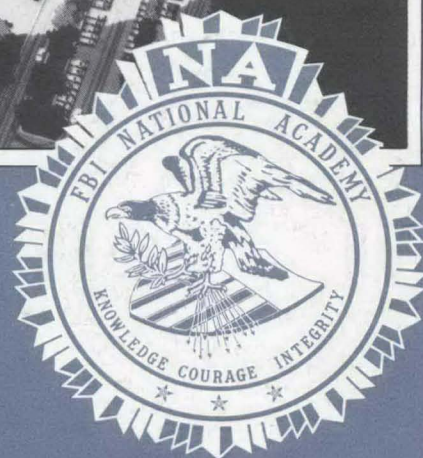




50th Anniversary
FBI National Academy

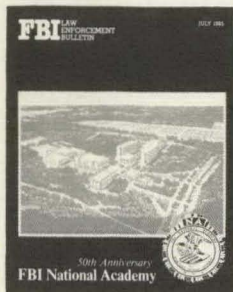


FBI LAW ENFORCEMENT BULLETIN

JULY 1985, VOLUME 54, NUMBER 7

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For the past 50 years, the FBI National Academy has raised police professionalism through the training of police officers. See article page 2.

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

William H. Webster, Director

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

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

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



Director's Message

Fifty years ago, in July 1935, the first class of officers arrived for the new FBI National Police Training School. Two classes later, the name was changed to the FBI National Police Academy; today, it is the FBI National Academy. In 1937, J. Edgar Hoover described the value of this Academy: "To this school [the National Academy] are invited forward-looking officers from police departments throughout America. . . . It has been our greatest pleasure that following the training of these men [and women] . . . they have returned to their various departments, to become instructors to their fellow officers, or to be promoted, or to be given the task of guiding the destinies of their departments as Chief or as Commissioner."

Were I to write the charter of the National Academy today, I would not change a single word. In the 50 years since the National Academy was established, much has changed in law enforcement. But one thing remains the same, and that is our desire to provide quality instruction to the men and women who come to the National Academy. The job of the National Academy is the same today as it was in 1935: To prepare leaders for the taxing challenges of law enforcement.

The principal responsibility for fighting crime remains and will remain with law enforcement. How we meet this responsibility depends upon the professionalism that we bring to the task.

Professionalism doesn't have a fixed meaning. Applied to law enforcement it includes a number of essential elements: Formalized training, cooperation, continuing reappraisal of our goals and means used to achieve them, rules of conduct that originate both within and outside the organization and a commitment to comply with

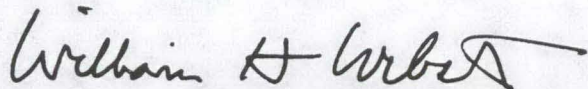
them, a sense of group responsibility to society, a commitment to service, and a commitment to excellence.

Of these elements, one of the most crucial is training. The public expects law enforcement officers to possess the skills of a business manager, a lawyer, a physicist, a chemist, a behavioral scientist, an accountant, a physician, a theologian, a community relations expert . . . and the list goes on.

Professionalism has come a long way in law enforcement, as the Supreme Court noted in its recent decision limiting the exclusionary rule. A main ingredient in this progress in professionalism is more and better training.

The FBI National Academy, for the past 50 years, has made a vital contribution to police training. To further this, the FBI is now calling on National Academy graduates to work alongside the FBI's police instructors in the field.

In this anniversary month of the National Academy, National Academy graduates and the FBI can and will go forward together, effectively doing the work that the American people expect of all of us, proud of our profession and worthy of the great trust given us by our fellow citizens.



William H. Webster
Director
July 1, 1985

Promises Kept and a Promising Future

The FBI National Academy's First 50 Years

"The school's principal objective [is] to raise the level of police professionalism nationwide by training local police officers."

By
STEPHEN D. GLADIS

*Special Agent
Education and Communication Arts
Unit
FBI Academy
Quantico, VA*

(Editor's note: The National Academy is a joint effort of the police community and the FBI, so this article is being released in The Police Chief and the FBI Law Enforcement Bulletin simultaneously.)

In early 1935, a Special Agent of the FBI sped by train from Washington, DC's Union Station to New York City. Writing feverishly, he scarcely noticed the passing of the journey that would change the future of law enforcement in the United States. The Agent was Hugh Clegg, and his mission was to design a training curriculum for the new FBI Police Training School that would open in a few months. The purpose of the trip was to enlist speakers for the school's visiting faculty, and it would take him to New York, Boston, New Haven, Princeton, Chicago, Milwaukee, Detroit, and Cincinnati. Between whistle stops, he would write the curriculum.

Early History and Proud Beginnings

During the 1930's, criminal gangs roamed the countryside, robbing and killing with impunity. Figures like John Dillinger, "Ma" Barker, and Alvin Karpis loomed like black clouds over the country. Local police could not dispel them.

To address the problem, President Franklin D. Roosevelt scheduled a National Crime Conference in Washington, DC, for December 1934.

Chaired by Attorney General Homer S. Cummings, the conference raised the issue of police professionalism and specifically targeted small police departments for increased training to meet the threat posed by the gangs. J. Edgar Hoover, Director of the FBI, proposed the development of an FBI Police Training School in Washington, DC. The school's principal objective would be to raise the level of police professionalism nationwide by training local police officers.

Although Hoover's proposal was endorsed by many law enforcement organizations, including the International Association of Chiefs of Police (IACP), a countermovement was advanced advocating a national police force with Hoover as its head. Tempting as such an assignment might have been to many, Hoover vigorously opposed the plan. "Much talk," he said, "has been heard in this country about the formation of a national police. Law enforcement is essentially a local problem and all the Federal Government can or will be able to do is endeavor to aid or guide in such training through methods of scientific criminal detection and other law enforcement activities."

“So as our armed forces are responsible for the protection of this country from any threat from without . . . you are protecting us always from the threat within.”

of responsiveness, the FBI National Police Academy changed its curriculum to include such wartime subjects as civil defense and sabotage. Later, when America entered the war, the curriculum again expanded to meet the needs of the time. Over 171 topics were introduced, including espionage, treason, Nazism, and Fascism.

In 1940, Director Hoover advised the graduating 14th session that “international gangsters” were being sent to the United States to weaken its internal security. Local and Federal law enforcement officers were to become the “first line of defense” in the country’s fight to preserve its internal security against Nazism, Communism, and Fascism. The FBI National Police Academy would keep its promise and meet the challenge through training.

At the 18th session’s graduation on October 11, 1941, Director Hoover announced that the Law Enforcement Officers’ Mobilization Plan for National Defense was a success, and he called for continued assistance from the graduates in the fight for national internal security. Hoover’s comments were made in the 1,500-seat departmental auditorium, the new home of the FBI Police Academy graduations. Ceremonies were moved from the Great Hall beginning with this session to make room for the increasing number of guests and alumni wishing to attend.

The war years took many dedicated FBI National Police Academy Associates to the battlefields, significantly diminishing the ranks of law enforcement. In a speech on July 25, 1942, at the graduation of the 19th session, Hoover challenged those

who remained: “Already the ranks of peace officers have thinned by Americans answering the call to the colors. . . . Police training must be intensified to properly equip with new recruits an auxiliary police to meet any emergency that might arise. That will be your job.” The Academy responded by sending specialized training back to the local communities, and its efforts were commemorated with a new title. In July 1944, at the graduation of the 25th session, the program for the first time read: “FBI National Academy.”

With the end of World War II, Americans returned home. Fortunately, many returned to law enforcement, for the postwar era saw an alarming rise in crime. Arthur Sulzberger, publisher of the *New York Times*, described the problem for the 33d session’s graduates of the FBI National Academy in 1946:

“We have on our hands a crime problem that seems to be following the course of the last post-war period. . . . This year showed a 13 percent increase in major crimes over the same period in 1945. This is the highest semi-annual increase since national figures on crime were first compiled in 1930.”

In 1947, Congress passed Public Laws 16 and 346 which allowed benefit payments under the GI bill of rights for any veteran attending the FBI National Academy.

The 1950’s: The New Dilemma of Communism

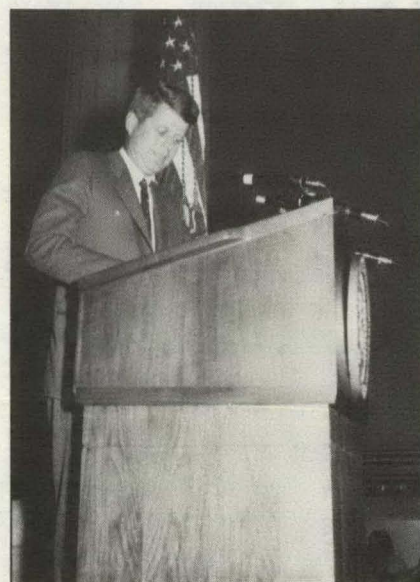
The 1950’s ushered in an era of unprecedented growth and affluence. Never had Americans lived so well and been so proud of their capitalistic system—yet never had they been so threatened. Communism, avowing the overthrow of capitalism by subversion,

brought a new threat to America and a new challenge to law enforcement. Senator Brien McMahon from Connecticut set the tone on June 30, 1950, when he warned the graduating 44th session:

“Today our law enforcement officers have a new Public Enemy No. 1—the ‘gentlemen’ who have their lair in the Kremlin. Instead of shaking down terrorized individuals, these men have shaken down and now hold in terrorized subjection entire nations. . . . The men of Moscow are the Nazi’s original tutors. They employ, with an even greater skill, the techniques of subversion and infiltration their pupils copied so diligently. And, as if that were not enough, their arsenals contain an ever-growing stock-pile of atomic bombs. . . . With atomic weapons in existence the traditional distinction between civilians and soldiers is at an end.”

And Dwight D. Eisenhower, the first President of the United States to address the National Academy, called members of the 60th session the “first line of defense,” telling them, “So as our armed forces are responsible for the protection of this country from any threat from without, from whatever source, you are protecting us always from the threat within.”

The National Academy responded both to the call to arms against the threat of communism and to the stimulated economy by expanding its size and its scope. In June 1952, the 49th session graduated 102 students—the largest class to date in National Academy history. By November 1955, over 3,000 graduates had passed through the National Academy, and 25 percent of those graduates were executives in their departments or agencies.



Top right: The "West Point" for police officers, FBI Academy, Quantico, VA.

Above left: President Nixon speaks to the 83d session, May 28, 1969.

Above right: President Kennedy speaks to the 70th session, October 31, 1962.

The 1960's: Changing Times

The 1960's marked a time of change. Changes within society created civil turbulence, changes in communication shrank the world into a global village, and changes in the world of ideas at once placed a premium on academic education and focused on man's psychological predictability. Accordingly, the National Academy changed to meet the new needs.

On June 7, 1961, Attorney General Robert F. Kennedy spoke to the graduating 67th session about the civil rights problems in the country:

"The ramifications of the violence in Alabama are far reaching. . . . We cannot expect that our problems and difficulty in connection with civil rights in the south will be solved without discord and disagreement.

“The 1970’s, in effect, realized LaGuardia’s prophetic goal of a ‘West Point’ for police officers.”

But we do have a right to expect that local law enforcement officers will do their jobs at all times, that they will preserve law and order.”

Kennedy’s concern, as he related it to the audience, was that he had to send 600 Federal officers to Alabama to restore order and ensure safe interstate travel for civil rights leaders. In response, the National Academy curriculum was expanded in November 1961, to include instruction on mob and riot control.

Then, in response to the Nation’s desire to improve international lines of communication, and at President John F. Kennedy’s particular request, the National Academy opened its doors to an increased number of foreign students in 1962. Interestingly, President Kennedy took time on October 31, 1962, during the Cuban Missile Crisis to address the graduating 70th session saying:

“Your work protects the family.

Your work protects private property, which is the basis of our social life and our family life. Your work permits us to meet our responsibilities as a Nation. . . . It involves the most detailed modern communications, the kind of information on great movements of crime throughout the world as well as throughout the country.”

