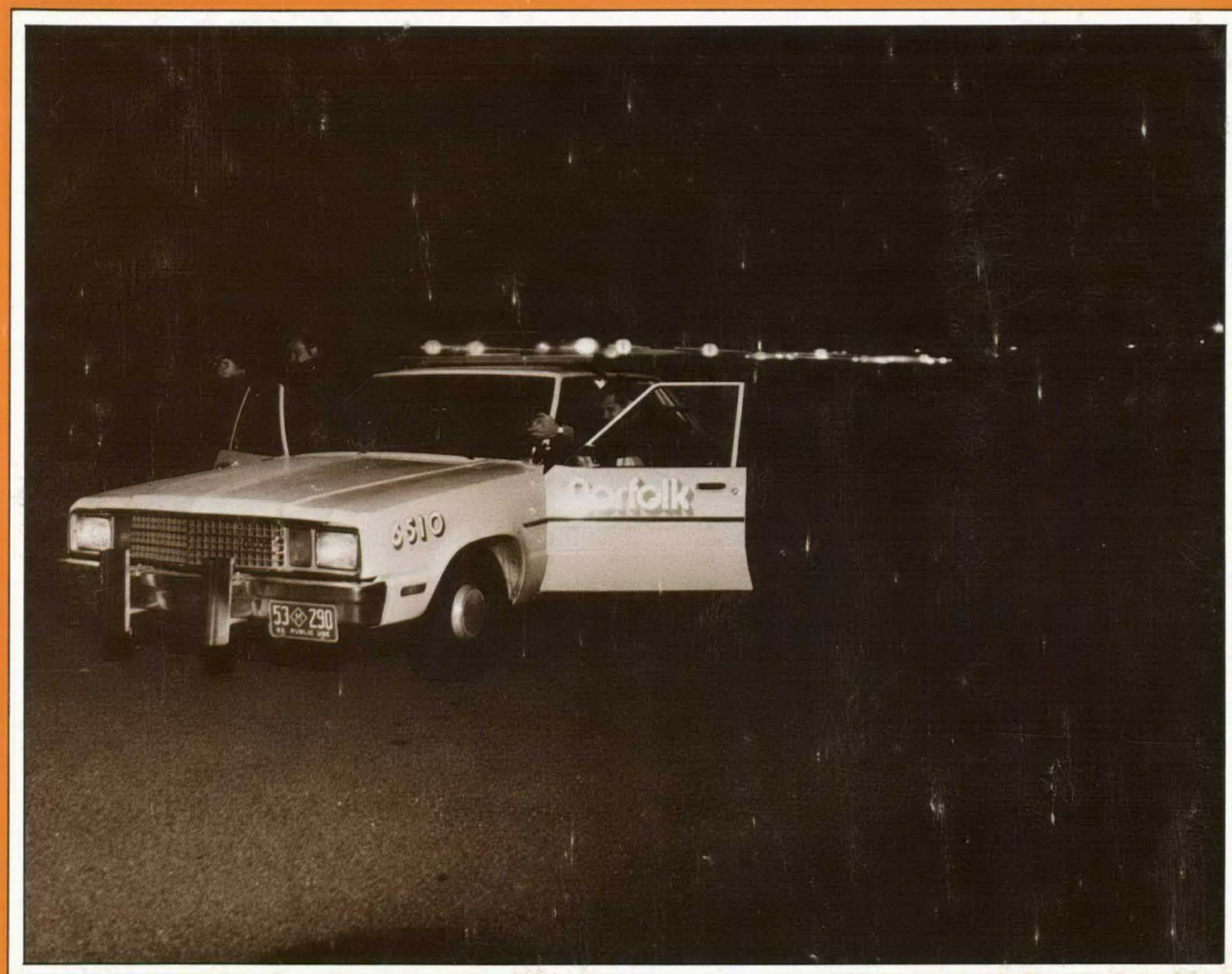




FBI

July 1986

Law Enforcement Bulletin



The Near Future
Implications for Law Enforcement

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The responses to an informal survey of 75 executives drawn from the world's largest law enforcement agencies identify major concerns facing their departments within the next 5 years. (See article p. 1.)

FBI

Law Enforcement Bulletin

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The Near Future Implications for Law Enforcement

"... [the law enforcement] profession has always been highly responsive to criticism, challenge, and opportunity for change."

By

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Editor's Note: The purpose of this article is not to provide correct answers to potential problems, but rather to pose problems so that they can be discussed and debated within the law enforcement community.

As a profession which necessarily exists and functions at the leading edge of social change, law enforcement has experienced its own considerable turbulence during the past 25 years. This turbulence has been caused by law enforcement's struggle to remain relevant to its basic mission of social control and by its attempts to cope with a changing mandate. To our credit, we have generally met the challenges posed by change, corrected the deficiencies in our organizations, and emerged more able to deal with the hard reality of the street than ever before. Our success stems from the fact that our profession has always been highly responsive to criticism, challenge, and opportunity for change. The current technological revolution has not generally been viewed by law enforcement as a problem, or threat, but

rather as an ally to be used as a tool in the race to become more efficient and effective in processing information.

This is not to say that law enforcement does not have significant problems. We will always have problems, the most significant of which in the near future will lie in the area of public financing, narcotics, personnel problems, organizational structure, crime control, and the assimilation of high technology. Such problems can be solved through the continuing process of good planning, training, and intelligent application of resources, but they need to be precisely identified beforehand so the process can be brought to bear on them. In August 1985, I asked the active graduates of the National Executive Institute (NEI) to furnish a list of three problems deemed most critical to their agencies prior to 1990. Virtually all questionnaires were returned. Returns were also received from Canada, the United Kingdom, and Hong Kong. The identified problems will not affect each department in

the same way, and in fact, there are a few departments that may not experience any significant problems whatsoever. However, in a general sense, the following areas were of sufficient concern to merit the attention of all law enforcement executives.

Public Financing of Law Enforcement

The role of governmental financing in the United States is undergoing a fundamental change. Since the early 1970's, the body politic has been observed to demand more control over their lives and to ask that governmental institutions be returned from Federal control to State, and ideally, to local control. This political movement is known by many names, but most commonly "New Federalism." New Federalism is the cornerstone of the Reagan administration, which is actively attempting to shift responsibility for the solution of social problems from collective to individual effort. Where possible, responsibility is being shifted from the Federal to the State level, or in some cases, Federal involvement is

"Public financing of law enforcement was the most frequently mentioned, near-term problem"

being curtailed completely. For example, the revenue-sharing program appears to be dead at this time. Law enforcement is designated as a local problem needing little, if any, Federal assistance. Finally, in the area of affirmative action, we are witnessing a significant reversal of the Federal role in this program versus what it was in the early 1970's. Additional program shifts spawned by either the New Federalism philosophy or the Federal deficit are under way and will continue for a considerable period of time, depending on the outcome of the 1988 elections and Federal deficit control measures. The change in government philosophy is not the only factor which is causing significant financial problems for major law enforcement agencies.

Public financing of law enforcement was the most frequently mentioned, near-term problem in the recent NEI survey. Other factors that are having an impact on fiscal matters are the declining revenue base in our older industrial cities, the continuing flight of the middle class to the suburbs, the relocation of some industries from our northern industrial areas to the Sun Belt, and finally, ramifications of a "strange," and changing, economy that has brought prosperity to some States and recession, or near depression, to more than one-half the others. The combination of the above factors makes it unlikely that law enforcement budgets will show any substantial increase in the near future. At best, police budgets in the next 5 years will either be reduced or fixed. This is true at the Federal, State, and local level. Expect that "managing with less" will continue to be the operant phrase in law enforcement in the foreseeable future.

One exception to this general statement might be found in a few large cities in the United States (Tampa, FL, Atlanta, GA, San Diego, CA), all of which are experiencing rapid economic growth. However, even this bright spot must be tempered by the realization that these rapidly expanding entities will also have expanding law enforcement service needs.

Since the Federal Government is reducing its role as a "bank" to our society, it becomes obvious that the new "bank" necessary to finance social problems will be the State government. It should be recognized that the local property tax in most jurisdictions has been exhausted as a means to increase local government operations. Local government is finding that they have limited means by which they can raise additional revenues. State government, by contrast, is more capable of generating increased revenue. This is accomplished through sales tax, income tax, and business taxes. Thus, the State government will be, in the near-term, the only government entity which will be able to provide supplemental revenues for local governments whose tax base has eroded. Obviously, local law enforcement must tap into State resources in order to maintain local service levels or if it is to provide additional services to constituents. Thus, law enforcement organizations must get involved more directly with State legislatures in order to obtain a large percentage of the available tax dollars. Some law enforcement organizations in the United States have employed lobbyists to present their cases to State legislatures, and the results of their efforts have been quite substantial. The chiefs of police and sheriff's association in the State of Washington has been particularly adept in this lobbying process and is a model for others to follow. It is not un-

reasonable to expect that every major police department or police association will establish some form of liaison with the legislative branch of State government in the near future.

It is also reasonable to expect that law enforcement will begin to generate its own revenue by charging for some of its traditionally free public services. Several departments currently charge for automobile accident investigations, for response to false alarms, and for a host of other services which, historically, have been provided without charge. This trend is likely to grow, generating as it does additional income.

It is important, in these times of fiscal constraint, that law enforcement commit a significant part of its resources to achieve higher levels of productivity. There are several areas in which this may be considered. The current chiefs of police of Omaha, NE, and Los Angeles, CA, both make strong arguments that law enforcement break out of its traditional role in reacting to problems and become more proactive. One proactive technique is to be found in the development of additional collaborative activities with other law enforcement organizations in order to achieve better crime control. While some past collaborative activities have not proven to be successful, the majority have been beneficial and thus deserve the chief executive's commitment. Simply put, the problem of crime in the United States is so great that no single agency can hope to be effective by just relying on its own resources.

A new area of collaboration which needs further exploration is between law enforcement and the private sector. Law enforcement executives must insist in no uncertain terms that citi-

zens, institutions, and organizations within their community shoulder greater responsibility in assisting law enforcement in crime control. Some excellent examples are presently found in the collaborative activities known as Neighborhood Watch, Mothers Against Drunk Drivers, and Court Watch. These are laudable examples of citizen involvement in projects to achieve a more stable society. It has become clear that our profession, while mandated to control crime, cannot do it without substantial community involvement and support. Thus, we need to commit more law enforcement resources to public education and to the development of collaborative activities with the private sector. Such measures take a proactive stance.

The chief of police in Omaha notes that in the past, law enforcement has tried to control the supply of narcotics by targeting the distributor and the users. The results, while impressive, have not slacked either the supply or the demand. He, therefore, suggests that law enforcement now devote some resources to the demand for narcotics in an attempt to reduce this aspect of the problem. While all will agree that law enforcement alone has little ability to reduce demand, it is nonetheless an area in which successful collaborative activities can be designed in cooperation with local industries, churches, and schools. These new programs may be successful in reducing the demand side of the problem. Considering the extent of the problem, it is worth a try.

In conclusion, it is safe to assume that fiscal problems will continue to be a source of management concern. Each major department will have a slightly different problem. At this time it is difficult, if not impossible, to predict which jurisdictions will have good, or

for that matter, difficult economic times. In either case, law enforcement agencies should expect difficulty in obtaining additional revenues and should take appropriate steps to either increase productivity or secure new sources of revenue.

The Changing Pattern of Crime

Three important factors contribute to the changing nature of crime in the Western World—(1) the advent of high technology in our society, (2) the distribution and use of narcotics, and (3) a declining population in the 14–25 age bracket. While the chief of police in Minneapolis, MN, listed street people, drugs, the urban poor and their potential for social disorder as his three concerns, the police chief in Calgary, Alberta, Canada, indicated his concerns were with the growing problem of the drug scene, outlaw motorcycle gangs, and ethnic gang violence. Finally, the commissioner of the Royal Canadian Mounted Police (RCMP) listed terrorism, drug enforcement, and white-collar crime as his chief concerns in Canada.

The concerns of these professionals are justified as the nature of crime is rapidly changing, forcing a new law enforcement response. The new crimes of data manipulation, software piracy, industrial espionage, bank card counterfeiting, and embezzlement by computer are clearly not variations of older crimes that will peak in popularity and then fade away. They will remain with us for the foreseeable future—paradoxically, what probably will fade away are the traditional crimes of armed robbery and perhaps burglary. The new crimes spawned by high technology will require the devel-

opment of new investigative techniques, specialized training for law enforcement investigators, and finally, the employment of individuals with specialized, highly technological backgrounds. Taken together, they threaten to be the Achilles heel of our society, at least until better encryption devices are developed which will provide adequate security to electronic transmissions. Until then, the specter of a Three-Mile Island in the banking industry must cause all of us serious concern.

The abuse of narcotics in the United States seems to be spreading in numbers and throughout the various social classes. Narcotics violations continue to take an ever-increasing percentage of our time and resources. While it is critically important that we attempt to control the use of narcotics in the United States, we should recognize that law enforcement cannot, by itself, control the problem. Collaborative activities with educational and religious institutions, with private industry, and with government are necessary to achieve better control. The most that law enforcement can be expected to do in this regard is to continue narcotics enforcement at current levels and to provide leadership to the community. As has been stated before, the real solution to the narcotics problem, worldwide, is for individuals to stop demanding a supply. Like alcohol abuse, it is not a problem that will go away in the near future; in all probability, in fact, it will get worse before it gets better. Besides the continuing harm of widespread narcotics use, we must deal with the violence inherent in narcotics distribution schemes and the corrupting influence that narcotics has on our own law enforcement personnel.

"... our profession, while mandated to control crime, cannot do it without substantial community involvement and support."

Finally, the nature of crime in the United States has been changed by a declining birthrate. The large number of crime-prone youth (14-25) has significantly declined in recent years as the Baby Boom generation of the 1950's moved into middle age. As a result, crime rates in the United States have begun to drop, although crimes may be increasing in violence. The present generation of crime-prone youth, however, often derives from a relatively poor immigrant population. This population tends to settle in major cities in the United States and often finds itself living contiguous to older, also poor, people who, in their declining years, cannot afford to leave their neighborhoods. Thus, the young criminals prey on the elderly and flourish. The growing number of young persons in their crime-prone years in our metropolitan areas virtually ensures that high crime rates will continue in these areas. One side effect of this situation is that the public at large, reading the press accounts of horrifying urban crimes, generates an exaggerated fear of crime. This tends to distort reality, and thereafter, places unreasonable pressures on suburban departments to protect their populations from criminal forces which are generally confined to the city. Finally, the continuing flow of migrants to the United States in general, and our large cities in particular, will continue to bring new forms of organized crime, ethnic gang violence, and ethnic victims. While this is not a new phenomenon in American history, it certainly is a significant factor in the continuing problems of policing in a metropolitan area. In short, the demand for police services in the metropolitan areas will continue to escalate in the next 5 years, while the tax base to support such service continues to decline.

