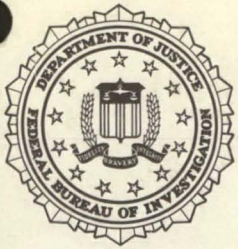


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JUNE 1972



FBI

LAW ENFORCEMENT BULLETIN



J. EDGAR HOOVER

1895-1972

DEDICATION IN BEHALF OF LAW ENFORCEMENT

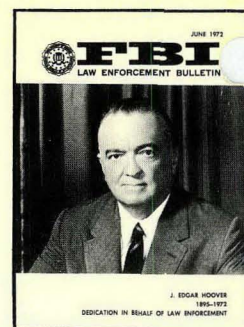
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LAW ENFORCEMENT BULLETIN

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THE COVER—Mr. Hoover's death on May 2, 1972, followed a nearly 55-year career of dedicated service to the law enforcement profession. See inside back cover.

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MESSAGE . . .

. . . To All Law Enforcement Officials

BEGINNING THIS MONTH, law enforcement will enter the most critical period in its taxing calendar of annual responsibilities. If past experience is any guide—and it nearly always is—it will be a time of great challenge to the profession and of imminent danger to its personnel. Paradoxically, it will also be a time of opportunity when law enforcement can reinforce its image as a competent, dedicated, dynamic, and responsive profession.

The added burden ahead will, however, be an awkward load to shoulder. On the one side, increased responsibilities will hang heavily; on the other, generally less than full availability of personnel will throw the weight out of balance. There can be little comfort for the law enforcement officer that this test of his professionalism will occur in one of the year's most glorious seasons . . . summertime.

Slick advertisements which patronize the wistful yearnings of many locked in dull routine throughout the balance of the year have already spurred millions of persons on that great American pilgrimage—the summer vacation. Waves of people by every mode of transportation are on the move.

Many cities will experience the year's heaviest influx of tourists. Normally idle seashore and wilderness areas will come alive to the clatter of vacationers. Even out-of-the-way towns and villages will feel the impact of this migration passing through to other destinations.

The summer throngs of intermingling people will be swollen further by a sizable and at times unpredictable element of our population—students on leave from school for the season. Given the natural exuberance of youth, combined at times with the common human frailty of poor judgment, they can and have proved to be a catalyst for menacing situations confronting the law enforcement officer.

This increasing summer intermix of people provides, unfortunately, a fertile environment for crime. And, this season also imposes other grave demands on law enforcement at all levels of its duties.

One distinct trend emerges from nationwide offense reports compiled by the FBI over the years. With few exceptions, they show serious crimes during the traditional summer months of June, July, and August are on the rise.

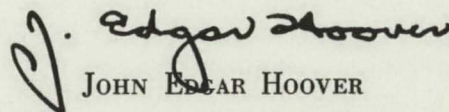
Likewise, estimated motor vehicle accident deaths in 1970 and 1971 were greatest in the summer months. These statistics are ominous indicators of probable risks and demands on law enforcement highway and other patrols in the ensuing months. Patrol duty, whether on highway or city street, is the most hazardous of all law enforcement activities. More officers engaged in this duty have lost their lives from felonious assault and accident than in any other assignment. These facts must be given the most thoughtful consideration in allocating manpower in the summer months.

MESSAGE

Accelerated summer airline travel may also encourage that most loathsome criminal of the current crop—the hijacker-extortionist who terrorizes the lives of as many as hundreds of innocent men, women, and children at a time for lawless objectives. Additionally, summer can produce a seasonal majority of the year's civil disorders, as it did in 1971, when they resulted in the injury of 108 police officers and property damage losses exceeding a million and a half dollars.

Despite the foreboding indices of summer crime and violence, the increased public visibility

of the law enforcement officer through his actual presence and demonstrated performance offers an excellent opportunity to win vital citizen respect and support. Summer is a season when law enforcement efforts will contrast sharply against the turmoil of the period. Our profession must be equal to this severe test and discharge its responsibilities with skill and determination. The challenges of summer require the highest level of law enforcement performance. This is no more than professional standards demand and no less than the public has a right to expect.


JOHN EDGAR HOOVER

(This was Mr. Hoover's last message to all law enforcement officials before his sudden death on May 2, 1972.)

Mr. L. Patrick Gray, III, Assistant Attorney General in charge of the Civil Division of the U.S. Department of Justice, was designated as Acting Director of the Federal Bureau of Investigation as this issue was delivered to the printer. Mr. Gray will be introduced to Bulletin readers in the July issue.

From Idaho—

The New Mountain Men

By

JAMES W. RIGNEY

**Ada County Sheriff's Department,
Boise, Idaho**



Early in the history of our country there existed a peculiar kind of individual who lived and traveled beyond the frontiers of the settled and populated towns and villages of the Far West. He was a trapper perhaps, or a hunter, or sometimes a miner. Preferring the solitude and privacy of the unpeopled wilderness, he lived primarily in the mountains. He knew and understood the mountain country as did no one else. On foot or on horseback he made the "back regions" accessible to himself and others of his kind. When he did venture into a frontier village or settlement, perhaps once a year for just a few days, he was known and identified as "a mountain man."

Today, of course, the Far West is not so "far," and modern highways and roads have given access to vast areas that were once remote and unreachable to any but our "mountain man." Civilization has, in fact, brought his extinction, and his unique characteristics and skills of traveling and living in the mountains are no more.

In the vicinity of Boise, Idaho, however, and specifically in Ada County, there are some "functional descendants" of the old mountain men. Their particular skills have been brought into the service of law enforcement, and they too, at times, follow the old paths and trails into the mountains. The only major differences are that these "new mountain men" work part time and they have traded horses and mules for motorcycles.

Volunteers

As an integral part of the Ada County Sheriff's Department reserve system, volunteer and unpaid citizens of the community give of their time, money, energy, equipment, and skills as members of the Ada County Sheriff's Motorcycle Mountain Patrol and Rescue Unit.

Ada County, Idaho, contains approximately 1,200 square miles, 30 percent of which is occupied by farmland, ranchland, villages, towns, and the large metropolitan area of Boise,

the capital city. About 65 percent of the county, the southern portion primarily, is predominantly flat sagebrush and open-grazing rangeland. The remaining 5 percent is composed of rapidly rising foothill country which graduates into steep and rough mountain terrain. This small but significant mountainous portion of the county and sometimes the sagebrush desert country to the south are the areas of interest and activity for the Motorcycle Mountain Patrol and Rescue Unit.

From Boise, from the several towns and villages, from the ranches and farms, sportsmen, hunters, water skiers, picnickers, and, most of all, motorcycle enthusiasts literally "take to the hills" throughout the spring and summer months. Even until late fall, until the deep snows set in, and sometimes even then, the weekends especially are filled with "people in the hills." As any experienced law enforcement officer knows, a certain percentage of these people will present some type of law enforcement prob-

lem. Trespassing, illegal drinking and/or narcotics parties, stolen vehicles, or perhaps a lost adult or child, an injured hiker or climber, or maybe a report of a downed aircraft—all represent the potential and actual kinds of enforcement and assistance problems that arise. In the summer especially, however, enthusiastic motorcycle riders—the "trailbreakers" and the "hill-climbers"—who ride uphill, downhill, across, between, around, and sometimes into or "off" hills present one of the major problems.

Bike Trails

Motorcycles in this area, as nearly everywhere else, have become immensely popular in recent years, and unfortunately a number of people who ride them do not have or practice serious regard and consideration for other people and their property. Fences are cut to gain access to a favorite or new place for riding, sheep and cattle are disturbed or even deliberately chased and sometimes injured, property damaged, and the hills and mountains

In Ada County the foothill country quickly graduates into steep and rough mountain terrain.



are scarred and marked with the trails of thousands of "bikes" operated at random. Land management practices are sometimes thwarted where terraces have been constructed to control erosion and the bike riders have steadily gouged and worn tracks and trails across and up and down the terracing in search of "fun and thrills." These tracks and trails, of course, with the coming of rain and snow, quickly deepen and widen into erosion gullies which, once started, are nearly impossible to control.

Ada County Sheriff Paul W. Bright, in late 1966, began to realize the need for a supplementary force to deal with the ever-increasing motorcycle problem as well as the sometimes vital necessity for quicker and easier access to the mountainous areas within his county jurisdiction. Volunteer individuals and organizations not associated with the sheriff's department had been providing, and still do supply, four-wheel-drive vehicles and operating personnel to go into the mountains whenever possible when search and rescue operations are required of the department. These vehicles and drivers are extremely helpful, but their capabilities to move into really rough mountain areas are somewhat limited.



Motorcycle hill-climbers have left a scarred trail on this foothill.

Through his own experience and skill with motorcycles, Sheriff Bright was personally aware of the potential and actual capabilities of certain types of machines. In late 1967 he was approached by a group of local motorcycle riders who wanted to do something about the damage and depredations being committed by some bike riders within the county.

Solutions Sought

Several meetings were held, with some businessmen, farmers, and ranchers as well as the interested motorcycle riders attending. Problems were discussed, both from the standpoint of the concerned citizen and that of law enforcement. Possible ways to solve the problems were proposed, and the idea to form a part-time law enforcement reserve unit composed of concerned and service-minded bike riders was suggested.

