or, if it does not have suitable equipment to obtain an online response, obtain the record from Washington, D.C., by mail. The individual would then be afforded the opportunity to see that record. Each agency which has access to NCIC/CCH records has agreed to the principle that an individual has the right to see and challenge the contents of his NCIC/CCH record.

Should the cooperating law enforcement agency not have the individual's fingerprints on file locally, it would be necessary for that agency to relate his prints to an existing record by having his identification prints compared with those already on file in the FBI or, possibly, in the State's central identification agency.

The FBI will not knowingly act in any manner which would infringe upon individual rights to privacy, and safeguards against such infringement have been incorporated in the policies of NCIC which are supported by all agencies entering records in the CCH file. Understanding NCIC, especially the operation of the CCH program, should allay any concern of a violation of individual rights. The FBI also encourages the enactment of Federal legislation which the Congress may deem to be appropriate to the preservation of rights of the individual and of our society. 

PHYSICAL FITNESS IDEAL

"Experience has shown that persons taught to care for their bodies have, almost without exception, markedly increased their value as officers and as people."

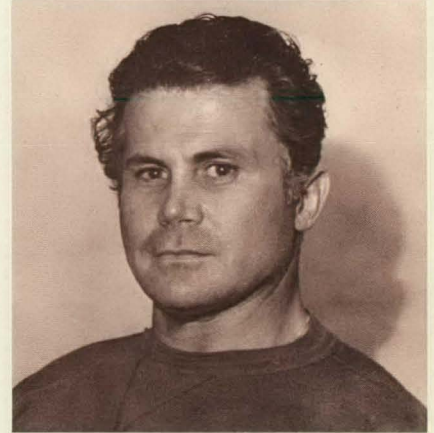
By
SGT. LEO THALASSITES
Director,
Hialeah Police Academy,
Hialeah, Fla.

"Remember, my son, first in your life must come God. But, after Him must come your body, for that is His temple."

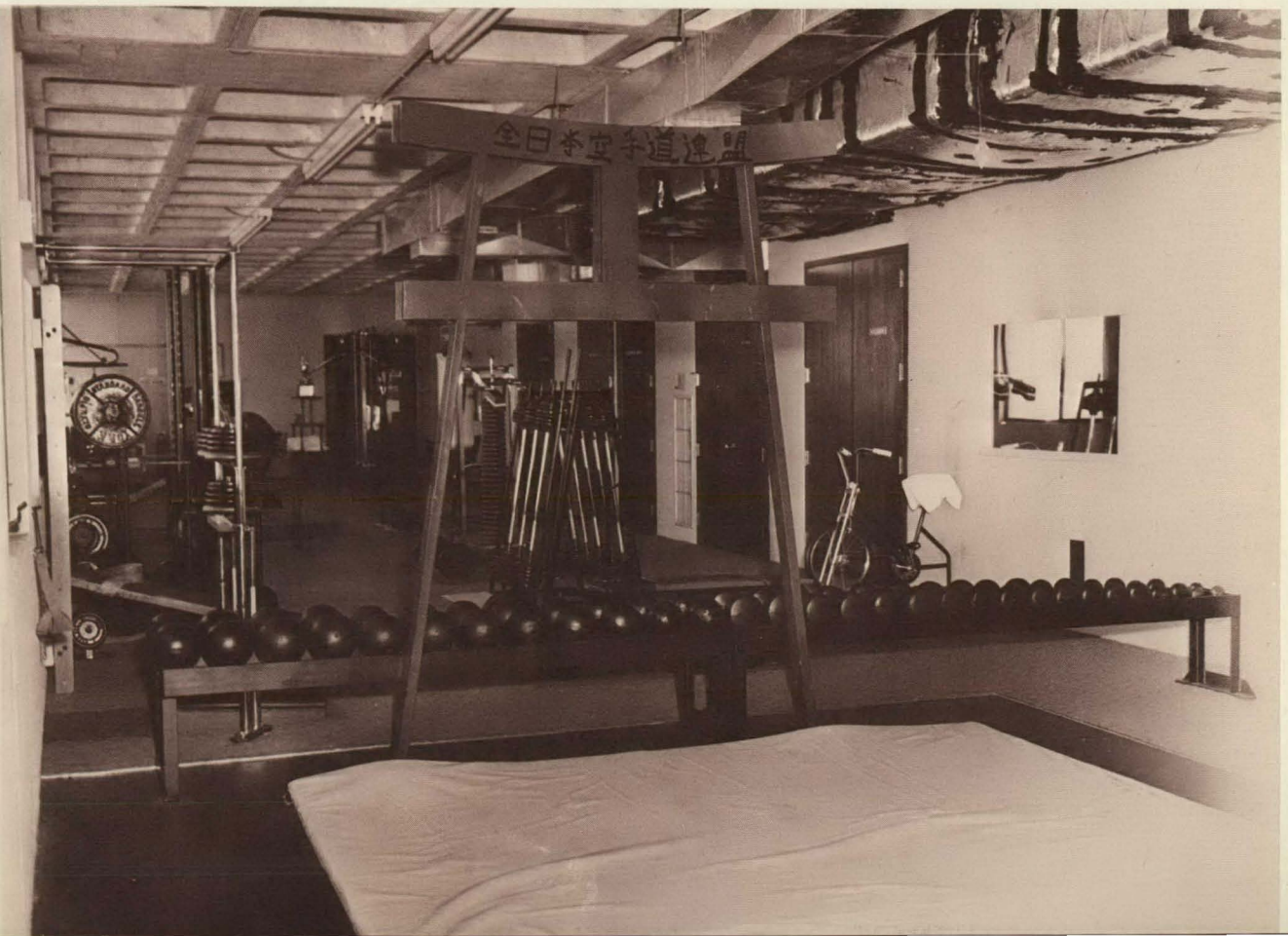
When my father, the Reverend George Thalassites, gave me that advice, I was an 8-year-old boy. In spite of this encouragement, even he, over the years, must have become bored watching me work out endlessly in daily wrestling and calisthenics ses-

sions. I have not forgotten the wisdom of his words. In fact, they have become a guidepost of my life.

Many, if not most, law enforcement officers, like myself, have to cope with the problems of a growing family as well as the demands of their work. These public and private responsibilities now seem greater than ever before. The pace, tensions, and artificiality of modern cities add to these



Shown is some of the equipment used in the physical conditioning program at the Hialeah Police Academy.



“... with the blessings of God, and . . . excellent health, life can be a pleasure, not a drudgery.”

pressures and combine to make a healthful, normal existence difficult for most of us. Yet, with the blessings of God, and the confidence that comes from excellent health, life can be a pleasure, not a drudgery.

Many may wonder why a man in his forties, as I am, would continue to engage in vigorous physical activity. Why, they may ask, run every day, why train with heavy weights, why participate so enthusiastically in all forms of personal combat, why participate in so many competitive sports, and why practice discipline in selecting a diet?

To say that vigorous physical activity is a great pleasure would be wrong. It can be difficult for many. However, it is a *great pleasure* to know your body is properly tuned, strong, efficient, and bursting with vitality. This is what proper exercise can do.

However, there is another more practical reason for those of us in the law enforcement profession. The police officer must be fit. He cannot properly perform his duties and survive the rigors of police work unless he is in top shape. Knowing this, how can any officer slight his physical training?

Fitness Essential

It is our purpose at the Hialeah Police Academy to convince developing officers that their physical condition is essential to their profession. Fitness is important to the average person; but to the police officer, it is vital—his life may depend upon it. At any moment, without any preparation or warning, his survival may

hang, figuratively, from a thin cord which gets its toughness from his physical preparedness. Strength of body, endurance, reflexes, and physical alertness are saving qualities in many a crisis. The police officer who is fit is a better officer and commands more respect because he is stronger, more alert, more active, more durable, and by his own self-confidence, more reassuring to others.

The average police officer who is free of illness, who maintains proper weight, and who does a few calisthenics or goes swimming each week may believe he is “in shape.” Such a notion could be a cruel joke. No one would expect a military recruit to jump suddenly from the ease of civilian life into the rigors of combat. He is first trained, conditioned, and developed to a new peak of physical preparedness that will enable him to be an efficient soldier. How then can a police officer expect to cope with the challenges of his exceptionally demanding job if he is only as fit or as durable as the average person?

It is generally accepted in the business world that a person who wishes to reach the top must be both mentally and physically superior. He must be able to withstand the physical stresses of mental competition, he must avoid lost time because of illness, and he must eliminate mistakes that can be

Chief Alden R. Berry.



caused by feeling spent. In law enforcement, these factors are just as important, and many times even more so, because the officer is frequently confronted with challenges to his safety and the well being of those around him.

Police officers should not be “average.” They are individuals who must feel confident each day, who must be alert and vigorous, and who must be prepared to call on their bodies for that extra effort at critical moments. This requires exceptional, not average, persons. Such persons must devote serious effort toward maintaining a state of physical preparedness that will enable them to meet responsibilities to themselves, their families, and their community. This can never be done by following an “average” program.

Five-Part Program

Suppose an officer is convinced he should be in better physical condition—is it possible to transform an out-of-shape body into one that is strong, enduring, and efficient? Of course it is. Thousands have been helped by a five-part conditioning program that I have found will produce results for any person who will follow it.