Alternative To Force

With the introduction of hostage negotiations as an operational tool, law enforcement took a significant step in the evolutionary process of abandoning the use of deadly force to police civilian populations. While it may be 100 years before law enforcement abandons its reliance on deadly force, the evolutionary process to this end continues. The development and use of nonlethal weaponry offers some hope in this regard. It would be wise to examine each nonlethal product for its application to policing. If found to have application, we must train and certify our officers in its use, both to protect them and to avoid the problem of civil liability. We all know, and regret, the necessity of using deadly weapons in law enforcement. We must, as a profession, develop alternative methods as quickly as possible without endangering the lives of any officers. This is a demanding assignment and one that needs our full attention. The Indianapolis, IN, police chief listed deadly force as one of his concerns. In this litigious society, his concern is understandable.

Organizational Structure

Both the chief in Edmonton, Alberta, Canada, and the director general, Quebec Police Force, expressed concerns about future organizational structure. The director general called attention to the need to remodel the police departments so they could maintain acceptable service with only moderate increase in cost; the Edmonton chief of police, by contrast, called for adapting the organization to changing operational and environmental conditions and urged that traditional

police bureaucracy be amended. Both problems result from trying to force the circle of late 20th century communication networks into the pyramid of centuries-old bureaucratic structure. Problems with data storage, sharing of information, and access proliferate because the necessary connections for information flow simply don't exist. In other words, communications within the pyramid are often broken and frustrated by the levels of the bureaucracy. Both concerns are spawned by the fact that the process of communication has become extraordinarily rapid in our society. This causes significant problems within all organizations, but most importantly, it causes significant dysfunction in the pyramid structure. All types of communication within the pyramid often break down and are frustrated by superfluous levels of bureaucracy. If upward communication has become a known problem within an organization, we should consider changing our organization structure to a more horizontal design to facilitate the flow of information and ideas. Additionally, it should be expected that freedom of information problems and a citizen's right to privacy will be issues within the next few years. Rightfully so! Citizens are becoming concerned about the amount of information, or misinformation, that is being accumulated in various data banks regarding their personal lives. They will need access to this information and they will also need protection from unauthorized persons obtaining this information about them. Both problems are future legitimate concerns for the police executive.

High Technology

In the NEI survey, a large number of executives expressed their thoughts about the introduction of high technology in the law enforcement environment. The police chief of Corpus

Christi, TX, expressed concern about the integration of mobile terminals with computer-assisted dispatching, while the sheriff of Harris County, TX, was enthused about the development and implementation of computer-assisted information systems for countywide criminal justice application. The chief executive of the Ohio State Highway Patrol called for the expansion of the present 911 system into a nationwide emergency number, and the Baltimore County police chief was interested in how to handle and make use of technology in the mainstream of police operations and decisionmaking. Finally, the head of the Montana Highway Patrol expressed some frustration about not being able to afford modern communications during the information age.

All of the above comments point to the fact that in the recent past, there has been a rush to introduce various forms of high technology into the law enforcement workplace. The results have been mixed. It has clearly been of assistance in improving management controls, and in some cases, it has been used effectively to direct manpower utilization. Some success has been seen in using microcomputers in the resolution of various crimes. However, its full potential has not yet been realized. The problem does not lie with the machinery in and of itself, but rather with the human factor, that is, in the development of software that allows law enforcement problem areas to be addressed by high technology. Such software programs are difficult to obtain, and most are in the experimental stage. Moreover, the individual operators of our high technology equip-

ment have yet to demonstrate a complete acceptance of the technology, and thus, its full potential has yet to be realized. John Naisbitt's caution that high technology must be accompanied by what he called "high touch" bears further scrutiny so as to ensure that the human element does not reject the new machines as a threat to themselves or their jobs. It is clear that the machines of high technology are not a management or investigative tool which should be discarded or abandoned, but on the other hand, organizations should not rush to purchase the latest equipment without due investigation and consideration of its cost effectiveness. There are many examples of high technology benefit to law enforcement. Programs such as the National Crime Information Center (NCIC), computer-assisted dispatch, and the new Violent Crime Apprehension Program at the FBI Academy are excellent examples of how the computer can be made to work for the betterment of law enforcement. The most significant problem with high technology is its cost and application to our work. Both need to be considered very carefully so that the acquisition of high technology does not become an end in and of itself. To purchase high technology just for public relations purposes is unwise and exceedingly expensive. It is far better to wait until software programs are available, and if possible, establish some means within law enforcement to share software programs which have been demonstrated to be effective.

Training

In times of tight budgets, one of the first programs to suffer within any law enforcement organization is training. Although regrettable, this is historically correct. Enlightened executives

would not allow this to happen. Training is essential to any organization involved in the process of change. As we move to ever-higher levels of professionalism and faster rates of change, executives will find that the best antidote to the stress factors induced within the organization is the process of training. It is recognized that training is expensive in terms of time and money; however, an experienced trainer knows that most of the training required in law enforcement can be offered at a local level using local resources. Within each metropolitan area in the United States, there are more than sufficient resources to enlist in the design, development, and implementation of quality training programs, if only the department will make the commitment to that objective. Therefore, in a period of fiscal constraint, it is not necessary that training be cut; in fact, with proper direction the process of training can be, and should be, expanded.

The sheriff of Los Angeles County indicated that the development of human resources was his primary concern. He recognized that ethical conduct, labor relations, and employee retention were all factors within his community directly affected by the process of training. The police chief in Birmingham, AL, called for meaningful training that would transcend the simple mechanics of policing and develop some that addresses complex problems that we do have and will face in law enforcement. Both of these executives have placed their fingers on one solution to the problems faced in law enforcement in the near future.

"... recent collaborative activities among law enforcement agencies in the area of domestic terrorism have proven to be so successful and rewarding."

Criminal Justice System

Virtually all respondents to the NEI survey who had responsibility for jail maintenance stated that inmate overpopulation would be a serious problem in the near future. Jail overcrowding will continue to be a serious problem and also a significant drain on fiscal resources. While alternative sentencing may offer some limited relief, the simple fact is that the body politic is demanding that criminals pay for their actions. The judiciary has responded by ordering more people to serve their sentence in prison and to serve a higher percentage of the sentence prior to hope of parole. It is apparent that more jail space is needed and the responsibility of the law enforcement executive in this problem area is to lead the community in a discussion and debate of the problem. In this role, the executive must provide information concerning the ramifications of the problem so that an informed public can make a wise political decision.

Additionally, our court dockets continue to be overcrowded. Again, the problems generated are of serious concern to law enforcement executives. Needless to say, it causes an unwarranted amount of overtime expenditure, a loss of faith in the criminal justice system, and compromises to our constitutional form of government (i.e., plea bargaining). Again, the role of the law enforcement executive is to bring this matter into clear focus so that the public can make an informed decision regarding possible remedies.

Personnel Problems

The most recent cause of concern for law enforcement executives in personnel matters is drug abuse by law

enforcement officers. Our policies and procedures in regard to alcoholism among police personnel have been carefully drafted over the past decade and have produced beneficial results. Recently, however, some enforcement officers have begun to use illegal substances which have led to their impairment, or worse, arrest for criminal violations. While the use of hard drugs by officers is not extensive, it does merit our special concern. Unlike alcohol, the possession and use of hard drugs is a crime. In the next 5 years, personnel policies must be crafted to protect the integrity of the profession. Debate is necessary regarding the use of the polygraph or mandatory urinalysis as a means to safeguard the organization. These need further examination and debate within our profession and also court review to resolve the constitutional issues involved. Clearly, the problem cannot be allowed to continue lest the public lose confidence in law enforcement.

Traditional personnel problems will continue to be a problem. Such matters as age discrimination, employee misconduct, sexism, new employee attitudes, and poor work habits will not be resolved in the near future. Perhaps two executives of the California Highway Patrol stated it best when they said, "It is becoming increasingly difficult to maintain current standards of conduct for police officers due to changing values in our society, court rulings addressing the rights of employees and the Peace Officers' Bill of Rights. Nevertheless, law enforcement administrators must take a firm stand and hold police officers to higher standards than those required of the general public."

Urban Unrest

For the past decade, we have enjoyed a period of relative calm in our

major metropolitan areas in the United States and Canada. This has not been the case in the United Kingdom. An inspector of the Constabulary, South Wales, reports that continued urban unrest was one of his chief concerns in the near future for British forces.

There has always been some measure of civil unrest within our large urban areas in the United States. The last period of difficulty was during the late 1960's and continued into the early 1970's. The problems were generated by the civil rights movement, or better the resistance to it, and the war in Viet Nam. It should be recognized that the interdiction of several social forces may occur in the near future which could result in the outbreak of unrest. Our economic difficulties, the friction of newly arrived immigrants, or lack of available opportunity are all forces present within our communities at the present time. As these problems continue to smolder, all that is needed is a catalyst, or spark, to ignite riotous behavior. The recent riots in England and Miami should serve as a primer to all of us regarding the potential for significant problems. It is not possible to predict when, or if, civil unrest will occur. It is a potential problem which bears close scrutiny so that our department response is effective and professional. We should not be caught unaware or unprepared, otherwise the destructive energies released will be difficult to contain.

Labor Management Relations

A key issue with police executives in the United States continues to be police unions. The chief of the Montgomery County, MD, Police De-

partment indicated that the one continuing problem in labor management relations is the "us/them mentality" versus the "one team" necessity. In addition to this, one can reasonably expect that fiscal constraints, the continuing problem with the Fair Labor Standards Act, bad faith negotiations, bad management practices, poor union leadership, and a continued loss of management prerogatives will all combine to produce forces which will cause a significant increase in disruptive job actions in the near future. Neither side is blameless. The tragedy of the situation is that the impact of poor labor management relations is relatively predictable and is thus avoidable. Since it is not expected that the fiscal situation will improve significantly in the next few years, one can expect that the pressure on the part of union leaders to obtain more benefits for their members will be frustrated. Since the result of the PATCO strike, public management has learned that times are conducive to regaining management prerogatives lost during the previous decade. The stage for confrontation between labor and management in the public sector is set, and in many areas, only requires an incident to force disruptive job actions. The only solution to this seemingly intractable problem lies in the area of skilled negotiations and good faith bargaining. This requires an extensive commitment on the part of management and labor to live up to the terms of existing contracts. It clearly is the responsibility of the chief executive to ensure that each side has a clear understanding of

the potential ramifications of bad faith or ambiguity. It is also the responsibility of the executive to ensure that both sides are equally skilled to negotiate evenly and in an atmosphere of mutual trust.

Terrorism

Of all the seemingly mindless criminal acts, terrorism is the most difficult for us in the West to understand and prevent. First, we must recognize that it is not mindless. It is a well thought out attack specifically designed to attract the attention of the mass media, which then spreads a confusing message which is often misinterpreted as mindless. Terrorism must be treated for what it really is—criminal activity. The joint efforts of various law enforcement agencies in the United States and Canada have considerably reduced the levels of domestic terrorism in the recent past. The United Kingdom continues to suffer the plague of the IRA and the other political groups in Ulster. However, if the financial support given to these groups by misguided romantics can be stemmed, then some violence can be averted while a political solution is reached.

It is not expected that levels of domestic terrorism will substantially increase in the next few years in either Canada or the United States. Effective law enforcement, particularly in the area of intelligence operations, has blunted the impact of terrorism as a political statement. Additionally, the access to communication channels in our society gives fringe political groups ample opportunity to present their views to the public.

International terrorism, however, has grown into a significant problem and a national concern. At present, the Western World is often held hostage

by terrorism generated in the Middle East. In choosing to dramatize their political plight, the international terrorist has chosen Europe as his center stage. Incidents of terrorism in Europe have increased in recent years as the deadlock in the Middle East continues. As no political solutions are in sight, the terrorist element will continue to strike at Western civilization at about the same rate in the near future as in the recent past. The patience of the victim nations is wearing thin. Retribution will become politically acceptable, even if not militarily feasible. This will, of course, generate a host of new problems, some of which will be better and some, perhaps, far worse.

Considering our present frustration, a majority of Americans, I think, are willing to take the risks involved. However, we must also be mindful of the deteriorating political situations in the Philippines, South Africa, Chile, Nicaragua, Mexico, and the entire Middle East. It is quite possible that the terrorist element inherent in the political factions within these countries may choose to present their version of the conflict using the United States, Canada, or England as center stage.

Whatever may be the case, the responsibility for intelligence operations in regard to transnational terrorism is generally passed to Federal agencies with legally mandated international responsibilities and matching resources. It is, therefore, expected that the impact of international terrorism will not overburden the resources of local law enforcement. We should take a great measure of pride in the fact that recent collaborative activities among law enforcement agencies in the area of domestic terrorism have

"... leadership implies that the vision of the leader will be both shared and implemented by all employees."

proven to be so successful and rewarding. Working together, this criminal problem can be successfully thwarted, and perhaps, if political solutions are found, it may even be brought under control.

People

Although we live in times of what seems to be perpetual crises, one observes that our social fabric displays an ever-increasing dominant thread. The thread is people, or perhaps more accurately, the human mind. The human factor has become our most important resource in this gradually emerging new world of ideas. Throughout history, organizations which existed to deal with ideas recognized that their important institutional resource was people. Thus, the church, education, and to a lesser extent, business, tried to recruit and develop highly qualified individuals to serve the organization. Thereafter, the primary purpose of the institution was to supply these talented people with the necessary environment and resources to do the job.

As we enter our new age, we should not forget that others have been there before. The Jesuits, Oxford University, and the Hudson Bay Company are a few organizations which offer examples of how we might cope successfully with our newly emerging world, inasmuch as they successfully existed and prospered in similar emerging worlds. We should also be mindful that the challenges inherent in crises have been, and will be, met by people, not high-tech machines, or money, or blind luck. Our challenge is to create a management atmosphere

which fosters the growth of people and offers them the freedom to fully apply their mental talents to the problems at hand.

It is not easy for men or organizations to change. While it is certainly possible to change, we seem to be able to do so only in proportion to our self-confidence and courage to let go of our present comfortable perception of reality. Many of our problems today are caused by our inability to view reality in any other way than what we have for the past several hundred years. Perhaps, the time has come to let go of the old paradigm and fashion a new one.

Conclusion

"The only thing permanent is change." Although Heraclitus' observation was correct, not even he could have anticipated the rate of change we, in the Western World, have experienced since the beginning of World War II. Heraclitus' world (500 B.C.) was relatively static; ours is not. I would argue that many of us have become addicted to rapid change in our lives and become bored, frustrated, and easily disenchanted in its absence. Many seem to crave the shock, or emotion, of political events, new fads, television stars, or even "bad news." We are conditioned to change for our own sake. This is disturbing.

Societies, organizations, and individuals need a degree of constancy. It seems as if it used to be that social rules and values offered shelter, a sanctuary if you wish, against the constant stress of living. But while all generations challenge accepted truth, most fail and reluctantly accept the dictums of the establishment. The past two generations, nurtured in this age of rapid communications, have not. Traditional values have been challenged,

and the debate over their worth continues. Some values have withstood the challenge and remain in force. Others have been abandoned or modified. Change ensures that this testing will continue until necessary self-discipline is restored.

The good news is that it seems as if we have reached a point of restoration. Admittedly, it is a sense, or a belief, but the currents seem to be in the direction of conservatism, or perhaps stoicism. A consensus seems to be developing that our appetites must be curbed. Our collective ability to rationalize our every action appears to have peaked. The necessity to return to a life governed by a central code of values is becoming intellectually fashionable. Experience has always dictated that nations, organizations, and men do not exist well in an unordered political, social, economic, or intellectual world. What is amusing, perhaps, is that any examination of enduring states, great men, or organizations demonstrates that proper conduct for all needs no new discovery to make it relevant, or valid, to our world. Admittedly, we may have to abandon our obscene pursuit of materialism, some of our pragmatism, and a great deal of our rationalizations to achieve an objective of a more constant world or peaceful personal life.