At that time Sheriff Bright had a staff of about 40 people, including secretarial employees, to provide all law enforcement services to a nonurban population of approximately 34,000 people in the county. The number of authorized full-time officers was not sufficient to properly patrol the moun-

tain and desert areas wherein the abusive motorcycle riding was increasing. These meetings resulted in the formation of a group of selected riders to be incorporated into the department as a formal reserve unit of the regular full-time complement of county patrolmen. The following quote from the original bylaws of the new unit states its purpose and function:

"The object of this organization shall be to serve the Ada County Sheriff's Department in mountain patrol and rescue operations or any law enforcement or disaster activity which the sheriff or his authorized staff may request."

Deputies Organized

According to the minutes of the first organizational meeting on June 15, 1968, there were 13 original members deputized and sworn in as reserve officers. Candidates for membership must qualify in a supervised riding test on their motorcycles, be capable of operating a cycle on rescue and patrol assignments, have no criminal record, make inspections of their machines before going on an assignment,



Sheriff Paul W. Bright.

search and patrol in teams using the "buddy" system as assigned by a squad leader, investigate citizen complaints involving violations by motorcyclists, and, using proper discretion, issue citations when and where pertinent. These and other regulations defined in the organizational plan serve as the basis for making the unit a viable part of the sheriff's reserve system.

During organizational meetings uniforms were agreed upon and equipment was discussed. Members are required to carry on their bikes while on duty such items as spare fuel, a special belt-type first aid kit, department-approved sidearms, and two-way citizens'-band-type radio equipment. They must qualify in regular Red Cross first aid training and practices. Continued training is an integral part of the program. A volunteer officer from the regular staff of the sheriff's department handles liaison and is also in charge of the unit's training program. A new member must qualify in his training before he is permitted to go on an assigned rescue or patrol activity. Since the first organizational meeting, Sgt. Dale Moore of the sheriff's department has been the liaison and training officer for the unit.

Today, according to a formal set of bylaws, the unit has a constitutional structure with a board of directors consisting of elected officers, including a president, vice president, and two representatives of the Ada County Sheriff. A secretary-treasurer is appointed by the president, and offices are held for 1 year. Regular meetings are conducted monthly in addition to scheduled practice and training meetings. Active members also ride with patrolmen on regular duty as part of their continued training. All members pay for their own machines, uniforms, and equipment, and they receive no reimbursement whatsoever for the time they give to actual patrol or training assignments. All the men work full-

time, of course, at regular civilian occupations and participate in the reserve unit in their spare time. These men, in civilian life, hold such varied jobs as warehouse foreman, salesman, dairyman, postal clerk, sheet metal worker, and truckdriver. The men have consistently received strong support and cooperation from their respective employers when an emergency call from the sheriff's department has required them to take time off from their jobs.

Leadership

The organization is presently under the able and dedicated leadership of Mr. Jim Sereduk (in civilian life, an Idaho State Highway Department draftsman), who has previously held the office of vice president and has been president for the past 1½ years. President Sereduk, with his long and varied personal experience with motorcycles, is typical of the unit members, who repeatedly express sincere appreciation for the support, help, and training they receive from the sheriff's department. One of the prime reasons the members devote their time and energy, as well as spend their own

money, to be part of the unit is perhaps best expressed in President Sereduk's own statement that "This is my way of being a useful citizen of the community."

Performance

Describing all the past functions and services of the unit would be impossible. However, under what could be called the "philosophy and capabilities" of the unit and its membership, namely "help and mobility," the men have participated in crowd control at auto, bike, and boat races, soapbox derbies, sporting events, student demonstrations, parades, and a rock festival. They have also served as security guards during the visits of dignitaries. While the foregoing are some of the routine and standard duties of the unit, the members have also participated in a number of searches.

In a search the fast and versatile bikes (the men ride cross-country "scrambler-type" machines) can be effective in a rapid "first-search" of a given area. If no results are obtained from the first time through, then the cyclists go back to the starting point and conduct a more detailed and

(Continued on page 24)



The Ada County Sheriff's Motorcycle Mountain Patrol and Rescue Unit stands ready to answer the call for service.

AN ANALYSIS OF STANDARDS IN FINGERPRINT IDENTIFICATION

"... an evaluation of fingerprints containing a score of 'points' in the hands of an unknowledgeable person could constitute a greater hazard to the science than a comparison of prints possessing relatively few points in the hands of a thoroughly experienced technician. Experience, therefore, is an indispensable factor in fingerprint work."

Fingerprint identification is the most positive form of personal identification known because it is based on the unique and unchanging arrangement of the ridge details on a person's fingers. The fact that the ridge arrangement is different on every finger of every individual is so well established that it will not be discussed further here. Fingerprints generally are understood to be impressions of the end joints of the fingers since those areas are taken for record or filing purposes and are most frequently involved in criminal investigative (latent print) work. The technique of identifying fingerprints, however, is equally applicable to identifying any of the other ridged areas of the hand or foot.

In identifying fingerprints, the expert matches or shows the coincidence of the ridge characteristics contained in two impressions. Rolled fingerprints may contain from 75 to 175 ridge details or "points" on an average. To establish identity, the fingerprint technician does not need the impressions of all 10 fingers of a person, or even the complete impression

of a single finger; a relatively small area of one fingerprint is adequate for the purpose. The question persists then: Is there a minimum number of points which can be used to show identity beyond any possible error? Longtime consideration of this question has resulted in various methods of evaluating a print and the adoption of a number of different standards in various countries, localities, and organizations. Most of these are based to some extent on either empirical or statistical viewpoints. The standards thus set, or suggested, vary from a half dozen characteristics or less to a maximum of 17. This gives rise to the question of the feasibility of establishing in the United States a common standard requiring a certain number of points for an identification.

Variation in Standards

Despite the multiplicity of standards and methods of calculation, there exists no universally acceptable number of ridge characteristics which can

be required in every identification in every case. This observation is not a criticism of fingerprint identification, but stems from factors which continue to elude concrete statistical computation. Long experience in the FBI Identification Division has shown that 12 ridge characteristics which correspond in shape and relationship are ample in any case to establish an identification. Experience has also shown that identifications can be based on fewer characteristics, but thus far no absolute number which is logically convincing or has universal validity has been established. The frequently quoted 12-point standard or "rule" probably originated from the writing of Edmond Locard, the French criminalist who formulated certain

"Despite the multiplicity of standards and methods of calculation, there exists no universally acceptable number of ridge characteristics which can be required in every identification in every case."

widely published conclusions regarding the number of points necessary to establish identity. He commented that prints having more than 12 points of similarity are identical beyond doubt.

Technical Factors

The ridges in the various sectors of a fingerprint have typical directions or trends. As a prerequisite to identity, the ridges in two prints must show obviously similar trends. Thus, no fingerprint area having completely straight ridges could be identical with the print of a fingertip having ridges with a pronounced arc-like curvature. There might be a very unusual exception to this observation, however, in a case involving a fragmentary latent print grossly distorted by slippage or a print in which extensive mutilation has obscured the original ridge trend.

To be identical, the ridge characteristics in two prints must correspond in both shape and relationship. Some technicians have cataloged as many as 18 distinctive shapes or types of ridge characteristics. For all practical purposes, however, a majority of these occur so infrequently or are so infrequently discernible in prints that they have little significance in the average identification. Microscopic distances or formations may be obliterated by development techniques or lack of continuity of ridges in a latent print. From the general working standpoint, the types of characteristics can be narrowed to the ridge ending, the bifurcation, and the dot. Two additional characteristics are commonly distinguished or mentioned because of the ease with which they are visually discernible as distinctive formations. These are the short ridge and the enclosure or island. Technically, however, unless these formations are of extremely short length or extent, they can be used legitimately as two ridge

"The relationship of fingerprint characteristics is generally thought of as involving only the number of ridges intervening or lying between ridge details. There are, however, two other equally important aspects of relationship. The first is the linear elevation or spacing of the ridge details with respect to each other and the second is direction."

endings instead of a short ridge and as two bifurcations instead of an enclosure. The logic of this procedure can be seen in mentally lengthening the short ridge or enclosure steadily to the point where it cannot be perceived as a unit ridge formation, that is, extending it to the point where both ends of the short ridge or island are not apparent at a glance.

The relationship of fingerprint characteristics is generally thought of as involving only the number of ridges intervening or lying between ridge details. There are, however, two other equally important aspects of relationship. The first is the linear elevation or spacing of the ridge details with respect to each other and the second is direction. The dot, of course, lacks direction, but both ridge endings and bifurcations may point up or down, left or right. All three have varying degrees of elevation in a pattern.

Most efforts to calculate an absolute standard have dwelt solely on the frequency of occurrence of the various types (shapes) of ridge characteristics. The ridge ending and bifurcation by far occur the most frequently. From such data it is possible to assign each characteristic shape a relative numerical (weight) value and, by adding the values, conceivably to arrive at an absolute sum which could be used as a minimum standard to establish identity.

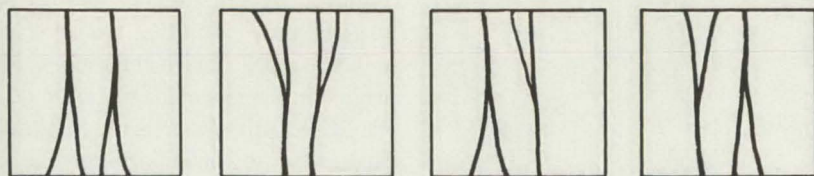
Despite the infrequency of the numerous other distinctive ridge formations cataloged by researchers, the values assigned or suggested for characteristics on the basis of such occur-

rences frequently do not correspond with the statistical figure and indicate that this may not be a reliable method.