First, some endurance or respiratory work must be performed every day. Running is still the best, followed by swimming or bicycle riding. I run 6 to 10 miles a day, but this is a matter of personal choice and time. Certainly, a mile run at a good pace is the absolute minimum for conditioning. Swimmers should also cover a mile and cyclists should make 5 or 6 at a brisk speed. The more you do, the better. The heart, lungs, and circulatory system are the most vital parts of our physical equipment and deserve attention. Short of time? You can easily run a brisk mile, and then shower in less than 20 minutes.

"The police officer who is fit is a better officer and commands more respect because he is stronger, more alert, more active, more durable, and by his own self-confidence, more reassuring to others."

Second, train with weights at least three times a week. Forget any prejudices you may have about body builders or big muscles. Weight lifters and bodybuilders train in a special way, and you won't become like them. You will, however, develop a better physique, you will become much stronger, your muscles will become more enduring, and you will feel better than ever before. However, you will only have to devote 1 hour per workout, three or four times a week to achieve all this. You should use a program that gives attention to all parts of the body, you must handle substantial weight, and you should train briskly. The results will be quick and surprising.

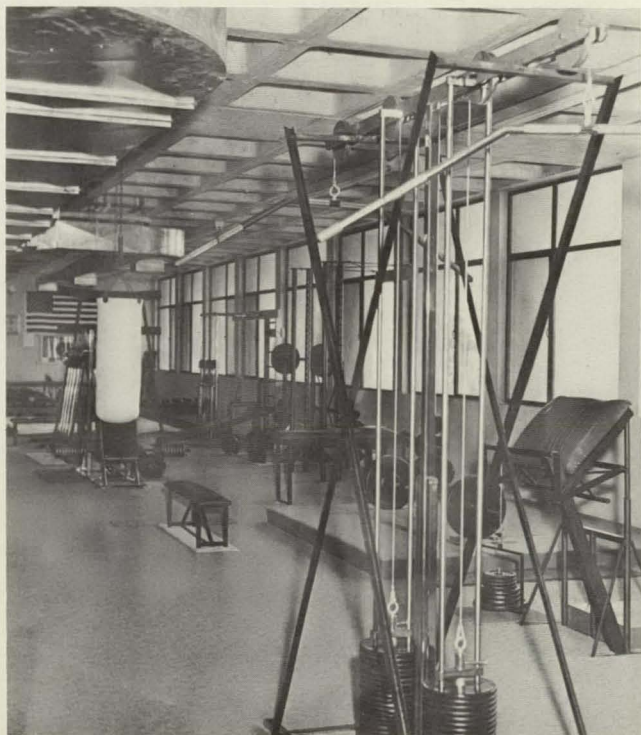
Third, participate in some form of personal combat training every week. Karate and judo are the most popular, but many find boxing, jujitsu, or wrestling more to their liking. The important point is to be active in one or more fields of body-contact competition. This type of training is less routine and of far greater interest to participants. It disciplines the mind and develops skills that may someday save a life.

Fourth, play a vigorous, competitive sport out of doors at least once a week. There is a wonderful mental uplift to be gained. Being active in the fresh air and sunshine is energizing to the mind and spirit in itself. When combined with the joy of competition

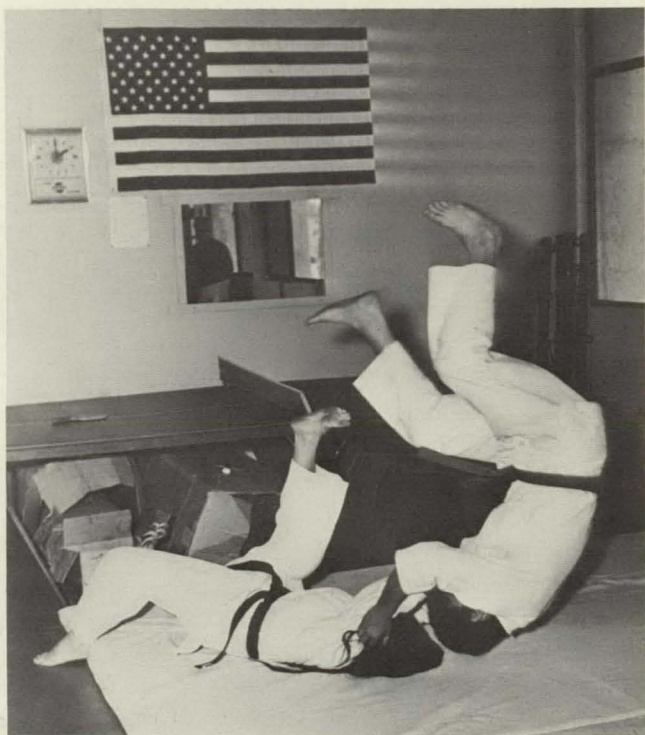
in active games such as handball, tennis, soccer, basketball, or hockey, the great outdoors is therapeutic.

Fifth, eat a sensible diet. This could easily be the most important single thing you can do for your health. Diet certainly involves much more than merely counting calories or carbohydrates. I find that most people must break down their diet reformation into three parts. They must first learn to eliminate needless foods and drinks—things like soft drinks, donuts, candy, pastries, cake, coffee, tea, liquor, fried foods, pretzels, potato chips, white bread or rolls, and all the instant foods that have so little food value. After doing this, they can add the more nourishing foods to their

Proper equipment like that shown helps physical conditioning programs.



Body-contact competition, such as judo, disciplines the mind and develops skills that may someday save a life.



diet—fresh fruits, dried fruits, fresh vegetables, salads, more whole grains, milk, cheese, eggs, and the best grades of meat and fish. The remaining step is the addition of the many wonderful supplements available today—natural vitamins, minerals, protein powders, brewer's yeast, wheat germ, desiccated liver, germ oils, yogurt—in short, the so-called "health foods." There is much truth to the statement "you are what you eat." This fact is inescapable.

This five-part program has been the basis of my own physical conditioning and has worked well for those I have instructed. It is simple to follow, requiring only that the officer does want to improve his physical prowess and that he can arrange regular times for each of these activities. Time is not as much an obstacle as might be supposed. Following the program on a regular schedule should consume as little as 9 hours a week—far less time than most persons spend in front of the TV! A few weeks will find each participant healthier, more vigorous, stronger, more enduring, more alert—which combined make for a better police officer.

Practical Results

I hope my advice will not be taken as the ramblings of an impractical idealist. Each suggestion for better physical conditioning I have expressed has been a part of my daily life since youth. Physical fitness has ranked behind only God, country, and my family—it will always be so. This philosophy has guided me through my youth, during my service in the Marines, and through almost two decades of police work. It has helped bring me success as a competitor in Greco-Roman wrestling, karate, judo, jujitsu, weight lifting, and in the Police Olympics. I have always tried to instill the ideal of my philosophy

"... a regular [physical fitness] schedule should consume ... far less time than most persons spend in front of the TV!"

in the officers' training at the police gym in Hialeah.

Experience has shown that persons taught to care for their bodies have, almost without exception, markedly increased their value as officers and as people. Law enforcement agencies all over the Nation should place more emphasis on the physical fitness of their personnel. Coming to grips with life is necessary for a law enforcement officer. In my opinion, he can hold fast to life in no better way than by giving serious thought to the ideal: "First in your life must come God. But, after Him must come your body, for that is His temple." FBI

NOT A PREREQUISITE, BUT A FACT

The city of Walnut Creek, Calif., proudly claims to have one of the best educated police officer complements in the Golden State. Of the 58 sworn officers in the department, 42 are college graduates, including 8 with masters degrees. This represents over 72 percent of the department—a figure well above the reported 6 percent average for the State in municipal police and sheriff department officers with college degrees.

With the emphasis on academic accomplishment among its members, the Walnut Creek Police Department's sworn officer personnel have all attended or are attending college classes.

*News Release
from
Walnut Creek, CA
PD*

INTERFERENCE WITH GOVERNMENT COMMUNICATION SYSTEM

The FBI investigates possible violations involving willful interference with communications by telephone or other means which are used or intended to be used for military or civil defense functions of the Federal Government. Such communications include telephone circuits which are operated by public utilities, but are leased on a full-time basis. Also, possible violations are investigated by the FBI regarding injury to or destruction of property wherein these communications are installed.

Possible violations of this type may occur during labor union disputes or other civil disturbances as well as vandalism or theft of copper wire. Title 18, Section 1362, United States Code, provides a penalty of a maximum fine of \$10,000, imprisonment for a maximum of 10 years, or both, for this type of violation.

NCIC

As of November 1, 1973, there were 4,904,977 active records in NCIC with the breakdown showing 139,108 wanted person, 885,959 vehicle, 334,007 license plate, 951,122 article, 653,942 gun, 1,500,432 securities, 8,640 boat, and 431,767 criminal history records.

In October 1973, NCIC network transactions totaled 4,049,810, averaging 130,639 daily.

*ncic newsletter
Oct. 1973*

FBI Law Enforcement Bulletin

SYMPOSIUM ON ABA STANDARDS

During October 28-30, 1973, the new FBI Academy at Quantico, Va., hosted a national symposium jointly sponsored by the American Bar Association (ABA) and the International Association of Chiefs of Police (IACP) that brought together leading representatives of the police community and the legal profession in a common effort to improve urban law enforcement. Specifically, the symposium considered methods of further implementing the ABA's "Standards Relating to the Urban Police Function" which involve all aspects of police work, from recruitment to arrest procedures.

In the words of Clarence M. Kelley, Director of the FBI, the purpose of the symposium was "to consider prospects for implementing ABA recommendations relating to organization, operation, and authority of local law enforcement agencies"—an endeavor that promised "opportunity for continued progress in the law enforcement field."