Reacting to changing currents of thought, the National Academy itself changed. Reflecting the new emphasis on academics, the President’s Commission on Law Enforcement and the Administration of Justice, appointed by Lyndon B. Johnson, recommended that crime could be reduced through expanded knowledge, experience, and instruction of policemen. The Commission further suggested that all policemen should have at

least a baccalaureate degree to deal with crime. Consequently, President Johnson asked Congress for funds to expand the Academy’s training facilities.

On May 26, 1965, Attorney General Nicholas Katzenbach announced to the 75th session on the 30th anniversary of the National Academy that the FBI’s appropriations had just been increased by some \$10 million to expand training at the FBI National Academy. In June 1968, Lyndon B. Johnson signed the Omnibus Crime Control and Safe Street Acts, which funded law enforcement degree programs around the country, laid a foundation for the future facilities and staff expansion of the FBI National Academy, and made money immediately available for National Academy students’ travel and subsistence. Up to this time, all expenses had been borne by the departments, or as in some cases, the students themselves.

Within the Academy itself, changes in curriculum reflected the new concentration in academic learning. Police managers working in an increasingly complex and urban society needed sharpened administrative skills—and learned them in new management science and education/communication courses. Courses in the behavioral sciences focused on the criminal mind as a key to solving cases—and a field trip to St. Elizabeth’s Mental Hospital was introduced to study the relation of psychiatry to law enforcement. Academic units were formed covering law, behavioral science, education/communication, forensic science, physical training, in-

vestigation, and management. Additionally, Special Agent instructors at the Academy began to seek advanced degrees to support the new curriculum.

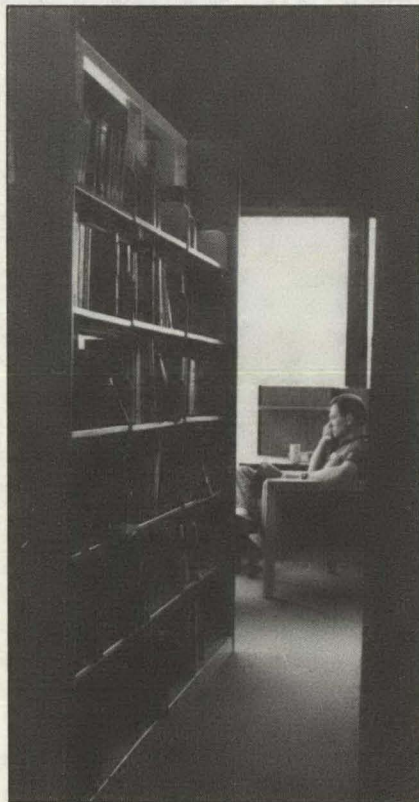
The 1960’s also brought some firsts. At the graduation of the 77th session on May 25, 1966, the “J. Edgar Hoover March” was played for the first time at a National Academy graduation. On May 28, 1969, the 83d session graduated at the White House at President Richard M. Nixon’s request. This same class was also the first ever to include a representative from every State in the Union.

The 1970’s: The “West Point” For Police Officers

The 1970’s, in effect, realized LaGuardia’s prophetic goal of a “West Point” for police officers. The National Academy courses were accredited by the prestigious University of Virginia (UVA), and the Academy itself moved to a self-contained, university-type complex in the wilderness of the Quantico, VA, Marine Corps Base.

In 1970, the FBI commenced a 2-year affiliation and accreditation study with UVA’s School of Continuing Education. Following the study, in July 1971, J. Edgar Hoover signed an agreement with UVA joining the FBI National Academy and the university as partners in the academic education of policemen.

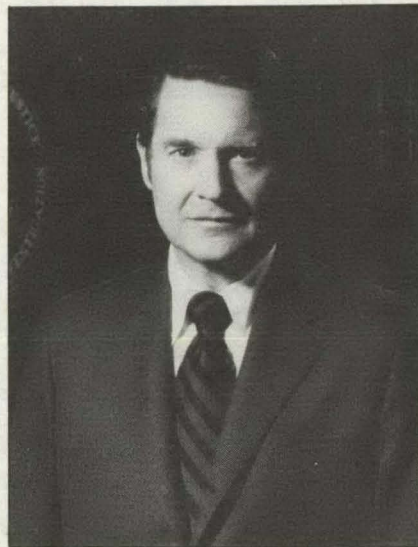
The 89th session was the last class to be instructed in the “wind-tunnel” and to graduate from the “old academy”—but it was the first class to receive the new pilot curriculum which was to be offered when the new facilities opened at Quantico. The courses included law, management science, education/communications arts, behavioral science, and law enforcement arts. When the 90th ses-



Top right: The modern day National Academy offers a much broader curriculum.

Above left: FBI Academy Library

Above right: Director William H. Webster



sion matriculated at Quantico in June 1972, the new facilities were still under construction. There were no covered walkways, no cars, and no counselors. As late as the night before graduation the last seats in the auditorium were being bolted down. Unfortunately, Mr. Hoover never saw the concrete results of his dream—he died on May 2, 1972, just prior to the opening of the new FBI Academy.

The 1970's saw the initiation of new National Academy traditions. The first women to attend the National Academy were in the 91st session. Capt. Vittoria Renzullo of the New York City Police Department and Ann Schrader, Chief of Criminal Investigations, St. Croix, the Virgin Islands, both graduated in December 1972. The first elective courses were also introduced in 1972.

The 92d session graduated a whopping 299 officers and remains the largest graduating class in the National Academy's history. The 93d session was trimmed to 250 students, who were divided into five sections—a configuration that has lasted to the present. Clarence M. Kelley, the then new Director of the FBI, spoke to his first National Academy class (the 94th session) on September 13, 1973. In 1974, the National Academy offered its first graduate courses, and the first student from Kuwait attended the Academy during this period. He was taken by his classmates to an all-you-can-eat fish house in a nearby town

“In the 1980’s, the National Academy, grounded firmly on the foundations of the past, moves confidently forward into the future.”

and was so impressed that he wanted to buy the restaurant and take it home with him!

On March 24, 1978, Judge William H. Webster, the Director of today’s FBI, addressed the 112th graduating class of the National Academy. In his speech, Judge Webster challenged the class to become the standard for excellence in law enforcement:

“You will set the standard for integrity, competence, dedication, and professionalism among the public servants. The public’s attitudes about law, government, and public justice will in large measure be determined by the professional manner in which you meet your responsibilities. . . .

“Our task, yours and mine, is to enforce the law in a constitutional manner. We can accomplish this through professionalism. We can be tough and effective *within* the law.”

With these words, Judge Webster set the stage for the development of the National Academy in the 1980’s.

The 1980’s: Stepping into the Future

In the 1980’s, the National Academy, grounded firmly on the foundations of the past, moves confidently forward into the future. Its curriculum has grown from a few vocational skill courses to 45 upper-level undergraduate and graduate courses ranging from state-of-the-art science to futuristics. Its facilities have grown from a single wind-tunnel classroom to a self-contained city of dormitories, classrooms, library, laboratories, firing ranges, and recreation areas. Its classes have grown from a 23-member experiment to a 1,000-member-a-year institution. And

courses in terrorism, hostage negotiations, money laundering, drugs, and international crime are now offered to meet the newest challenges in law enforcement.

Graduates of the National Academy remain dedicated to professionalism through education. Many have formed and continue to staff State and local law enforcement agencies throughout the country. One out of seven active graduates now heads a law enforcement agency in the free world, and most graduates remain active in the training-oriented National Academy Associates. As individuals, moreover, National Academy graduates exert considerable professional influence as leaders in organizations such as the International Association of Chiefs of Police, the National Sheriff’s Association, the National Organization of Black Law Enforcement Officers, the International Association of Women in Policing, the National Association of State Directors of Law Enforcement Training, and others.

Since R.W. Wood of the Royal Canadian Mounted Police graduated in 1938, over 700 foreign officers from 66 nations have attended the National Academy program. So enthusiastic are these alumni that in 1983, European graduates met in England to call for the formation of an alumni chapter in Europe. In September 1984, Judge Webster personally opened the first meeting of the chapter in Muenster, Germany, challenging the assembly to “increase and improve our professional ability through training, discipline, and the important ingredient that brings us together today—international cooperation.”

In the first 50 years of its history, the National Academy has responded to many challenges, from wartime subversion to homegrown crime waves. It will continue to respond to new challenges under its Director, Judge William H. Webster. Viewing National Academy training as “an investment in the future of this nation,” Judge Webster believes its goal of professionalism through training has, in large part, contributed to the favorable trends in crime and justice. Thus, more than supporting, he continues to expand the scope, the goals, and the facilities of the National Academy program.

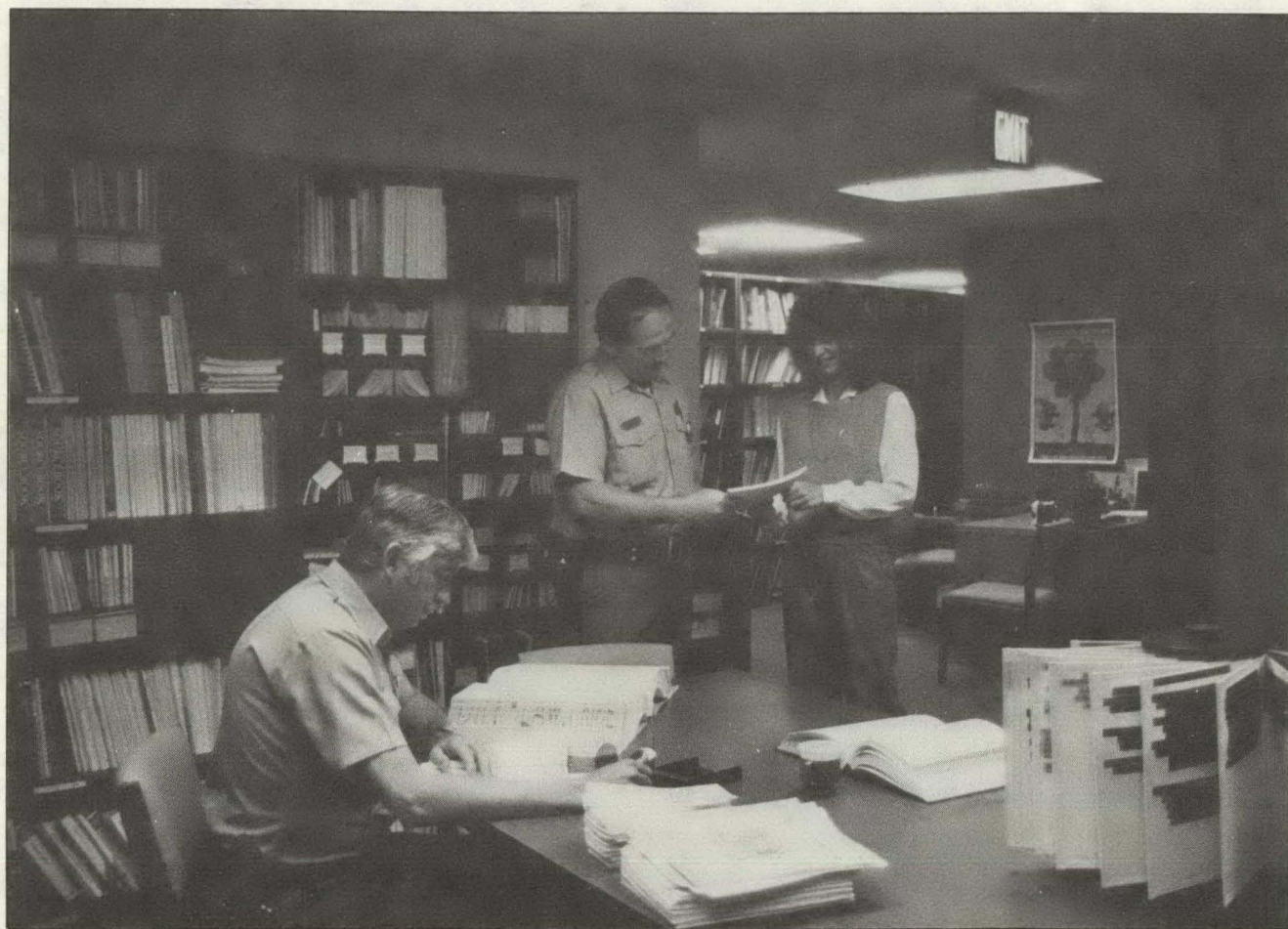
Established by J. Edgar Hoover, nurtured and improved by Directors Kelley and Webster, the National Academy continues to carry its mission of the past into the future. On this its 50th anniversary, at a retraining session of the Associates, Judge Webster will set its course for future years. His challenge to future sessions will echo his words to each past graduating class: “To you much has been given . . . and from you much is expected.”