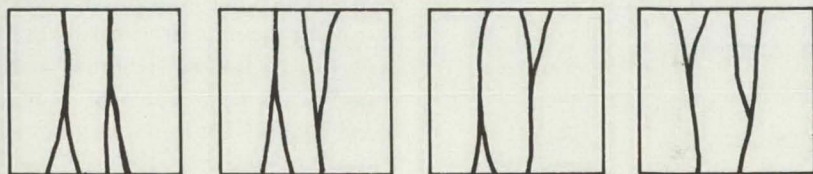
The more subtle technical factor ignored by many researchers is the frequency of relationship of various ridge formations. In other words, what is the relative frequency of occurrence of two ridge endings at the same level and pointing in the same direction which are adjacent, separated by one ridge, by two ridges, by three ridges, and so forth? Likewise, what is the variation of occurrence between two opposed (pointing opposite directions) bifurcations at the same level which are adjacent compared to two such bifurcations separated by one ridge, two ridges, three ridges, and so forth? A little study will show that the variations in the relationship of such characteristics including separated or overlapping linear positions would reach extremely high numerical possibilities (see illustrations A, B, and C). Shape and total relationship are equally important.

Many statements concerning other technical factors in the fingerprint itself have been made. The opinion has been voiced that a relatively small number of characteristics in the delta or core area of the impression bear greater weight in effecting an identification than a much larger number of characteristics present in a tip or peripheral area. Experienced fingerprint technicians do not agree with this opinion. It is apparent also from routine observation that the distribution or density of characteristics in fingerprints is not uniform but varies

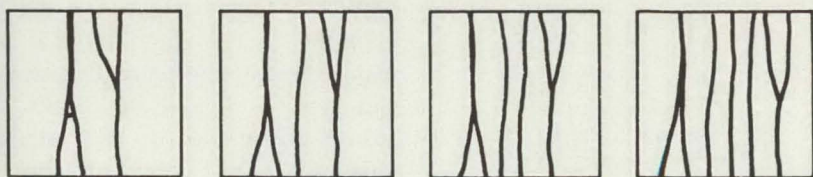
Relationship of Characteristics



A. Variations in direction of two bifurcations.



B. Variations in elevation (separation or overlap) of two bifurcations.



C. Intervening ridge relationship of two bifurcations.

greatly in different areas of different impressions. Although the delta and core areas are sometimes cited as uniquely occurring spots in any given fingerprint, any experienced fingerprint technician knows that fragmentary prints showing only delta formations (cores being absent) occasionally have to be compared in all three possible positions of the delta. The delta formation in itself is no more unique than any other portion of a fingerprint, and there is no justification for giving it preferential consideration in establishing identity.

It has also been stated that in the absence of the core or delta, a greater number of ridge details are required in making an identification. The arch pattern is singled out as an example. The arch, however, constitutes only about 3 percent of the total pattern types, and consequently it is difficult to see how such a relatively infrequent-occurring pattern would require a greater number of ridge details for identification.

Another practical, technical factor involved in identification is the determination of the exact finger of a hand.

"Writers on fingerprints quite frequently mention the value of poroscopy in effecting identifications where only a few characteristics are present. FBI technicians know of no case in the United States in which pores have been used in the identification of fragmentary impressions."

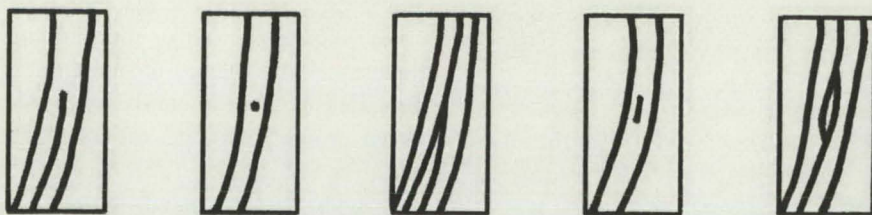
Thus, if the presence of adjacent finger impressions, whether identifiable or not, enables the technician to ascertain the position of the digit in the prints of two hands, the number of possible comparisons is necessarily reduced to one-tenth of the original total.

Writers on fingerprints quite frequently mention the value of poroscopy in effecting identifications where only a few characteristics are present. FBI technicians know of no case in the United States in which pores have been used in the identification of fragmentary impressions. To the contrary, our observations on pores have shown that they are not reliably present and that they can be obliterated or altered by pressure, fingerprint ink, or developing media.

Some of the less common and more minute ridge formations or connections categorized by researchers may be considerable factors in identifications when they are readily visible in both prints. Rudimentary or incipient ridges, although they are ignored for classification purposes because sufficient pressure is not always exerted on the finger to print them, are legitimate characteristics in effecting identifications provided they are present and legible in both prints. Thickness of the ridges ordinarily is not a factor since it varies with pressure on the finger, but unusual thickness in isolated single ridges could conceivably have some corroborative value. Microscopic breaks (of less than ridge width) usually are not significant since the nature of latent prints and the means of development often determine the appearance or nonappearance of such breaks. Scars and creases, while they are not in themselves decisive elements, could be of some import.

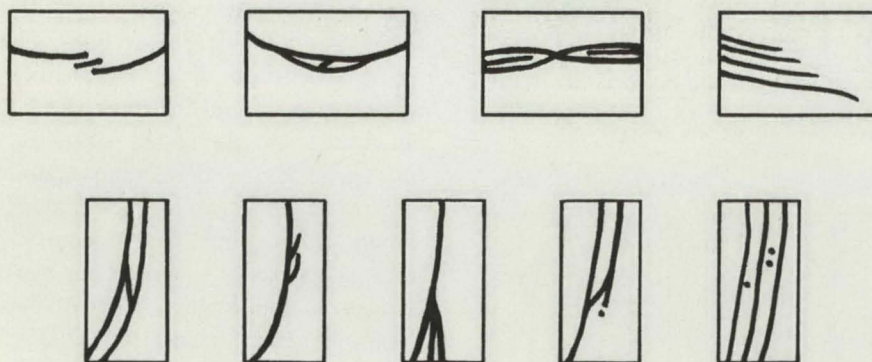
Special situations are sometimes encountered with adjacent fragmentary finger impressions where their position and relative lengths indicate be-

Basic Ridge Characteristics



Basic ridge characteristics are the ridge ending, the dot, and the bifurcation. The short ridge and the island are also generally regarded as individual characteristics because they are easily recognized, but if they are of appreciable extent, each can be regarded as two characteristics.

Unusual Ridge Formations



A number of additional ridge characteristics cataloged by researchers are really ridge junctions. Numerous unusual groupings of ridge details also occur.

be whether or not a fingerprint in question actually is legible enough to show the number of characteristics required by the standard. Thus, one expert would claim that the print contained eight characteristic points, while another would claim that he could see only six or seven. That this is possible is known through observing persons with various levels of experience in latent print work. The person of limited latent print experience is frequently not able to pick out as many fingerprint characteristics in impressions of limited legibility as the expert with many years of practice in such work. Thus, instead of a controversy concerning the number of points on which the identification would be based, the controversy would turn on how many points different experts could observe.

In the United States there is no requirement by the courts that an expert base his opinion of identity on any specific number of ridge characteristics, but, from published information, it is apparent that a number of localities or countries have adopted standards which enjoy traditional or legislative respect. If the standard used is unjustifiably high, the law enforcement agency cannot enjoy the full value of fingerprint identification. In many cases the experts can indicate to their investigative personnel that the latent impressions in a case are identical with the prints of a particular suspect. However, since the impressions do not contain the number of fingerprint characteristics de-

yond doubt that they were placed on the object simultaneously. Contrary to some opinions, identifications made with a few points in each of several such impressions have been perfectly valid, although the "correspondence" of a single legible characteristic in one of such digits could hardly have probative value.

Another unusual situation involves the appearance of several fragments representing different areas of a single fingerprint on an object, no one of which in itself is sufficient for identification, but which as a group would show identity.

Function of an Absolute Standard

Ostensibly the purpose of an absolute standard would be to create uniformity in the quantum of ridge

detail essential to establishing every identification. To achieve this, recognized fingerprint authorities would have to set a minimum standard to which there would be no exception. In other words, there would be no room for differing opinions on whether the available ridge detail either is or is not sufficient to establish fingerprint identity. If such a standard were adopted, one of the first controversies would

"If the standard used is unjustifiably high, the law enforcement agency cannot enjoy the full value of fingerprint identification. In many cases the experts can indicate to their investigative personnel that the latent impressions in a case are identical with the prints of a particular suspect. However, since the impressions do not contain the number of fingerprint characteristics demanded by the standard, the fingerprint evidence cannot be presented in court for prosecutive purposes."

manded by the standard, the fingerprint evidence cannot be presented in court for prosecutive purposes. Thus, the adoption of a standard which is not based on every conceivable ridge formation or does not account for limited practical circumstances (and therefore is not totally unassailable) would be a hindrance rather than a help to fingerprint identification.

The adoption of an absolute standard would not prevent "experts" of little training from testifying to identifications in court. In the United States, if a defense attorney doubts the competence of the expert or the adequacy or accuracy of his findings, the attorney is free to have the material examined by others in the same field, who can then testify to their opinions.

Practical Aspects

From the theoretical standpoint any fingerprint, when it is identified, needs to be distinguished from every other fingerprint existent in the world. Little reflection will show, however, that this greatly exceeds the practical aspects of identification, since in the average case a crime scene print is initially an investigative tool to identify a suspect who was in the same country, State, or locality at the time the crime was committed.

In the practice of fingerprint identification, there is no room for "probable" identity, and if a print is too fragmentary to be positively identified, it is of no value for identification.