Planning and development of the symposium was undertaken by a joint IACP-ABA Committee on Implementation of the Standards in cooperation with the FBI. The committee was funded by the Police Foundation under the direction of its president, Mr. Patrick V. Murphy. Mr. Francis B. Looney, president of the IACP, and ABA representative Frank J. Remington, professor of law, University of Wisconsin, were


cochairmen of the committee. Regional conferences have been planned to be held throughout the country.

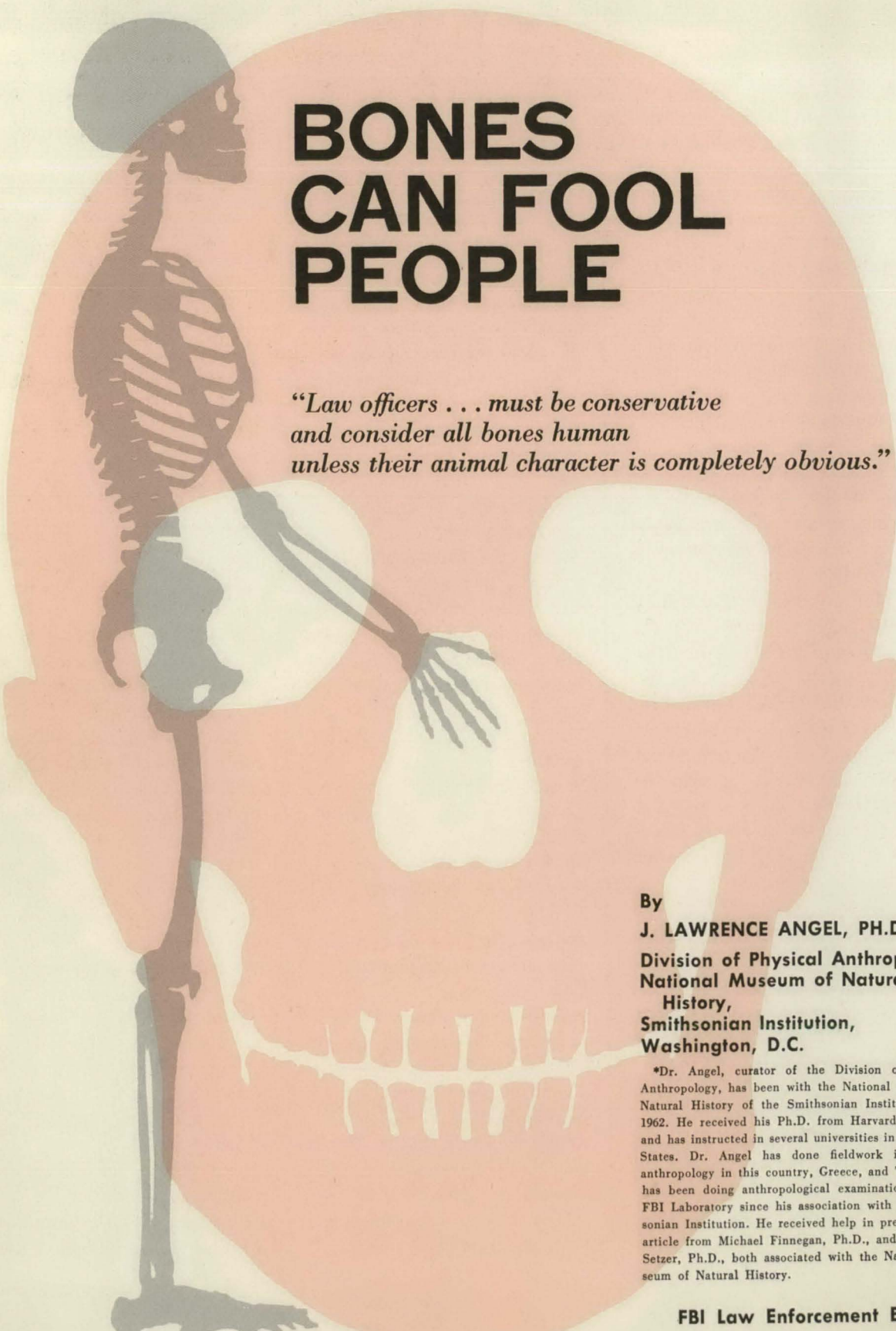
This Nation's law enforcement was heavily represented among the more than 120 symposium participants by top police officials from various State agencies and more than a score of major police departments. These law enforcement officials conferred in lengthy sessions with leading members of the bar associations covering their areas in an attempt to cooperatively develop acceptable and practical strategies for implementing the ABA Standards.

During their 3-day visit, those participating in the symposium enjoyed the full facilities of the ultramodern FBI Academy and observed firsthand many of the varied operations of this famed "university for law enforcement."

Remarks by IACP President Looney and Mr. Chesterfield Smith, president of the ABA, opened the initial evening session of the symposium. Mr. Gerald Caplan, director of the National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, then addressed the group and related the recent work of the National Advisory Commission on Criminal Justice Standards and Goals to the ABA's Police Standards, which were first proposed in 1968. Mr. Caplan saw the results of the two studies as complementary and not competitive.

The Honorable Tom C. Clark, retired Associate Justice of the U.S. Supreme Court, delivered the keynote address and described the Police Standards as the "most important" of all the ABA Standards for Criminal Justice.

The next full day of activities began with an appearance by FBI Director Kelley who expressed confidence that "the criminal justice system—indeed, the people the system serves—will benefit from a free and frank exchange of ideas and opinions within this knowledgeable assemblage." Strategies and goals of the symposium were set forth by the Chairman of the ABA Section of Criminal Justice, Judge Jack G. Day of the Ohio Court of Appeals. Professors of Law Herman Goldstein and Sheldon Krantz, University of Wisconsin and Boston University, respectively, presented a detailed discussion of the ABA Standards which they helped to develop. Other speakers included Associate Justice William H. Erickson of the Colorado Supreme Court, who emphasized the need for action in relation to implementing the standards and discussed possible methods of doing this, and Ronald L. Gainer of the Criminal Division of the U.S. Department of Justice. The symposium concluded with a common hope that the task undertaken at Quantico would contribute significantly to the improvement of this Nation's criminal justice system. 



BONES CAN FOOL PEOPLE

*"Law officers . . . must be conservative
and consider all bones human
unless their animal character is completely obvious."*

By

J. LAWRENCE ANGEL, PH.D.*

**Division of Physical Anthropology,
National Museum of Natural
History,
Smithsonian Institution,
Washington, D.C.**

*Dr. Angel, curator of the Division of Physical Anthropology, has been with the National Museum of Natural History of the Smithsonian Institution since 1962. He received his Ph.D. from Harvard University and has instructed in several universities in the United States. Dr. Angel has done fieldwork in physical anthropology in this country, Greece, and Turkey and has been doing anthropological examinations for the FBI Laboratory since his association with the Smithsonian Institution. He received help in preparing this article from Michael Finnegan, Ph.D., and Henry W. Setzer, Ph.D., both associated with the National Museum of Natural History.

Discovery of human bones always calls for explanation and action, especially if there is some suggestion of possible concealment of a crime. A package of bones in a sewer, a pair of skinned "hands" in a trash bag, cremated bones anywhere in a house which was destroyed by fire, a "foot" found in the course of laying a water-line for a house, a 15-inch long skeleton buried in a backyard, or a pile of bones in a modern cemetery near disturbed graves all demand explanation just as obviously as the pile of scattered bones found in the woods with pieces of clothing and a pocket-book. Sheriffs, police crime laboratories, coroners, or medical examiners may get adequate explanation and identification data from a local forensic pathologist. But often such bones are submitted to the FBI Laboratory and in turn to the Smithsonian Institution or another center where both physical anthropologists and zoologists are active.

Dr. Angel.



Figure 1. X-ray of bear hand (left) compared to X-ray of human hand (right).

The first two questions in "identifying" unknown skeletal remains are always: (1) are they human or animal? and (2) is more than one person (or animal) represented?

A complete human skull is obviously not that of another animal, even in the eyes of an untrained person. But this is not true of broken parts of a skull, jaws, teeth, or other parts of the skeleton, especially if burned. For example, pieces of turtle carapace (upper shell) look very much like fragments of skull vault with outer and inner tables (the hard layers of bony tissue) and diploe (spongy bone between the two hard layers). Hardly any physicians and few pathologists have had training or experience in recognizing human as opposed to animal bones (Brues, 1958). Law officers know this and hence must be conservative and consider all bones human unless their animal character is completely obvious.

Following are five fairly recent examples of confusions where bones sent in as human turned out to be those of the following animals: bear, dog, deer, pig, and rabbit.

Bear Paws

Bear paws which have been skinned and discarded without their distal (terminal) phalanges (finger or toe bones) and claws by hunters in preparation of a skin are misidentified as human more often than those of any other animal. We receive bear paws at least once a year as suggested by Dr. T. Dale Stewart in an article entitled "Bear Paw Remains Closely Resemble Human Bones," FBI Law Enforcement Bulletin, November 1959, vol. 28, No. 11, pp. 18-21.