In terms of providing executive leadership in the years ahead, I think the translation of our current, and anticipated, condition simply means emphasizing the virtue of self-discipline. We must learn to manage ourselves before we attempt to lead others. In Warren Bennis's new book "Leaders," the issue of power and leadership are discussed in terms of our emerging age. He defines power

as the basic energy to initiate and sustain action translating intention into reality. Power, however, without vision on the part of the leader is a waste. Bennis states it well when he says, "Vision is the commodity of leaders, and power is their currency." A critical aspect of vision is to recognize the necessity for any law enforcement organization to insist on the ethical conduct of all of its members. This, of course, implies that the department rules and regulations be administered in a just and fair manner. The wise leader is

one who realizes and accepts the responsibility to set the tone of an organization and to preserve, where appropriate, its values, rituals, and traditions. Finally, leadership implies that the vision of the leader will be both shared and implemented by all employees.

It is ironic that in seeking answers for our current and future problems, we find our best guidance in the past rather than some newly discovered "truth." Great thinkers of history have given us ample guidance on the human condition. The fact that many of

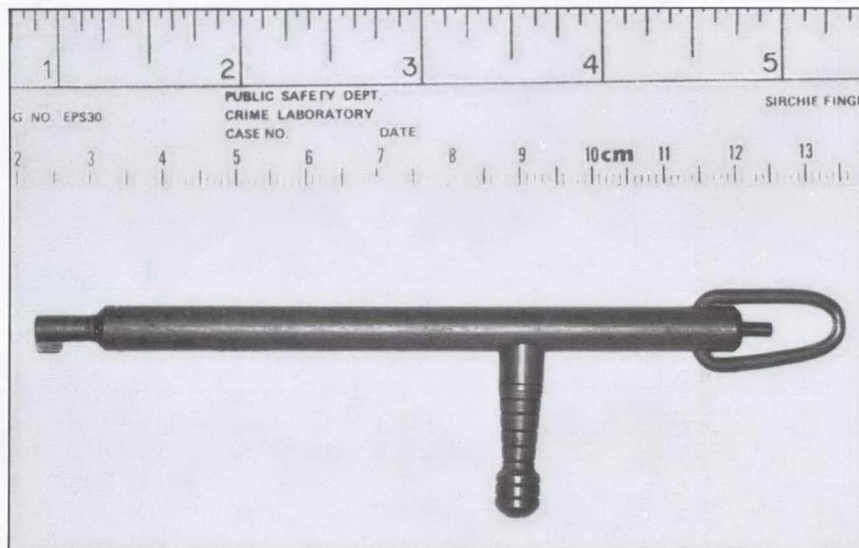
us choose to ignore their advice does not diminish its quality, rather it reflects our arrogance. But we must keep in mind that we are human, not divine. Our simple mission in life is to try and improve the conditions which we find in our personal lives or in our work. Perhaps, we will not change the world significantly or with a dramatic flair; maybe it is enough to just change ourselves and the small world around us.

In order to succeed, you must risk failure

FBI

Managnog Stick—Handcuff Key

A metal miniature replica of Managnog Baton, purchased in an Ontario, Canada, variety store was found to have been tooled at one end, forming a handcuff key. The York Regional Police Force in Canada submitted this item because of the potential escape risk of any subject in custody who possesses this replica.



Use of a Computer in the Budget Process

"Automation of the administrative functions of an agency can keep the number of staff support personnel to a minimum, and ... increase their productivity."

By

MAJ. DAVID T. BOYETT

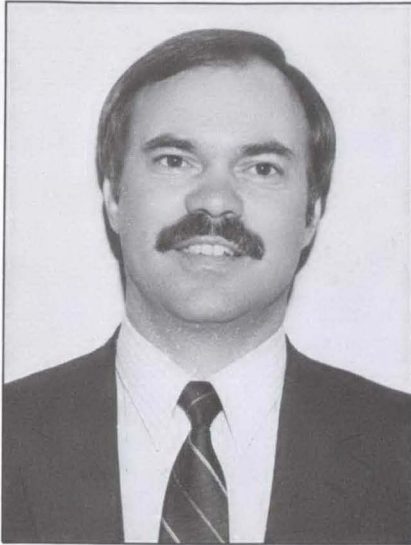
Staff and Auxiliary Services Bureau
Police Department
Norman, OK

With the advent of the desktop personal computer, more and more small- to medium-sized law enforcement agencies are using computers to increase productivity. Typical applications have been calls for service, incident reporting, recordkeeping, and UCR reporting. Along with the speedy high-tech computers using the 80286 processors came a whole world of low-cost MS-DOS software, everything from word processing, project management, user friendly data base management systems, and powerful spreadsheets. All these programs can pay back the initial investment in just a few months. Automation of the administrative functions of an agency can keep the number of staff support personnel to a minimum, and at the same time, increase their productivity.

Computerized budgeting allows you to explore many possibilities. Starting with the basic spreadsheet, a budget can be developed to provide instant updating, projections of spending trends, and all types of graphs, including pie charts, bar graphs, and line graphs. These graphs can compare one account in relation to the entire budget or compare past budgets with the proposed one. Many other software packages are available to transfer information onto video tape,

color slides, or even to a plotter for better budget presentations. Although the budget process begins with the basic spreadsheet, it can quickly expand to areas of word processing and data base management.

A good wordprocessor and letter quality printer can consolidate budget sheets into the final budget document where all the written justifications and impact statements are included. A good wordprocessor will allow you to "cut and paste" spreadsheet and graphs into the final document without having to retype the entire document. In fact, if other areas in the agency have wordprocessing through a local area network or multi-user system, then the entire document can be put together without using a single piece of paper or retyping any of the justifications. All budget requests can be merged into the final document in just a few seconds. After the budget is developed and finalized on the spreadsheet, a DBMS (data base management system) software can be used to track each purchase. As the purchases are made, the DBMS will deduct the proper amount and maintain the information to provide periodic reports. Such reports can include a budget summary by account, listing of all purchases by date, vendor, or requesting division.



Major Boyett



Don P. Holyfield
Chief of Police

During the conversion process from a manual to an automated system, certain procedures must be followed to insure a successful changeover:

Review the manual system

- Is the account numbering system adequate?
- Are job responsibilities defined?
- What new information do you need the computer to keep?

Involve staff and plan a conversion schedule

- Reduces resistance to change,
- Identifies conversion steps over a period of several months to reduce disruption of normal operations.

Install hardware and software and test for "bugs" before actually using the system.

Conduct training

- Schedule all affected personnel training on basic hardware and software applications,
- Get feedback during training for system improvements,
- Set up sample applications for practice.

Plan your spreadsheet by using input from all involved, start setting up the spreadsheet "cells" and formulas.

Begin running both the manual and automated system in parallel

- Note any needed modifications,
- Compare reports from both systems.

Plan a schedule to phase out the manual system.

Implement backup and archive procedures for the computer system.

Review computer security procedures (passwords and entry logs).

Computer budgeting operates in much the same way as a manual budget, and for that reason, it is easy to convert from ledger books to an electronic spreadsheet. The spreadsheet has rows and columns to enter amounts just as manual books do. Each location is referred to as a "cell." The columns are lettered and the rows are numbered; therefore, the first cell on row one is A1, the second cell on row one is B1, etc. Large spreadsheets can contain as many as 2,000 rows and 254 columns. Each column can be formatted in size and told to store numbers, percents, or titles.

The spreadsheet may look like the same manual ledger, but the likeness stops there. By entering formulas into the spreadsheet cells, the computer can be commanded to do automatic look-ups or calculations. A look-up formula can display the current account balance, and a calculation formula can enter the new balance, along with the percentage expended. Columns of numbers can be automatically updated as new entries are made by using a simple (sum) command.

Before starting the spreadsheet, review the current budgeting technique.

Line Item Budgeting—This is the most popular in small agencies and the easiest to complete. It concentrates on projecting next year's budget based on the current and past year's expenditures. As its name indicates, this technique is a list by account number of items to purchase or salaries to fund. The budget is usually divided into three sections—personnel services, maintenance and operations, and long term capital expenditures or projects. These three sections reflect the total fiscal budget.

"Computer budgeting operates in much the same way as a manual budget...."

Performance Budgeting—Performance budgeting looks at activities and their related cost. This method is more complex because it requires a great deal of defined performance objectives. As the budget is reviewed, an impact statement should be written to describe how the objectives would be affected should that activity not be funded, and how many activities can be cut and still meet minimum objectives. This technique exercises a higher degree of management control toward overall objectives than the line item method.

PPBS (Planning-Programming-Budgeting System)—This is another complex budgeting technique requiring departmental objectives. Broken down even more than performance budgeting, PPBS requires each objective to have several activities, and each activity must be rated according to its efficiency. Then list alternate activities for each objective. Each objective presents a comprehensive list of activities with various alternatives.

Zero-Base Budgeting—Zero-base requires a new review of all projects, programs, activities, and objectives each year. As the name indicates, start with nothing and justify everything. The two basic steps of zero-base budgeting are developing decision packages and then ranking the packages.

A decision package is a document that identifies and describes a specific activity where it can be evaluated and ranked against other activities which are competing for limited resources. The document should include:

- Goals and objectives,
- Consequences of not performing the activity,
- Measures of performance,
- Alternate courses of action, and
- Cost and benefits of the activity.

Two types of alternatives should be considered:

- Different ways of performing the same function and
- Different levels of effort of performing the function (establishing a minimum level).

Ranking the decision packages directs management's attention to how much can be spent and on what should it be spent. Because of the complex nature and the hundreds of activities which must be reviewed, all levels of management must be involved in ranking decision packages from their respective areas and passing them up the chain of command. A ranking of each decision package can now be established for funding.

Spreadsheet Design

The advantage of a spreadsheet over a manual system is that the spreadsheet allows items, activities, or projects to be added, deleted, or modified during the budgeting process. With each change, the entire budget is re-calculated, updated, and ready to produce a new copy for the next round of budget discussions. The "what if" questions can be explored in a matter of seconds. What if declining tax revenues cause a 10-percent reduction in funding? Enter the reduction and see the entire budget document instantly change all account totals. Another feature of new spreadsheets allows you to make bar graphs or pie charts of any budget items. Simply mark the totals to chart, and the computer creates the requested graphics.

Any of the budgeting techniques can be designed on the spreadsheet program. The following example

shows a line item M&O account. The line item part of the spreadsheet is divided in five columns (A-E) containing the following information:

Column A—Account (8 spaces) This column contains the line item account number. All requests for the same account number must be grouped together. Additional rows can be added or deleted without affecting the spreadsheet.

Column B—Amount (11 spaces) This column contains the amount budgeted for each line item. At the bottom of the column for each account, the account total will be displayed. This total is created by a simple sum routine used by the spreadsheet.

Column C—Description (17 spaces) This is a brief description of the item to be purchased or funded.

Column D—Justification (22 spaces) This is a brief justification of the item to be purchased. More-detailed information may be required on a support document.

Column E—By (8 spaces) This shows who within the agency made the original request. This is usually the person who will also have all support information if needed.

Now establish an entry and total group for each account. Remember new rows (items) can be added at any time, and any changes in the dollar amounts will automatically be updated on the total line.

When all the line items for the various accounts have been entered, test the spreadsheet and see how easy it is to increase or decrease budget amounts and have the spreadsheet re-total the account. Some spreadsheets can hold as many as 4,000 separate line items and 256 columns. (See fig. 1.)

Figure 1.
Worksheet

Global,	Range Insert,	Copy Delete,	Move Column-Width,	File	Print Erase,	Graph Titles,	Data Window,	Quit Status
A	B	C	D	E				
ACCOUNT	AMOUNT	BUDGET REQUEST SUMMARY DESCRIPTION	JUSTIFICATION	BY				
4344	\$315.00	CRIME KIT SUPP.	PATROL UNITS	763				
4344	\$225.00	MAP REPLACE	DISPATCH	455				
4344	\$947.00	TAPES-24/HR.	DISPATCH	475				
4344	\$260.00	PRESENT. FLAGS	ACADEMY	366				
4344	\$2,000.00	FLASH.BATT.	PATROL/INVEST.	600				
4344	\$570.00	REFILL FIRE EXT.	PATROL	500				
4344	\$395.00	FILE DIV./INDX.	DEPARTMENT	400				
4344	\$275.00	EVID. COLLECT	PATROL UNITS	500				
4344	\$5,250.00	FILM/PHOTO SUPP.	DEPARTMENT	200				
4344	\$600.00	LAB CHEM.	DEPARTMENT	200				
4344	\$200.00	TAPES/VCR SUPP.	TRAINING	300				
4344	\$140.00	PLASTIC BAGS	LAB	200				
4344	\$300.00	STAPLE GUNS/STPLS	RANGE	400				
4344	\$1,620.00	TARGET CTRS/CDBD	RANGE	400				
4344	\$500.00	TARGET FRAME MAT.	RANGE	400				
TOTAL	\$39,190.00							

Next, build a chart of accounts section of the spreadsheet. Because the information in each column is different than the line item section, the chart of accounts must start in column F. The chart of accounts section is divided into six columns (F-K) containing the following information:

Column F—Account (8 spaces) This column will list each line item account as reflected in the line item section. This section will use only one row for each account.

Column G—Name (23 spaces) This column contains the name of the account.

Column H—Last-YR (11 spaces) This contains the budgeted amount from last year's budget.

Column I—This-YR (11 spaces) Here is where the spreadsheet starts its work. Just enter the cell location for the account total in the line item section and the current account total will always be displayed here.

Column J—Change (11 spaces) Enter the formula to subtract column H from column I and the difference will always be displayed here. A negative dollar amount will be placed inside parentheses.

Column K—Percent (7 spaces) Enter the formula to calculate the per-

centage change between the budget years and that percentage will be displayed here. (See fig. 2.)

Now enter the accounts, set the account totals, and start your budgeting. Once the spreadsheet has been set up, it can be used repeatedly. Change any line item amount and the following changes occur automatically. First, the line item account total changes, and at the same time, the "this year" column of the chart of accounts changes. The "this year" total is adjusted, along with the dollar amount "change." Also, the account "percent" and total percent is changed. In other words, for each change made in the line item section, the spreadsheet makes six different calculations and updates in the chart of accounts.

Thus far the budgeting process has taken the following steps:

- 1) Budget planning from various divisions.
- 2) Budget requests sent from divisions to staff.
- 3) All requests are entered into the budget spreadsheet.