In this connection, a great deal of attention has been given to mathematical calculations concerning the "probability" of the duplication of fingerprints. Some of these run to astronomical numbers. The intent of such calculations is not, contrary to the qualms of the uninitiated, to admit the possibility of duplication but to confirm the fact of nonduplication. Calculations of this kind would be meaningless had the total observation of all finger-

print technicians established "nonduplication" as an incontrovertible fact. The objective in the practice of fingerprint identification then is not to prove "nonduplication"—this has already been proved—but to positively establish the identity of a questioned print with a known print. It is inherent in the conclusion that identification with a particular print excludes possible identity with any other impression. The importance of the unique nature of a fingerprint identification cannot be questioned, but common sense shows that it is not necessary to compare any given print with the fingerprints of everyone on earth in order to match it with the correct one.

To illustrate the practical narrowing of identification through circumstances, let us suppose a murder is

"The objective in the practice of fingerprint identification then is not to prove 'nonduplication'—this has already been proved—but to positively establish the identity of a questioned print with a known print."

committed on a ship which has 150 personnel and passengers aboard. A fragmentary print is found in blood on the murder weapon. This impression contains six or seven ridge characteristics which are present on a finger of only one person of the entire 150. Would not this constitute positive fingerprint identification?

The Role of the Expert

It is unfortunate that occasionally

(Continued on page 29)

Distribution of Characteristics



Note characteristics do not occur uniformly throughout the fingerprint. They are closely grouped (clustered) in some areas and widely separated in others. Types and number of ridge details, as well as distribution, vary greatly in different prints.

EXAMINATION OF BIOLOGICAL FLUIDS

Chemical and serological examinations of evidence stained with biological fluids, such as blood or semen, are often of vital importance in the solution of crimes of violence. These examinations may serve to disprove a false alibi or they may substantiate a suspect's alibi and expedite the release of an innocent person.

Bloodstains

In the FBI Laboratory, the following examinations are made on a suspected bloodstain: a preliminary chemical examination; an examination to determine that the stain is actually blood; analysis to establish the origin of the blood, i.e., whether animal or human; and grouping tests to determine the blood group of the person from whom the blood came. Various tests are used to make these examinations.

Preliminary Test

There are several chemical tests which may be used in the preliminary examination of bloodstains. In the FBI Laboratory the benzidine test (fig. 1) has proven to be well suited for this purpose as it is extremely sensitive. The test does not establish the presence of blood. It is used as a preliminary screening test to decide whether a stain may be blood and, when negative, to eliminate those stains which are not blood.

Confirmatory Tests

Two confirmatory tests used in the FBI Laboratory for determining the presence of blood are the hemochromogen test (fig. 2) and the hemin test. Either of these tests may be used to show the presence of hemoglobin in a suspected bloodstain.

Occasionally a contributor sends a knife or ax to the Laboratory and wants the blood on it grouped for comparison with the known blood of a victim. It is not unusual to find that the "bloodstains" are actually rust. Under some conditions rust stains have an appearance similar to bloodstains and sometimes will give a weak positive result when tested with benzidine; however, the rust stain will be completely eliminated by the confirmatory test.

Origin Test

The precipitin test is used to establish the origin of a bloodstain. This test is based on the formation of a precipitate by an antiserum when reacted with specific proteins in the stain. For example, a human bloodstain will form a precipitate when tested with an antihuman serum, and no precipitate will be formed when the blood is tested with an animal antiserum. Hog blood gives a positive reaction only with an antihog serum,

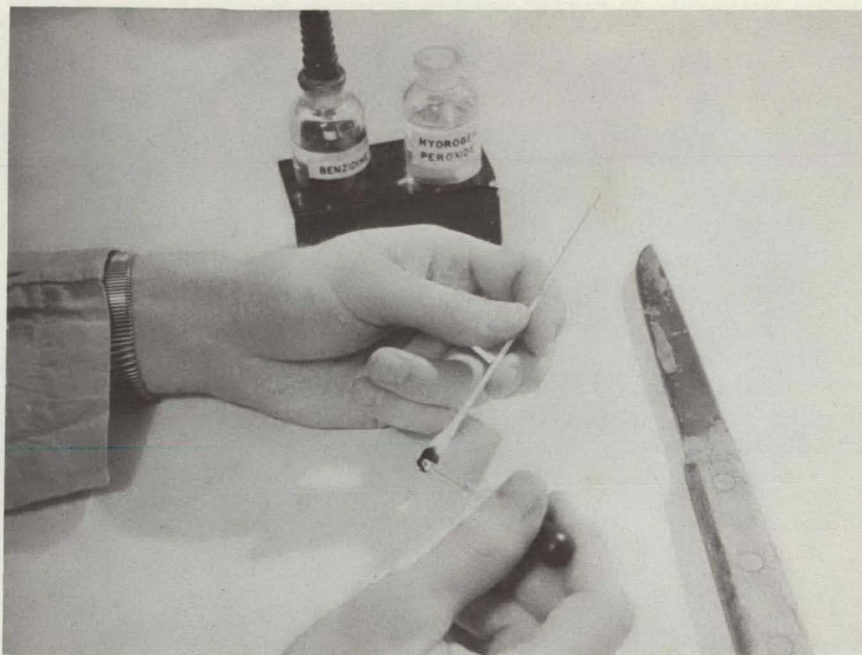


Figure 1—Benzidine test.

Two types of precipitin tests may be performed. One is the gel double-diffusion test which permits a positive reaction to be visualized as a line or lines of precipitate in an agar gel. The second type is the ring precipitin test (fig. 3). This latter test is conducted in

a small test tube, and a positive reaction can be observed as a ring of precipitate which forms at the interface of an extract of the bloodstain and the antiserum.

The FBI Laboratory maintains antisera for most of the common domestic

Figure 2—Photomicrograph of hemochromogen crystals.



animals and some of the more common wild animals. By use of these antisera, Laboratory technicians can determine whether a bloodstain is of animal or human origin and, if animal, the kind of animal, i.e., dog, cat, hog, chicken, rabbit, etc.

If a suspect claims that bloodstains on his clothing came from some animal for which the Laboratory has a corresponding antiserum, then a technician can readily determine from an examination of the stain whether or not he is telling the truth.

Blood Grouping

When the precipitin test establishes that a bloodstain is of human origin, grouping tests will show to which of the four major blood groups it belongs: O, A, B, or AB. The blood group antigens (substances) of the ABO blood group system are very stable. When a bloodstain is properly maintained, the ABO blood group may be determined from stains which are many years old.

"When feasible, the entire object bearing the bloodstains should be submitted to the Laboratory. This allows the examiner to select the best stains for examination and also enables him to obtain unstained portions of the material to use for control purposes. If it is not feasible to submit the entire article, a portion of the unstained area immediately surrounding the stain should be included in the submission."

Initial efforts to group a bloodstain will always be directed at a determination of the ABO blood group. Further attempts at characterization of the stain will depend upon the size and age of the bloodstain and the availability of a suitable liquid blood sample from the victim or other significant parties for comparison purposes. The other blood group systems having antigens that may be reliably detected in bloodstains are the M-N system and Rhesus or Rh system.

stances be detected in a bloodstain. The antigens of the M-N and Rh systems are considerably less stable than the antigens of the ABO system.

For ABO grouping, M-N grouping, and testing for the D antigen, a saturated bloodstain which is reasonably clean and approximately one-half by one-fourth inch is necessary.

It is not possible by blood analyses alone to show that a bloodstain came from a particular person, but it is frequently possible to ascertain that

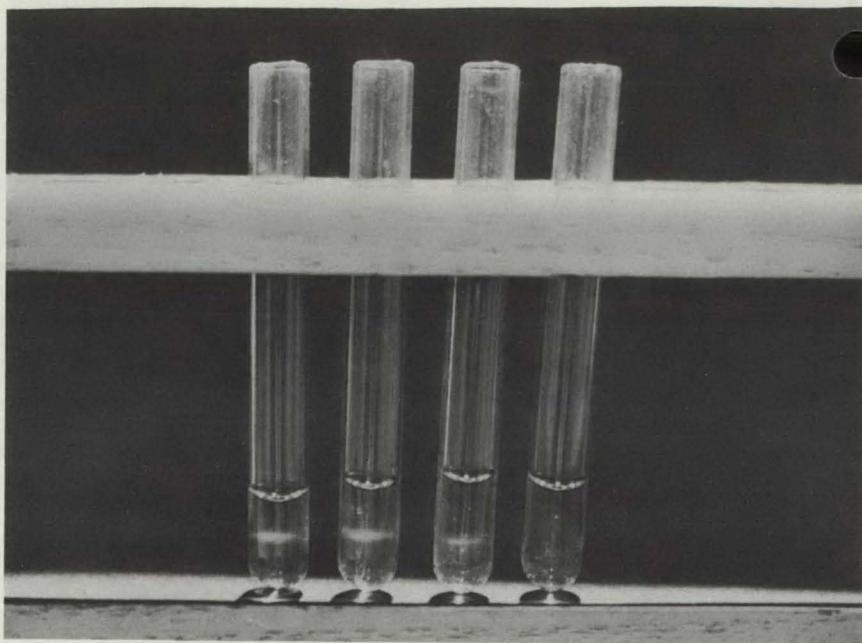


Figure 3—Ring precipitin test for determining origin of blood.

the blood could not have come from that person.

In a midwestern city a child was severely assaulted. The mother of the victim summoned the police, who within hours located a suspect wearing bloodstained trousers. The suspect denied any knowledge of the crime and stated that the blood was from a nosebleed which he had sustained.