An X-ray of a paw shows the bones to be more clearly nonhuman (figs. 1 and 2) than does the paw itself, since the X-ray shows at once the thicker, heavier metapodials (the bones between the wrist and phalanges as well as the bones between the ankle and phalanges) and phalanges and the different forms of carpals (wrist bones) or tarsals (ankle bones). It is hard to see these points with muscles and tendons in place. Bears walk plantigrade, i.e. with all the foot on the ground, and this is the reason that their hind feet, in particular, appear humanlike. Bears also walk on the out-



Figure 2. X-ray of bear foot (left) compared to X-ray of human foot (right).

guishing between wild and domestic sheep, goats, cattle, and pigs, for which zoologists need either parts of the skull or limb bone proportions (Chaplin, 1971). Using these, a zoologist could help with a legal problem of hunting out of season.

A Child's Skeleton?

A medical examiner sent in a skeleton with the following data in the covering letter: "The bones come from the cellar of a house which cremated them in the process of burning down; the owner and only known occupant died on the front lawn and had kept no dog; a partial mending of one bone showed unfused epiphyses, so could this be a child?"

These bones were thoroughly burnt, carbonized and calcined in spots, but not heated to the point of real shrinkage and distortion—probably a 500° to 600° C heat. Full cremation, of course, eventually burns out the collagen (protein) fibrils and fibers which tie together the calcium-phosphate crystals and make up one-third of the bone and thus leaves only a powder of crystals. At temperatures from 500° to 1,200° C and time of a few minutes to an hour, cremation leaves many recognizable and usable bone fragments split in herringbone pattern and shrunk in size by about 5 to 15 percent (Dokladal, 1971).

In this particular case, there was only a little distortion, but the remains, consisting of 30 to 40 fragments, made little sense before mending. Two hours of work, including hardening the very friable bone in a special solution, produced a left tibia with distal end of a femur (the knee area), and an epiphyseal head of a femur and the right innominate (hip)

side of their feet; hence, the fifth or outside metapodial, equivalent to our little toe or fifth finger, is longer and larger than the others and the first toe is the smallest. The fact that bear toes look like a mirror reversal of human ones is an immediate giveaway. Also, the bear "thumb" is in line with the other forepaw digits and the ends of the knuckles are sharper and less rounded. But not every odd hand found in a dump or a field is a bear paw. Several times in the past 10 years such a find has been indeed human.

A small bleached skeleton found in a local cemetery lacked the skull but had many vertebrae, ribs, most long bones, and the pelvis. This obviously was not the human child it was thought to be inasmuch as the bones were the wrong shape and were mature to the point of incipient arthritis; i.e., the growing ends (epiphyses), which are separate in any young animal or child, were solidly fused to the shafts (midsection of a long bone) and arthritic lipping was starting at joints (figs. 3, 4, and 5).

Although the metapodials showed it to be an animal with four (or five)

toes (hence, not an ungulate or hoofed animal), it was not clear to the anthropologist whether it was a domestic dog, wildcat, coyote, wolf, or, just conceivably, an extra big badger or raccoon. The skull would have been a giveaway, of course, and, if it had been present, it would have prevented the sheriff from thinking the skeleton might be human. The skeleton was much too small for a typical wolf and was probably a large domestic dog (Labrador, Alsatian, or possibly setter). The differentiation between a big dog and a coyote is more a question of signs of domestication (such as mature age) than of any constant and sharp morphological differences. Bones of domestic animals often seem a little less dense than those of wild animals—perhaps from diet but more plausibly from effects of greater age at death. Domestic animals also may have different limb bone proportions. Archeologists bring to the zoologist slightly different problems of distin-

"Using [either parts of the skull or limb bone proportions to distinguish between wild and domestic animals] . . . a zoologist could help with a legal problem of hunting out of season."

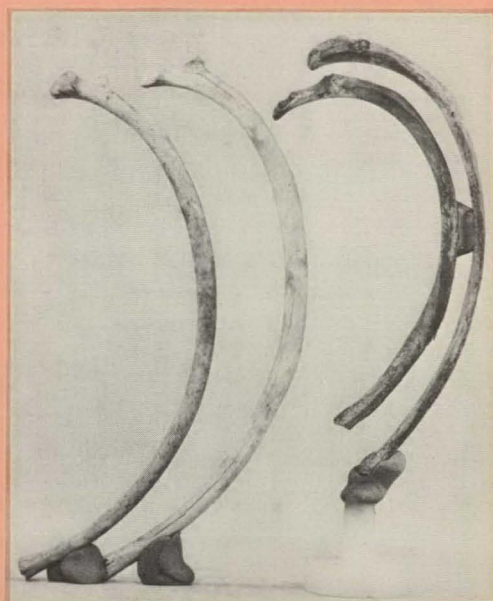


Figure 3. Comparison of old dog and human child long bones and pelvis.

Figure 4. Lumbar vertebrae of an old dog (left) and a human child (right).



Figure 5. Ribs of an old dog (left) compared to ribs of a human child (right).



bone plus a fragment of anterior sacrum sliced neatly in half. The knee epiphyses were about to fuse. The recurved tibia and general shape of ilium looked familiar to the anthropologist, like part of a leg of lamb. But the zoologist showed the ischium was far too long for sheep (*Ovis*) and matched that of a Virginia deer (*Odocoileus virginianus*). Yet the house burned in early June, and pieces of deermeat from a legal winter kill would have rotted during the spring. Also this was from a subadult animal. The medical examiner provided a last clue, commenting that the dead houseowner had been well known as a poacher.

Human or Pig

A few days later a sheriff in a western State sent in an "apparent human left foot" found during digging for a new house water supply and wanted it checked out quickly so that the digging could proceed. It had five toes of which one was small enough to be a "dewclaw" or accessory, while the distal phalanges on two toes appeared distorted and one was missing. The metacarpals (bones of the hand between the wrist and phalanges) were massive and carpals smallish and confusing.

Before we began trying to match up this specimen, the head of the zoology department (an expert on fishes) said, "That looks like a tapir foot." It failed to match gorilla, bear, wolf, puma, pig, or tapir and, in particular, lacked the keel and groove formation which marks the metapodial-phalangeal (knuckle) joints of all carnivores as a steadying mechanism supplementing the interosseous muscles (situated between bones). After thorough cleaning off of dirt-caked fat, it became clear that the four thick metacarpals took up the whole "palm" space with no interosseous muscles, and the X-rays showed that these metacarpals

Figure 6. X-ray of an abnormal pig foot (left) and a normal pig foot (right).



were set in two pairs. After looking at the X-rays, it was apparent the specimen was "pig; abnormal, polydactylous pig!"

Figure 6 shows clearly the long and massive metacarpals and phalanges of a normal pig forefoot compared with the one from the western State. This abnormal one shows two massive full-size digits replacing the single accessory digit. There is not only polydactyly (an increase in the number of digits, as often found in some varieties of cat) but also a shortening of all four main metapodials produced by this doubling, while on the lateral side a single accessory digit persists. The foot is still recognizable as pig through morphology rather than measurements.

Several years ago, a sheriff submitted some tiny bones accompanied by a girl's confession that this was the skeleton of her stillborn baby. The bones indeed did come from a very young animal (not a human infant) and were eroded from burial. Only after some effort, they were identified as rabbit rather than puppy dog or newborn lamb, etc. Newborn human limb bones are like chicken (or kit-

"About 10 percent of the bones brought in as 'possibly human' turn out to be animal."

ten or puppy) bones in size but different enough in shape and in texture to be recognizable at an expert glance. Of course, baby limb bones of any mammal consist of shafts with rather nondescript ends, since the actual joints are still cartilaginous.

Ten Percent

About 10 percent of the bones brought in as "possibly human" turn out to be animal. In almost half of these cases, the remains are only a small heap of fragments where the distinction depends on the denser texture of animal bones and minor differences in morphology which demand a highly trained eye to see. For example, if the officers who collected the cremated bone fragments from the house cellar mentioned above had been hasty and picked up only half the pieces, it probably would have been impossible to name the animal.

(Continued on page 30)

"What the Supreme Court has characterized as 'a grave constitutional question' with respect to an arrest without warrant where there was opportunity to secure one . . . related . . . to [an arrest] . . . accomplished by (forceful nighttime entry into a dwelling. . . .)"

Warrantless Entry to Arrest

By

J. PAUL BOUTWELL

Special Agent
Federal Bureau of Investigation
Washington, D.C.

(This is the conclusion
of a two-part article. Part I
appeared in the December issue.)

Daytime Entry

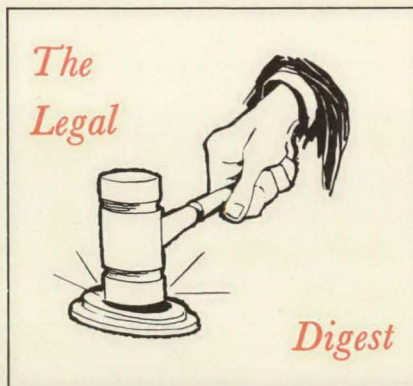
The American Law Institute (A.L.I.), Model Code of Pre-Arrest Procedure, Proposed Official Draft No. 1, 1972, would permit an officer to enter private premises whenever he is otherwise authorized to arrest.²⁷ The officer may demand entrance to effect the arrest, and to use force to enter if his demand is not complied with. However, the Model Code would limit this general authority to daytime entry.