FBI

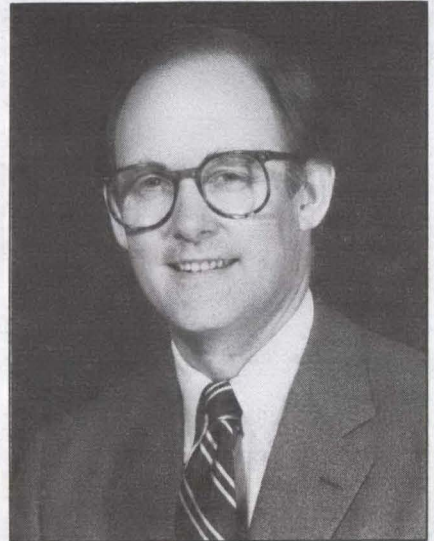
National Criminal Justice Reference Service

A Resource for Officers and Agents

By
JAMES K. STEWART
*Director
National Institute of Justice
Rockville, MD*



“If you are a law enforcement manager, one of the essential tools you need is the ability to put your finger on the most current and the most important information available.”



Mr. Stewart

“Given the multitude of different personnel management pressures, how can I select the best possible candidate to hire for my police department”?

“When officers have used deadly force, inevitably departmental policies are questioned. How can I be sure my policies are sufficiently appropriate”?

“Where can I find guidelines for successfully investigating and prosecuting white-collar criminals in my community”?

“From a policy and procedural stand point, how would my department respond to a terrorist incident? How would I deal with the press? To whom would I assign bodyguards”?

For the answers to these questions, the public holds the chief law enforcement executive responsible. But, it's the police manager—the sergeant, lieutenant, captain, and deputy chief—who is responsible for analyzing the problem, assembling the facts,

and organizing the information to make a persuasive, compelling argument for a policy choice or a purchase decision. If you are a law enforcement manager, one of the essential tools you need is the ability to put your finger on the most current and the most important information available. Where can law enforcement officers turn to get this vital information?

The National Institute of Justice, the principal research agency of the U.S. Department of Justice, is dedicated to finding practical answers to questions like these that may affect your day-to-day work and strategic planning.

A toll-free call to the Institute's National Criminal Justice Reference Service (NCJRS) can help your staff assemble useful background and current research results for policy-related decisions, and can put you in touch with colleagues who can share with you their management successes and guide you away from the problem areas they encountered while trying to initiate specific programs in their communities.

All professionals have a place to go to gather background materials before stating their case. Doctors, lawyers, and educators consult their peers to gather facts and figures. They then have resource materials to cite that give them authority when they speak. Law enforcement officers need their own information center and information specialists they can call upon to help build their case. NCJRS is a depository of information about common challenges in law enforcement and a source that can tell you what works and doesn't work in law enforcement.

When a captain with the Greeley, CO, Police Department was confronted recently with complaints about his department's response time, he wisely wanted the most up-to-date information about the issue before he began developing a policy response. Understandably concerned about the public's expectations, the captain wanted to enhance his department's ability to respond to nonurgent calls without immediately dispatching a patrol vehicle.

“. . . the National Institute of Justice is dedicated to identifying, testing, and spreading the word about new practical ideas that can help you . . . meet public safety needs.”

National Institute of Justice research and testing on differential response calls-for-service show how a carefully designed alternative response program can bolster efficiency while maintaining citizen satisfaction. Through NCJRS, the officer was able to obtain the needed background information about Institute-sponsored research in the response area. In addition to the Institute's research, he received information from a data base that includes criminal justice research from across the United States and abroad. The NCJRS staff translates 5 languages and collects research results from 22 countries. Among the information the captain received were such publications as *Efficient Use of Police Resources*, *Differential Police Response Test Design*, and *Improving Patrol Productivity*. In addition to the written materials, NCJRS helped him contact the Garden Grove, CA, Police Department, which already had a model response program.

I can identify with the captain. As a senior command officer with the Oakland, CA, Police Department, I found the command staff was frequently asked to formulate new programs, explain official practices, and justify expenditures. Oakland was a town where police policies and practices were under constant scrutiny. The police were besieged by counter-culture groups. For these purposes, we needed the most current information and the most authoritative sources to support our policies. We usually won support, but only as a direct result of being able to state our case, supported by solid facts and a good strategy about what will work.

As a major Federal sponsor of research on criminal justice, the National Institute of Justice is dedicated to identifying, testing, and spreading the word about new practical ideas that can help you and your colleagues in law enforcement meet public safety needs. The Institute serves as a bridge between researchers and practitioners to ensure that policymakers have the necessary knowledge to support their crucial everyday decisions.

Research can help you weigh the range of options available to improve your operations. It will not provide all the answers, but it can provide essential tools to help you do your job more efficiently. By testing what does and doesn't work, research can provide empirical support for policy decisions and budget requests directed to local officials, supervisory boards, and the public. Being persuasive and making a compelling argument is what counts in today's public arena, where budgets are tight and demands and expectations are high.

Many of you already are taking advantage of the NCJRS. It has been a centralized national information clearinghouse for criminal justice since 1971, and it has proven to be an excellent resource for line officers who, in the move to professionalize, are back in school or who are taking courses for professional self-development. Everyday there are more university-trained police officers and executives. The numbers in the last 15 years have increased dramatically. The demands of the job and its growing complexity and sophistication require additional training and further education. NCJRS information specialists are available to help you by providing the bulk of research you might need for a graduate thesis, a

white paper, graduate course work, or a special research project. A collection that includes outstanding publications like the *FBI Law Enforcement Bulletin* enables NCJRS' staff to keep abreast of the field's changing focus and interest areas.

In addition to being a source of scholarly works, NCJRS provides tangible, practical help to the professional under pressure to increase the effectiveness of existing law enforcement programs.

NCJRS is not just books on a shelf and scores of publication titles. It is a vehicle through which you can talk to colleagues in the field who have overcome law enforcement obstacles similar to the ones you may be experiencing. NCJRS information specialists can give you the names and telephone numbers for executives who can share with you what they encountered and what you might encounter if you initiate a particular policy decision. You can find out not only what a study says but also what the information means in practical terms—what the implications might be for your community. Networking or sharing information among colleagues in the criminal justice field is a good way to save time, effort, and money. By checking first with NCJRS, law enforcement officials can find out whether relevant studies addressing specific concerns have already been done, who did them, and how to research the authors.

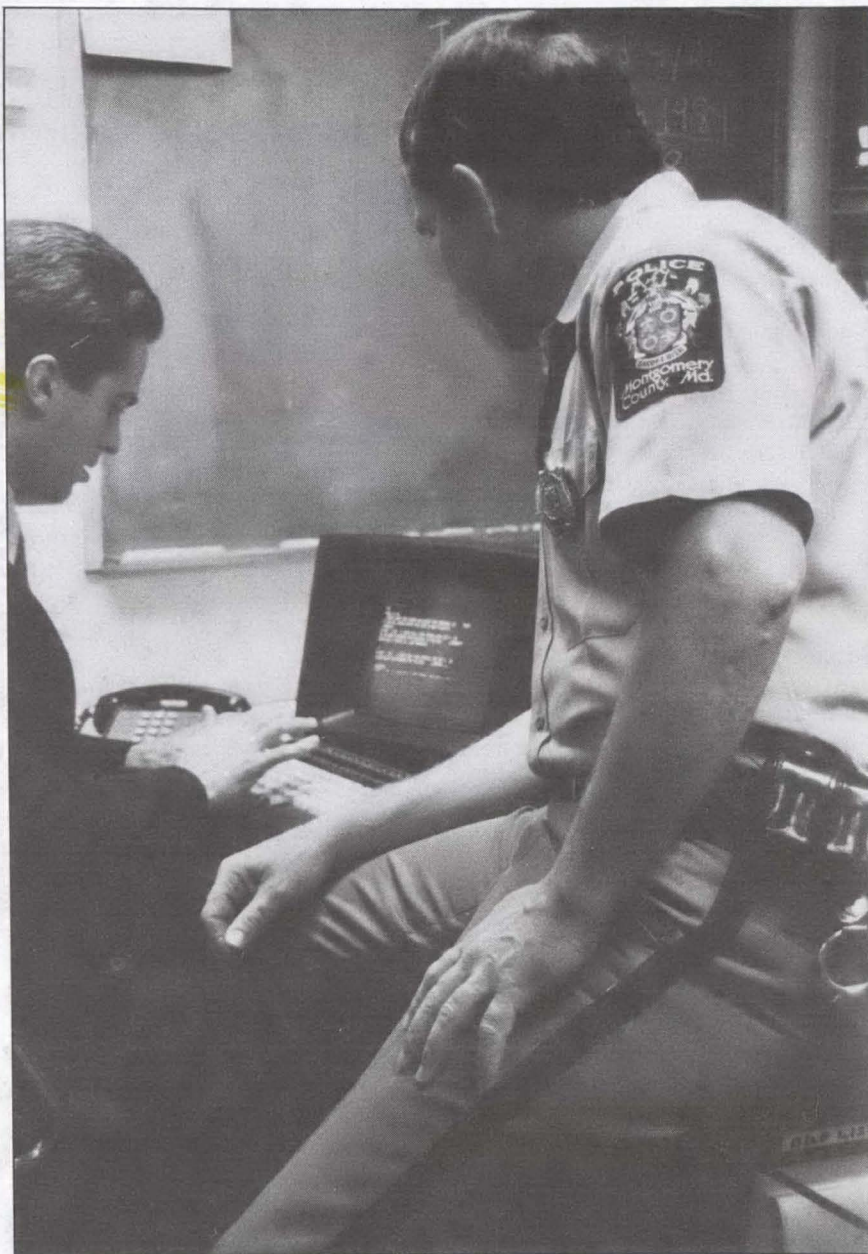
NCJRS provides the latest findings of the National Institute of Justice research through its computerized data base that covers a broad range of criminal justice interest areas.

These areas include law enforcement, crime prevention, corrections, courts, prison and jail crowding, the juvenile justice system, and such specific topic areas as probing the links between drugs and crime, violence in schools, the forensic use of hypnosis, and staff resource development.

The data base currently contains summaries of more than 80,000 domestic and foreign research reports (translated), books, and articles. A bonus of the NCJRS collection is that it gathers such items as local and regional reports, annual reports from other police departments, training manuals developed by specific communities, and other hard-to-find publications.

Law enforcement officers can access the NCJRS data base in several ways—the traditional way, by calling the toll-free number—800-851-3420—or by using DIALOG, a commercial information network available to libraries, or commercially available to those with personal computers.

If you have trouble accessing the data base, or are unfamiliar with the high-tech option, NCJRS is staffed by criminal justice specialists who have a strong background in the field. When you need help, they are there to provide it. When you call NCJRS, ask for one of the three specialists with expertise in the fields of law enforcement, community crime prevention, and corrections. These specialists are knowledgeable about the literature in a wide range of topics, including training, budgeting, recruitment efforts, work schedules, narcotics abuse,



crime rates, and hostage negotiations, among others. They can take your law enforcement challenge and shape it in such a way that your solutions are strengthened by current data, and hopefully, are more persuasive to your governing body. With the background information as ammunition, you stand a better chance of winning support for your proposal and of getting resources committed to a program you know really works.