The trousers, along with liquid blood samples from the victim and the suspect, were submitted to the FBI Laboratory for analysis. The human blood on the trousers was grouped as "O, N, D+." The blood of the victim was determined to be "O, N, D+," whereas the blood of the suspect was found to be "O, MN, D+."

Submission of Blood Evidence

For submission of a liquid blood sample to the Laboratory, refrigerants are not necessary; however, a small amount of an anticoagulant is recommended. Refrigeration is likely to cause the blood to freeze and break

the glass container. The sample should be sent by the fastest means, which in most instances will be air-mail special delivery. The sample should consist of about 5 cubic centimeters (one-sixth fluid ounce) of whole blood in a sterile container. It should be identified with the names of the donor and person who took the sample, the date taken, and either the initials or identifying mark of the officer. This data may be put on a piece of adhesive tape or on a tag which is taped to the vial.

The sample should be well wrapped to prevent breakage, and a copy of a brief cover letter should be enclosed. The purpose of this letter is to identify the case and to advise that the contributor desires that this blood sample be grouped for comparison with other evidence which will be sent in separately.

Dry Samples

Before bloodstained articles are submitted to the Laboratory, particular care should be taken to see that the blood thereon is completely dry when the articles are wrapped. This drying process should not be rushed by ex-

posure to heat or sunlight. Sunlight and heat can cause chemical changes in the blood which might interfere with its analysis. If the bloodstained articles are not thoroughly dried, the blood may putrefy en route to the Laboratory. This putrefaction may render it unsatisfactory for conclusive grouping tests.

Each item of evidence should be wrapped separately to avoid any possibility of contamination between the articles.

When small particles of evidence such as scrapings from automobiles, floors, walls, etc., are prepared for submission, they should be placed in a tightly sealed container to prevent any loss of the particles during transit. Round pillboxes sealed with tape are recommended for this purpose.

When feasible, the entire object bearing the bloodstains should be submitted to the Laboratory. This allows the examiner to select the best stains for examination and also enables him to obtain unstained portions of the material to use for control purposes. If it is not feasible to submit the entire article, a portion of the unstained area immediately surrounding

the stain should be included in the submission.

Seminal Stains

Semen is the male reproductive fluid. Seminal stains are most frequently encountered in crimes of rape, sodomy, bestiality, etc. Under certain conditions they may be detected on garments or similar items after several months or even years. In the identification of a seminal stain, two preliminary chemical tests and a microscopic examination are conducted in the FBI Laboratory. The most frequently used preliminary chemical tests are the Florence test and the acid phosphatase test.

Florence Test

The Florence test is used for the detection of choline. Seminal plasma is one of the richest sources of choline. Upon the addition of a drop of Florence reagent to an extract of a seminal stain, dark-brown choline periodide crystals may form, and they can be viewed microscopically (fig. 4). This test is not specific for semen since, occasionally, a positive Florence reaction may be produced by tissue extracts. Additionally, false negatives may occur, particularly if semen is mixed with blood or is low in free choline.

Acid Phosphatase Test

Acid phosphatase is an enzyme present in both animal and plant cells and fluids. It is present in particularly large concentrations in the semen of humans and anthropoids and, in a much lesser amount, in the semen of other animals. Consequently, a strongly positive acid phosphatase test on a yellowish stain present on a garment from a rape victim indicates that the stain may contain semen.

(Continued on page 30)

Figure 4—Photomicrograph of Florence crystals.



AIR DISASTER RECOVERY OPERATIONS IN REMOTE AREAS



Helicopters could not land, consequently Bodies had to be hoisted off the mountain by sling.

"Disasters create complex organizational problems and severe manpower strains for almost all law enforcement agencies. Many of the pitfalls and shortcomings that develop during the law enforcement response to these tragedies can be avoided by thoughtful planning beforehand."

It was 12:08 p.m., September 4, 1971. Alaska Airlines 727 jet airliner flight 1866, with 104 passengers and seven crewmembers aboard, reported approximately 20 miles to the west that it was inbound for a landing at the Juneau Airport. Following this message bleak silence was monitored on the communications network.

Six minutes later the Juneau tower queried Anchorage air control as to the location of Alaska Airlines flight 1866. Other than the information which Juneau had already received, Anchorage did not know the location.

Silence greeted repeated queries by the towermen as they sought to contact the missing aircraft, and it grew more ominous with each passing minute. Search procedures were initiated at 12:25 p.m. The U.S. Coast Guard was notified of an overdue aircraft at 12:38 p.m., and the Alaska Department of Public Safety was notified at 12:50 p.m.

The department of public safety is authorized under chapter 57 of the State code to initiate and coordinate relief and rescue parties concerning lost persons. In relation to an air crash, this authorization includes expediting treatment of the injured, securing the crash scene, insuring the most effective investigation of the accident, and removing the victims of the disaster.

Search Begun

The dispatcher at the department of public safety headquarters in Juneau immediately invoked the department's aircraft disaster plan. Department officials were notified. The Alaska Disaster Office, Alaska National Guard, Juneau Police Department, Juneau Volunteer Fire Department, U.S. Forest Service, district attorney's office, the local hospital, and the medical community were alerted. All State troopers in southeast Alaska were put on call pending the result of the search for the missing plane.

A sergeant of the Alaska State Troopers (AST) at Juneau reported to the private heliport at 3 p.m. Three private helicopters and one Coast Guard helicopter were engaged to participate in the search for the plane. The sergeant supplied each helicopter and the private helicopter office with portable radios which he carried. This allowed instant communication between the searching helicopters and public safety headquarters in Juneau. The sergeant was accompanied by a helicopter pilot and a pilot with Alaska Airlines who was familiar with the flight path of the airlines.

These three men flew westward and proceeded to search an area along the west side of Lynn Canal, a portion of the southeast inland waterway which extends 90 miles farther north to Skagway and was the route of the famous gold rush of 1897 and 1898.

The helicopters made a positive sighting of the wreckage of the downed jetliner 18.5 miles from the Juneau Airport at 4:45 p.m. The sergeant was with the first men to arrive at the crash site. He determined that none of the passengers were alive and advised headquarters that the accident would be a recovery rather than a rescue. He noted that ropes would be needed in the recovery operation as the plane had slammed into the apex

By
HON. EMERY W. CHAPPLE, JR.
Commissioner,
Alaska Department of
Public Safety,
Juneau, Alaska





Shattering impact of the crash may be noted by the complete disintegration of the aircraft. On the left is a tape placed to mark off lanes. Teams were then assigned to search sections of each lane.

of a 2,400-foot steep ridge, apparently hit it a glancing blow, and then skipped over the crest of the ridge and broken into small pieces on the other side. Bodies and wreckage were strewn over an area of approximately 1,200 feet. The slopes of the mountain were too precipitous to land recovery helicopters, and the men would have to use slings and nets for hoisting bodies, personal effects, and equipment from the airliner.

Coordinated Response

Just prior to the location of the crash, State troopers called in an emergency medical technician, a trained and equipped disaster team, and equipment from the training

academy in Sitka. After the site was located, additional troopers were flown to Juneau via National Guard airplane from division headquarters in Anchorage and from other locations in the State. The U.S. Coast Guard offered the service of the cutter *Sweetbriar*. National Guardsmen and members of the Juneau Rescue Council were called in on the recovery. The State disaster office contributed its services in coordinating activities throughout the State.

Four State troopers and one member of the Juneau Police Department were placed on top of the ridge to secure the crash site the first night. Need for tents and foul weather gear gave rise to calling local sporting goods stores to obtain various types of gear.

In one instance, an owner gave the police the key to his store and told them to take what they needed and mark the items down as they went along.

Winds of 50 knots swept the ridge, and rain and snow squalls made the night uncomfortable. Ponchos hurriedly obtained from the Army were ineffective in the high winds, and closer fitting rain pants and jackets were eventually obtained to replace the ponchos. Team leaders found that 2 days on the ridge was about all a man could take without getting a hot meal and a change of clothes to dry out.

The difficulty of camping on the ridge made it necessary to establish a base camp in a more suitable location.



Recovery crews bring a crash victim to a location where the remains can be hoisted by helicopter.

tion. This was set up on a small peninsula 5 miles to the east, next to the beach on Lynn Canal. This location allowed space for helicopters to land and was near enough to deep water for fixed-wing float planes to land. The *Sweetbriar* anchored off this point the following morning and supplied beachcraft which landed the bulk of the recovery party and supplies. The *Sweetbriar* also acted as a picket boat in watching for helicopters which might get into trouble while shuttling between the crash site and Juneau.

Department of public safety personnel were assigned to coordinate base camp, airport, and Juneau office ac-

tivities; and six dispatchers and two clerks were called in to assist at headquarters.

Leadership and Organization

The morning following the crash, Capt. William Nix of the Alaska State Troopers was placed in charge of coordinating all activities at the crash site. He organized recovery teams, named team leaders, and equipped them with portable radios. Cloth tapes were used to divide the site into three lanes. In some areas the lanes were so steep mountain climbers were called in to string ropes to enable re-

covery and investigative teams to have access to all parts of the zones blocked off by Captain Nix and his crew. Team leaders were told to impress upon their crews that nothing should be moved until authorized.

Since a large number of bears had been seen in the vicinity of the crash, a number of men wore sidearms and carried high-powered rifles. In one instance a helicopter was used to scare a bear out of the area.

Recovery crew personnel assigned each corpse a number. This identification, represented by black writing on waterproof white paper, was attached to the body. Later it was determined that white numbers on black paper would have been more effective for photographing in an area of rocks and snow.