It was suggested in the Code's Commentary that to require a warrant or a showing of necessity before police could enter private premises to make a felony arrest in the daytime would be unduly restrictive. "Moreover, apart from the specially alarming

quality of nighttime entries and apart from search considerations, it is far from clear that an arrest in one's home is so much more threatening or humiliating than a street arrest as to justify further restrictions on the police."²⁸

In *Hall v. United States*,²⁹ FBI Agents arrested Hall at home under

the authority of an arrest warrant. Later conceding the invalidity of the warrant based on an insufficient affidavit, the Government sought to justify the arrest as made on reasonable grounds to believe that Hall had committed a felony. Hall claimed this was not enough since a warrantless arrest entry could not be supported where the Government had time to get a warrant—and the existence of such time was conclusively demonstrated by its having done so. The court observed, however, that such a requirement would impose upon the law of arrest a requirement thus far confined to the law of search and seizure. The court declined to impose such a limitation under the facts of this case. The court observed that "whereas search warrants were re-



quired save in exceptional cases, 'all felony arrests, including those involving entry into houses, could be made without securing warrants.' . . . One reason underlying the distinction may be that a person, save possibly when asleep at home during the night, always has the same potential mobility as do objects which are in a moving vehicle or, because of their small size and the proximity of someone with adequate motive, are in danger of being removed or destroyed, and thus subject to search and seizure on probable cause without a search warrant."

Nighttime Entry

What the Supreme Court has characterized as "a grave constitutional question" with respect to an arrest without warrant where there was opportunity to secure one, related not to an arrest on the street but to one accomplished by "forceful nighttime entry into a dwelling. . . ." *Jones, supra*.

The Supreme Court has more recently expressed its concern over nighttime entry into private premises to make arrest. In *Coolidge*, the Supreme Court stated ". . . if it is reasonable for police to make a warrantless nighttime entry for the purpose of arresting a person in his bed, then it must be just as reasonable to make a warrantless entry to search for and seize vital evidence of a serious crime." The latter procedure has, of course, been consistently condemned by the Court.

According to *Dorman, supra*, the fact that an entry was made at night raises particular concern over its reasonableness. When such an entry is made, the court indicated that the degree of probable cause required, both as implicating the suspect, and as showing that he is in the place searched, will be higher.

While the Supreme Court has had the opportunity to answer the ques-

tion raised by the warrantless nighttime entry, they have never done so. For example, in *Ker, supra*, the Court refused to declare unconstitutional the warrantless and unannounced entry of the police officer to arrest Ker for possession of marihuana. The police officers entered Ker's home at 10 p.m. by means of a passkey. In regard to the necessity of the arrest, the Court said "The officers had reason to act quickly because of Ker's furtive conduct and the likelihood that the marijuana would be distributed or hidden before a warrant could be obtained at that time of night." Four justices objected to the lack of prior announcement but none made an objection to the lack of a warrant.

The American Law Institute, Model Code of Pre-Arrest Procedure, restricts to cases of necessity nighttime entries into private premises for purposes of making an arrest.³⁰ The necessity for a nighttime arrest must either be found by the judicial officer at the time of issuing the warrant, or must appear to the arresting officer at the time of making the arrest. "This provision expresses the judgment that the appearance at a man's home of police officers seeking to make an arrest is particularly humiliating and oppressive if it occurs at nighttime. . . . if there is no necessity for doing so, the officer may neither forcibly enter the private premises nor request to be admitted. The arrest must simply be postponed until more usual hours."³¹

Exigent Circumstances

While there are several cases in the District of Columbia requiring an arrest warrant before entry, absent some "exigent circumstances," and dictum from the Supreme Court that such may be the correct interpretation of the fourth amendment, most courts have yet to decide the issue. While several courts have been faced

"The phrase [exigent circumstances], used increasingly by the courts, seems to be growing in importance to the policeman."

with the issue they have declined to answer the question finding instead that the officer was faced with "exigent circumstances." The phrase, used increasingly by the courts, seems to be growing in importance to the policeman. Generally, the phrase can be taken to mean those circumstances which indicate a need for immediate police action. In the hope of adding a more substantive content to the phrase, a few cases will be reviewed to illustrate what facts some courts have accepted as qualifying as "exigent circumstances."

A case which introduced several factors that may be helpful in deciding what is meant by "exigent circumstances" was *Dorman v. United States, supra*. In that case, police officers were investigating an armed robbery of a clothing store by four men. The robbery occurred shortly after 6 p.m. on a Friday evening. A blue sharkskin suit was stolen. By 8:30 p.m. the same evening, police officers had identified Dorman as one of the four men involved. They had positive identification of three eyewitnesses, and his probation papers had been found at the scene. Police officers had reason to believe that he might flee, and they knew Dorman and his associates were dangerous—they were armed and had physically abused their victims.

Believing that Dorman's home was the most likely place to find him, they went to his apartment, arriving about 10:20 p.m. They knocked and announced their identity. His mother said he was not home, but the officers heard a noise from one of the back bedrooms, and thinking it might

be Dorman, they pushed past her. It turned out to be a friend of Mrs. Dorman who lived there. While looking for Dorman, one of the officers pushed open the door of a walk-in closet and saw a blue sharkskin suit with the label of the clothing store that had been robbed earlier in the evening. The suit was seized. Officers were left behind to apprehend Dorman if he returned.

Dorman was later arrested, tried, and convicted for the armed robbery. The court held that the fourth amendment is violated when police enter premises to arrest a person without a warrant, absent a need for immediate action. The opinion was that Government officials cannot invade a private home unless a magistrate has authorized it or unless there was an urgent need in the performance of duty without time or opportunity to apply to a magistrate. The court found sufficient "exigent circumstances," however, to support the police entry without a warrant and affirmed Dorman's conviction.

The court pointed out that while the numerous and varied street situations do not permit a comprehensive catalog of the cases covered by these terms, nevertheless they felt that it may be useful to consider some of the factors that may have particular pertinence. They indicated the following as having special significance: (1) A grave offense is involved, particularly one that involves violence. (2) The suspect is reasonably believed to be armed. Delay in arrest of an armed felon may well increase the danger to the community as well as to the officer at the time of arrest. (3) There exists a clear showing of probable cause to believe the suspect committed the crime involved. (4) There is strong reason to believe that the suspect is in the premises being entered. (5) The entry, though not consented, is made peaceably. Forcible entry may be justified, but the fact that entry was

not forcible aids in showing reasonableness.

Hot Pursuit

In *Warden v. Hayden*,³² the police were informed that an armed robbery had taken place and that the robber had entered 2111 Cocoa Lane less than 5 minutes before they reached it. They immediately entered the house without a warrant or prior notice and began to search for a man of the description they had been given and for weapons which he had used in the robbery. The Supreme Court of the United States upheld the police entry without a warrant to search for the robber and described a "hot pursuit" rationale. The Court stated, "Under the circumstances of this case, the exigencies of the situation made that course imperative. The Fourth Amendment does not require police officers to delay in the course of an investigation if to do so would gravely endanger their lives or the lives of others."

It may be of interest to note that in *Coolidge, supra*, the Supreme Court pointed out that the *Hayden* case, "certainly stands by negative implication for the proposition that an arrest warrant is required in the absence of exigent circumstances." However, the court found it unnecessary to decide the question.

Gravity of the Offense

The California case of *People v. Bradford*³³ included all points enumerated in *Dorman, supra*. In the *Bradford* case, three men with shotguns and pistols robbed a liquor store and fled in a car. The owner of the liquor store pursued in his own car. Shotgun blasts fired at him hit the windshield of his vehicle. Meanwhile, police on patrol received a radio call advising of the robbery and shortly thereafter observed the robbers' car followed by a vehicle they recognized

as that of the owner of the liquor store. The police officers gave pursuit. Approximately four shots were fired at the pursuing police vehicle, and the officers returned the fire. The robbers' car came to a halt, but the occupants continued to fire at the officers. One officer was struck by a shotgun blast by Bradford. After firing these shots, Bradford ran across the street and disappeared from view between buildings.

An array of police officers responded to the call for assistance and several went to the area of the shooting where Bradford had disappeared. Information was received that Bradford had entered 1030 Palou Avenue, an apartment house with approximately six units on each floor. Officers searched the six apartments of the first floor without success. In the sixth apartment searched on the second floor they found Bradford and the sawed-off shotgun he had used earlier. Bradford contended on appeal of his conviction that the systematic search of each unit in the complex constituted a general search that should be condemned under the circumstances. The court said, "Admittedly the systematic search in question was an invasion of privacy which would be unreasonable and thus violative of the Fourth Amendment in the absence of some exigent circumstances. However, the need for fast and effective law enforcement was overwhelming, and it was imperative that the officers conduct an immediate and thorough search of the area for persons and weapons involved in the highly volatile situation." The court went on to observe that in testing the reasonableness of the search "... we might ask ourselves how the situation would have appeared if the fleeing gunman armed with a shotgun had shot and possibly killed other officers or citizens while the officers were explaining the matter to a magistrate?"