An example of how NCJRS works is illustrated by a recent call from a sergeant with the San Francisco Sheriff's Department. The sergeant asked for help in improving his department's jail health standards. He needed information on documenting and defining the role his staff should play and the amount of resources and manpower it

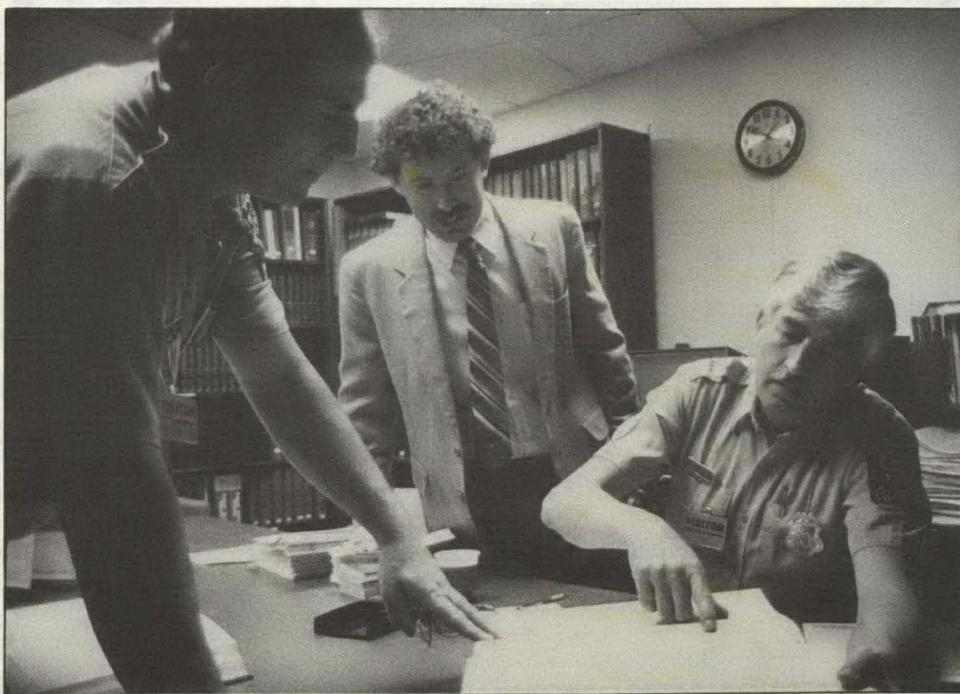
“NCJRS . . . can be one of the foundations to continue building law enforcement’s reputation as a profession . . .”

would take to bring existing standards into line with other departments. Rather than a routine bibliography listing titles of books and articles on the subject, NCJRS information specialists provided a “custom search” of all data in the NCJRS collection on establishing jail health standards. The search—an electronic hunt through the items in the NCJRS document data base—was tailored to the sergeant’s specifications and found information suitable for his department’s size and allocated resources. From this search, he was able to select the documents that were most relevant and then build a solid case for improving existing jail health standards.

A request was also received from the police department in Dennis, MA, for information that would aid in the evaluation of the department’s psychological assessment program. The department ordered a “topical search,” which provided 30 citations from the NCJRS data base and was representative of the available literature in the field.

NIJ Reports

NIJ Reports is a bimonthly journal of important news and announcements on criminal justice issues. Recently redesigned and expanded, *NIJ Reports* includes a news or feature article called “Research in Action,” often written by a leading criminal justice expert. The regular column called “Director’s Notes” provides information on research findings and unfolding new developments that law enforcement professionals need to know so that they can begin to use new research to its fullest benefit. In the column, I try to describe a problem



confronting police and other practitioners and explain how current National Institute of Justice research can mesh with policy needs.

The journal also contains announcements of new readings and areas of concern in criminal justice. Recent issues highlighted such areas as handling on-the-job stress, upgrading criminal justice technology, and evaluating the future of police emergency response systems. Additionally, *NIJ Reports* lists upcoming criminal justice meetings and conferences and new NCJRS products and services. The journal is free to people who register with the reference service.

Books in Brief

The heavy work schedule of law enforcement administrators and other senior staff members leaves limited time to read or even scan every criminal justice book they receive. To help

busy law enforcers glean significant information from a book or report without reading the whole volume, NCJRS offers *Books in Brief*, which provides succinct, 4-page summaries of significant publications. Practitioners get the essence of a research report without the methodological details that appear in the full report. An example of a recently published and available brief is *Computers in Criminal Justice Administration and Management*, which identifies the growing use and broad applications of microcomputers in law enforcement. The brief summary gives you headlines and conclusions without a heavy technical discussion. The brief does discuss new areas where law enforcement can be significantly assisted by using computers. If, after reading the brief, you want to review the technical

report in full, you can order the book. Each book summary also provides additional information sources and readings you may wish to pursue.

NCJRS will publish 12 briefs in 1985, 4 each focusing on law enforcement, juvenile justice, and corrections. The books selected are those considered most useful to a particular audience, such as Federal law enforcement agents and local police. Each brief highlights the most relevant issues, findings, and recommendations of the original book.

Topical Searches

Professionals in the field are often confronted with a specific problem, such as police hiring practices, the use of computers, and issues surrounding the use of deadly force. Materials and resources on the topic can offer much-needed guidance. The NCJRS reference staff will search the data base at your request and provide a comprehensive list of relevant topical reports, articles, brochures, and other literature with brief summaries and information for obtaining the original materials. Prepackaged searches are also available. Among the topical searches that may be of interest to law enforcers are organized crime, computer crime and security, police personnel selection, police and fire consolidation, and psychological screening of police. Customized data base searches are available to respond to a specialized or a local problem.

In addition to its general data base on criminal justice, NCJRS collects specialized information from a variety of Justice Department agencies and maintains the data in one central location. NCJRS houses information in the following areas:

- 1) The Juvenile Clearinghouse offers a full range of products and services for the juvenile justice practitioner. It is supported by the Office of Juvenile and Delinquency Prevention.
- 2) The Dispute Resolution Information Center provides reference services and products aimed at encouraging professionals to use alternative to traditional litigation. It is supported by the Federal Justice Research Program of the Department of Justice.
- 3) The Justice Statistics Clearinghouse provides information on data and reports, as well as statistical research and data collected at the State level. It is supported by the U.S. Bureau of Justice Statistics.

Through NCJRS, the National Institute of Justice is fostering the exchange of information and creating channels of communication among a growing community of law enforcement practitioners. NCJRS staff is ready to help officers, deputies, investigators, and special agents by providing relevant information.

Register with NCJRS

Among other advantages, professionals registered with the NCJRS automatically receive on a regular basis valuable updates and printed information, such as the subscription to *NIJ Reports*. If you are not currently

registered, this is my invitation to do so. Registration applications and additional information on NCJRS services and products are available by calling the NCJRS toll-free telephone line. As a member of a Federal, State, or local law enforcement agency, you'll receive priority treatment. We are deluged by many scholars and students who use the service, but since the National Institute of Justice/NCJRS is designed to support Federal, State, and local law enforcement agencies, just identify your department or agency and you'll receive the priority you deserve.

Due to budgetary requirements, it is now necessary to charge a modest fee to cover the cost of some NCJRS services, but many services are free to priority users such as yourself. A nominal fee conserves Government funds, yet ensures the availability of this important information to practitioners in the field. I believe that people will pay a modest cost-recovery fee for good, useful research that is relevant to their pressing policy questions.

In turn, you can contribute to the growing body of knowledge housed at NCJRS by sharing your crime control experiences, management successes, and ideas for future National Institute of Justice research. Call an NCJRS information specialist, or stop by the NCJRS reading room at 1600 Research Boulevard in Rockville, MD. NCJRS is in business to serve the criminal justice community—it can be one of the foundations to continue building law enforcement's reputation as a profession—please use it.

FBI

FRONTIER JUSTICE

In the Days Before
NCIC

By
ERIK RIGLER
Special Agent
Federal Bureau of Investigation
San Antonio, TX

On the evening of September 19, 1875, Sam Bass, age 24, and five other men robbed the Union Pacific railroad train at a watering station near Big Springs, NE.¹ As a result of this action, two things happened. First, the robbers netted 3,000 newly minted \$20 gold coins, or \$60,000; later, and perhaps more important, Bass found his name and description in the *List of Fugitives From Justice*, a book published by the State of Texas.² According to a Texas Ranger serving during that time, the placing of Sam Bass' name in this book encouraged State police officers to increase their interest in arresting the train robber. The description read simply: "Twenty-five to twenty-six years old, 5 feet 7 inches high, black hair, dark brown eyes, brown mustache, large white teeth, shows them when talking; has very little to say."³

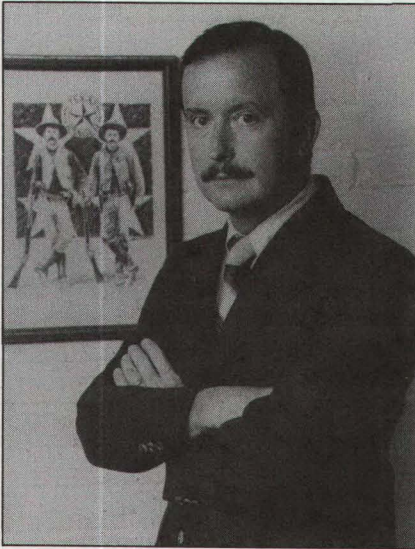
The *List of Fugitives from Justice* was in publication during the latter half of the 19th century in the Lone

Star State. Its contents were a compilation of descriptions of wanted persons as submitted by the State's sheriffs and related law enforcement agencies. The agency distributing the book was the office of the State of Texas' Adjutant General in Austin, and the emergence of the small pamphlet was an obvious response to a stated need of the police officers of Texas. When Sam Bass and his gang hit Texas after the Big Springs robbery, they joined hundreds of other young restless lawbreakers who were seeking their fortunes in a new State while, at the same time, hoping to put their past behind them. Along with some legitimate homesteaders, the crooks took to carving the letters "GTT" (Gone to Texas) on the door of the last homestead.

Texas was a place where a man could get as lost as he chose. When a newcomer committed a robbery or other criminal act in this vast new State, he might suddenly find it con-



Texas Rangers at El Paso, TX, 1869. (Photo courtesy Archives Division, Texas State Library, Austin, TX)



Special Agent Rigler

venient to move to another county and establish residence there, often continuing his criminal career with only the briefest interruption.

Sheriffs became increasingly dissatisfied with this easy life for crooks. To satisfy the desire to bring their man to justice, the sheriffs began sending notification to neighboring sheriffs of warrants issued. For instance, if a man was wanted in one county, the sheriff there would distribute penny postcards by mail to the surrounding counties or to a distant county if he received information that the fugitive had relocated to that spot. This system had its obvious shortcomings. At the suggestion of Maj. John B. Jones, a Texas Ranger serving under Governor Richard Coke, a book containing the compiled list of wanted men was created. A copy of the booklet was then furnished by Major Jones to each Ranger serving in the various Ranger companies throughout the State. At least one Ranger, Capt. Dan W. Roberts, indicated that his men on several occasions discovered their "neighbors" were wanted on "important business" in the counties from which they hailed. Roberts said his men noted carefully the textual descriptions, especially with regard to visible scars, peculiar movement, or unusual speech patterns. He added his men recognized that a man's name "counted only for a starter of his true identity." According to Roberts, his men "all studied the Fugitive List more than the Bible, but always observed the Bible teaching: Thou shalt not steal or commit murder."⁴

With the existence of a list of wanted men, the Texas Rangers had a new duty—apprehensions. Prior to this consolidated system, the Rangers were assigned mostly to frontier battalions to chase Indians, escort wagon trains, and afford protection to the newly arriving Anglo-American settlers. When Sam Bass and his contemporaries began arriving in Texas, the State was still just 30 years old and decidedly rural. The creation of a fugitive list and the use of the Texas Rangers with their "roving commissions" gave the State's 1.5 million inhabitants an important service, since over 90 percent of Texans lived on ranches, farms, and in small communities, frequently with no readily available police protection.⁵

The book containing Sam Bass' name also included the names of over 4,400 other criminals, but the publicity Bass received caused his description to be the most read of all names in that year's book. For a brief period of time, Bass became a celebrity and the subject of a regionally popular ballad.