Each body was plotted on a sketch map made of the lane in which the body was found, and if an easily identifiable characteristic was evident, it was written on the map next to the number given to the body. Yellow tapes were used to mark bodies and portions of bodies. Orange tapes were used to mark personal belongings. Hands of the victims were covered with plastic bags to preserve fingerprints.

Photographs of each body were taken, and overall photographs of each lane in relationship to the wreck-



Part of the plane dropped into a 250-foot deep canyon. Mountain climbers on the recovery team crew are shown with ice axes and ropes as they survey the wreckage.

age of the aircraft were shot by a State trooper and a member of the National Transportation Safety Board (NTSB). Twenty AST photographs ruined by inclement weather conditions were replaced with duplicates taken by the NTSB man. This incident pointed up the need for more than one set of photographs as well as the advantage of shooting a video tape if possible.

The recovery crews worked constantly and by September 7 had located, numbered, plotted, and photographed all 111 victims of the crash. The next day the victims along with personal belongings were placed in body bags and flown to the temporary camp on the top of the ridge. Here they were either loaded three at a time in cargo nets or strung out on a rope slung from the helicopter and flown to the base camp for transshipment to the National Guard Armory in Juneau. High winds and poor visibility created difficult flying conditions for the pilots.

Logistics

In the meantime fixed-wing aircraft were employed to carry supplies for the beach camp and for relay to the crash site. Supplies were dispatched as needed by the supply section of the department of public safety. A supply depot was set up and administered for this purpose by the Juneau Fire Department at the Juneau Airport.

Two National Guard cooks were dispatched to provide hot meals at the base camp, and relays of men were sent to the mountain camp to relieve those men who were on the ridge for more than 48 hours. In a couple of instances, for more than a day no helicopter could reach the camp because of the weather.

A continuous shuttle was employed to carry various agency members to the scene of the crash. Reporters were asked to pool four men for a flight to the crash area.

Tight security was maintained from the beginning to keep curious onlookers away from the crash scene; to protect the bodies of the crash victims from marauding wolves, bears, wolverines, and other scavengers; and to make sure the crash site was maintained in an orderly manner. Because of the remote wilderness location of the crash, security precautions were easily carried out, though even here, four men were goat hunting within half a mile of the crash location and had actually heard the crash! These men tipped off initial search helicopters as to the location of the crash.

A morgue was set up in the National Guard Armory. A four-man team of the FBI's Disaster Squad flown in from Washington, D.C., assisted by FBI Agents from the Anchorage office, two Alaska Department of Public Safety fingerprint men as well as local dentists and doctors, joined in the identification process. Refrigerator vans were driven to the armory and used to encase crash victims when identification specialists were not working on them. It took 17 days from the day of the crash until all bodies were identified. Fifty bodies were identified from fingerprints; 29 from body and pathological review; and the rest by personal belongings, clothing, and photo identification.

As each body was identified, morticians processed and placed it in a clean body bag. All personal effects were sterilized before being sent to next of kin. Body bags were placed in caskets with transit burial permits attached to the outside. Next-of-kin contacts were advised to send a telegram in care of the district court as to the destination of the remains.

By September 21, all bodies had been identified and shipped to next of kin.

Observations

In summary, many aspects of the

Alaska Airlines crash were somewhat unique in comparison with air accidents in more populated areas. Besides the problem of locating the crash site, Alaska State Troopers overcame numerous other difficulties. These included: transporting recovery parties where there was no road, with 15 miles of water and 5 miles of rugged mountains to traverse before reaching the site; establishing base camps for recovery teams; supplying the men working at the crash site and the base camp; gridding-out the site in precipitous terrain; locating and recovering bodies from sheer cliffs and canyons; and transporting the dead from the accident area.

"Fifty bodies were identified from fingerprints; 29 from body and pathological review; and the rest by personal belongings, clothing, and photo identification."

Since all operations have to be expedited in a crash situation, the department of public safety came up with several observations based on its experiences dealing with the Alaska Airlines disaster:

- The need for a disaster plan is readily evident. By using a plan which had previously been drawn up, the department of public safety conducted the search and recovery operation with a minimum of confusion.
- Communications are of paramount importance. Radio contact should be readily available between headquarters, search personnel, and rescue and recovery crews at the crash site. Portable communication equipment is an absolute necessity.
- Camping equipment and supplies should be stored in a strategic location and be immediately available to support at least a five-man

(Continued on page 30)



By
CHARLES R. CARTER
Detective,
Police Department,
Albuquerque, N. Mex.

Many felony cases are lost before they are presented to the prosecutor's office. The reasons for these losses are, in many instances, the lack of adequate and proper investigation by law enforcement agencies and an inability to foresee developing legal complications that might prevent the successful prosecution of cases. These reasons contribute to the relatively small percentage of felony violations that actually reach the trial stage. Although it is true that defendants sometimes plead guilty to the charge (or a lesser charge), their numbers are an uncertain statistic, and such

windfalls do not obviate the need for better case preparation and prosecutive evaluation.

Prior to November 1970 the only time an Albuquerque police officer would have occasion to be in the district attorney's office was to confer with an assistant district attorney in reference to an upcoming case or to sign a warrant or complaint.

On November 1, 1970, the Albuquerque Police Department initiated a new procedure for handling felony cases by assigning an officer to work directly with the Bernalillo County District Attorney's Office. Lt. Charles

A Way to Better Prosecution

J. Martin was appointed to create the warrants and complaint division at the district attorney's office. He currently serves as the director of this division. Since the division's creation, both the Albuquerque Police Department and the Bernalillo County District Attorney's Office have realized the importance of this position.

"Cases were not being received at the district attorney's office in sufficient time to have the facts before defendants were arraigned. Consequently many defendants were released pending further investigation to develop pertinent facts of an alleged violation."

The primary function of the warrants and complaint division is to assure the prosecution that all felony cases prepared by members of the Albuquerque Police Department contain all the elements necessary to prove the offense. A secondary function is to keep members of the department up to date on current laws, changes in the law, and court decisions which affect the law.

Upon assuming the position of director of the warrants and complaint division, Lieutenant Martin began evaluating cases received from the Albuquerque Police Department, the Bernalillo County Sheriff's Office, and the New Mexico State Police. Using the trial and error method, he proceeded to work out stumbling blocks as they appeared.

During the next few months the workload from three law enforcement agencies proved to be more than one man could adequately manage. Additional help was requested, and a police detective was assigned to the warrants and complaint division. The cases submitted by the sheriff's office

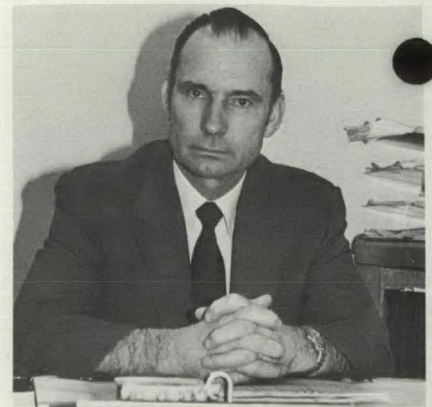
and the New Mexico State Police were later assigned to one of the assistant district attorneys. Lieutenant Martin was then able to focus his attention on the needs of the Albuquerque Police Department by setting up guidelines, giving the legal advice necessary to insure prosecutable cases, and assisting in preparing search warrant affidavits and obtaining warrants.

Constructive Changes

During the "trial and error" period, new procedures for supervising cases were developed.

A problem existed because of the short period of time allowed by law between the arrest and the arraignment of a defendant. Cases were not being received at the district attorney's office in sufficient time to have the facts before defendants were arraigned. Consequently many defendants were released pending further investigation to develop pertinent facts of an alleged violation. A defendant was then cited into court when sufficient information was obtained. If he refused to respond to the citation, a bench warrant for his arrest was issued. Nonetheless, serious delays, by this time, often jeopardized the success of subsequent investigation and prosecution which were further hindered by the absence of the defendant. To correct this damaging delay, the warrants and complaint division devised a "felony sheet" form to be prepared for each defendant at the time of booking. This form sets forth necessary elements to properly arraign a defendant within the time specified by law. A more complete investigation also results before the case is forwarded to the district attorney's office.

Much duplication was found in the various phases of each case. Each officer who participated in a case, when writing his report, was including extraneous events which had occurred before and after the pertinent phases



Lt. Charles J. Martin

of his investigation. This was being done quite normally in an effort to tie the chain of events together, but resulted in the completed report's being quite lengthy and confusing.

To combat this problem, the department delegated an officer in charge (OIC), usually the detective handling the investigation, to coordinate the case. The OIC follows the case from the time of its assignment through its conclusion. He is also responsible for preparing a face sheet on the case which enables the prosecutors to evaluate the facts developed and, without sorting through a mass of paperwork, request any further information necessary to prosecute. The face sheet contains information such as identities of officers, witnesses, victims, and offenders needed in court as well as a synopsis of basic facts pertinent to the case. The OIC works closely with the prosecutor throughout the case, including its presentation in court. With the permission of the judge, he is allowed to stay in the courtroom and sit at the prosecutor's table. This practice has been very beneficial to not only the prosecutor but to the OIC as well. It has made officers more aware of the legal problems encountered in court. As a result, the OIC program has improved pretrial preparation of cases, their presentation in court, and, more importantly, the crime deterrent of increased convictions.



Chief Donald A. Byrd.