Figure 2

F ACCOUNT	G NAME	H LAST-YR	I THIS-YR	J CHANGE	K PERCENT
4211	MEMBERSHIPS	\$1,310.00	\$1,340.00	\$30.00	2.29%
4213	TRAINING	\$22,889.00	\$23,575.00	\$686.00	3.00%
4214	MISC. EXPENSE	\$1,250.00	\$1,285.00	\$35.00	2.80%
4218	POLICE ACADEMY	\$7,000.00	\$7,000.00	\$0.00	0.00%
4221	RENT/LEASE EQUIP	\$14,305.00	\$14,725.00	\$420.00	2.94%
4223	INSURANCE	\$42,000.00	\$32,500.00	(\$9,500.00)	-22.62%
4224	MAINT. SERVICE	\$13,739.00	\$14,145.00	\$406.00	2.96%
4225	PRISONER CARE/DE	\$59,000.00	\$60,770.00	\$1,770.00	3.00%
4235	REIMBURSEMENTS	\$5,645.00	\$5,650.00	\$5.00	0.09%
4244	FREIGHT CHARGES	\$406.00	\$415.00	\$9.00	2.22%
4247	OTHER SERVICES	\$4,700.00	\$4,825.00	\$125.00	2.66%
4251	PRINTING/PUBLICA	\$9,011.00	\$9,280.00	\$269.00	2.99%
4253	DUPLICATING COST	\$8,100.00	\$8,335.00	\$235.00	2.90%
4311	GENERAL OFFICE S	\$12,716.00	\$13,095.00	\$379.00	2.98%
4326	BLDG. MAINT. SUPP	\$9,354.00	\$9,625.00	\$271.00	2.90%
4344	EXPENDABLE TOOLS	\$38,077.00	\$39,190.00	\$1,113.00	2.92%
4345	POLICE SUPPLIES	\$9,016.00	\$9,285.00	\$269.00	2.98%
4347	UNIFORMS	\$116,369.00	\$119,785.00	\$3,416.00	2.94%
4414	MAINT. INST./ELE	\$2,000.00	\$2,060.00	\$60.00	3.00%
		\$376,887.00	\$376,885.00	(\$2.00)	.00%

4) The budget is developed through budget study sessions and changes computed on the spreadsheet.

To generate bar graphs or pie charts to show the relationship between the various accounts, just place the cursor on column I "This YR" data in the chart of accounts, select the accounts to graph, and within a few seconds, a graphic representation of the budget will be shown. (See figs. 3 and 4.)

Slides can be taken directly from the screen or a printout made using a dot matrix printer. If using a color display, the charts will appear in color. With the proper software, a complete automated budget presentation can be made, even giving projections for the next 5 years. A statistics package can even be used to compare budget with crime rates.

Using DBMS software, a budget monitoring program can be developed to keep the budget on track throughout the year. First, a data base is constructed to hold the information from the spreadsheet's chart of accounts. Each account will have a separate entry for its budgeted amount. Then, a second data base is constructed to keep a record of each purchase or expenditure. The system works by entering the purchase amount, description, and the account from which the purchase is to be made. At this point, the computer looks up the account returning the current balance and percent expended. The purchase can then be approved or delayed according to expenditure policies.

A budget monitoring program has several benefits. Spending trends can be quickly identified, allowing for the necessary adjustments to be made between accounts or request additional

funds. Account summaries can be generated at any time showing the status of each account. Requisition listings can be printed showing each expenditure for any time period. Other uses include vendor reports to show a need for bid specifications of certain items, resulting in lower bulk cost, and inventory control. To make the system "user friendly," a menu system can be used for program selections.

Budgetary feedback is provided through the completion of budget performance reports. The reports are prepared weekly or monthly, depending on policy or control requirements. Actual expenses must be reviewed to determine whether budget objectives are being achieved. Any indication that the budget is being exceeded or used to excess must be determined quickly. Budget reports should include differences between budgeted and actual expense. Most line item expenses can be monitored by comparing the percentage expended with the percent of the budget year. Each month of the budget represents 1/12, or 8.33 percent of the budget year. Another benefit of the computerized budgeting is its ability to generate a performance report at any time and automatically compute the comparison of amount expended to the percent of budget

Figure 3

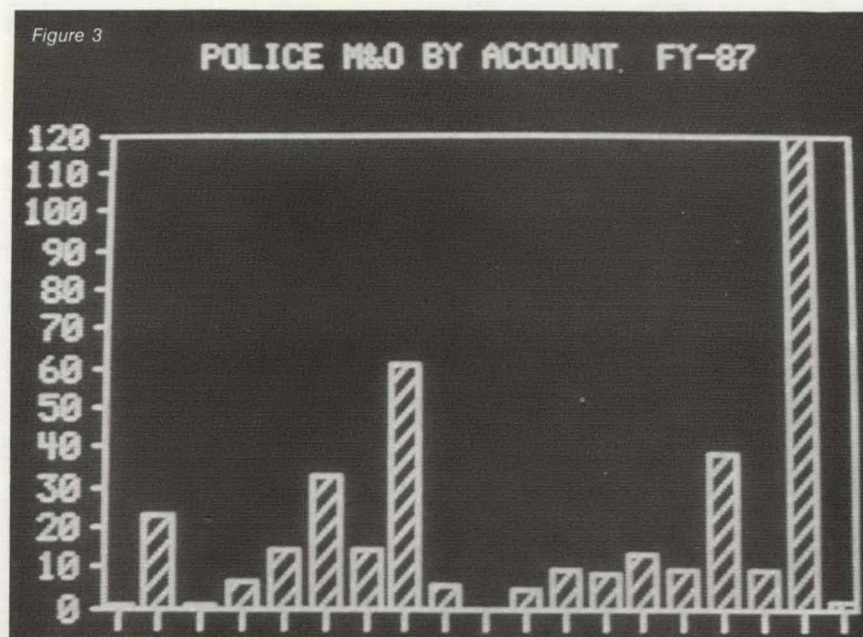
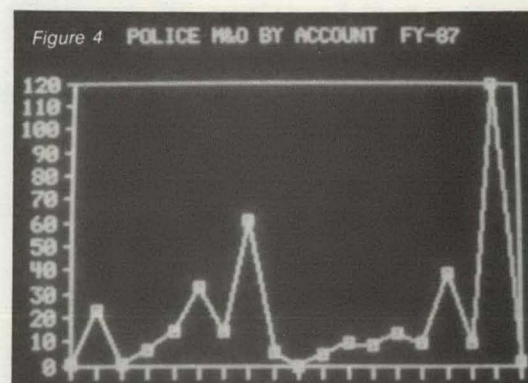


Figure 4 POLICE M&O BY ACCOUNT FY-87



year (the computer will use .274% per day).

New budgeting techniques will require each department to review goals and objectives and adopt minimum efficiency standards. The only way to accomplish these complex tasks without additional manpower is to start taking advantage of the various low cost computers and software being used in private business and banking. Explore through training, review word processing, spreadsheets and DBMS, research computer magazines, and find out what the computer can do for your agency.

FBI

Preliminary Crime Statistics for 1985

Preliminary 1985 crime information, representing the FBI's Uniform Crime Reporting (UCR) Program and the Bureau of Justice Statistics' (BJS) National Crime Survey, has been released. The UCR recorded a 4-percent increase in crimes reported to the Nation's 16,000 law enforcement agencies, while the National Crime Survey's nationwide sample of households indicated that crime has not changed significantly from 1984 levels. The National Crime Survey measures both reported and unreported crimes.

Since 1930, crime has been measured and tabulated by the FBI using an Index of selected offenses. The Crime Index is comprised of murder, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson. Recognizing that many crimes are not reported by victims to law enforcement authorities, the Department of Justice, in 1973, began a comprehensive victimization survey which did not rely on police reports. Currently, some 49,000 households, representing about 101,000 persons age 12 and over, are queried by interviewers from the Bureau of the Census, which acts as the collecting agency for the BJS, to determine if they have been a victim of crime within the last 6 months. Crimes that are reported by those surveyed are tabulated into crime categories that are closely related to the FBI's Crime Index categories. National Crime Survey crimes are comprised of rape, robbery, assault, personal theft crimes (i.e., pocket picking, purse snatching,

and theft without victim-offender contact), and household crimes (i.e., burglary, motor vehicle theft, and household larceny). Murder is not measured by the National Crime Survey. While the UCR focuses on institutional records and computes reported Crime Index episodes from law enforcement jurisdictions, the National Crime Survey measures the individual's experience on being a victim of crime.

During 1985, all offenses measured by the UCR's Crime Index increased from 1984 levels. The overall violent crime increase was 5 percent. Murder rose 1 percent; forcible rape, 4 percent; robbery, 3 percent; and aggravated assault, 6 percent. Collectively, the property crime category showed a 4-percent rise. Burglary was up 2 percent; larceny-theft, 5 percent; motor vehicle theft, 6 percent; and arson, 3 percent.

Geographically, the Southern and Western regions of the country experienced the most prominent upward Crime Index trends, 8 and 5 percent, respectively. The Northeast registered a 2-percent rise, while the Midwest showed virtually no change.

Groupings of the Nation's cities on the basis of population size showed in-

creases in all categories except cities with populations over 1 million. Law enforcement agencies in those jurisdictions collectively recorded no change in the overall Crime Index volume from 1984 to 1985. Increases ranging from 3 to 8 percent were recorded for the other city groupings. Suburban county agencies registered a 6-percent rise and those in rural counties, a 2-percent increase.

According to preliminary 1985 National Crime Survey data, there was fundamentally no change from the previous year. Although the total crime count fell by 3 percent, from an estimated 35.5 million offenses to an estimated 34.5 million crimes, the change was not significant. Violent crime was down 3 percent, personal theft down 5 percent, and household crime down 2 percent.

Survey figures reveal that the number of personal crimes that were reported to police grew 2 percent last year, while the number of household crimes reported increased by 3 percent. Although the increases are also not statistically significant, they were consistent for most types of crimes. Other differences between the National Crime Survey and the Uniform Crime Reports are explained by variations in the way crimes in the two series are defined.

Establishing Agency Personnel Levels

"... the level of personnel needed is based on calls for service, investigative caseload, and agency policy procedure."

By

LT. COL. EDWARD P. AMMANN

Commander

Operations Bureau

and

OFFICER JIM HEY

Planning, Research, and Development Section

Police Department

Cincinnati, OH

With ever-increasing frequency, police agencies across the Nation are being required by city government to establish personnel levels which are both "budget sensitive" and consistent with the demand for police service in their respective areas.

The proliferation of the automobile, coupled with other various economic and social changes, has produced an exodus of city residents to the suburbs and rural areas. Businesses, in an effort to capture the market for goods and services, have followed this trend. Merchants, doctors, lawyers, and in some instances, industry have opted to relocate outside city limits. This gradual but steady erosion of the city's tax base has created extreme pressure on city councils and local budget analysts to establish a cost-effective approach to providing city services.

During this social and economic metamorphosis, some other less obvious changes were also beginning to occur as cities attempted to counter this change. Urban renewal was born.

In many areas, Federal funding was secured, and model city programs were adopted. Old buildings were demolished to make room for new, more modern structures. Many cities acquired football and baseball franchises, built stadiums and other arenas for hockey, basketball, soccer, etc. Some businesses, as a result of these efforts and tax credits designed to promote industrial growth, chose to expand locally rather than relocate. Consequently, in many cities, the ultimate effect of this transition was that while the volume of individuals residing within city limits appeared to decline over a period of several years, these cities became the "hub" of the larger metropolitan area which continued to attract increasing numbers of people daily.

Today, when the issue of city population is addressed, vis-a-vis the potential demand for police service, the concept of "average daily population" must also be considered. Locally, for

example, census figures indicate that the standard metropolitan statistical area (SMSA) increased by nearly 150,000 inhabitants from the year 1960 to 1983.¹

Cincinnati census data reflect a 23-percent decline in population density (500,000 versus 385,000) over the last 20 years. However, a more indepth analysis reveals that in many cases where population has declined, users of police service (individuals who might be identified as those who because of age, economic condition, or family status possess a greater potential for the use of police service than do the population at large) have increased. A recently prepared budget document for the Cincinnati City Council illustrates the following demographic changes. (See fig. 1.)

In addition, information supplied by the local welfare department indicates that the number of welfare recipients increased approximately 66 percent over the past 17-year period. Consequently, if increased poverty levels translate to an increase in the use



Lieutenant Colonel Ammann



Officer Hey

Figure 1

	1960	1970	1980
Percent of total city population—Persons over Age 60	16.5%	18.1%	19.1%
Female heads of households with children under 18 years of age	7,918	12,012	16,660
Percent of total families with children under 18 years of age	12.7%	22.4%	38.0%

of police resources, as past experience would appear to indicate, the demand for police service has continued upward.

In view of these circumstances, it is an unsound management practice to attempt to determine staffing levels within police agencies by merely establishing a police officer/citizen per-capita ratio. Conversely, however, it would appear of primary importance in attempting to supply a community with the proper amount of police manpower to first attempt to determine "demand" on that agency.

Obviously, police departments provide different types and levels of service depending on community size, location, tradition, socio-economic factors, etc. For instance, in one area, police may patrol miles of coastline and consequently be concerned with the importation of illegal drugs, illegal aliens, tourist victimization, etc. In another city, primary concerns may center around vehicular traffic problems, vice, and protection of government officials.

Ultimately, in determining demand, the services police are required to perform, both according to law and policy set forth by local government, must first be addressed. Once these issues have been understood, it is then possible to identify accurately the resources (personnel level) necessary to pursue the agency's mandate.

What follows, therefore, is a methodology which attempts to measure demand for police service based on several "work generating" variables, such as:

- 1) Citizen calls for police service,
- 2) Investigative case load practices, and
- 3) The service delivery policy and procedures established by local government and community expectation (tradition).

However, for the sake of brevity, this article focuses primarily on the development of uniform patrol strength.

The first variable, based upon calls for service, is used to describe the number of uniformed officers needed to answer citizen calls for police service. The second variable is based upon those criminal offenses which must be assigned for followup investigation and indicates the number of investigators needed to supply the appropriate investigative services. Finally, and probably the most difficult variable to measure, is the number of officers needed to deliver those services placed upon an agency by community tradition, its elected officials, and frequently identified through administrative concerns for current threats to public safety. Pertinent literature describes some of the factors affecting the diversity of numbers allo-

"... in attempting to supply a community with the proper amount of police manpower ... first attempt to determine 'demand' on that agency."



Lawrence Whalen
Chief of Police

cated to this third variable as crime rates, population density, the geographic size of a locality, and its topographic characteristics.

Staffing Levels

"There are no universal standards which can be employed to determine proper staffing levels."² When determining the optimum numbers assigned to street strength, many items must be considered, including which duties these units are expected to perform.

A patrol unit's activities could be defined as the 8-hour tour of duty a police officer works each day. However, in that the police "mission" exists 24 hours a day, 365 days per year, each patrol unit works 8×365 or 2,920 hours annually. Further, it requires 3 patrol units to staff one police beat, 24 hours per day, 365 days per year.

In most cities, the above-mentioned patrol unit has a myriad of responsibilities in addition to responding to citizen requests for service. "As a

general rule, it has been stated that uncommitted patrol time should range between 25 and 35 percent of the total time of the patrol force. The remaining 65 to 75 percent then can be apportioned between responding to calls for service and performing administrative duties such as servicing the patrol unit, transporting prisoners, etc."³

A generally accepted practice across various agencies is to devote approximately 35 percent of patrol unit time to responding to calls for service, 35 percent to patrol administrative activity, and 30 percent to nondirected patrol activity, as described by the International Association of Chiefs of Police (IACP) in their treatise of this issue.⁴

Calls for Service

By employing a calls-for-service concept, plus any needed patrol units dispatched as "back-up" cars, and applying the proposed 35-percent standard, the calculation to determine patrol units needed is performed in the following manner.