Following an active crime spree in the Dallas area, including two stagecoach and four train robberies, Bass made a fatal decision to visit Round Rock, TX, just 20 miles north of the Texas Ranger's home encampment at Austin. Only a few days earlier, Bass had spent the last gold coin from the Big Springs robbery in a Waco tavern, saying dejectedly as he did, "There goes the last of the Union Pacific gold pieces, and a lot of good they have done me." An associate of Bass, Jim Murphy, tipped off Major Jones, and Bass was subsequently wounded by a Ranger's bullet while planning a bank robbery in Round Rock. He died 3 days later, on his 27th birthday.⁶



Company E, Frontier Battalion, Alice, TX. (Photo courtesy Archives Division, Texas State Library, Austin, TX)

Sam Bass' friend and fellow robber, Frank Jackson, escaped unhurt that day in Round Rock. Leaving the mortally wounded Bass beneath a tree at the outskirts of town, Jackson made his getaway and was never seen again. Apparently, Jackson's description in the list of fugitives failed to effect his arrest. His wanted notice read: "22 years old, 6 ft. high, slender spare made Keen and active dark swarthy complex black curley hair blue or grey eyes smooth face." The unsuccessful search for Jackson by the Rangers continued for 50 years.⁷

Rewards were often listed in the publications, and the most common amounts ranged between \$10 and \$25; occasionally, a big-name criminal had a higher price on his head. Fingerprint information and photographs were not included, since those industries were still in their infancies in the

post-Civil War years. Rarely did the wanted man have a date of birth listed, since the practice of keeping birth records in the late 1800's in Texas generally involved an entry in a family Bible. In fact, often the wanted man himself was not certain of his own birthday or age.

Lacking efficient law enforcement and offering miles of open territory, Texas became a haven for criminals to hide out in, or in the vernacular of the day, "remain on the dodge." But with the advent of the list of fugitives, Texas at least had a system, such as it was, and many believed it caused the various law enforcement agencies in a large State to draw together to combat a common crime problem. With the mobility of the Rangers to cross county and occasionally State boundaries, the list of fugitives quickly earned the title of "Bible II" with many who studied it religiously.

Occasionally, copies of the booklet surfaced, which is in itself amazing since the original copies may have

acted as kindling for campfires, filled the gaps in the log cabin wall, or even been used as rolling paper for Rangers' smoking habits. Copies of the booklets on file in the Texas State Library contain a bureaucratic listing of those wanted by State and local agencies for murder, theft, robbery, forgery, rape, and all other serious problems of our time and theirs. Each name is followed by a description of the suspect's approximate age, height, weight, and color of hair and eyes. Reward information and supplemental data comprised the remaining space on each fugitive's entry.

In 1875, John B. Armstrong II, son of a McMinnville, TN, physician, came to Texas and was one of those who found his future in the list. His participation in several arrests centered on descriptions acquired from

“The list of fugitives was a response to the hue and cry for action during a time when people perceived a high incidence of criminals fleeing to avoid prosecution. . . .”

Texas Ranger Charles Johnson, 1892 (Photo courtesy Archives Division, Texas State Library, Austin, TX)

the list of fugitives. It was Armstrong who, acting as a Texas Ranger well out of his area of authority and jurisdiction, tapped on the shoulder of a young man riding a train near Pensacola, FL, in August 1877,⁸ and arrested John Wesley Hardin, said to have murdered as many as 44 men. For his part in the arrest, Armstrong collected \$4,000 in reward money, an exception to the normal amount, and used his windfall to buy a ranch in south Texas that exceeded 50,000 acres.⁹

The legality of the list may have been questioned in formal court settings, but records indicate one gunfighter, King Fisher, who held an area of power southwest of San Antonio to the Mexican border, did use an attorney to question the document's ability to act in place of a warrant of arrest. In the early summer of 1876, the Rangers, acting under command of Capt. L.H. McNelly, dispatched Ranger A.L. Parrott, posing as an itinerant photographer, into Fisher's camp. Reporting back to his captain, Ranger Parrott gave details that led to the apprehension of Fisher and his gang, apparently as they prepared for a "fandango" or dance. The well-dressed Fisher and eight others were handcuffed, then lashed to their horses for the long ride to Eagle Pass, TX, to appear in court.

It was Captain McNelly who informed Fisher's wife that should any rescue attempt be staged en route to Eagle Pass, the prisoners would be killed. This was generally known as "la ley de fuga"—the law of flight—



and consisted of shooting escaping or resisting prisoners. Finally, following the arduous trip, they reached the county jail, where McNelly was greeted by Fisher's attorney, who told the men the listing of their names in the fugitive book was "jungle law" and gave no assurance that the reporting agency would follow through with the arrest, transfer, and payment of fees for holding the men. A deputy at the jail then declined to accept the prisoners and McNelly, probably in great displeasure, gave Fisher and his men their guns and their freedom.¹⁰ Prior to releasing the Fisher gang, Captain McNelly was quoted by one of his Rangers as saying to Fisher, "The law might lose now and then. We just did. But the law always wins in the last round."¹¹

The real color of these crime booklets comes through in the supplemental comments section by each wanted person's name. Lacking photographs, exact descriptions, and fingerprints, the lawmen chose to illumi-

nate their wanted men with a new dimension of description:

- Dupree, J.C. considerably pot-gutted.
- Fritts, Joe..... was in trouble with some women in Ft. Worth in 1889.
- Heinzen, Charles A. goes with a box of tools under his arm.
- Moore, George.... has a sister in Houston known as "dancing Eliza."
- Smith, Fred..... heavy growth of hair on hands.
- Warner, Prince a little stoop-shouldered.

The entry for Brazoria County in 1891 listed a warrant for Rose, J.D., who was wanted for assault on murder, with a reward of \$10. Rose is described in this way: ". . . very rest-

less and has a peculiar way of pulling his mustache; movement slow when walking; frequents gambling and drinking houses. He is very witty and one of his favorite expressions when talking is 'Christ, what's the matter with me?'" Apparently, one of the things wrong with this fugitive was that he had a "broken knife blade in his right shoulder."

To read the list of fugitives is to view (and relive, if only vicariously) a section of our history—to see the times, the men, and their crimes. In Wharton County, the crime recorded for Kerr, J.S., was theft of two bales of cotton. He stammered badly. In Hidalgo County, a man thought to be a murderer and gambler was no longer available for capture by traditional law enforcement tactics, having fled to Mexico. In Tarrant County, a man wanted for the crime of forgery was known to be crippled in one hand. Could this be interpreted as punishment for a prior offense? Others listed a variety of ailments: "Joe Henry Tucker's right arm has been disabled by pistol shot and carries it by side." "J.P. Allen walks on toes of right foot." "Rob Clark has scrofula on side of left leg." "Manuel Perez is gotch-eyed." Jesse Runnels merely had a "sleepy look." One desperado's description included "his toes incline to be crumpled."

Some of the occupations of that time seem to have lost their place in our era's job descriptions. While we all know of cowboy, carpenter, teacher, and banker in our fugitives of today, who among us can boast of an arrest involving a bronc buster, dive lounge, shingle buncher, hostler, freebooter, tinner, or tout? Apparently, these trades have been all but elimi-

nated in the transition to our complex society.

Personal traits almost never find their way into the computer entries of today, as they did on the 1900 entry for Johnson, Harry, alias "Texas Harry," wanted on theft: "Age 27 years, height 5 feet 6 or 7 inches, weight 140 pounds, color white, complexion fair, eyes blue, hair light. Eats

Descriptions of Bygone Days

Roman nose
Bug eyes
Catfish jaw
Good scribe
Dutch legged
Tolerabley (sic) tall
Wharf rat appearance
Inclined to be florid
Uses quilt
Peculiar walk
Gotch eyed
Loose walk
Has pleasant countenance
Sneaking look
Knee sprung
Tallest man in Texas
Slick duck
Dudeish
Gapes while talking
Follows phrenology
Eyes snap

glass; sticks pins in his person; found around dives and variety shows."

Or consider the description and traits of Brazleton, Shade I., wanted for murder: "Height 5 feet 10 inches, slender, hair black, age 45 years, black mustache and goatee. Front teeth badly decayed and some show gold plugs; dissipated; very talkative and always wants to bet on horse-races when drinking."

Language abilities themselves

were not uniform in the late 1800's, either among policemen or criminals. One listing gave the fugitive a description as "bold in speech but not loquacious," while Brown, William P., was apt to use the word "pertators" instead of potatoes.

Some county sheriff's listings were proof that they were men of few words, in keeping with the "strong, silent type" image of the pioneer sheriff. In the 1900 Brown County listing provided by a sheriff, the description of the fugitive Pinson, L.W., stated only "horse theft. Color white." A few of the listings, such as this one for Burnett County in the same booklet, display the opposite tendency on the part of the sheriff: "Odle, John D.—Murder. Color white, age 26 years, weight 175 pounds, beard nearly red, height 6 feet, complexion light, occupation cowboy and horse-breaker, hair dark sandy, eyes bluish grey, mustache nearly red, nose long and thin, chin long and sharp, face rather on hatchet order, foot No. 6 or 7 boot, build slender, long body, forehead high. Indicted 1885. Is apt to have sore lips; large mouth; deep sunken eyes; has a scar between eyes that runs half around and over left eye, also scar on inside of one leg, made by an axe; walks stooped; rides erect, but 'all over' his horse; remarkably good rider."

It is a different Texas now. The 1985 population of Texas is 10 times greater than when Sam Bass roamed the State. The small towns he visited are now suburbs of the cities of Dallas, Fort Worth, and Austin. The locations of his secret wooded hideouts are paved lots for shopping centers. There are still 90 Texas Rangers, their small numbers indicating the elite

“The ‘before computer,’ pre-NCIC officers are dwindling in numbers and disappearing from our ranks with each office retirement party and goodbye handshake.”

nature of the oldest law enforcement agency in the United States. But their work, like the State, has changed.

If Texas is different now, police officers are different as well. The frontier is gone, and with it, some of the color. A man wanted for robbery in Houston may be stopped by a highway patrol trooper near El Paso, some 750 miles away. With the help of his radio and a computer to which he is linked, the trooper may have the man in handcuffs within seconds.

It doesn't seem to matter much that the robber appears “sullen” or “seldom looks at you when talking.” Our officers rarely check to see if a man “squints” or “wears a size 6 shoe” or has “high cheekbones.” The computers of today would have difficulty accepting, much less understanding, the entry for Perry, H.M., wanted in Waller County for the theft of two mules: “Left Hempstead driving a two horse wagon; had with him his wife and five children, four girls and one boy; supposed to be making for East Texas or probably Arkansas, as he came from there to this place about the first of January.”

The list of fugitives was a response to the hue and cry for action during a time when people perceived a high incidence of criminals fleeing to avoid prosecution—just as the National Crime Information Center (NCIC) came into being because the need was there and the technology was available.

Today's National Crime Information Center (NCIC), like the Texas *List of Fugitives From Justice*, is also concerned with wanted persons; it contains the description of persons for whom a warrant is outstanding in con-

nection with a specified felony or serious misdemeanor offense. Other areas of data contained in the NCIC include stolen property, missing persons, unidentified persons, an index of Federal and State criminal history records, and the Canadian Warrant File.

Even in today's computer era, whenever a hit is made as a result of



Texas Ranger, 1880. Drawing by Jose Cisneros, from Riders Across the Centuries, by Jose Cisneros and John O. West, Texas Western Press of the University of Texas at El Paso, 1984.

an NCIC inquiry, the agency making the inquiry must contact the originating agency of the record possibly identical with the person or property in question to confirm the warrant is still outstanding, is the person or property identical, and to obtain extradition information or information regarding the return of the property.

Those policemen, sheriffs, and Texas Rangers who served in the pre-

1900's are gone; their stories remain only in the few books written about their era. Just as their times were filled with interesting events, cases, and criminals, so are ours. The “before computer,” pre-NCIC officers are dwindling in numbers and disappearing from our ranks with each office retirement party and goodbye handshake. They could still tell us a lot.

The *List of Fugitives from Justice* is no longer used in Texas. Progress exacts a price. **FBI**

Footnotes

¹ Walter Prescott Webb, *The Texas Rangers* (Austin, TX: University of Texas Press, 1935), p. 373.

² James B. Gillett, *Six Years with the Texas Rangers* (New Haven, CT: Yale University Press, 1925), p. 114.

³ *Ibid.*, p. 111.