Arraignments

After a defendant is taken into custody, his "felony sheet" is forwarded to the warrants and complaint division, where it is reviewed to determine if the defendant has been properly charged. If another charge appears more applicable, it is changed on the felony sheet at this time. Once the correct charge has been determined and entered, a complaint is typed and the defendant is arraigned before a magistrate judge. A bond recommendation form, completed by the warrants and complaint division, is taken to the arraigning magistrate with the complaint. The recommendation contains a list of any former felony charges filed against the defendant and their disposition, as well as the recommendation of an assistant district attorney as to the amount of bond. The magistrate, at arraignment, reviews this form and sets a bond which he feels will insure the appearance of the defendant in court.

Following arraignment, the job of the warrants and complaint division has only begun. When the investigation is completed, the OIC forwards the reports to the warrants and complaint division. The investigation is then reviewed by Lieutenant Martin, or his assistant, who insures that all the facts necessary for prosecution have been developed. If the case is lacking in some way, he notifies the OIC who will take appropriate action

to correct any oversights or clarify any issues. The notification is handled by either calling the OIC to the warrants and complaint division or sending a letter through his supervisor. This procedure results in more thoroughly investigated cases and has given the investigating officers a greater understanding of the facts necessary to prosecute and convict a defendant in a court of law.

Issuance of Warrants

When an investigation has reached the point where the investigating officer believes probable cause for an arrest has been established, the case is forwarded to the warrants and complaint division. The case is then reviewed and, if the evidence to support an arrest is deemed sufficient, a warrant and complaint are prepared and taken before a magistrate who will issue the warrant and set bond. The officer requesting the warrant is then notified that it has been issued.

If the case is lacking probable cause for arrest, it is returned to the officer requesting the warrant with a letter of explanation. The contents of the letter outline what additional evidence is required to obtain the warrant and why it is necessary. This procedure not only may benefit the investigation but also serves as a training aid for the investigating officer.

Search warrants are typed on a standard form by the requesting officer. There are no requirements stating search warrants must be approved by the district attorney or the warrants and complaint division. However, officers are encouraged to have them reviewed by the warrants and complaint division before presentation to a judge for authorization.

Training Programs

Lieutenant Martin also teaches case construction at the police acad-

emy and keeps cadets and instructors informed of current laws and recent court decisions which affect law enforcement responsibilities.

Felony investigative guidelines have been outlined and distributed to all Albuquerque police officers. These guidelines individually describe each felony crime and list questions which must be answered to build a prosecutable case.

Two student attorneys, who are associated with the district attorney's office, are available to do research of court decisions which aids in preparing a case for trial.

Guidelines for obtaining search warrants were written. The student attorneys did the bulk of the research used in determining what specific laws and rules should be followed. These guidelines are written in step-by-step instructions and include information necessary to obtain the warrant, execute it, and return it to the authorizing judge.

Other Duties

The warrants and complaint division is also responsible for the release of all evidence gathered and tagged into the police department evidence room for district court cases.

The warrants and complaint division also acts as an adviser to other agencies when called upon. Citizens with private complaints who are referred to the district attorney's office are given advice and directed to the agency handling their specific problem.

The old adage that the policeman is a "neighborhood lawyer" is fast becoming a reality. The term "neighborhood," however, can be extended to mean the community of law enforcement agencies which have growing needs for police legal advisers. A great advantage of the approach to felony cases in Albuquerque is its adaptability to much smaller departments which alone could not main-

tain a police legal adviser but might share one with other departments.

Since the warrants and complaint division has been in existence, better felony cases are being prepared by members of the Albuquerque Police Department. Policemen are better informed of the ever-changing laws and court decisions. They are becoming aware of the prosecutor's and the judge's problems and are obtaining a better insight into the citizen's problems. There is no better way to learn than by understanding someone else's problems.

MOUNTAIN MEN

(Continued from page 6)

slower second search. In spring 1970 the unit helped in a search for a lost elderly hunter; and in spring 1971 a search was made of the Snake River area, with the water diverted from the riverbed, in an attempt to locate the body of a drowned duck hunter. The men and their machines were able to traverse the rough terrain and dense growth of the riverbank to a degree impossible for any four-wheel-drive vehicle and, of course, search effectively in much less time than could searchers on foot.

Earlier, in spring 1969, a unit member, shortly after completing an advanced Red Cross first aid training course, was on duty in an area used for hill-climbing by bike enthusiasts. A bike came over the top of a hill out of control and collided with another machine. The woman who was riding the second bike sustained a compound leg fracture, and the patrolman administered emergency first aid and summoned help from a second member of the rescue patrol. They were able to transport the injured woman to a hospital quickly and safely in a four-wheel-drive jeep. The attending physician later credited the prompt, correct, and rapid first aid treatment and transportation to the hospital with saving the victim from an extensive and serious operation on her leg.

Patrol members contribute greatly to the sighting and control of brush fires, which at times in this region are a major danger. In fall 1970 a series of deliberately set brush fires led to a concerted and continued search and patrol by the unit. These operations were supervised and coordinated by the then Lt. Alvin "Bud" Sims (now undersheriff of Ada County). Sims parked in a farmyard and directed the search and surveillance of motorcycle

[The] . . . "new mountain men," with their 'mechanical horses,' modern skills, and continued devotion to responsible civic involvement have added to the capabilities of the Ada County Sheriff's Department."

patrol riders assigned to the hilltops and ridges in the area. The arsonist stopped his activities, and eventually a 13-year-old mentally disturbed boy was apprehended for setting the fires.

These examples are but a few of the many ways in which these "new mountain men," with their "mechanical horses," modern skills, and continued devotion to responsible civic involvement have added to the capabilities of the Ada County Sheriff's Department.

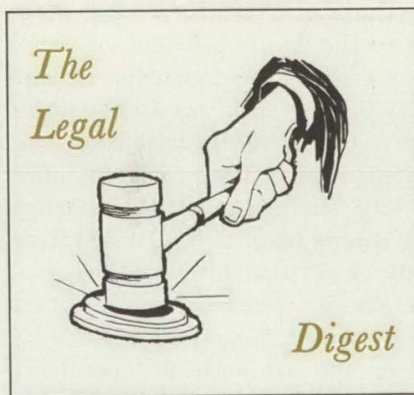
Sheriff Bright has received many letters of commendation concerning the unit. In addition, expressing personal gratitude to the men involved, he states, "Without them the department could never have provided the protection, enforcement, and emergency help that the public in the mountainous area needs and has received these last several years. I am proud of the unit and grateful to each of the men in it."

The Ada County Sheriff's Department believes its Motorcycle Mountain Patrol and Rescue Unit to be, perhaps, unique in the United States. If other similar units or organizations do exist, we would be most pleased to exchange information and ideas. We shall be happy to provide information regarding the unit and its operations to any interested law enforcement agency. Contact us by writing or calling: Sheriff Paul W. Bright, Post Office Box 2815, Boise, Idaho 83701. Telephone Area Code 208, 342-4519.

FBI POLICE LAW SPECIALISTS TRAINING

The FBI has conducted pilot training schools for law enforcement officers to be assigned as law specialists within their departments. This instruction, among many other specialized training courses, will be available to select law enforcement officers at the new FBI Academy. The purpose of the police law specialist school is to train officers of demonstrated ability and interest in the criminal law to serve as lay legal advisers within their departments. The primary thrust of the courses will center on the laws of arrest, search and seizure, confessions, and similar matters arising in the day-to-day operations of a department. The combination of practical law enforcement experience and a basic grounding in the criminal law should enable police law specialists to translate judicial decisions into meaningful guidelines for the individual officer, as well as improve liaison with local prosecutors in matters of mutual concern.

"While the Supreme Court has not yet answered the question, lower courts, both State and Federal, have been faced with the issue of the right to counsel at a photographic identification occurring when the accused is in custody."



The Right to Counsel at Pretrial Photographic Identification

By
JAMES L. WILLIAMSON
Special Agent,
Federal Bureau of Investigation,
Washington, D.C.

In *United States v. Wade*,¹ the Supreme Court of the United States first considered whether the sixth amendment guarantee of the assistance of counsel is applicable to eyewitness identification procedures which take place before trial. Wade was indicted on bank robbery charges and shortly thereafter arrested. Counsel was appointed to represent him, and 15 days later a lineup was held in which Wade and five or six other prisoners took part. Wade was identified by the eyewitnesses. No notice of the lineup was given to his counsel and he was not present.

Prior holdings of the Court recognized "... that in addition to counsel's presence at trial, the accused is guaranteed that he need not stand alone against the State at any stage of the prosecution, formal or informal, in court or out, where counsel's absence might derogate from the accused's right to a fair trial." The principles of these decisions require that "... any pretrial confrontation of the accused [be scrutinized] to determine whether the presence of his counsel is necessary to preserve the defendant's basic right to a fair trial as affected by his right meaningfully to cross-examine the witnesses against him and to have effective assistance of counsel at the trial itself."²

The Court concluded that since there is a "grave potential for prejudice, intentional or not, in the pre-trial lineup, which may not be capable of reconstruction at trial, and since presence of counsel itself can often avert prejudice and assure a meaningful confrontation at trial, there can be little doubt that for Wade the post-indictment lineup was a *critical stage* of the prosecution at which he was 'as much entitled to such aid [of counsel] . . . as at the trial itself'." ³ [Emphasis added.]

A year after the *Wade* decision, the Court examined another aspect of eyewitness identification. In *Simmons v. United States*,⁴ the Court, under the facts presented, approved the showing of a suspect's photographs to witnesses. The case involved the robbery of a savings and loan association by two men who were observed making their getaway in a car with a damaged door. An abandoned vehicle fit-

shown to the witnesses, he was entitled to the presence of counsel. The Court agreed that no sixth amendment rights were involved and the case was decided on due process grounds.