During a given year, assume an agency received 219,000 calls for service to which they dispatched 276,000 uniformed patrol units (cars). Further analysis reveals that each call, including multiple dispatches, required an average of 42 minutes response and service time for each patrol unit dispatched. Using this information, the following calculation is performed to determine the number of patrol units needed to meet this service demand:

$$\frac{276,000 \times 42}{60 \text{ minutes}} = \text{hours of calls}$$

or 193,200 hours of calls for police service.

It is then necessary to determine the number of hours a patrol unit works annually. As mentioned earlier, this simply consists of multiplying 8

hours times 365 days ($8 \times 365 = 2,920$ hours). Therefore, if a patrol did nothing other than respond to calls for service during an 8-hour tour of duty, it would take 66 patrol units to service the above workload.

$$\frac{276,000 \times 42 \div 60 \text{ min.}}{2,920 \text{ hours}} = 66 \text{ patrol units}$$

However, since generally accepted practice indicates a patrol unit should devote approximately 35 percent of its 8-hour tour responding to calls for service, this 66 patrol unit figure must be divided by .35, which equates to 189 patrol units needed to handle 276,000 calls if 35 percent of an 8-hour tour is spent addressing this workload.

At this point it might be appropriate to discuss briefly the issue of double cars (two officers per car). In some cities, because certain beats possess a greater potential for police officer injury due to the volume of violent crime in certain areas, police managers may opt to assign two officers in a patrol unit for safety reasons. When this patrol configuration becomes necessary, the time of day and beat assignment of double cars must be determined. One method of addressing this problem is for managers to evaluate each beat according to violent crime. In Cincinnati, this was done through analysis of robberies and aggravated assaults during an annual time frame. The most violent prone beats can then be identified and a decision made concerning double cars.

It should be noted that in calculating the number of patrol units needed when double cars are deployed, a .75 efficiency factor exists in performing this calculation. In other words, three

2-officer units can perform, in the same amount of time, the work it takes four 1-officer units to perform. As Boydston, Sherry, and Moelter point out, "The average two-officer unit has almost one hour (54.7 minutes) more unit time per watch, or about two hours more officer time, available for officer-initiated activities than did the average one-officer unit."⁵

Assume an agency after re-searching this issue decides to double 30 beats during the second and third shifts. Thirty beats run double during second and third shifts = 60 double beats ($30 \times 2 = 60$).

Earlier, it was determined that 189 patrol units were necessary to handle 276,000 calls for service, with each patrol unit spending 35 percent of its 8-hour tour of duty resolving these calls. However, now a decision is made to double 60 of these patrol units by placing an additional officer in the car on two shifts. As a result of this new staffing configuration and in view of the 75-percent efficiency factor mentioned above, it is now necessary to recalculate the number of patrol units required to meet the previously mentioned (276,000 calls) service demand. (See fig. 2.) Therefore, the agency must field 169 patrol units, of which 60 should be two-officer units or approximately 36 percent two-officer patrol units.

This plan would provide an agency the ability to cover the most

hazardous beats in the city with two-officer patrol units during those hours which possess the greatest potential for both citizen and police injury. The attendant effect of the two-officer patrol unit is also factored into this formula.

The next issue to be confronted is that of personnel. This would appear to be the "bottom line" when addressing the size of the police agency. Consequently, what must now be determined is manpower strength to staff the aforementioned patrol configuration (169 patrol units of which 60 are two-officer cars.)

Research indicates that locally, it takes an average 1.78 police officers to staff a one-officer patrol unit (car) 8 hours per day, 365 days per year. Therefore, 169 one-officer units times 1.78 = 301 police officers. Additionally, since it has been decided to double 60 patrol units, the total number of officers required using this patrol configuration is determined in the following manner:

$$\begin{array}{rcl} 169 \times 1.78 & = & 301 \\ 60 \times 1.78 & = & 107 \\ \text{Total} & & 408 \end{array}$$

Consequently, 408 personnel are necessary to staff 169 patrol units of which 60 are doubled between the hours of 3:00 p.m. and 7:00 a.m. each day. The necessary support and supervisory personnel essential to the efficient use of the agency's patrol force are not included in this calculation.

It should be noted, however, that while 35 percent of a patrol unit's time is consumed responding to calls for service, in most agencies the remaining 65 percent is apportioned to address the administrative calls workload (35 percent) and nondirected patrol activity (30 percent.)

Administrative Calls—Directed Patrol

Administrative calls are those which are not necessarily generated by citizens. These calls to which patrol units respond are the means by which police supervision directs its officers to perform some administrative duty. Administrative calls for service are determined by calculating the difference between total calls and citizen-generated calls for service. For example:

Total Calls for Service	333,000
Citizen Generated Calls	- 219,000
Administrative Calls	114,000

Also categorized within this 35-percent time block of the patrol unit's 8-hour days are the following responsibilities:

—*Roll call* for attendance, inspection, assignment, training, etc.;

—*Followup investigations* which generally involve minor criminal offenses, i.e., petit theft and part II offenses; and

—*Miscellaneous directed patrol activity* to conduct various investigations and surveillance of conditions and behavior which may or may not be criminal. Although complete records and exact hours spent on this activity are not precisely recorded, they do frequently occur. Examples of this responsibility are followup investigation in instances where no other officers are required (sus-

Figure 2

189 = Total one-officer patrol units are needed to service 276,000 calls and multiple-car dispatches based on a 35-percent standard

60 = Two-officer patrol units with a 75-percent efficiency factor

60 Two-officer patrol units = 80 one-officer patrol units

189

- 80

169 = Total patrol units needed of which 60 are two-officer patrol units

"... what would appear ... as declining city populations and a resultant decreased workload for police has in fact become an increase in measurable demand for police service."

pected gambling activity, parking complaints, etc.), surveillance of high hazard traffic and accident locations, conditions on beat (light outages, dangerous road conditions, improperly functioning traffic signals), and general inspections of police vehicle during each 8-hour tour of duty (gas, oil, etc.).

Nondirected Patrol Activity

Nondirected patrol activity has been defined as random patrol but is much more than this. Good patrol management demands adequate time to permit such activities on the part of its patrol forces. Such activity accounts for approximately 30 percent of a patrol unit's 8-hour day and includes the following:

—*Self-initiated investigations* are the essence of an aggressive patrol unit, although difficult to measure. It is through the actions of a well-trained, well-informed patrol force that many crimes are discovered, arrests made, or criminal activities discouraged. Some examples are field queries, business and residence security checks, and nondirected traffic enforcement. Many DUI and nonaccident hazardous moving violations also fall into this category.

—*Citizen contacts*, outside the realm of service, are spontaneous and often evolve from other activities. Directions to lost citizens, assisting a disabled motorist, crime prevention, and legal or procedural issues are common topics of such contacts.

—*Order maintenance* includes the various duties requiring police presence concerning the inspection and surveillance of licensed prem-

ises. Patrolling in and around specific locations (schools and senior housing facilities), areas involving labor disputes, and crowd control of special events are other examples of order maintenance.

Conclusion

The traditional approach to resolving questions concerning police agency staffing levels based on community population, or the citizen/police officer per capita basis, would appear grossly inappropriate in view of today's modern and mobile society. The tremendous tide of people who rush to the heart of American cities each business day and then home again have created new challenges which, in many cases, demand new solutions by police managers.

As cities' daily populations swell to the opening of the business day, major sporting events, conventions, etc., police administrators find themselves in a struggle to provide manpower essential to the security of citizens. Therefore, what would appear to many budget analysts and other city officials as declining city populations and a resultant decreased workload for police has in fact become an increase in the measurable demand for police service. Frequently, a city's SMSA can provide a much enhanced perception regarding the fluctuation of a city's average daily population. In addition, as cities change demographically, there appears to be data which supports the notion that the primary users of police service remain static or even increase. Consequently, the potential for police intervention can become even greater.

It is our contention that a number of factors must be considered when determining the personnel requirement of a police agency. The purpose of this effort, therefore, is to discuss the more-important variables which effect

demand for police service and which, consequently, should be measured when establishing personnel levels for any police agency.

The data collection process and methodology for actually calculating the level of personnel needed is based on calls for service, investigative caseload, and agency policy procedure. Only after these variables are identified and the agency's assignment availability determined can the actual number of police officers required to staff the organization be identified.

FBI

Footnotes

¹SMSA is a multicounty area contiguous to the county which contains the corporate limits of a city. In this case, seven counties are contiguous to Hamilton County, which includes the City of Cincinnati.

²*Local Government Police Management*, 2d ed. (Washington, DC: City Management Association, 1982), p. 128.

³*Ibid.*

⁴*Ibid.*

⁵John E. Boyd, and others, "Patrol Staffing in San Diego" (Washington, DC: Police Foundation, 1977), p. 53.

The Judicial Preference for the Search Warrant

The Good Faith Warrant Exception to the Exclusionary Rule

Consider the following passage in a Supreme Court opinion discussing the fourth amendment:¹

"Its [fourth amendment] protection consists in requiring that those inferences [probable cause to believe that a crime has been committed and that specific evidence is at a particularized location] be drawn by a neutral and detached magistrate instead of being judged by the officer engaged in the often competitive enterprise of ferreting out crime. Any assumption that evidence sufficient to support a magistrate's disinterested determination to issue a search warrant will justify the officer in making a search without a warrant would reduce the amendment to a nullity and leave the peoples' homes secure only in the discretion of police officers."²

At first glance that language may seem harsh in assessing the role of the law enforcement officer attempting to gather evidence in a criminal investigation; however, a closer and more reflective examination indicates it is only representative of the Supreme Court's strong preference for search warrants as the best means of upholding the protections afforded by the fourth amendment.³

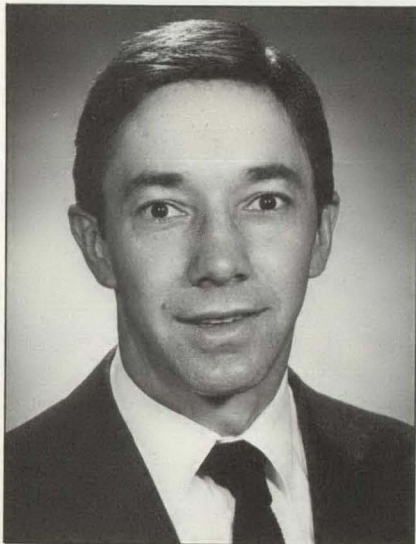
A search warrant benefits the individual citizen by: 1) Providing a neutral magistrate to make probable cause

decisions, 2) setting proper boundaries for the search, and 3) assuring the person whose property is searched of the lawful authority and limits of the search itself.⁴ The Court has repeatedly expressed this strong preference for search by warrant, to the point of declaring that "in a doubtful or marginal case [of probable cause] a search under a warrant may be sustainable where without one it would fail."⁵

Notwithstanding the benefits to the citizen and the Supreme Court's preference, search warrants have often been viewed by law enforcement officers as an obstacle rather than an asset. Undoubtedly, one of the reasons for that perception was the somewhat complex and time-consuming process which had evolved for acquiring a warrant, particularly when information from a confidential source formed a basis for probable cause. Furthermore, even when a warrant was acquired, evidence obtained through its execution could still be readily susceptible to suppression if a reviewing court disagreed with the issuing magistrate's judgment.

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



Special Agent Fiatal

In recent decisions, the Supreme Court has further encouraged the law enforcement community to search pursuant to warrant. First, the Court eased the process for obtaining warrants by adopting a more flexible "totality of the circumstances" test to determine the sufficiency of probable cause supporting a search warrant when that probable cause is based upon an informant's tip. Then, in two subsequent decisions, the Court provided the law enforcement officer with additional incentive to search pursuant to warrant by formulating a good faith warrant exception to the exclusionary rule,⁶ which makes evidence admissible if the seizing officer acts in objectively reasonable, good faith reliance on a search warrant issued by a neutral and detached magistrate, even if the warrant is later found to be invalid. Thus, not only is the acquisition of a search warrant made somewhat easier, but also once the warrant is obtained, any evidence seized pursuant to the warrant is less susceptible to exclusion.

The purpose of this article is to examine these recent Supreme Court decisions which have encouraged and provided further incentive for search pursuant to warrant and to analyze subsequent Federal and State cases that provide guidance as to what police conduct constitutes objectively reasonable good faith reliance upon a search warrant.

ENCOURAGEMENT FOR SEARCH BY WARRANT: *GATES V. ILLINOIS*

In *Gates v. Illinois*,⁷ the Supreme Court significantly encouraged recourse to search warrant procedure by adopting a new "totality of the circumstances" standard in determining the sufficiency of probable cause supporting a search warrant when that

probable cause is based upon an informant's tip. In *Gates*, police officers in the Chicago suburb of Bloomingdale, IL, received an anonymous letter informing them that the Gateses, husband and wife, "strictly make their living on selling drugs," and had "over \$100,000 worth of drugs in their basement." The letter also detailed the manner in which the couple would transport the narcotics from Florida to their home. The wife would drive their car to Florida, leave it "to be loaded up with drugs," and fly back, whereupon the husband would fly to Florida and drive the loaded car back. The letter further specified that the wife would drive to Florida on May 3d and that the husband would fly down within a few days following his wife's departure. The husband would then drive the car back, which would be loaded with "over \$100,000 in drugs."

Acting on the tip, the police determined that the husband had made a reservation on an airline flight to West Palm Beach, FL, on May 5th. Through surveillance, it was established that the husband had taken the flight, and upon arriving in Florida, had proceeded to a motel room registered in his wife's name. The husband was seen the next morning leaving the motel with an unidentified woman in an automobile bearing Illinois license plates registered to the husband and heading north on an interstate frequently used by travelers to the Chicago area.

Search warrants for the defendants' car and home were issued by a State circuit judge based upon affidavits setting forth both the contents of the anonymous letter and the facts learned by the police in their subsequent investigation. Marijuana was found at both locations in the resulting searches.

“[The totality of the circumstances test] better serves the purpose of encouraging recourse to the warrant procedure and is more consistent with our traditional deference to the probable cause determination of magistrates.”

The trial court suppressed the seized evidence. This determination was upheld by both the Illinois Appellate Court and the Illinois Supreme Court, as the anonymous letter and affidavit were deemed to be inadequate to sustain a determination of probable cause based upon the “two-pronged test” of *Aguilar v. Texas*⁸ and *Spinelli v. United States*⁹ when assessing the sufficiency of hearsay information. Particularly, the affidavit failed to 1) reveal the informant’s basis of knowledge and 2) provide sufficient facts to establish the informant’s veracity or the reliability of the informant’s tip.¹⁰

The Supreme Court reversed, holding that the search warrants were based upon probable cause. In so deciding, the Court replaced the stringent “two-pronged test” with a more flexible “totality of the circumstances” standard. Under this standard, the duty of the magistrate who reviews the affidavit in support of a search warrant “is simply to make a practical, common-sense decision whether, given all the circumstances set forth in the affidavit before him, including the ‘veracity’ and ‘basis of knowledge’ of persons supplying hearsay information, there is a fair probability that contraband or evidence of a crime will be found in a particular place.”¹¹ The Court made it perfectly clear, however, that “bare bones” affidavits, setting forth only the conclusions of others, would remain insufficient in determining probable cause even under this relaxed standard, as there must be some “substantial basis” for the magistrate’s determination.¹² As an informant’s basis of knowledge or veracity remain highly relevant in determining probable cause, conclusory allegations by the affiant-officer concerning these aspects should also be avoided.