⁴ Dan W. Roberts, *Rangers and Sovereignty* (San Antonio, TX: Wood Printing and Engraving, 1914), p. 39.

⁵ *Texas Almanac 1984-1985* (Dallas, TX: Belo Corporation), p. 338.

⁶ Dora Neill Raymond, *Captain Lee Hall of Texas* (Norman, OK: University of Oklahoma Press, 1940), pp. 147-165.

⁷ William Warren Sterling, *Trails & Trials of a Texas Ranger* (Norman, OK: University of Oklahoma Press, 1968), p. 489.

⁸ Wayne Gard, *Frontier Justice* (Norman, OK: University of Oklahoma Press, 1949), p. 227.

⁹ Spencer Pearson, “Armstrong Ranch is rich in tradition history,” *Corpus Christi, Texas Caller*, Feb. 24, 1985, p. 1D. (The ranch is still family property now owned by Tobin and Anne Armstrong, the latter a former ambassador to Great Britain for the U.S. Department of State).

¹⁰ O.C. Fisher with J.C. Dykes, *King Fisher: His Life and Times* (Norman, OK: University of Oklahoma Press, 1966), pp. 77-81.

¹¹ George Durham, as told to Clyde Wantland, *Taming the Nueces Strip: The Story of McNelly's Rangers* (Austin, TX: University of Texas Press, 1962), p. 147. (Apparently, the Ranger captain had an ability with words. He once replied to a U.S. military officer who had ordered him out of Mexico: “I shall remain in Mexico with my rangers and cross back at my discretion. Give my compliments to the Secretary of War and tell him and his United States soldiers to go to hell. Signed, Lee H. McNelly, commanding.” In the case of King Fisher, while McNelly's words may have had some effect, they did not save Fisher's life in a San Antonio saloon fight in 1884. Captain McNelly preceded Fisher by succumbing to tuberculosis in 1877).

Firearms Tracing

A Crime-fighting Weapon

By

TOM HILL

*Public Information Specialist
Bureau of Alcohol, Tobacco & Firearms
Washington, DC*

On March 30, 1981, President Ronald Reagan was shot while leaving a Washington, DC, hotel. Secret Service agents immediately arrested the assailant and recovered the handgun used in the shooting. Within minutes, the National Firearms Tracing Center of the Bureau of Alcohol, Tobacco and Firearms (ATF) was contacted to run a trace of a Roehm, model RG14, serial number L731332. From a telephone call to the manufacturer in Miami, FL, it was learned the handgun was made in 1980 and shipped to a North Carolina wholesaler. The wholesaler's records showed the handgun had been sold to Rocky's Pawn Shop in Dallas. A subsequent check of the pawn shop's records revealed the gun had been sold on October 13, 1980, to a 25-year-old who identified himself as John Hinckley, Jr. It took 14 minutes for ATF to trace the handgun from the manufacturer to the suspect arrested. Not all traces are as spectacular as this one, but many traces do assist in solving crimes.

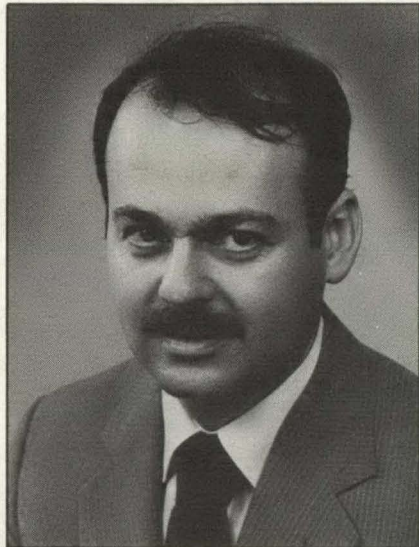
Since 1972, ATF has provided firearms tracing, free of charge, to all Federal, State, and local law enforcement agencies. This service is not restricted by the boundaries of the United States; it is also available to international police agencies such as the Royal Canadian Mounted Police and Scotland Yard.

The success of any trace depends on the cooperation of firearms manufacturers, importers, wholesalers, and retail dealers who provide ATF with the information needed to perform the trace. However, as one firearms control supervisor for a gun manufacturer stated, "We see tracing as an important part of our business and we feel that the capability to efficiently trace weapons goes a long way toward helping law enforcement agencies ensure public safety." Through its licensing authority, ATF is the only Federal agency authorized access to records of manufacture, importation, or sale.

ATF routinely traces firearms used to commit crimes from the manufacturer to the last retail purchase. From the information obtained by the trace, such as name, address, physical description, and age, the investigator has a starting point from which to track the suspect.

ATF has developed contacts with gun manufacturers throughout the United States, Europe, South America, and Asia. When a request to trace a firearm is received from a law enforcement agency, ATF personnel contact the manufacturer and give the description of the firearm in question. When possible, since all firearms are not traceable due to age, the manufacturer supplies ATF with the name and address of the wholesaler/importer to obtain the retailer's name and address. This process continues until no further trace is possible. Many times, a trace may go no further than the manufacturer (because the firearm is untraceable), but it may also lead to the perpetrator of a crime.

**"Tracing has become increasingly successful as a tool
in investigations of narcotics traffickers."**



Mr. Hill



Stephen E. Higgins
Director, ATF

A frequent result of ATF traces is the return of a stolen firearm to its lawful owner. It is not uncommon for the tracer to determine that a firearm had been stolen but was never reported to the police or was reported but not entered in the stolen gun file.

Tracing has become increasingly successful as a tool in investigating narcotics traffickers. ATF, as well as other Federal and State agencies, use firearms tracing to aid them in both investigative and prosecutive stages of cases involving illegal drug distribution. A prime example of this is seen in ATF's participation in the President's Organized Crime Drug Enforcement Task Forces, set up in 13 regional task force core cities. Since the inception of this effort approximately 18 months ago, ATF has developed 146 criminal cases involving 210 defendants and the seizure of 1,171 firearms, including fully automatic weapons and silencers. Firearms traces have identified narcotic dealers (foreign and domestic), associates, and accomplices, as well as those who also illegally traffic in firearms.

The significance of this service is shown in the following successful traces:

On October 22, 1984, in Mesa, AZ, a police detective requested ATF's assistance in tracing a firearm which had been left behind at the scene of an attempted rape. The detective advised that they had a suspect in custody, but that the suspect denied owning any firearm. Two days later, ATF identified the recovered gun as being purchased by a California resident. The information obtained confirmed that the gun purchaser was the suspect in custody.

The trace of a weapon recovered at the scene of a robbery in Austin, TX, led to the identification and arrest of a suspect. The firearm was located in the alleyway behind the victim's establishment and was traced to a retail outlet in Brownsville, TX. A check of the store's records revealed the suspect was the person who purchased the firearm.

On October 17, 1984, the St. Paul, MN, Ramsey County, and Drug Enforcement Agency (DEA) narcotics task force requested the trace of 11 firearms seized from the residence of a narcotics violator during the execution of a search warrant for evidence of drug violations. On October 26, 1984, it was determined that most of the firearms were untraceable due to their age or their sale at estate auctions. One 12-gauge pump shotgun traced to a suburban area of St. Paul, MN, entered Minnesota in 1978. Contact with the last known owner of the firearm revealed that the firearm and four others had been stolen in a house burglary in March 1984. All five firearms recovered during the search had been reported stolen to the local police, but no serial numbers were available for entry into the stolen gun file. As a result of the gun trace, additional felony charges are being brought against the narcotics violator for receiving and concealing stolen property.

On November 14, 1984, in response to a request for assistance from the Corona Police Department, ATF traced a .22-caliber magnum revolver believed to be the weapon used in four murder/robberies in the Orange

“Tracing is an important investigative tool in solving a variety of crimes involving firearms.”

County area. The firearm trace revealed that the weapon in question had been stolen on October 13, 1984, from a Santa Ana gun store. The gun dealer stated that a male subject entered his store and requested to look at the .22-caliber magnum, then fled the store with the firearm. A photo of a suspect in the murders was shown to the gun store owner who identified him as the individual who ran from the store with the firearm.

Since 1972, the National Firearms Tracing Center has traced over 500,000 firearms with over 50 percent of all traces being requested by State and local law enforcement agencies. In fiscal year 1984, ATF received over 37,000 requests. A prior evaluation of successful traces revealed that 81 percent were of some value to law enforcement. Even more significantly, 54 percent aided in solving a crime or assisted in apprehending or indicting suspects.

Few industries can boast of providing more assistance and cooperation to law enforcement in the fight against crime and violence than firearms manufacturers, wholesalers, and retailers. Tracing is an important investigative tool in solving a variety of crimes involving firearms.

FBI

Another Decline Recorded in Police Officer Killings

The number of law enforcement officers killed feloniously in the line of duty in the United States and its territories decreased for the second consecutive year, according to preliminary 1984 Uniform Crime Reporting figures. The number of officers killed totaled 72, down from 80 in 1983 and 92 in 1982. Thirty-four of the victims were city police, 24 were county officers, 13 were employed by State law enforcement agencies, and 1 was a Federal officer. Law enforcement agencies have cleared 63 of the 72 slayings.

Firearms were the weapons employed in 66 of the killings. Handguns were used in 46 of the murders, rifles in 9, and shotguns in 11. Of the 6 remaining victim officers, 2 were killed with knives or cutting instruments, 2 with personal weapons (hands, fists, feet, etc.), 1 by asphyxiation, and the other was deliberately struck by a vehicle.

Thirty-five officers were attempting to apprehend or arrest suspects when slain. Among those 35, 8 were attempting to thwart robberies or were in pursuit of robbery suspects, 4 were involved in drug-related situations, 2 were responding to burglaries, and 21 were attempting arrests for other crimes.

Ten victims were killed while investigating suspicious persons or circumstances, 8 while enforcing traffic laws, 8 upon answering disturbance calls, and another 8 were ambushed. Three officers were murdered while handling or transporting prisoners.

Geographically, 37 officers were killed in the Southern States, 13 in the Western States, 10 in the Midwestern States, 10 in the Northeastern States, and 2 in Puerto Rico.

Emergency Entries to Arrest

Developments Since *Payton*

(Conclusion)

“... the time necessary to obtain a warrant is clearly relevant to a determination of whether circumstances are exigent.”

By
MOLLIE T. JOHNSON
*Special Agent
FBI Academy
Legal Counsel Division
Federal Bureau of Investigation
Quantico, VA*

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

Part I of this article reviewed the Supreme Court's decisions in *Payton* and *Steagald*. In *Payton*, the Court held that as a general rule, an arrest warrant is necessary to enter a suspect's premises to arrest him; whereas in *Steagald*, the Court held that when third party premises are involved, a search warrant is necessary. Both cases recognized that exigent circumstances would constitute an exception to these rules. Part I began an analysis of the factors which courts have considered when determining the existence of exigent circumstances to justify warrantless entries. Specifically, the gravity of the offense, the time between the establishment of probable cause and the arrest, and entries to prevent the destruction of evidence were reviewed. Part II completes the analysis by examining four additional factors.

Likelihood of Escape—"Hot Pursuit"

Prior to the *Payton* and *Steagald* decisions, the Supreme Court had also recognized "hot pursuit" of a suspect as an exigent circumstance which would justify a warrantless entry into premises.⁴⁹ In *Warden v.*

Hayden,⁵⁰ police officers, acting without a search or arrest warrant, entered a house to arrest an armed robbery suspect who had been observed entering only minutes before. The Supreme Court upheld the warrantless entry and search as reasonable because to delay the entry would have endangered the lives of the officers and others and would have allowed the suspect time to effect his escape.⁵¹ The Court described speed as being essential.