Destruction of Evidence

In *United States v. Mapp*,³⁴ agents of the Bureau of Narcotics and Dangerous Drugs (BNDD) and uniformed New York City policemen observed Mapp, a target of investigation because of his alleged narcotics activities, enter an apartment of another suspect with a small package. Mapp left without the package at approximately 1:10 a.m. and he was then arrested. At approximately 2 a.m., agents of BNDD and New York City policemen, six in all, knocked at the suspect's apartment and, when questioned as to who was at the door, a patrolman shouted that it was the police. The police heard "rapid footsteps to the rear of the apartment," and after waiting for 1 to 2 minutes, the officers broke down the door and arrested the suspect. Police found the package in a closet located in one of the bedrooms. Subsequent chemical analysis of the contents indicated that the envelopes contained two kilograms of heroin. The Second Circuit Court of Appeals found that the arrest of the suspect in the apartment was based on probable cause and therefore legal. As to the warrantless nighttime entry to arrest, the court held it to be reasonable because of the "exigent circumstances" which were present, "... the pusher had already been arrested and was entitled to his single telephone call, and another dealer was expected to call on her shortly. Thus, it was highly likely that by delaying the entry and arrest until a warrant could be obtained, the police would permit a tipoff to the woman and any other occupants of the apartment. Furthermore, the same danger—destruction of evidence—enabled the

officers to lawfully dispense with the usual knock and announce requirement before entering the apartment. In fact, the officers did announce their identity, but did not state their purpose." The seizure of the narcotics, however, was held to be illegal because the package was not within the reach of the suspect arrested as required by the principle set forth in *Chimel, supra*.

Likelihood of Escape

In *United States v. Titus*,³⁵ FBI Agents obtained an arrest warrant for one Lloyd Neville, believing him to be one of two men who had robbed a bank, using sawed-off shotguns. Agents succeeded in arresting him at his home around 8:30 or 9 p.m. On being taken to the FBI office, he admitted participating in the robbery and shortly before midnight he identified Titus as his accomplice. Neville explained that Titus was living at his girlfriend's apartment. The address was pinpointed on a city map. Without seeking an arrest warrant, a number of Agents went to the apartment, arriving there around 1:30 a.m. After giving proper notice of their identity and purpose, they entered. Titus was found, nude and in a crouched position, with a sawed-off shotgun leveled at the Agents. On command, he lowered the gun, which the Agents seized. One of the Agents backed him against a wall and directed another to bring clothing. In the course of so doing, the latter Agent observed two Army fatigue jackets of the type worn by the robbers.

On appeal from his conviction for bank robbery, Titus contended, among other things, that failure to

obtain a warrant violated his constitutional rights. The court reasoned that the very fact of the arrest of Neville, who told the FBI he had been at the apartment on two recent occasions, created risk that if Titus sought to get in touch with him and was unable to do so, he would become apprehensive and decide to get away. On Neville's arrest, the FBI office began to receive inquiries from the news media. Immediate publication of the fact of the arrest was of concern because Titus and another armed man suspected of having collaborated in a different bank robbery might hear the news on an early morning broadcast and flee. Perhaps in hindsight the officers could have obtained a warrant prior to Titus' escape. The court said, however, "... the Fourth Amendment does not require law enforcement officers to take such a nicely calculated risk of the escape of an armed robber even in order to make a nighttime arrest in a home. The FBI Agents demonstrated their respect for the amendment when they obtained a warrant for Neville's arrest; they acted with equal consistency when they determined there was insufficient time to do this in Titus' case without taking an unjustified risk of his escape."

Warrant of Arrest

It has been suggested that before police officers may enter premises to look for a fugitive for whom there is an outstanding arrest warrant, they must first obtain a search warrant as well.³⁶ The case law is to the contrary. In *United States v. McKinney*,³⁷ the court observed that the issuance of an arrest warrant created in itself

"It has been suggested that before police officers may enter premises to look for a fugitive for whom there is an outstanding arrest warrant, they must first obtain a search warrant as well. The case law is to the contrary."

"Notwithstanding recent dictum from the Supreme Court to the effect that a warrantless entry to arrest must be governed by the fourth amendment, few courts have seen such entry in terms of a constitutional question."

an "exigent circumstance." In that case, FBI Agents had a Federal warrant for the arrest of one Baker, sought for the robbery of an Indiana bank. The Agents developed reliable information that he was at the apartment of a friend. Her apartment was entered, and he was arrested. However, in the arrest, Agents developed information that was useful in the conviction of McKinney for aiding and abetting, harboring of a fugitive, and conspiring to harbor a fugitive. He appealed, arguing that Agents could enter the premises of a third party, without exceptional circumstances, only upon the authority of a search warrant. The court noted the opinion of the Court of Appeals for the Fourth Circuit in *Lankford v. Gelston*,³⁸ which declined to hold a search warrant necessary in executing a valid arrest warrant on the premises of a third party. The *McKinney* court agreed that the fourth amendment protects people from unreasonable searches whether the object of the search is a person for whom an arrest warrant has been issued or a search warrant where the object of the search is evidence of crime. The court observed that an arrest warrant would not have been issued unless a magistrate had been convinced there was probable cause to believe the named party had committed an offense. "This determination, together with the inherent mobility of the suspect, would justify a search for the suspect, provided the authorities reasonably believe he could be found on the premises searched." *McKinney*, *supra*.

Clearly then, here is a significant argument for obtaining an arrest warrant. As in the *McKinney* case, the

only element the Government must prove to justify entry and search for a fugitive is probable cause to believe that the fugitive is in the premises.

Conclusions

The overwhelming weight of authority is that a police officer may make an arrest without a warrant when he has probable cause to believe the suspect has committed a felony. This is true even though there may have existed a clear opportunity to obtain a warrant. As to arrests on the street, the courts have consistently rejected the contention that the fourth amendment requires a warrant regardless of the opportunity to obtain one.

When the arrest is to be made in private premises the prevailing rule is that entry may be made whenever the police have reasonable cause to believe the person to be arrested is in such premises. Before forcing entry, according to the general rule, both State and Federal, an announcement of purpose and demand for entry must be made, absent circumstances of necessity.

Notwithstanding recent dictum from the Supreme Court to the effect that a warrantless entry to arrest must be governed by the fourth amendment, few courts have seen such entry in terms of a constitutional question. If the arrest is lawful and the method of entry made according to statutory regulations, no further inquiry is generally made.

Given, however, the clear warning by the Court in *Coolidge*, *supra*, especially as it relates to nighttime entry to arrest, and the Court's often

stated preference for arrest by arrest warrant, the police officer would be well advised to get a warrant prior to arrest if possible. As the Court stated in *Coolidge*, "The warrant requirement has been a valued part of our constitutional law for decades, and it has determined the result in scores and scores of cases in courts all over this country."

FOOTNOTES

²⁷ A.L.I., A Model Code of Pre-Arrestment Procedure, Proposed Official Draft No. 1 (1972).

²⁸ *Ibid* at 146.

²⁹ 348 F. 2d 837 (2d Cir. 1965).

³⁰ A.L.I. *supra* footnote 27, Sec. 120.6(3), Special Restrictions on Arrests at Night. No law enforcement officer shall seek to enter any private premises in order to make an arrest between 10 p.m. and 7 a.m. unless:

- (a) he is acting under a warrant of arrest and the warrant authorizes its execution during such hours, or
- (b) he has reasonable cause to believe that such action is necessary to prevent
 - (i) the escape of a person to be arrested for a crime involving serious bodily harm or the threat or danger thereof, or
 - (ii) harm to any person, destruction of evidence, or damage to or loss of property.

³¹ A.L.I. *supra* footnote 27 at 151.

³² 387 U.S. 294 (1967).

³³ 104 Cal. Rptr. 852 (1973).

³⁴ 476 F. 2d 67 (2d Cir. 1973).

³⁵ 445 F. 2d 577 (2d Cir. 1971), cert. denied, 404 U.S. 957 (1971).

³⁶ "The Neglected Fourth Amendment Problems in Arrest Entries" 23 Stan. L. Rev. 995 (1970-1971). "The thesis of this note is that an arrest entry, the entry or search of a private place to effect an arrest, properly falls within the range of problems which the Fourth Amendment addresses, and that, except in circumstances of necessity, the amendment requires a search warrant before a police officer may enter a home to effect an arrest."

³⁷ 379 F. 2d 259 (6th Cir. 1967).

³⁸ 364 F. 2d 197 (4th Cir. 1966). The court, although ordering the entry of a decree enjoining the police department of Baltimore from conducting a search of any private house to effect the arrest of any person not known to reside therein, whether with or without an arrest warrant, where the belief that the person is on the premises is based only on an anonymous tip and hence without probable cause, declined to hold a search warrant to be necessary in executing a valid arrest warrant on the premises of a third party.

Four Program Models in Delinquency Prevention

“. . . local programing allows both the juvenile court and police department to make better use of those resources already available for the successful rehabilitation of young people in need of help. . . .”

COL. JAMES PETER DAMOS
Chief of Police,
University City, Mo.

By
and

WALTER BARRY
Director,
St. Louis County Juvenile Court
Police-Court-Community Project
to Reduce Juvenile Delinquency,
St. Louis, Mo.



Police-School Liaison—

Police in the schools is a subject that evokes strong interest in all segments of the criminal justice system. Police-school liaison programs are talked about as models to solve a variety of police and youth problems. Police-school programs are seen by some as an answer to stemming the rise in juvenile delinquency; they are seen by others as a way to improve the image held of the police by kids; and by still others, with a different concern, as programs with a dangerous potential to infringe upon the rights of juveniles.

One police-school liaison program, in St. Louis County, Mo., includes the juvenile court along with the schools and police as participants in a delinquency prevention/delinquency diversion program. It is hoped the ideas and suggestions offered in this article will assist others in planning and implementing programs in the schools that involve police officers and representatives of other agencies such as juvenile courts. Preliminary findings indicate that we can be effective in reducing juvenile delinquency through more institutional cooperation and better utilization of existing resources.