Applying the “totality of the circumstances” test to the affidavit and accompanying anonymous letter in *Gates*, the Court was of the opinion that the anonymous letter, standing alone, did not provide the issuing magistrate sufficient probable cause. However, when the allegations in the letter were combined with the results of the independent police work, the magistrate had a substantial basis to conclude that probable cause existed.¹³

The Court, in justifying its “totality of the circumstances” test, was not unmindful of its progressive encouragement of search pursuant to warrant. Indeed, it stated that the new standard “better serves the purpose of encouraging recourse to the warrant procedure and is more consistent with our traditional deference to the probable cause determination of magistrates.”¹⁴

The Court also indicated that it was aware of the inherent dangers to fourth amendment protections when such encouragement was lacking:

“If the affidavits submitted by police officers are subjected to the type of scrutiny some courts have deemed appropriate, police might well resort to warrantless searches, with the hope of relying on consent or some other exception to the Warrant Clause that might develop at the time of the search.”¹⁵

Similarly, in *Massachusetts v. Upton*,¹⁶ the Supreme Court again applied the “totality of the circumstances” test of *Gates*. In *Upton*, a police officer had earlier assisted in the execution of a search warrant for the motel room of Richard Kelleher, which yielded some, but not all, of the items taken in recent

burglaries. Approximately 3 hours later, the same officer received a call from an unidentified woman who related the existence of a motor home “full of stolen stuff” parked behind Upton’s home. She indicated that she had personally seen these stolen items, which included gold, silver, and jewelry. She further stated that Upton planned to move the motor home in response to the search of Kelleher’s motel room, as Upton had purchased these stolen goods from Kelleher. The informant initially refused to identify herself, but upon the police officer’s assertions, admitted that she was Upton’s ex-girlfriend.

The officer then went to Upton’s home and verified the existence of a motor home on the property. He included all of the foregoing facts in his affidavit for search warrant. A local magistrate issued the search warrant, and the subsequent search produced the items described by the caller. The trial court admitted this incriminating evidence, but the Massachusetts Supreme Judicial Court reversed, believing that the *Gates* decision still required a showing of the informant’s veracity and basis of knowledge, and if either or both was not sufficiently clear, only substantial corroboration of the informant’s tip could still allow a finding of probable cause.

The Supreme Court rejected such an interpretation of its holding in *Gates* and reasserted its “totality of the circumstances” test, finding that under this standard, the police officer’s affidavit provided a sufficient basis for the magistrate’s determination of probable cause.¹⁷

The use of informants, whether they be anonymous citizen informants, as in *Gates* and *Upton*, or otherwise, is an invaluable tool in law enforcement, as most crimes do not occur in the presence of law enforcement officers.

"Police officers should not overlook independent corroboration of an informant's tip as a likely source of facts supporting probable cause."

Additionally, hearsay information garnered from such sources is frequently available. By abandoning the strict "two-prong test" and adopting the "totality of the circumstances" standard, the Supreme Court has clearly encouraged the law enforcement officer to use such information in obtaining a warrant prior to search, rather than foregoing the warrant procedure altogether.

As common sense would dictate, the more facts in an affidavit, the more likely probable cause to search will exist by the "totality of the circumstances." Police officers should not overlook independent corroboration of an informant's tip as a likely source of facts supporting probable cause. It is therefore recommended, particularly when doubt exists as to either sufficient basis of knowledge or veracity of the informant—which remain important in probable cause determinations—that the officer corroborate the informant's information as completely as time considerations allow.

INCENTIVE FOR SEARCH BY WARRANT: *LEON V. UNITED STATES*

The Supreme Court in *Gates* refused to consider whether the exclusionary rule should be so modified as to not require exclusion of evidence obtained in the reasonable belief on the part of the police officer that the search and seizure was made in accordance with the fourth amendment.¹⁸ In 1984, however, the Court provided proper incentive, in addition to further encouragement, to the law enforcement officer to search pursuant to warrant by recognizing a good faith warrant exception to the exclusionary rule in the cases of *United States v. Leon*¹⁹

and *Massachusetts v. Sheppard*.²⁰ By this exception, evidence is admissible if the seizing officer acted in objectively reasonable reliance on a search warrant issued by a neutral and detached magistrate, even if the warrant is later found to be invalid.

In *Leon*, a confidential informant of unproven reliability advised an officer of the Burbank, CA, Police Department in August 1981, that two individuals, later determined to be Sanchez and Stewart, were selling cocaine and methaqualone from their residence. The informant also indicated he had witnessed a methaqualone sale by Stewart 5 months earlier.

On the basis of this information, the Burbank police initiated an extensive investigation of Sanchez and Stewart and their residence and discovered, among other things, that Sanchez had previously been arrested for possession of marijuana; that several persons, at least one of whom had prior drug involvement, were observed arriving at the residence and leaving with small packages; that the automobile of Del Castillo, who had previously been arrested for possession of 50 pounds of marijuana, was seen at the residence; that Del Castillo's employer, Leon, had been arrested in 1980 on drug charges and a companion of Leon had informed the police at that time of Leon's heavy involvement in the importation of narcotics; that Burbank officers had previously learned that an informant had told a Glendale, CA, police officer that Leon stored a large quantity of methaqualone at his then residence in Glendale; and that Leon presently resided in Burbank.

An "experienced and well-trained" Burbank police officer used these facts and other observations in an affidavit in support of an application for a warrant to search, among other things,

Leon's residence in Burbank. The warrant was issued by a State superior court judge, and the ensuing search of Leon's residence produced large quantities of narcotics. A motion to suppress this evidence was sustained by the trial court, which concluded that the affidavit was insufficient to establish probable cause. The court did find that the affiant-officer had acted in good faith, but refused to declare that the exclusionary rule should not apply even when there is a reasonable good faith reliance on a search warrant.

The U.S. Court of Appeals for the Ninth Circuit upheld this suppression, reasoning that the affidavit failed to satisfy the *Aguilar-Spinelli* "two-prong test." The court found no showing of the informant's basis of knowledge of Leon's criminal activities and the informant's reliability and stated that these deficiencies were not cured by the police investigation.

The Supreme Court did not consider whether there existed sufficient probable cause under the "totality of the circumstances" test of *Gates*, but instead modified the exclusionary rule so as to allow the use of evidence obtained by officers acting in objectively reasonable, good faith reliance on a search warrant issued by a neutral and detached magistrate but ultimately found to be unsupported by probable cause.

In arriving at this decision, the Court first noted that the purpose of the exclusionary rule is to deter police misconduct.²¹ Again, the Court referred to its strong preference for search pursuant to warrant and stated that in most cases, "when an officer

acting in objective good faith has obtained a search warrant from a judge or magistrate and acted within its scope . . . there is no police illegality and nothing to deter."²²

The Court made the practical determination that "in the ordinary case, an officer cannot be expected to question the magistrate's probable cause determination or his judgment that the form of the warrant is technically sufficient."²³ Since "penalizing the officer for the magistrate's error, rather than his own, cannot logically contribute to the deterrence of Fourth Amendment violations,"²⁴ the Court concluded that the "marginal or nonexistent benefits produced by suppressing evidence obtained in objectively reasonable reliance on a subsequently invalidated search warrant cannot justify the substantial costs of exclusion."²⁵

The Court found that the officer's application for the warrant to search Leon's house was clearly supported by more than a "bare bones" affidavit. It related the results of an extensive investigation, had been reviewed by several deputy district attorneys, and had provided evidence sufficient to have convinced some of the justices of the court of appeals that probable cause existed. Under these circumstances, the Court found that the officer's reliance upon the search warrant was objectively reasonable, and therefore, that the application of the exclusionary rule was inappropriate.

Similarly, in *Sheppard*, decided the same day as *Leon*, the Supreme Court found the seizing officers to have met the objectively reasonable reliance standard of the good faith warrant exception. In that case, a Boston police detective investigating a murder applied for a search warrant on

the basis of an affidavit which listed a number of items police wished to search for in Sheppard's residence. These included clothing of the murder victim, a blunt instrument that may have been the murder weapon, wire and rope that matched that found on the body of the victim, and clothing that might have blood stains. The affidavit was reviewed and approved by the local district attorney, the district attorney's first assistant, and a police sergeant.

Because it was Sunday, however, the local court was closed, and an appropriate warrant application form could not be found. The detective finally located a warrant form previously used in another district to search for controlled substances. After making some changes in the form, the detective presented the form and the affidavit to a judge, informing him that the warrant might need further changes. Concluding that the affidavit established probable cause, the judge told the detective that the necessary changes in the warrant form would be made. In fact, the judge did make some changes, but did not incorporate the affidavit into the warrant or change that portion of the warrant which continued to authorize a search for controlled substances. The judge then signed the warrant, advising the detective that there was sufficient authority to conduct the requested search.

The evidence described in the affidavit was discovered in the ensuing search, which was directed by the same detective who had obtained the warrant. At trial, the judge ruled that notwithstanding the fact that the description of the items to be seized in the warrant was completely inaccurate, the evidence would be admitted because the police had acted in good faith in executing what they believed was a valid warrant. On appeal, the

Massachusetts Supreme Judicial Court reversed Sheppard's conviction, reasoning that the warrant was defective and the evidence should have been suppressed.

The Supreme Court reversed, emphasizing that the officers who conducted the search had an objectively reasonable basis for their belief that the warrant validly authorized the search. The Supreme Court noted that the officers "took every step that could reasonably be expected of them."²⁶ The detective who obtained and directed the execution of the warrant was not "required to disbelieve a judge who had just advised him, by word and by action, that the warrant he possess[ed] authorize[d] him to conduct the search he ha[d] requested."²⁷ Any error of constitutional magnitude was committed by the issuing judge, not the police officers, and the purpose of the exclusionary rule, to deter police misconduct, would not be served in such a situation.

The Supreme Court did, however, qualify its decision in *Sheppard* by stating they were not addressing a factual situation where the executing officer was not the same officer who obtained the warrant or was unfamiliar with the warrant application.²⁸ In such situations, it would seem a reasonable officer would read the warrant itself prior to execution, notice its inaccuracies, and be required to take the necessary steps to correct these inaccuracies. As qualified, the good faith warrant exception is applicable when the magistrate, and not the police, has erred, and the police subsequently reasonably rely upon the issued warrant despite the error of the magistrate.

"The good faith warrant exception will not apply and evidence will be inadmissible in limited situations when the law enforcement officer lacks objectively 'reasonable grounds for believing the warrant was properly issued.'"

REQUIREMENTS FOR GOOD FAITH RELIANCE UPON A SEARCH WARRANT

The Supreme Court has provided the good faith warrant exception to the exclusionary rule as further encouragement and incentive for search pursuant to warrant. It is, therefore, imperative that the law enforcement officer know what is, and what is not, objectively reasonable, good faith reliance upon the issued search warrant. A closer examination of the *Leon* and *Sheppard* cases, as well as a survey of lower Federal and State cases which have applied this exception, is instructive.

Officers' Objectively Reasonable Good Faith

The primary focus in applying the good faith warrant exception is not upon the determination of probable cause by the magistrate, but the conduct of the police officer in relying upon the magistrate's authorization to search. In this regard, the police officer's reliance upon the search warrant must be objectively, and not subjectively, reasonable for the good faith warrant exception to apply. Such an objective test holds the police officer to a higher standard than a subjective analysis of his conduct would require.

For his reliance on the search warrant to be objectively reasonable, the police officer must meet a minimal level of knowledge of the law's requirements. He will be held to the standard of a "reasonably well-trained officer" in determining if he should have known "that the search was illegal despite the issuing magistrate's authorization."²⁹

Holding officers to this standard necessitates continued police training programs, particularly with regard to

the limits which the fourth amendment imposes on police conduct. In *United States v. Freitas*,³⁰ a U.S. district court placed great emphasis upon training standards in determining if there existed objectively reasonable, good faith reliance upon a search warrant. In finding that Agents of the Drug Enforcement Administration did not reasonably rely upon a warrant which authorized their surreptitious entry into a residence for the purpose of only searching for, but not seizing, items to manufacture methamphetamine, the court referred to the absence of any reference to such a search, for which there was no jurisdictional basis,³¹ in any of that agency's training manuals or training programs.

As professional and up-to-date training regimens are prompted by the objectively reasonable standard of the good faith warrant exception, so too are the implementation and adherence to proper police procedures by the officer making application for the warrant. In both *Leon* and *Sheppard*, for example, the officers who sought the warrant had the respective affidavits reviewed by at least one district attorney prior to application to the magistrate for search warrant. Such review procedure, whether it be by a local prosecuting attorney, a police legal adviser, or a senior experienced police officer, will tend to assure that the officer who is applying for the search warrant has taken every step that could reasonably be expected of him prior to securing the warrant.

Although this reasonableness standard is objective in nature, the Supreme Court in *Leon* warned that matters particularly known by the individual officer who applies for the warrant will not be disregarded in determining if the good faith warrant exception should apply. Therefore, "all of the circumstances—including whether the

warrant application had previously been rejected by a different magistrate—may be considered"³² in determining if the officer's reliance upon the warrant was reasonable.

Additionally, the objective reasonableness of not only the officer who executed the warrant but also of those officers who "obtained it or who provided information material to the probable cause determination"³³ are to be considered. The good faith of those officers who have obtained or executed the warrant is thus also affected by an objective review of the reasonable conduct of their fellow officers who have supportive roles in the process.

It is important to emphasize that the Supreme Court in *Leon* did not intend to condone careless police procedures or intentional violations of constitutional guarantees by its implementation of the good faith warrant exception to the exclusionary rule. Officers are held to an objectively reasonable standard in both issuance and execution of the search warrant. Exclusion remains a judicial remedy to deter misconduct if 1) reasonable grounds for believing the warrant is valid are lacking or 2) the search warrant is not executed properly. The objective reasonableness of all officers involved in terms of training, adherence to proper police procedures, and detailing all facts and circumstances to the magistrate are relevant in both aspects of the warrant process. Each is discussed in turn below.

Absence of Grounds to Believe Warrant is Proper

The good faith warrant exception will not apply and evidence will be inadmissible in limited situations when the law enforcement officer lacks objectively "reasonable grounds for

believing the warrant was properly issued."³⁴

Several procedural requirements in obtaining a search warrant are so basic, and are of such common knowledge, that a finding of good faith has been precluded in their absence. Some courts, in applying the *Leon* standard for determining the applicability of the good faith warrant exception to the exclusionary rule, have found the failure of the officer-affiant to supply a written affidavit or recorded sworn testimony in support of the application for search warrant,³⁵ or to be placed under oath when before the issuing magistrate,³⁶ to be so fundamental in nature as to preclude the finding of objectively reasonable reliance on the search warrants issued.