Similarly, in *United States v. Haynie*,⁵² the U.S. Court of Appeals for the Fourth Circuit found that the warrantless entry of a residence was justified under the hot pursuit doctrine. In July 1977, the police in Hanson MA, received an anonymous tip that there was going to be a large drug drop at the residence of Mr. and Mrs. Bizier on 437 McQuan Street that night and the officers should note the position of the cars in the driveway. The police placed the Bizier residence under surveillance and noted that two vehicles were parked on the property in such a way that two more vehicles could enter and park between them. During the course of the surveillance, police observed Bizier on several occasions leave the house and look up and down the street. Later that night,



Special Agent Johnson

two vehicles arrived together, backed into the Bizier's driveway, and parked side by side. The police observed the drivers exit the vehicles and momentarily confer near the trunk of a white Duster. One person then restarted the white car and backed it further up the driveway to the corner of the garage. Four individuals were observed to then walk behind the house. Several minutes later, three returned to the white car and opened the trunk. One officer heard a rustling sound. The officers then walked to the driveway to arrest the suspects. As they approached, the trunk was shut. The officers noticed the smell of marijuana emanating from the trunk, and one officer noticed a substance which he believed to be marijuana on the rear bumper of the vehicle. Realizing that one of the four men was missing, one of the officers then proceeded to the house, entered, and arrested the fourth suspect inside the Bizier residence.

The court found that inasmuch as a large-scale narcotics operation was occurring and the fourth suspect had disappeared, the police were justified in entering the house without a warrant in "hot pursuit" of the suspect. The court stated that speed was essential for both the apprehension of the suspect and for the safety of the officers, and thus held that the evidence which was found in plain view during the protective sweep of the residence was admissible.⁵³

Although the doctrine of hot pursuit gives rise to visions of an extended chase through the streets, courts have recognized that the pursuit can be just a momentary occur-

rence in time. For example, in *United States v. Martinez-Gonzalez*,⁵⁴ a DEA agent who had previously arrested a woman named Sanchez for involvement in a cocaine trafficking operation observed her in a vehicle with an unidentified male. She was temporarily detained and was subsequently arrested for violation of the immigration laws. In her purse the agents found a rent receipt for Apartment 7-F, as well as keys for Apartment 5-M. A consent search of Apartment 5-M revealed traces of cocaine and marijuana, as well as a weapon and currency. The agents, believing that Apartment 7-F might be a "stash pad," determined from the superintendent that Apartment 7-F had been rented a month before by Sanchez and a young Hispanic male, that only a folding cot had been moved into the apartment, and that the man was observed carrying several very heavy flight bags into the apartment. The agents contacted an assistant U.S. attorney in an attempt to obtain a search warrant for the apartment but were unable to do so because of the lateness of the hour. While maintaining surveillance of the apartment, the agents observed Martinez, the lessee of the apartment, approach. When they confronted him and identified themselves, Martinez ran into the apartment and locked the door.

The U.S. Court of Appeals for the Second Circuit concluded that at the time the agents approached Martinez, they had only reasonable suspicion justifying a temporary stop. When he fled, however, based on all the circumstances, the agents then had probable cause to arrest him.⁵⁵ The court thus found that the warrantless entry was justified based on exigent circumstances which included hot pursuit and preventing the destruction of

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evidence. The court stated that Martinez could not retreat into the apartment to thwart an otherwise lawful arrest.⁵⁶

Hot pursuit of a suspect is an exigent circumstance that in and of itself will ordinarily justify the warrantless entry, inasmuch as time is of the essence. There must, however, be some close proximity between the occurrence of the crime and the warrantless entry.⁵⁷

In addition, warrantless entries have been justified by the courts, even where there is no hot pursuit, in order to prevent the escape of a suspect. In *United States v. Acevedo*,⁵⁸ DEA agents arrested Acevedo's associate, Ramos, after a narcotics transaction. Ramos then identified Acevedo as his heroin source and gave the agents the apartment number where he could be found. When a warrantless entry failed to locate Acevedo in that apartment, Ramos suggested another apartment in the same building where Acevedo had previously resided. Agents arrested Acevedo without a warrant in the second apartment.

The Seventh Circuit Court of Appeals upheld the warrantless entry to arrest based on the risk that Acevedo would escape during the time necessary to return with a warrant. The court reasoned that inasmuch as Acevedo's accomplice had been arrested and would not return with the proceeds, Acevedo would, in all likelihood, have been tipped off to the events at hand. Furthermore, the court found that although there were numerous agents at the scene, their ability to protect against Acevedo's escape was impeded by their incomplete knowledge of the building's layout and possible exits for escape.

In view of the above, the court found that exigent circumstances existed.⁵⁹

In the absence of hot pursuit, it will be necessary that officers show the courts that other exigent circumstances existed—e.g., the suspect was alerted to the presence of the officers, the building could not be secured, or that threats to evidence or to the safety of police or the public prevented the obtaining of a warrant.

Safety of Law Enforcement Officers and/or the Public

Another well-recognized principle that may justify a finding of exigent circumstances is danger to arresting officers or the public from a suspect. In *Warden v. Hayden*,⁶⁰ the Supreme Court stated:

“The Fourth Amendment does not require officers to delay in the course of an investigation if to do so would gravely endanger their lives or the lives of others. Speed . . . was essential . . .”⁶¹

Courts, in numerous recent cases, have found that the safety of the police, informants, and/or the public were important factors justifying the finding of exigent circumstances.

In *United States v. Hultgren*,⁶² an informant's transmitter abruptly ceased operation during a narcotics buy. Moments later, DEA agents entered the residence without arrest or search warrants. The U.S. Court of Appeals for the Fifth Circuit held that the unexplained failure of the transmitter raised the possibility of danger to the informant and the destruction of evidence if entry into the house was not promptly effected.

In *United States v. Farra*,⁶³ DEA agents arrested several suspects after a cocaine transaction. At approximately midnight, during the purchase negotiations, one of the suspects gave an undercover agent 5 grams of cocaine and told him that the remainder of his cocaine was at a Manhattan hotel. At his arrest, which occurred shortly after 1:30 a.m., a Ramada Inn room receipt was found. Another suspect who was arrested also had a Ramada Inn room receipt. The agents went to the Ramada Inn to secure the rooms and prevent the removal or destruction of evidence. Upon arriving at the hotel, the manager told the agents that the registrants of the rooms in question had moved to two other rooms earlier. At approximately 3:00 a.m., the agents proceeded to Room 320, where they observed light coming from under the door and heard an agitated discussion in Spanish taking place in the room. When the agent knocked on the door and announced his identity, the agitated conversation was augmented by the sounds of much stirring about and the slamming of drawers or doors. The agents opened the door with a passkey and saw 22 pounds of cocaine in an open flight bag.

The evidence was suppressed at trial; however, on appeal, the U.S. Court of Appeals for the Second Circuit held that exigent circumstances justified the entry. Upon arriving at the hotel, the agents learned of the suspicious changing of rooms, which the court noted was a common technique used by people seeking to avoid detection. In addition, the court noted that the agents knew an unidentified collaborator of the suspects had not

yet been arrested, that his whereabouts were unknown, and also that the hotel management had temporarily blocked access to the third floor in order to protect other hotel guests, a situation that could not have been maintained for long. The court concluded that if the agents were forced to remain in the hallways until they were able to obtain a warrant in the middle of the night, there was a substantial risk that other innocent patrons at the hotel would be harmed or significantly inconvenienced.⁶⁴

In *United States v. Burgos*,⁶⁵ Alcohol, Tobacco and Firearms (ATF) agents received information that an individual named Kasha had purchased 192 weapons in a 7-month period without the proper firearms permit. The agents observed Kasha transfer two large boxes filled with arms to Burgos, and Burgos later was assisted by an unidentified man at his residence while unloading the weapons from his vehicle. The agents were unaware of the number of weapons or people located inside Burgos' residence when they entered to effect his arrest. The Court of Appeals for the 11th Circuit found that the warrantless entry was justified in that it was reasonable to conclude that the residence was an arsenal. The court stated that the threat of injury to the neighborhood and the arresting officers excused the agents' failure to obtain a warrant before the arrests. Furthermore, the quick action increased the likelihood that no one would be injured.

These cases clearly illustrate that courts are quick to find the existence of exigent circumstances if facts exist which indicate the likelihood of danger to either the police or the public.

Prior Attempts to Obtain a Warrant

Courts have long noted that the delay or inconvenience caused by attempting to obtain a warrant does not by itself justify bypassing the warrant requirement of the fourth amendment.⁶⁶ When examining the government's claim of exigent circumstances, consideration is given to whether law enforcement officers made reasonable efforts to obtain a warrant prior to entering private premises.

Courts have recognized that the time necessary to obtain a warrant is clearly relevant to a determination of whether circumstances are exigent.⁶⁷ In response to this problem, various legislatures have established procedures whereby law enforcement officers can obtain warrants by telephone. For instance, Federal magistrates are authorized under Rule 41(c)(2) of the Federal Rules of Criminal Procedure to issue search warrants based on telephone communications. The legislative history of that provision reflects that an important purpose for the rule was to encourage law enforcement personnel to obtain warrants.⁶⁸ As a general rule, in those jurisdictions where the procedure is available, trial courts now consider the time needed to obtain a telephonic warrant when assessing the urgency of a situation.⁶⁹ Although warrants obtained by telephone generally take less time to procure than traditional warrants based on a written affidavit, the time required for a telephone warrant will vary from case to case.

In *United States v. Baker*,⁷⁰ the district court found that 1 hour and 15 minutes was abundant time to obtain a telephonic warrant in that district and held that the evidence should be suppressed because the Federal

agents did not even attempt to obtain a telephonic warrant. In *Baker*, DEA agents arranged for the purchase of drugs at a suspect's home. The suspect subsequently changed his mind about the location of the transaction and sent his girlfriend to deliver the drugs to another person's home. The agents arrested his girlfriend when she arrived with the drugs and then drove to the suspect's home. Without a warrant, the agents entered and arrested the suspect and searched him and his home. The court held that exigent circumstances did not excuse their failure to obtain a warrant because there was adequate time to procure one by telephone. Rejecting the Government's unsupported assertion that obtaining a warrant by telephone would have taken almost as long as obtaining one in person, the court explained:

"At 3:00 p.m. or a few minutes thereafter, the agents had probable cause to arrest [the suspect], and they had reasonable grounds to believe that he might become alarmed and destroy evidence in his home and flee if [his girlfriend] did not return to his home by about 4:45 p.m. Deducting the 25 to 30 minutes time required to travel . . . to [the suspect's] home, the agents still had nearly an hour and 15 minutes left in which to seek and obtain a warrant. This was inadequate time to travel to Des Moines to get a warrant, but it was abundant time in which to seek and obtain a warrant from a federal magistrate by telephone."⁷¹

“. . . law enforcement officers should avoid the appearance that they created the exigency in an attempt to enter private premises without a warrant.”

In *United States v. Steagald*, the Supreme Court noted that a telephonic search warrant would provide an alternative to a traditional warrant based on a written affidavit, if a magistrate was not located in close proximity.⁷²

The courts have noted that there will be situations where the exigencies are so imperative that even the shortest possible delay in obtaining a warrant will be precluded.⁷³ For example, in *United States v. Hultgren*, the court held that the abrupt failure of the informant's transmitter during a narcotics transaction and the apparent threat to his safety created exigent circumstances which would have made even a telephonic warrant impracticable.⁷⁴

In *United States v. Berick*,⁷⁵ DEA agents, upon receipt of informant information, located Berick's rural residence where a methamphetamine laboratory was believed to be in operation. A surveillance was instituted at the location at approximately 4:00 p.m. At approximately 5:00 p.m., an undercover agent met with a man who stated that he was a chemist and manufactured methamphetamine but that he was having trouble with the crystalization process. He agreed to sell the undercover agent methamphetamine oil which he would obtain from his lab and return in 30 to 40 minutes. The chemist, Culver, and his wife returned with the oil at approximately 6:00 p.m. and were immediately arrested. DEA agents learned that there were four people still at the lab and that Culver and his wife were expected to return very shortly. This information was transmitted to agents

maintaining the surveillance of the laboratory. Several minutes later, the agents at the scene entered the mobile home and shed (where the lab was located) and arrested the four individuals. Guns and other evidence were secured. Four hours later, the mobile home and lab were searched pursuant to a search warrant. At trial, the district court concluded that exigent circumstances justified the warrantless entries.