Before beginning a discussion of “police in the schools,” it is vitally necessary that there be agreement as to the expected roles to be filled by police-school liaison personnel. If such a statement of purpose is not clearly defined, problems will very definitely occur that can create confusion, disappointment, and bruised feelings, any of which will further impair relationships among a community’s public agencies and institutions.

"One police-school liaison program, in St. Louis County, Mo., includes the juvenile court along with the schools and police as participants in a delinquency prevention/delinquency diversion program."

Types of Programs

Depending upon the philosophy and resources of the community, several approaches can be taken. The first and most traditional police-school program is one which emphasizes a policeman's *security role*. Here the officer is simply utilized as a guard in the school to keep outsiders from coming into the school or as a person to patrol the halls and restrooms, searching for criminal acts and incriminating evidence to use against student offenders.

Many programs initiated with a different goal than providing security have wound up with policemen on the premises doing the kind of job that is most familiar to the public, that of the security guard, the man available for protection and control. It is very easy to use a new face as new manpower to do old jobs, the same old jobs with the least appeal to school authorities and the most potential for abuse of the police role in schools. It is this role which does the most harm to police liaison programs.

Second, with a *police-community relations* thrust, "Officer Friendly" type programs stress the positive role that a policeman can play; the helping role that *peace* officers perform in their role of "keeping the peace"; the service role that even patrol divisions play 80 percent of the time. Police-community relations programs often set up "kids and cops" rap sessions that provide informal, nonthreatening encounters for policemen and young people to exchange ideas, both seeking solutions to problems and practices that separate them "in the street."

As a *diversion* program, the police-school liaison approach provides an

alternative to referral to the juvenile court for young people who have been charged (or could be charged) with violations otherwise justifying formal referral to the juvenile court. Diversion is based on the availability of community-based treatment and the workability of informal disposition of at least minor and first-time juvenile offenses. These programs assume that a successful alternative can be initiated for youth in trouble even without formal intervention of the juvenile court. Whether or not one takes a juvenile into custody or formally refers him is, of course, a matter of judgment and must be determined by the magnitude of the problem. Not all juvenile offenses can, nor should they, be handled informally.

Prevention is the final kind of police-school liaison program to be

discussed, a more comprehensive program available to all young people, which seeks to develop strong and healthy young individuals. This is done through activities such as police athletic leagues, supportive, after-school character building programs, providing drop-in centers for informal group discussions, and so forth. Prevention programs enable policemen to help children with problems or children from problem families by urging them toward treatment programs, if it is felt that the child is in danger of becoming delinquent.

These four types of program efforts, security, police-community relations, diversion, and prevention, are generally regarded as the definitive models for police-school liaison programs. From both a juvenile court and a police agency point of view, it would

A police juvenile officer talks with two junior high school students.



“ . . . four types of . . . efforts, security, police-community relations, diversion, and prevention, are generally regarded as the definitive models for police-school liaison programs.”

seem appropriate that the focus of any police-school liaison program be on prevention and diversion where community-based treatment is available or where such community-based treatment can be developed.

Of course, police-community relations are important, but much more effective police-community relations can be accomplished through a positive, concrete program that diverts youth from the juvenile court or prevents the youth from coming into conflict with the law. In addition, these programs will have many beneficial spinoffs through the involvement of other community agencies, and at the same time, demonstrate the helping role of the police.

Referrals

For a different reason, diversion programs become a matter of practicality for large, urbanized areas with a large number of referrals and potential referrals to juvenile courts, as well as local areas where formal referral often throws a juvenile into the same facility as an adult offender. Many juvenile offenders referred for formal court action do *not* get the kind of attention that some would expect since the magnitude of their offense is of relatively little consequence. In this kind of situation, the children themselves, as well as the community, including the police department, are better served by initiating local resources immediately, bringing volunteers into play to provide support for, and informal supervision over, a youngster's activities.

As a sidenote of some importance to those in the field of juvenile work, it must be emphasized that the juvenile court has no magic at its disposal.

It depends very much on the resources in the community to reach a successful program for a juvenile referral. These local resources, the same agencies that the juvenile court uses in its disposition of a relatively minor offense, can be utilized by local court-police-school diversion programs as well. It is imperative, of course, that all three contributing agencies, the police, the court, and the school, have input to resolve a local problem situation.

As was mentioned earlier, police-school programs and court-police-school programs have been the focus of much recent discussion. Even so, many remain skeptical of this approach to interinstitutional cooperation, choosing to work under the familiar adversary relationship. For that reason, police-school and court-police-school liaison planners and participants should keep several things in mind, particularly if a program is not administered or funded by sources such as the Law Enforcement Assistance Administration (LEAA) which are outside the police department, or if the program participants are part time and find their time in the schools limited by other police duties.

Know Your Program

The first precaution is *don't sell the wrong product*. Don't sell a diversion program when you plan a prevention or police-community relations pro-

“It is imperative . . . that all three contributing agencies, the police, the court, and the school, have input to resolve a local problem situation.”

gram. Likewise, don't expect to be used as “diversion agents” by the school, court, or community if you explain yourself as a police-community relations officer. Each is a valid role, but a person cannot be all things to all people. Be sure to define your program to the school and to the kids. Be sure you know yourself.

Secondly, *don't oversell your program to the point where demand exceeds supply*. This is unfair to the liaison people themselves as well as to those who have requested services. For the sake of future planning and/or expansion of your program, a “track record” needs to be established. To prove that your approach is a workable and helpful effort, take one thing at a time, making sure that what is promised is delivered. Police-school liaison programs, departures from traditional roles in the first place, are looked upon with skepticism by some and downright hostility by others. You don't need a “credibility gap” on top of it! Offer *only* what is available.

A third precaution is to *determine what methodology you will use and what resources you have available for programing once you have arrived at the goal your project is to meet*. For instance, you should not attempt to serve a preventive or diversion role if there are no resources available locally. By the same token, if you aren't aware of your local resources, you need to spend some more time planning. Of course, the amount of money, the amount of time you will be able to devote, and the organizations available for afterschool projects all limit the kind of role you can play through a school liaison program. These should be very much in the forefront when you begin your planning and develop your strategy.



Informality is a key to the relationship between students and juvenile officers.

The purpose and makeup of a program effort is vital to the success of a project of this nature. First, all three principal agencies should be involved. Second, a program designed with kids and schools in mind should provide some tangible, identifiable program results. More than words, more than larger doses of the "same old thing" are necessary for successful and credible police and police-court liaison programs.

A new role and new relationship within the criminal justice system is called for. If we can agree on an expanded role of the criminal justice system, we should recognize that court-police-school liaison diversion and/or preventive programs amount to a significant change in our approach to the community. We become *preventers* in addition to *controllers* of criminal activity. This modification of role is more than just a simple change in job description or minor policy shift. Indeed, it alters a traditional adversary relationship within the criminal justice system between police apprehension, court adjudication, and institutional correction. Such a change creates problem areas that need attention

when planning and implementing school liaison programs.

Dispositions

An important area, although only a potential problem, involves the student's civil rights and procedural due process guarantees. Unless you can expect to have a lawyer or the student's parents present each time a chat is held with the young person in the school, it should be agreed that any information gained as a result of the conversation held with a youngster should not be secured for the primary purpose of possible usefulness in terms of making a formal charge or a later court referral. In fact, should this become the primary concern on the part of policemen in dealing with juveniles, it would indicate a rather traditional approach to the role of the policeman, whether in or out of school. Such a role description or role expectation is really not consistent with

"An important area . . . involves the student's civil rights and procedural due process guarantees."

an effective police-school or court-police-school prevention-diversion program.

Any recommendation for disposition of a problem that is brought to the attention of the policeman or the juvenile court officer ought to be considered nonbinding and voluntary on the part of the young person and his family. Moral suasion and positive personal relationships are powerful tools. These are the primary tools to use when dealing with young people in danger of referral to the juvenile court when implementing a school liaison program with delinquency prevention or delinquency diversion as its primary goal.

With diversionary police-school and court-police-school liaison programs, another question, that of prejudicial disposition, arises. What is acceptable disposition from a juvenile court point of view? A police point of view? A school point of view? And procedurally, how should these dispositions be made? Most people would agree that the police must retain the right (obligation) to make a formal referral if it is felt that the informal disposition suggested would be inappropriate or ineffective and would endanger the community or the child himself. When discussing this very important area of disposition of a youngster's problem without benefit of a formal referral to a juvenile court, one might follow the lead of the St. Louis County court-police-school project. In our cooperative, team approach, individual case dispositions are arrived at through regularly scheduled discussions and "case conference" types of meetings.

Decisions which affect the community should be made by all operators who have a say in community policy and community policy enforcement. In keeping with the Missouri Juvenile Code, the juvenile court is involved in the youngster's problem. The recommendations of the team, the

court worker, police officer, and school person are made at the local level, and of course, a problem can be attacked much more quickly there, thus, avoiding a lengthy court process.

A third problem area involves identification and use of community agencies and resources. Should you plan a program without formal links to other agencies, close contact with private and public social agencies, the juvenile court itself, and local school social worker and guidance personnel is mandatory. These programs and their benefits depend very much on gaining the cooperation and support from the local community, its schools, agencies, and young people. While close institutional cooperation, coordination, and support have not been a typical part of our past experience in terms of local government, they are not unreal expectations. Most often, it needs only the catalyst of an idea to serve as the moving force.