This does not suggest that the officer-affiant must now assume the role of insurer against errors by the magistrate. In *United States v. Maggitt*,³⁷ for example, the U.S. Court of Appeals for the Fifth Circuit found Federal agents and police officers to have been reasonable in their belief that any flaws in their written affidavit for search warrant were cured by the issuing magistrate's detailed inquiry into the sources of the information in their affidavit. Although the magistrate had not recorded the oral responses to his inquiries as required by the Federal Rules of Criminal Procedure, the court ruled that to exclude the seized evidence because of that failure by the magistrate would serve no purpose in deterring police misconduct.

Additionally, the Supreme Court in *Leon* outlined four situations where the officer could not rely on the good faith exception because he would be unable to establish reasonable grounds to rely upon the validity of the search warrant. Those four situations are addressed separately.

Affidavit Deliberately or Recklessly False

When the law enforcement officer misleads the issuing magistrate by submitting an affidavit to the magistrate which the officer knows to contain false information or "would have known was false except for his reckless disregard of the truth,"³⁸ the good faith exception will not apply.

Illustrative of this type of situation is *United States v. Boyce*.³⁹ In that case, the affiant proffered to the magistrate an affidavit which set forth information from a confidential informant. The affiant stated that the informant had provided information to the affiant for the past month, and in all instances, the information had been corroborated by independent investigation. In fact, the affiant had met this informant only once prior to obtaining the information included in the application for the search warrant, and the police had then conducted no subsequent investigation to corroborate the informant's information. Additionally, the affiant failed to advise the magistrate that he knew the informant to be under the influence of narcotics when supplying the information contained in the affidavit. In light of the affiant's reckless disregard for the truth, the Federal district court determined that exclusion of the evidence found in the search made pursuant to the warrant was appropriate, and the good faith exception would not apply.⁴⁰

Warrant Not Approved By Neutral and Detached Judicial Officer

The Supreme Court has repeatedly indicated that only a truly impartial magistrate can issue a valid search warrant by fourth amendment stand-

ards. The magistrate must be totally independent of the police or prosecutors⁴¹ and have no personal or pecuniary interest in his conclusion to issue or deny the warrant.⁴²

Just as the issuing official cannot be connected to the police, he also cannot act as a "rubber stamp" for them. No reasonably well-trained law enforcement officer should rely upon a magistrate's authorization to search when that officer is aware that the magistrate has wholly abandoned his role of a neutral and detached judicial official.⁴³

In determining if such judicial abandonment will preclude a determination of good faith, the courts will concentrate on the police officer's knowledge of such abandonment. It is therefore important that the officer who obtains the warrant assure that the issuing magistrate carefully consider the submitted affidavit and application, and not just perform a perfunctory review and give automatic approval.

For example, in *United States v. Breckenridge*,⁴⁴ the U.S. Court of Appeals for the Fifth Circuit found that even though the issuing magistrate may not have read the supporting affidavit, the officer who obtained the search warrant reasonably relied in good faith upon the magistrate's authorization to search. The officer had orally explained the contents of the submitted affidavit to the magistrate while the magistrate appeared to the officer to be reading it. As the magistrate at least appeared to the officer to have fulfilled his role, there was no improper misconduct to deter, and therefore, no reason to apply the exclusionary rule.

With this "exception" to a good faith determination in mind, police should also avoid the practice of magistrate "shopping" when seeking a

"... when doubt exists as to either sufficient basis of knowledge or veracity of the informant—which remain important in probable cause determinations—the officer [should] corroborate the informant's information as completely as time considerations allow."

search warrant. If the magistrate is later determined to have abandoned his judicial role, the deliberate act of seeking out that particular magistrate would show knowledge on the part of the police of this abandonment of function on the part of the magistrate.

Warrant Patently Deficient

When the warrant itself is so factually deficient as to prohibit objectively reasonable reliance upon its validity, good faith will not apply.⁴⁵ A Texas appellate court has found this requirement to preclude reasonable reliance by executing officers on a search warrant which was not signed by the issuing magistrate.⁴⁶

The Supreme Court in *Leon* also noted that depending on the circumstances, the warrant may be so deficient "in failing to particularize the place to be searched or the thing to be seized"⁴⁷ that the executing officers could not reasonably presume it to be valid. Despite the inaccuracies of description in the *Sheppard* warrant, it was not, under those circumstances, found to be so deficient as to prohibit good faith, as the officer who obtained and later directed execution of the warrant took every reasonable step to assure its validity and justifiably relied upon the magistrate's authorization.

Similarly, in *United States v. Arenol*,⁴⁸ the U.S. Court of Appeals for the Eighth Circuit found that a typographical error, which caused the subject warrant on its face to authorize a search of "3208," rather than the correct "3028" Third Avenue South, did not render the warrant, under the circumstances, so factually deficient as to preclude good faith reliance on its validity. Despite the typographical error, the officers in *Arenol* also did every-

thing reasonably possible to assure the warrant's validity. The address was correctly typed on various documents submitted with the application and warrant. In addition, an officer, noticing the error, called the issuing magistrate and informed him of the mistake. The magistrate, in turn, advised the officer to correct the address on the warrant and execute it.

No Reasonable Basis for Finding Probable Cause

Lastly, good faith will not be applicable where the affidavit in support of the search warrant is "so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable" [citations omitted].⁴⁹ Again, the focus is not on whether the magistrate made a correct determination of probable cause, but whether a well-trained law enforcement officer could harbor an objectively reasonable belief in the existence of probable cause.

Illustrative of this focus on the reasonableness of the officer's belief in probable cause in *United States v. Fama*.⁵⁰ In that case Agents of the Drug Enforcement Administration were found to have reasonably relied on the probable cause determination of a U.S. district court judge who issued a search warrant, even though the probable cause to search the defendant's residence was based upon information received 35 days before it was presented to the judge. In making such a determination, the U.S. Court of Appeals for the Second Circuit pointed to: 1) The abundance of details in the affidavit, 2) drafting of the affidavit by a Federal prosecutor, 3) consideration of the same affidavit by another U.S. district court judge in issuing 30 arrest warrants and 20 search warrants, and 4) the fact that the judge who issued the search warrant in question had

also issued 12 additional warrants based upon the same affidavit.

Conversely, a Texas decision is indicative of when probable cause has been found to be so lacking in the affidavit as to preclude good faith belief in its existence. In *Adkins v. State*,⁵¹ the subject affidavit included the following conclusory information: 1) It had been reported to the affiant that the driver of the vehicle which was to be searched was a drug dealer, and 2) the driver was observed handing another reported drug dealer a package in the vehicle. The Texas court of appeals found this information to be so "bare bones" as to prohibit an objectively reasonable belief in its sufficiency.

Additionally, an Idaho appellate court has found that the good faith warrant exception is not applicable when the information in the affidavit in support of probable cause has been tainted by the police officer's own misconduct.⁵² In that case, the affiant-officer included in his affidavit in support of a warrant to search the defendant's apartment information he had obtained from a previous illegal entry into the apartment, unbeknownst to the issuing magistrate. The court therefore found the warrant to be so tainted by the officer's illegal conduct as to preclude a finding of good faith on his part.

In summary, the *Leon* and *Sheppard* cases dictate, and subsequent Federal and State cases illustrate, that search by warrant is judicially preferred. When available, the warrant will assure admissibility of evidence, even if later ruled invalid, if law enforcement officers adhere to the following procedural and constitutional safeguards in seeking to have the warrant issued:

- 1) State accurate and specific facts in support of probable cause;
- 2) Assure that the issuing magistrate actually reviews and considers the affidavit; and
- 3) Describe the items to be seized and the place to be searched in such detail in the warrant that an officer unfamiliar with the investigation could execute the warrant without doubt.

These considerations can best be achieved through continued training in fourth amendment search and seizure areas and use of procedural guidelines, including supervisory and prosecutorial review of search warrant applications, prior to presentation to a judicial officer.

Properly Executed Warrant

Even if the police officer has an objectively reasonable belief in the proper issuance of the search warrant, he must still have "properly executed the warrant and searched only those places and for those objects that it was reasonable to believe were covered by the warrant."⁵³ For example, officers armed with a search warrant are usually required to give notice of their authority and purpose, or "knock and announce," prior to making forceful entry into residential premises to be searched,⁵⁴ unless, of course, such entry falls into a recognized exception to any announcement requirement.

Additionally, law enforcement officers cannot disregard the parameters of the search warrant and turn the search into what is in effect a general search, with all matters of discretion left to the executing officers, and still claim good faith reliance on the warrant.⁵⁵

CONCLUSION

With the "totality of the circumstances" test and the "good faith warrant exception to the exclusionary rule," the Supreme Court has clearly encouraged the law enforcement officer to use the warrant procedure, even in instances that might fall into one of the narrowly drawn exceptions to the search warrant requirement. By obtaining a search warrant whenever practical, the officer most effectively meets his responsibility to respect the rights afforded to citizens by the fourth amendment. If reasonably relied upon and executed properly, the search warrant assures introduction of evidence integral to the truth-finding function of the judge or jury, even if the warrant is later found to be invalid.⁵⁶

FBI

Footnotes

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

²*Johnson v. United States*, 333 U.S. 10, at 14 (1948).

³E.g., *United States v. Lefkowitz*, 285 U.S. 452 (1932); *MacDonald v. United States*, 335 U.S. 451 (1948); *Jones v. United States*, 362 U.S. 257 (1960); *United States v. Chadwick*, 433 U.S. 1 (1977).

⁴*United States v. Chadwick*, *supra* note 3.

⁵*United States v. Ventresca*, 380 U.S. 102, at 106 (1965). See, e.g., *Aguilar v. Texas*, 378 U.S. 108 (1964); *Spinelli v. United States*, 393 U.S. 410 (1969).

⁶*Weeks v. United States*, 232 U.S. 383 (1914); *Mapp v. Ohio*, 367 U.S. 643 (1961) (The exclusionary rule essentially prohibits introduction of evidence acquired or derived through governmental conduct violative of the fourth amendment). For a detailed discussion of the exclusionary rule, see Schofield, Daniel L., "The Fourth Amendment Exclusionary Rule and the United States Supreme Court," *FBI Law Enforcement Bulletin*, vol. 46, No. 3, March 1977, pp. 26-31.

⁷462 U.S. 213 (1983) (hereinafter referred to as *Gates*).

⁸*Supra* note 4.

⁹*Supra* note 4.

¹⁰For a comprehensive discussion of the "two-pronged test" of *Aguilar* and *Spinelli*, see McGuiness, Robert L., "Probable Cause: Informant Information," *FBI Law Enforcement Bulletin*, vol. 51, Nos. 11-12, November-December 1982, pp. 23-31, pp. 19-24.

¹¹*Supra* note 7 at 238. (The Court additionally stated that in determining the overall reliability of the tip, a deficiency in either the basis of knowledge, veracity, or reliability of the informant may be cured by a "strong showing" in the other. *Id.* at 233. With this in mind, courts will likely

continue to place considerable reliance upon these factors in determining the sufficiency of probable cause based upon an informant's tip.)

¹²*Id.* at 239.

¹³See, e.g., *United States v. Badessa*, 752 F.2d 771 (1st Cir. 1985); *United States v. Peyko*, 717 F.2d 743 (2d Cir. 1983); *United States v. Pritchard*, 745 F.2d 1112 (7th Cir. 1984); *United States v. Robinson*, 756 F.2d 56 (8th Cir. 1985); *United States v. Ross*, 713 F.2d 389 (8th Cir. 1983); *United States v. Doty*, 714 F.2d 761 (8th Cir. 1983); *United States v. Bereford*, 750 F.2d 57 (10th Cir. 1984) (It is not the purpose of this article to address the myriad of factual situations which would amount to sufficient probable cause based upon an informant's tip using the "totality of the circumstances" test).

¹⁴*Supra* note 7, at 237.

¹⁵*Id.* at 236.

¹⁶80 L.Ed.2d 721 (1984) (hereinafter referred to as *Upton*).

¹⁷On remand to the Massachusetts court, the "totality of the circumstances" test was rejected, and instead, the *Aguilar-Spinelli* "two-pronged test" was used in assessing the sufficiency of informant information, based upon State constitutional grounds; *Commonwealth v. Upton*, 476 N.E. 2d 548 (Sup. Ct. Mass. 1985). *Accord*, *State v. Jackson*, 688 P.2d 136 (Sup. Ct. Wash. 1984); *State v. Kimbro*, 496 A.2d 498 (Sup. Ct. Conn. 1985).

¹⁸Justice White had recognized a good faith warrant exception to the exclusionary rule in his concurring opinion in *Gates*, *supra* note 7, at 246. The Supreme Court had also earlier recognized an exception to the exclusionary rule when a police officer in making a search relies in good faith on a constitutional norm which is later changed by the courts, *United States v. Peltier*, 422 U.S. 531 (1975), or when an officer relies in good faith on a local ordinance which is later found to be unconstitutional, *Michigan v. DeFilippo*, 443 U.S. 31 (1979).

¹⁹82 L.Ed.2d 677 (1984) (hereinafter referred to as *Leon*).

²⁰82 L.Ed.2d 737 (1984) (hereinafter referred to as *Sheppard*).

²¹*Id.* at 687 (Legal commentators have taken issue with the determination that the exclusionary rule is of deterrent value only and is not a personal right of the individual whose fourth amendment rights have been violated). See, LaFave, W., *Search and Seizure—A Treatise on the Fourth Amendment*, vol. 1, sec. 1.2 (1985).

²²*Id.* at 697.

²³*Id.* at 697.

²⁴*Id.* at 697.

²⁵*Id.* at 698.

²⁶*Supra* note 20, at 744.

²⁷*Id.* at 744.

²⁸*Id.* at 744 n. 6.

²⁹*Supra* note 19, at 698 n. 23 (The Supreme Court has recently applied the same reasonably well-trained officer standard in determining if an officer was objectively reasonable in believing that his affidavit in support of an arrest warrant established probable cause and that he properly applied for the warrant in order to avoid civil liability for alleged fourth amendment violations under the rule of qualified immunity. *Malley v. Briggs*, ___ U.S. ___ (1986). (Decided March 5, 1986).)

³⁰610 F.Supp. 1560 (N.D. Cal. 1985).

³¹The Court found the search warrant failed to require seizure of the items named in the warrant and excused the executing agents from leaving a copy of the warrant and the inventory, as required by Fed. R. Crim. P. 41.

³²*Supra* note 19, at 698 n. 23.

³³*Id.* at 698 n. 24.

³⁴*Supra* note 19, at 698.

³⁵*State v. Anderson*, 688 S.W.2d 947 (Ark. Sup. Ct. 1985).

³⁶*Collins v. Florida*, 465 So.2d 1266 (Fla. Ct. App. 1985).

³⁷778 F.2d 1029 (5th Cir. 1985).

³⁸*Supra* note 19, at 698-699, citing *Franks v. Delaware*, 438 U.S. 154 (1978). For a detailed discussion of *Franks*, see McGuinness, Robert L., "Misstatements in Affidavits for Warrants: *Franks* and its Progeny," *FBI Law Enforcement Bulletin*, vol. 51, No. 3, March 1982, pp. 24-31.

³⁹601 F. Supp. 947 (D. Minn. 1985).