The U.S. Court of Appeals for the Fifth Circuit determined that exigent circumstances existed because probable cause that the premises were a laboratory did not arise until approximately 6:00 p.m. In addition, since the Culvers were expected to return very quickly, the remaining four occupants would have been alerted and either fled or destroyed evidence. The court also noted that since it was almost night and the remaining occupants were known to be armed, there was legitimate concern for the safety of the agents and the public. The court concluded that the circumstances were exigent and even resort to a telephonic warrant was excused.⁷⁶

Law enforcement officers should be conscious of the availability of telephonic warrants in their jurisdictions, and when assessing the exigencies of a situation, telephonic warrants should be used, if feasible. When a telephonic warrant procedure is available but not used, courts will examine the circumstances surrounding the warrantless entry with close scrutiny.

Was the Exigency Created by the Government?

In determining whether exigent circumstances justified a warrantless entry, courts will examine the nature and origin of the exigency. A warrantless entry to arrest or search may not

be justified on the basis of exigent circumstances which are created by the government itself.⁷⁷

In *People v. Wilson*,⁷⁸ at approximately 9:00 p.m., police received a call from a North Chicago Holiday Inn regarding the possible theft of a lamp from a particular room. The police went to the hotel and accompanied the security guard to the room. They knocked on the door but received no response. The officers left and instructed the security guard to call them when the occupants returned. Later, the hotel security guard entered the room with the passkey and confirmed that the lamp was missing. In addition, he saw a knife on the floor, bloody rags and cotton wads, a syringe, and a bottle of clear fluid. At approximately 11:00 p.m., the security guard called the police when he saw the two occupants of the room return, accompanied by two other individuals. When the police arrived, the security guard told the officers that he would sign a complaint against the occupants for theft. He also told the officers about the other objects that he had seen in the room. The officers and security guard went to the room where the security guard knocked on the door, identified only himself, and asked to speak with the occupants about the missing lamp. As the door began to open, the officers stepped in front of the door. One suspect shouted, "It's the police," and tried to close the door while the other suspect moved toward the bathroom. The police entered the room, found packets containing heroin, and arrested

the two occupants. At trial, the warrantless entry was justified on the grounds of exigent circumstances. On appeal, the Appellate Court of Illinois, Second Circuit, reversed and concluded that the exigency was created by the officers when they remained out of view until the occupants opened the door for the security guard. The court stated that no attempt was made to get an arrest warrant for the theft and that the purpose of proceeding to the room to further investigate the theft was merely a pretext used to induce the exigent circumstance which did, in fact, occur with regard to the drug-related activities.⁷⁹

Another illustration of what courts might consider a police-created emergency is found in *People v. Klimek*.⁸⁰ Police responded to a disorderly conduct call wherein neighbors complained about the noise made by Klimek, the occupant of a downstairs apartment. They said they would file a complaint. Before the complaint was filed, the officers went to Klimek's apartment and knocked and announced their identity. A woman responded, and the police informed her of the complaint the neighbors planned to sign and asked to speak with Klimek. The woman opened the door, entered the hallway, and told the police they could not enter the apartment. She said that Klimek was ill and could not come to the door. The woman began to reenter the apartment, and a male voice from inside shouted that the police could not come in. The officers then forcibly entered the apartment, found marijuana in plain view, and arrested Klimek.

The Appellate Court of Illinois, Second Circuit, reviewed the trial court's suppression of the evidence. The appellate court noted that when one of the officers had positioned his foot across the threshold of the door, he had made an unlawful entry. The court stated that the subsequent entry to prevent further harm to the officer could not be justified as this was a classic case of a police-created exigency. The court found no additional factors which would justify the warrantless entry, inasmuch as this was a nonviolent crime and there was no reason to believe Klimek was violent or armed just because he was hostile.⁸¹

In order to use the exigent exception, law enforcement officers should avoid the appearance that they created the exigency in an attempt to enter private premises without a warrant.

CONCLUSION

In the aftermath of the *Payton* and *Steagald* decisions, there was considerable concern in the law enforcement community about the impact of the warrant requirement on entries of private premises to make an arrest. This concern existed even though the Supreme Court noted in *Steagald* that few situations would require search warrants because of the presence of exigent circumstances.

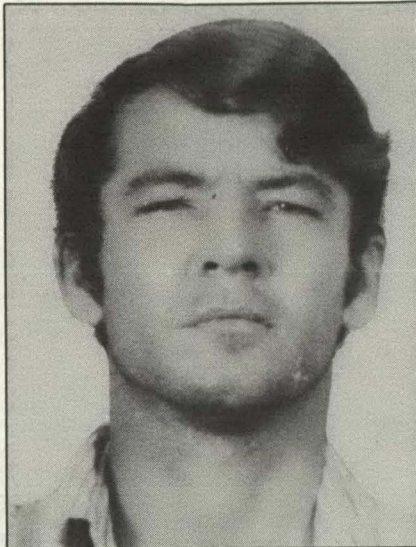
The cases that have been examined in this article confirm that view and provide some guidance as to the factors which the courts have considered in justifying warrantless entries. Law enforcement officers should be aware of these factors so that when they arise and warrantless entries become necessary, the justifications can be accurately communicated to the courts.

Footnotes

- ⁴⁹ *United States v. Santana*, 427 U.S. 38 (1976); *Warden v. Hayden*, 387 U.S. 294 (1967).
⁵⁰ 387 U.S. 294 (1967).
⁵¹ *Id.* at 298, 299.
⁵² 637 F. 2d 227 (4th Cir. 1980), *cert. denied*, 451 U.S. 972 (1981).
⁵³ *Id.* at 235, 236.
⁵⁴ 686 F. 2d 93 (2d Cir. 1982).
⁵⁵ *Id.* at 99.
⁵⁶ *Id.* at 101, 102.
⁵⁷ *Scott v. Maggio*, 695 F. 2d 916 (5th Cir. 1983), *cert. denied*, 103 S. Ct. 3544 (warrantless entry proper where minutes after robbery victim gave description and direction of flight of defendants and bystander indicated what house they entered); *Archibald v. Mosel*, 677 F. 2d 5 (1st Cir. 1982) (entry no more than 20-25 minutes after robbery and victim indicated which apartment robber fled to); *United States v. Stubblefield*, 621 F. 2d 980 (9th Cir. 1980).
⁵⁸ 627 F. 2d 68 (7th Cir. 1980), *cert. denied*, 449 U.S. 1021 (1980).
⁵⁹ *Id.* at 71.
⁶⁰ 387 U.S. 294 (1967).
⁶¹ *Id.* at 298, 299.
⁶² 713 F. 2d 79 (5th Cir. 1983).
⁶³ 725 F. 2d 197 (2d Cir. 1984).
⁶⁴ *Id.* at 199.
⁶⁵ 720 F. 2d 1520 (11th Cir. 1983).
⁶⁶ *Johnson v. United States*, 333 U.S. 10 (1948).
⁶⁷ *United States v. Allison*, 639 F. 2d 792, 794 (D.C. Cir. 1980) (difficulty of obtaining a search warrant during the night adds to the finding of exigent circumstances); *United States v. Hendrix*, 595 F. 2d 883, 886 (D.C. Cir. 1979) (exigent circumstances exist where it would take at least several hours to obtain a warrant).
⁶⁸ *United States v. McEachin*, *supra* note 19, at pp. 1146, 1147.
⁶⁹ *United States v. Cuaron*, *supra* note 40; *United States v. McEachin*, *supra* note 19; *United States v. Berick*, *supra* note 41; *United States v. Jones*, 696 F. 2d 479 (7th Cir. 1982), *cert. denied*, 103 S. Ct. 2453 (1983); *United States v. Hackett*, 638 F. 2d 1179 (9th Cir. 1980), *cert. denied*, 450 U.S. 1001 (1981).
⁷⁰ 520 F. Supp. 1080 (S.D. Iowa, 1981).
⁷¹ *Id.* at 1083.
⁷² *Steagald v. United States*, *supra* note 8, at p. 222.
⁷³ *United States v. McEachin*, *supra* note 19, at p. 1146.
⁷⁴ *United States v. Hultgren*, *supra* note 32, at p. 88.
⁷⁵ 710 F. 2d 1035 (5th Cir. 1983), *cert. denied*, 104 S.Ct. 286 (1983).
⁷⁶ *Id.* at 1039, 1040.
⁷⁷ *United States v. Scheffer*, 463 F. 2d 567 (5th Cir. 1972), *cert. denied*, 409 U.S. 984 (1978); *United States v. Acevedo*, *supra* note 32; *United States v. Hultgren*, *supra* note 32; *United States v. Mejia*, *supra* note 48.
⁷⁸ 408 N.E. 2d 988 (Ill. App. 2d Dist. 1980). It should be noted that the court concluded that the occupant of a motel room is likewise entitled to fourth amendment protection against unreasonable searches and seizures.
⁷⁹ *Id.* at 990, 991.
⁸⁰ 427 N.E. 2d 598 (Ill. App. 2d Dist. 1981).
⁸¹ *Id.* at 602.

FBI

WANTED BY THE FBI



Photograph taken 1976.

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

Lohman Ray Mays, Jr.

Lohman Ray Mays, Jr., also known as Antone Anastasia, Lohman R. Mayes, Lohman Ray Mayes, Leaman Mays, Lehman Ray Mays, Boyd Roberts, Calvin Taylor, Merle Wellman, Lewis Wright, and others

Wanted For:

Bank Robbery; Interstate Flight—Escape

The Crime

Mays is being sought by the FBI in connection with his escape from a Tennessee correctional institution on July 1, 1984, where he had been serving a life sentence as a habitual criminal, and for his escape from a North Carolina correctional institution where he was imprisoned for the February 22, 1969, murder of a Kannapolis, NC, man. He is also wanted in connection with the July 16, 1984, robbery of a bank in Spartanburg, SC, and the September 14, 1984, robbery of a bank in Orleans, VT.

A Federal warrant was issued on July 11, 1984, at Nashville, TN, charging Mays with unlawful interstate flight to avoid confinement. Mays has also been charged with bank robbery in Federal warrants issued on July 20, 1984, in Greenville, SC, and on January 22, 1985, in Burlington, VT.

Description

Age..... 42, born February 19, 1943, Dallas, TX.
 Height..... 5'11" to 6'.
 Weight..... 165 to 180 pounds.
 Build Slender.
 Hair..... Brown.
 Eyes Hazel.
 Complexion Dark.
 Race..... White.
 Nationality..... American.
 Occupations Laborer, brick mason.
 Social Security Number Used..... 467-64-4810.
 Scars and Marks Two-inch scar left side of abdomen.
 Remarks Mays, although having been convicted of several violent crimes, is reportedly a quiet and soft-spoken individual.
 FBI No. 911 311 E.

Caution

Mays, a prison escapee, is reportedly armed with several rifles, shotguns, handguns, and a knife. He has been previously convicted of murder and has shot and wounded a police officer in the past. He is reportedly in possession of trained attack dogs and should be considered armed, extremely dangerous, and an escape risk.

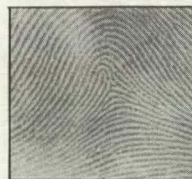
Notify the FBI

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

Classification Data:

NCIC Classification:
 20511106061901161804
 Fingerprint Classification:
 20 M 1 R IOI 6 Ref: T R T
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I.O. 4968



Right index fingerprint

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Washington, DC 20535

Name

Title

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Zip

Interesting Pattern

This pattern is classified as a loop with 13 ridge counts. The unusual aspect of the pattern is the appearance of a face in the center of the pattern.





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BEHAVIORAL SCIENCE UNIT E 5
TRAINING DIVISION * 4
FBI ACADEMY
QUANTICO VA 22135

The Bulletin Notes

Officer Stanley Ragen of the Maywood, NJ, Police Department, on patrol in a residential neighborhood in the early morning hours of August 1983, smelled smoke. Tracking the smell through yards and over fences, Officer Ragen located a burning house and rescued an 87-year-old resident asleep in a second floor bedroom, unaware of the danger. The Bulletin is pleased to join Officer Ragen's chief in recognizing his lifesaving alertness.



Officer Ragen

Correction: The June 1985 issue of the Law Enforcement Bulletin under "The Bulletin Notes" erroneously identified Officer Green as from the Canton, Ohio, Police Department instead of Canton, NC. The Bulletin regrets this error.