Cooperation

A final word on who can expect to reap the benefits of a court-police-school liaison program is in order; that is, in whose interest are such program efforts expended? The response would be that it is in all local agencies' mutual interest. By preventing a young offender or potential offender from entering the juvenile justice system through local disposition of minor problems and lesser offenses, we not only allow ourselves as juvenile courts and police departments to be more efficient in handling the more serious problems that come to our attention, but we also prevent the stigmatizing effect which, unfortunately, surrounds those persons who enter the criminal justice system formally.

In addition, local programming allows both the juvenile court and police department to make better use of those resources already available for the successful rehabilitation of young

people in need of help and who have been formally referred to the juvenile court for help. The juvenile court, formally supervising a smaller number of more serious and more complicated court referrals, can make much better use of existing resources while we work locally to develop new resources.

Police-school and court-police-school projects must work. We in the criminal justice system must demonstrate and reeducate the community to the fact that society's security and well-being cannot be accomplished by way of a professional policing agency alone. Rather, it is a job which must involve all of a community's agencies and institutions. A start can be made toward this very old, but apparently forgotten, notion by successful court-police-school cooperation. FBI

BONES

(Continued from page 20)

However, it would have been crystal clear to us that they were from an immature animal and not from a child. Yet a medical examiner might not

see the difference. In other words, we need to have all the fragments, even though a very careful collecting of human bones from an area of woodland or meadow (where carnivores and rodents have scattered them) usually means that a few animal and bird bones are included. These additional bones are often useful in telling us about the locality, e.g., in a recent case where an alligator humerus was included. Of course, the opposite can happen when a few human bones appear among a group of animal bones. There was a case 8 years ago where, among burned animal bones and charred wood, the cremated partial condyle (joint) of an immature human atlas vertebra was found.

We can't point to any manual distinguishing animal bone fragments except the general one by Cornwall (1956). The literature on this is specialized.

The points of this article then are that bones can indeed fool people and careful collecting is vital. What looks human may turn out to be animal. But sometimes it is the other way around. Hence the expert needs all the available material. FBI



Knuckles of bear, dog, and man.

NATIONAL NEIGHBORHOOD WATCH PROGRAM

from News Release 1915173

The National Advisory Commission on Criminal Justice Standards and Goals, in its recently released "National Strategy to Reduce Crime," emphasized the role of *community crime prevention*. The Commission proposed that all Americans make a personal contribution to the reduction of crime and support the crime prevention efforts of their State and local governments.

Key recommendations included increased citizen contribution to crime prevention by making homes and businesses more secure, by participating in police-community programs, and by working with youth.

To meet this goal, the National Sheriffs' Association has been conducting a self-help educational program to alert citizens to the steps they can take to protect their property and the property of their neighbors from theft and to encourage prompt reporting to, and cooperation with, law enforcement agencies.

The Law Enforcement Assistance Administration (LEAA) has funded this program to make available materials designed to go directly into the home. Pamphlets and materials containing security hints provide the program with visibility and develop community awareness. This literature is being effectively distributed by sheriffs and other police agencies.

Effectively enlisting citizen cooperation to aid in the fight against crime has had a marked influence on burglaries and related crimes. Reports of reductions of 12 to 30 percent in burglaries have been reported.

Ferris E. Lucas, executive director of the National Sheriffs' Association, has said, "America's sheriffs are increasingly concerned because burglary is the most frequently occurring of all major offenses and accounts for nearly half of all serious crimes against property. Although burglaries decreased slightly in cities last year, rural areas showed an increase. Law enforcement agencies solved only 19 percent of the burglaries. Seventy-one percent of those arrested during the period 1970-72 had been arrested previously on the same charge. Burglary has been a relatively safe crime to commit. Only with active citizen cooperation can the sheriff hope to make it unprofitable. Let us help one another to reduce burglaries in every community in America."

The National Neighborhood Watch Program was kicked off with invitations to 1,500 agencies. Twelve hundred sheriffs representing counties over 25,000 in population were selected. Two hundred sheriffs were chosen from States having less than 1 million inhabitants and large geographical areas. Finally, 100 sheriffs from areas which exceeded the FBI National Index for burglaries were invited for additional emphasis.

An overwhelming response to the program has resulted in the shipment of over 10 million pieces of program material to participating agencies. A second printing has been ordered to meet the increasing demand.

Kits containing sample bumper stickers, window stickers, educational and crime prevention brochures, and telephone stickers were distributed to

2,000 law enforcement agencies, with suggestions for implementation.

Recently announced studies have confirmed the effectiveness of citizen education programs in reducing burglaries and increasing nonvictim reporting of crimes. The largest affected segments have been reducing nonforce and minor force intrusions, which account for the largest part of the almost 2.5 million reported burglaries in the United States.

Emphasis is placed on the people-to-people aspects of the program. In order to achieve the program's basic goal of reducing burglaries Mr. Lucas has said, "We can help make burglary unprofitable for the burglar with active citizen participation. We have a good start now, and we want to keep it moving."

The administrator of LEAA points out that, "LEAA believes that this is a beneficial program which is producing results. It is making the average citizen more aware of crime and this in turn will bring crime down. It is for this reason LEAA is pleased to be involved in distributing this program with the sheriffs."

As long as supplies last, requests from communities to join the growing National Neighborhood Watch Program will be considered. Correspondence and inquiries regarding the program should be directed to Mr. Ferris E. Lucas, Executive Director, National Sheriffs' Association, 1250 Connecticut Avenue, Washington, D.C. 20036.

FBI



WANTED BY THE FBI



DUDLEY PATRICK BEAVERS, JR., also known as Salaam Alarkin, "Dad,"
"Dude"

Interstate Flight—Murder

Dudley Patrick Beavers, Jr., is being sought by the FBI for unlawful interstate flight to avoid prosecution for murder. A Federal warrant was issued for his arrest on July 20, 1972, at New Orleans, La.

The Crime

On January 10, 1972, two deputy sheriffs and three members of a racial disturbance group were killed during a confrontation at Baton Rouge, La. Beavers was named as one of the individuals who allegedly participated in these killings. All were subsequently apprehended, with the exception of Beavers, who remains at large.

Description

Age----- 32, born October 16, 1941,
Baton Rouge, La.
Height----- 5 feet 6 inches to 5 feet
7 inches.

Weight----- 150 pounds.
Build----- Medium.
Hair----- Black.
Eyes----- Brown.
Complexion----- Medium.
Race----- Negro.
Nationality----- American.
Scars and
marks----- Scar at side of right eye;
tattoo of spider between
thumb and forefinger
of left hand.
Occupations----- Auto assembler, carpen-
ter's apprentice, long-
shoreman, painter,
waiter.

Prior criminal
record----- Conviction for auto theft.
FBI No----- 376,358D.
Fingerprint
classification-- 16 M 1 U 000 10
M 2 U 001

Caution

Beavers has been charged with murder as a result of a shoot-out in which two law enforcement officers were killed, and he should be considered armed and very dangerous.

Left index fingerprint.



Notify the FBI

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

Deadly Cigarette Lighter

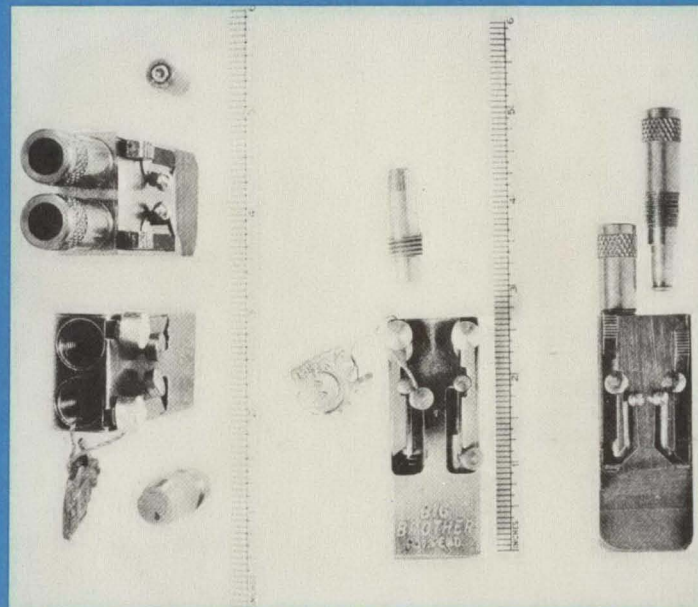
A "cigarette lighter firearm" is reportedly being found in increasing numbers in the Northeastern United States during searches of prisoners.

The weapon, which can be concealed in the palm of the hand, is described as being metallic silver in color; and the 4-inch, machine-tooled weapon is capable of firing two .25 caliber cartridges or two tear gas cartridges individually or simultaneously.

Cartridges are installed in the weapon by removing the barrels, placing the shells therein, and assembling the device again.

Officers who come in contact with this weapon should use extreme caution in disarming it—there is no safety catch and discharge may be fatal to anyone close by.

Double-shot cigarette lighter firearm.



FOR CHANGE OF ADDRESS ONLY

(Not an Order Form)

Complete this form and return to:

DIRECTOR

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

NAME

TITLE

ADDRESS

CITY

STATE

ZIP CODE

SAC, New York 101173 and
SAC, Alexandria to FBI 914173

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

OFFICIAL BUSINESS

ADDRESS CORRECTION REQUESTED



POSTAGE AND FEES PAID
FEDERAL BUREAU OF INVESTIGATION

JUS-432

THIRD CLASS



INTERESTING PATTERN

The pattern appearing at left is classified as a plain whorl with an outer tracing. The unusual reverse "S" formation in the center makes it interesting.