⁴⁰See also, *United States v. Stannert*, 762 F.2d 775 (9th Cir. 1985), modified 769 F.2d 1410 (1985) (Affiant's failure to inform magistrate that the defendant had only been arrested and not convicted for a previous narcotics offense, that an explosion which had occurred at the place to be searched was prior to defendant's occupancy, and that an anonymous caller had suggested that residents of place to be searched were using ether to free base cocaine rather than to manufacture drugs as stated in affidavit, precluded good faith); *United States v. Reivich*, 610 F. Supp. 538 (D. Mo. 1985) (Failure to inform magistrate of inducement to informant precluded good faith); *Compare with, United States v. Estes*, 609 F. Supp. 564 (D. Vt. 1985) (Informing magistrate of communications which might be subject to marital privilege was not reckless or dishonest).

⁴¹See, *Coolidge v. New Hampshire*, 403 U.S. 443 (1971) (Attorney general who was in charge of murder investigation to which warrant related was not an impartial magistrate).

⁴²See, *Connally v. Georgia*, 429 U.S. 245 (1977) (Justice of peace who received \$5 for issuing a search warrant and no fee for denying a warrant application was not an impartial magistrate).

⁴³*Supra* note 19, at 699, citing *Lo-Ji Sales, Inc. v. New York*, 442 U.S. 319 (1979) (Magistrate who issued search warrant abandoned his neutrality by accompanying police to place to be searched to then determine what could be seized).

⁴⁴782 F.2d 1317 (5th Cir. 1986). See also, *United States v. Hendricks*, 743 F.2d 653 (9th Cir. 1985) (Magistrate did not abandon his role for purposes of determining good faith on the part of the seizing law enforcement officers when he issued an anticipatory or prospective search warrant).

⁴⁵*Supra* note 19, at 699.

⁴⁶*Miller v. Texas*, 703 S.W.2d 352 (Tex. Ct. App. 1985).

⁴⁷*Supra* note 19, at 699.

⁴⁸768 F.2d 263 (8th Cir. 1985). See also, *United States v. Faul*, 748 F.2d 1204 (8th Cir. 1984) (Describing items to be seized in the warrant as "all firearms" did not, under the circumstances, preclude good faith); *United States v. Accardo*, 749 F.2d 1477 (11th Cir. 1985) (Describing items to be seized as "all corporate records" did not preclude good faith where affidavit had been reviewed by several assistant U.S. attorneys prior to application for warrant); *In Re Motion to Quash Grand Jury Subpoena*, 593 F. Supp. 184 (S.D. W. Va. 1984) (Typo-

graphical error on warrant that it was to be executed by August 12, rather than on the correct August 22, did not preclude good faith).

⁴⁹*Supra* note 19, at 699.

⁵⁰758 F.2d 834 (2d Cir. 1985). See, e.g., *United States v. Thomas*, 757 F.2d 1359 (2d Cir. 1985); *United States v. Gant*, 759 F.2d 484 (5th Cir. 1985); *United States v. Savoca*, 761 F.2d 292 (6th Cir. 1985); *United States v. Thornton*, 746 F.2d 39 (D.C. Cir. 1984).

⁵¹675 S.W.2d 604 (Tex. Ct. App. 1984). See, e.g., *United States v. Sager*, 743 F.2d 1261 (8th Cir. 1984); *United States v. Granger*, 596 F. Supp. 665 (W.D. Wis. 1984); *State v. Thompson*, 369 N.W.2d 363 (N.D. Sup. Ct. 1985).

⁵²*State v. Johnson*, 701 P.2d 239 (Idaho Ct. App. 1985).

⁵³*Supra* note 19, at 696 n. 19.

⁵⁴See, *State v. Sakellson*, 379 N.W.2d 779 (N.D. Sup. Ct. 1985) (Officers' failure to knock and announce not objectively reasonable).

⁵⁵See, *United States v. Strand*, 761 F.2d 449 (8th Cir. 1985) (No objectively reasonable basis for believing the warrant which named "stolen mail" as the items to be seized, included normal household items).

⁵⁶At least two States have rejected the good faith search warrant exception to the exclusionary rule based upon State constitutional grounds. *State v. Novembrino*, 491 A.2d 37 (N.J. Sup. Ct. 1985); *People v. Bigelow*, 488 N.E.2d 451 (N.Y. Sup. Ct. 1985).

AFI To Honor Outstanding Law Enforcement Officials

On November 7, 1986, the National Association of Federal Investigators (AFI) will again honor exceptional members of the law enforcement profession at its annual conference culminating in the awards banquet in Washington, DC. As in the past, the AFI awards will cover a broad array of professional accomplishments and recognize excellence in all aspects of law enforcement.

The categories for this year's awards are: Federal Investigator of the Year (one each for outstanding performance in the fields of criminal, financial, security/counterintelligence, fraud and civil/administrative, investigations), Law Enforcement Leadership Award, Legal Award, Legislative Award, and Public Service Award. In addition, AFI will accept nominations

for the AFI Honor Roll, a distinction conferred posthumously to a law enforcement officer who has sacrificed his or her life in the line of duty.

Nominations are now being accepted for the above awards through law enforcement agencies. Nominees need not be affiliated with the AFI to qualify. For more information on the AFI awards banquet, or to obtain nomination forms for submission through your agency, please call or write:

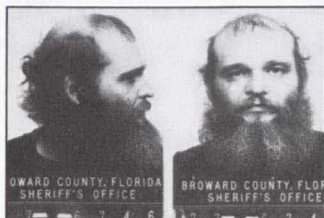
National Association of Federal Investigators
1612 K Street, Suite 202
Washington, DC 20006
(202) 466-7288

Intent to submit nominations must be filed no later than July 15, 1986, to be considered.

WANTED BY THE FBI

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

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



Photographs taken 1977

Norman Edward Risinger,

also known as J.E. Owings, James E. Owings, James Edward Owings, Norman Edward Reisinger, Norman Edward Risimer, N.E. Risinger, Norman Risinger, Norman Edward Patrick Risinger, "Spider." W; born 3-17-42, Port Arthur, TX; 6'0"; 160-180 lbs; med bld; balding-graying brn hair; brn/hzl eyes; lt comp; occ—mechanic; scars and marks: scar between eyebrows, scar on stomach and back; left ear pierced; tattoos: devil with words "Born to Raise Hell" on left forearm; skull with crossed pistons and words "Outlaws Forever" and "CHICAGO" on left upper arm, and others; remarks: wears mustache and beard; reportedly a member of the Outlaw motorcycle gang. Wanted by FBI for INTERSTATE FLIGHT—MURDER.

NCIC Classification:

1901TTAATT16SRAA04AA

Fingerprint Classification:

19 L 1 U tat Ref: T U T U T U T 1
M 1 U a-a A A T T R R U 3

I.O. 4855

FBI No. 198 922 D

Caution

Risinger is being sought as the alleged gunman in the execution-style, shotgun murders of three rival motorcycle gang members, whose bodies, weighted with concrete blocks, were later found floating in a rock pit. Consider Risinger armed and dangerous.



Photo taken 1977

Leo Joseph Koury,

also known as Mike Decker, Leo J. Koury. W; born 7-14-34, Pittsburgh, PA; 5'11"; 240 lbs; hvy bld; blk hair; brn eyes; drk comp; occ—restaurant operator, baseball umpire; remarks: reported to be a diabetic requiring insulin shots.

Wanted by FBI for RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS—MURDER, EXTORTION, ATTEMPTED MURDER.

NCIC Classification:

121013CO15TTAA12CI14

Fingerprint Classification:

12 9 U OOO 15
2 tA OI

Social Security

Number Used: 224-38-4566

FBI No. 738 312 B

I.O. 4824

Caution

Koury, a known organized crime figure who operated several Virginia restaurants frequented by the gay community, is being sought in connection with the shooting murders of two individuals and attempted contract murder of three others. He is also wanted for conspiracy to kidnap an individual for a substantial ransom payment. Koury should be considered armed and extremely dangerous.

FBI TOP TEN FUGITIVE



Photographs taken 1978

Joseph Arlin Shepherd,

also known as Joe Sheperd, Joe Shepherd, Joseph Arlen Shepherd, Joseph A. Shepherd, Joseph Arlon Shepherd, Joseph Arlond Shepherd.

W; born 1-5-53, Sweetwater, TN; 6'0"; 150-155 lbs; sldr bld; brn hair; grn eyes; med comp; occ—auto mechanic, laborer; scars and marks: scar on left forearm; remarks: reportedly illiterate.

Wanted by FBI for INTERSTATE FLIGHT—MURDER, AGGRAVATED ASSAULT.

NCIC Classification:

POPIPMPO17DIPO17PI19

Fingerprint Classification:

17 O 29 W IMO 17
I 28 W OOI

I.O. 4819

Social Security

Numbers Used: 411-94-4104; 411-54-4404

FBI No. 877 750 K 10

Caution

Shepherd, an escapee from custody who may be armed with a shotgun, is being sought in connection with the sexual assault and murders of two teenage females whose bodies were found buried in shallow graves. Shepherd, who has also been charged with assaulting a police officer, reportedly has stated he would not be taken alive. He should be considered armed, dangerous, and an escape risk.



Right thumbprint



Right index fingerprint



Left ring fingerprint

WANTED BY THE FBI



Photographs taken 1975, 1977, and retouched

Jose Dionisio Suarez Y Esquivel,

also known as Dionisio Suarez Esquivel, Jose Suarez Esquivel, Jose D. Suarez, Jose D. Suarez-Esquivel, Jose Dionisio Moises Suarez Esquivel. W; born 2-17-39, Holguin, Oriente, Cuba (not supported by birth records); 5'10"; 175 lbs; large bld; blk hair; brn eyes; lt comp; occ—used car salesman; scars and marks: scar upper lip under nose; remarks: may be wearing beard and/or mustache.

Wanted by FBI for CONSPIRACY TO MURDER A FOREIGN OFFICIAL.

NCIC Classification:

120912171312CM041413

Fingerprint Classification:

12	M	1	U	IOO	13	Ref:	3
	M	3	W	MIO			3

I.O. 4799

Social Security

Numbers Used: 202-70-9712; 262-70-9712

FBI No. 264 663 E

Caution

Jose Dionisio Suarez Esquivel and Virgilio Pablo Paz Romero, Identification Order No. 4800, members of a terrorist group reportedly responsible for several acts of violence in which deaths and injuries have occurred, are known to have been armed in the past and are being sought in connection with the bombing deaths of a former Chilean ambassador and female business colleague. Consider both armed and dangerous.



Photographs taken 1971 and 1973

Luis R. Archuleta,

also known as Lorenzo Buscateri, Lawrence Carbone, Jose Martinez Lopez, Lawrence Larry Pasateri, Ramon Benito Trevino Pedrosa, Benito Trevino Pedroza, Larry Pusateri, Larry Lurcea Pusateri, Larry Luneca Pusateri, Lawrence Pusateri (True Name), Lawrence Carbone Pusateri, Lorenzo Pustari, and others.

W; born 1-6-43, Brooklyn, NY; 5'7"; 150 lbs; med bld; brn hair; brn eyes; med comp; occ—barber;

scars and marks: scar on left eye; tattoos: cross with branch of flowers and "GLORIA" on left arm, butterfly and women's head on right arm, rose on chest, rosary entwined with madonna on back.

Wanted by FBI for INTERSTATE FLIGHT—ESCAPE, HOLDING HOSTAGES.

NCIC Classification:

PO6712PO142065PMPI15

Fingerprint Classification:

17	O	11	R	OOO	14	Ref:	11
	L	18	R	OMI			20

I.O. 4810

Social Security

Number Used: 549-56-8517

FBI No. 817 439 D

Caution

Archuleta, using a .38-caliber handgun, held a prison guard hostage during his escape from custody. At the time of escape, he was serving a lengthy sentence for shooting and seriously wounding a police officer. Consider Archuleta armed, dangerous, and an escape risk.



Photographs taken 1976, 1977, and retouched

Virgilio Pablo Paz Y Romero,

also known as Alejandro Bontempi, Virgil Paz, Virgilio Paz, Virgilio P. Paz, Virgilio Pablo Paz, Virgil Romero, Virgilio Romero, Virgilio Paz Romero, Virgilio P. Paz-Romero, "Javier," "Romero."

W; born 11-20-51, Santa Clara, Las Villas, Cuba (not supported by birth records); 5'7"—5'9"; 150–185 lbs; med bld; brn hair; brn eyes; lt comp; occ—clerk, truck driver, used car salesman;

remarks: may be wearing beard and/or mustache or clean shaven.

Wanted by FBI for CONSPIRACY TO MANUFACTURE UNLAWFUL EXPLOSIVES; CONSPIRACY TO MURDER A FOREIGN OFFICIAL.

NCIC Classification:

0409070911AA07AA0410

Fingerprint Classification:

4	1	U	11
	1	aUa	

I.O. 4800

Social Security

Numbers Used: 140-44-9630; 071-36-2803

FBI No. 626 118 L9

Caution

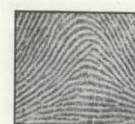
Virgilio Pablo Paz Romero and Jose Dionisio Suarez Esquivel, Identification Order No. 4799, members of a terrorist group reportedly responsible for several acts of violence in which deaths and injuries have occurred, are known to have been armed in the past and are being sought in connection with the bombing deaths of a former Chilean ambassador and female business colleague. Consider both armed and dangerous.



Right ring fingerprint



Left index fingerprint



Left middle fingerprint

Questionable Pattern

This impression displays a predominance of downward flowing looping ridges. Not so readily apparent are two adjacent upward flowing looping ridges which appear in the left central area of this pattern. The examiner determined that the upper of these two looping ridges should be discounted due to the sharpness of the recurve and that the delta for the lower looping ridge is on the recurve, thereby causing it also to be discounted. This pattern is classified as a loop with 16 counts. It is referenced to a double loop whorl, as a variance in inking pressure could result in a different appearance of the upward flowing looping ridges. The tracing would be inner.



Change of Address

Not an order form

FBI

Law Enforcement Bulletin

Complete this form and return to:

Director
Federal Bureau of
Investigation
Washington, DC 20535

Name

Title

Address

City

State

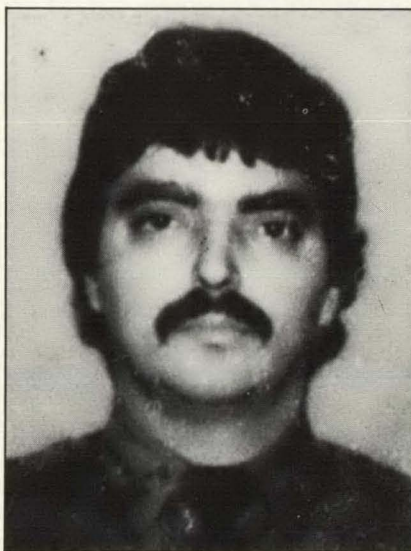
Zip

Washington, DC 20535

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

The Bulletin Notes

Detective Anthony J. Venditti of the New York City Police Department was slain and his partner, Detective Kathleen Burke, was wounded in a confrontation with three heavily armed assailants, who were later arrested. The two detectives were operating as members of the FBI-New York City Police Department Joint Organized Crime Task Force. The Bulletin salutes their commitment to the spirit of cooperation between law enforcement agencies.



Detective Venditti



Detective Burke