Simmons establishes that, at least during the preliminary stages of the investigatory process before charges have been lodged or arrests made, police use of photographs for purpose of identifying suspects raises no question of the right to counsel.⁵

However, even though the "at-large" suspect is not entitled to have counsel present when the authorities seek to identify him by use of his photograph, would the fact that he is in custody at the time the photographic identification is attempted convert the procedure into a "critical stage" requiring the presence of counsel?

The possible application of the *Wade* rule to some photographic identifications is of importance to the law

Conflicting Results

While the Supreme Court has yet answered the question, lower courts, both State and Federal, have been faced with the issue of the right to counsel at a photographic identification occurring when the accused is in custody. The courts which have considered this issue are not in agreement and the reported decisions reach conflicting results.

Perhaps the principal decision supporting the view that *Wade* and *Gilbert* do not require the presence of counsel at pretrial photographic identification even though the accused is in custody is *United States v. Bennett*.⁶ In that case Bennett and others were convicted of conspiracy to import and distribute narcotics in violation of Federal law. At the trial a Government witness identified one of the defendants, and on cross-examination it was brought out that, before the trial but at a time after the defendant's arrest, the witness had been shown "several pictures" including defendant by the prosecutor.

Judge Friendly, speaking for a unanimous panel of the Court of Appeals for the Second Circuit, pointed out that the original purpose of the sixth amendment guarantee of counsel was to change the English rule of the time which generally did not permit a defendant charged with a crime to use the services of an attorney with respect to the factual issues. The early view of the rule has been expanded so that today all persons "haled into court" to answer criminal charges are entitled to counsel even if unable to bear the cost.⁷

*Massiah*⁸ and *Wade*, in his view, fix the "highwater marks" of the expansion of sixth amendment rights. Both dealt with procedures which took place outside the courtroom but at which the defendant himself was present. To Judge Friendly, the presence

"Judge Friendly, speaking for a unanimous panel of the Court of Appeals for the Second Circuit, pointed out that the original purpose of the sixth amendment guarantee of counsel was to change the English rule of the time which generally did not permit a defendant charged with a crime to use the services of an attorney with respect to the factual issues."

ting this description was located in the vicinity, and based on this lead, photographs in which Simmons and others appeared were obtained. These were exhibited to the eyewitnesses the day following the robbery and resulted in identification of Simmons as one of the robbers. Simmons appealed his conviction and argued that the circumstances of the pretrial photographic identification were so "unnecessarily suggestive" and conducive to misidentification as to deny him due process of law. He did not contend that, at the time the photographs were

enforcement officer. If, for example, the officer shows photographs to the eyewitnesses without presence of accused's counsel at a time determined to be a "critical stage," there is constitutional error. Under the rule of *Gilbert*, all direct testimony on the issue of identification from such witnesses must be excluded. Further, *Wade* requires that if the incourt identification testimony is derived from, or "tainted" by, the illegal display of photographs, such testimony will suffer the same fate and will also be excluded.

of the accused is controlling; to extend the guarantee of counsel to encompass "... out-of-court proceedings where the defendant himself is not present would press the Sixth Amendment beyond any previous boundary."⁹ In *Bennett* the fact that the defendant had been arrested prior to the time the photographs were displayed to the witness was not considered relevant in determining the sixth amendment question.

Pretrial Identification

Consistent with the holding of *Bennett*, the second circuit has refused to extend the right to counsel to photographic identifications taking place while the witness is testifying before a grand jury,¹⁰ several weeks prior to trial,¹¹ 10 days before trial,¹² after the witness was subpoenaed,¹³ or during the trial itself just prior to testifying.¹⁴ These decisions make no mention of whether the accused was in custody or not at the time his pictures were shown to the eyewitnesses.

The ninth circuit, like the second, has repeatedly held that an accused has no right to counsel at a pretrial identification by photographs which was conducted in his absence.¹⁵ Moreover, in two recent cases defense arguments that a decision by the third circuit¹⁶ which applied *Wade* to photographic identification of an incustody accused should be followed were rejected.¹⁷

Both the fifth circuit¹⁸ and the 10th circuit¹⁹ have held that *Wade* does not prohibit a lawyerless photographic identification of an accused who is in custody at the time.

While the fourth circuit has refused to extend sixth amendment protection to an incustody accused subjected to photographic identification in two cases, absence of the accused was not the only factor relied on in the decisions. In *United States v. Collins*²⁰ a lineup at which his counsel was pres-

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

ent was held. Two of the eyewitnesses did not view the lineup but made identifications from a photograph of the lineup. Collins had lost 75 pounds and the witnesses were unable to identify him in the courtroom. The prosecution then had the witnesses point out the man they had identified by referring to the photograph of the lineup. It was thereafter established that the person identified in the lineup photograph was Collins. The majority, in affirming the conviction, held that: "Where, as here, the identification was preceded by photographs of a lineup which had been safeguarded by the surveillance of counsel, and consisted of a display of the photograph under conditions not embracing the apprehensions of a lineup, counsel was not adamantly required by *Wade* and *Gilbert*."²¹ The majority placed significance on the fact that the two witnesses who viewed the photographs were not "reasonably" available at the time the lineup was held. Moreover, the court did not foreclose the right to counsel at all photographic identifications by stating that "[a]lthough a nonlinearup identification, conceivably, could in circumstances be vitiated by the absence of counsel, no imperilling circumstance is evident here."²²

In a later case²³ this circuit, in a *per curiam* decision, affirmed the conviction of a defendant who contended

that he was entitled to counsel at a photographic identification held before he had been charged but when he was confined in another jurisdiction in connection with an unrelated offense. In a concurring opinion, Judge Winter, who in his dissent in *Collins* expressed his view that the postarrest viewing of photographs violated *Wade*, felt that here the obligation to provide counsel had not yet attached since the accused had not become "particularly suspect" at the time the photographs were shown.

Opposing Views

Two other Federal circuits have taken a position diametrically opposed to that expressed in the *Bennett* case. The decision of the third circuit in *United States v. Zeiler*²⁴ expressed the view "... that the rule of the *Wade* case applies to pretrial photographic identifications of an accused who is in custody."²⁵ Zeiler had been indicted and arrested for a series of bank robberies. A lineup was scheduled to take place a few days after his arrest, but before it was held, a series of photographs including Zeiler's were shown to the eyewitnesses. The absence of his counsel at this procedure was held to be constitutional error.^{25a}

On March 1, 1972, the U.S. Circuit Court for the District of Columbia Circuit sitting *en banc* handed down the decision in *United States v. Ash*.²⁶ Over the dissent of four members of the court, the majority reversed Ash's conviction, holding that it was improper for the Government to show photographs to the witnesses the day before the trial without the presence of defense counsel since this was a "critical stage" of the prosecution. Direct testimony at the trial concerning the photographic identification constituted reversible error. In view of comments in the opinion and the holding in a companion case,²⁷ *Ash* may be limited to photographic iden-

tifications not preceded by a lineup. In *Brown*²⁸ the majority affirmed a conviction in which the identification testimony was preceded by a showing of photographs by the prosecutor which followed a proper lineup. The court viewed this as a permissible procedure in preparing for trial, holding the accused was not entitled to the presence of counsel.

State Courts Views

A review of the decisions of the State courts in this area reveals that they, like the Federal courts, have had difficulty in resolving the issue of the right to counsel at postarrest photographic identifications.

One of the early expressions of a State court is the Florida case of *Cox v. State*,²⁹ where, in connection with the booking procedure, the defendant was filmed on video tape and the results shown to the victim for purposes of identification. There was no showing that defendant's counsel was present or that the defendant waived this right. The court held that "... the defendant had a right to counsel at the time of this secret confrontation between the victim and the defendant. What the police could not have done directly, they should not be allowed to do indirectly through the miracles of modern science."³⁰ However, in a later Florida decision, *Staten v. State*,³¹ an assault victim's incourt identification of accused had been preceded by a pretrial display of photographs occurring after the accused had been arrested. The defense motion to strike the evidence on sixth amendment grounds was denied by the trial court. Without citing *Cox*, the court affirmed the conviction and relied on *United States v. Roth*³² and *United States v. Ballard*,³³ cases which turned on the absence of the accused at the photographic identification procedure.

The Pennsylvania Supreme Court has chosen to follow the path of *Zeiler*, holding that: "As for the photo-

graphic lineup employed in the instant case, the necessity for counsel at that confrontation is implicit in *Wade*, which factually concerned a corporeal lineup. *Wade* cannot be undercut simply by substituting pictures for people, nor can the police prepare a witness for the lineup by privately showing the witness pictures of the accused."³⁴ Nevada too finds that counsel is required at photographic identifications occurring while the suspect is in custody.³⁵

More akin to the view taken by Judge Friendly in *Bennett*³⁶ is the holding of the California Supreme Court in *People v. Lawrence*.³⁷ There, a kidnapping victim identified defendant from photographs taken of a "simulated" lineup at a time defendant was in custody. Counsel was not present at either procedure. After reviewing the authorities, the court determined that the right to counsel does not extend to postarrest photographic identification proceedings. Similar views have been expressed by

took place prior to the date of *Wade*, making the rule of that case inapplicable.⁴⁶ In a concurring opinion, Judge Levin agreed with the disposition of the case on the prospective application of *Wade* but said "[t]he photographic identification stage is as critical as the lineup stage, perhaps more so." Judge Levin is also of the opinion "... that on principle photographic identification should be prohibited where the defendant is in custody unless the witness is physically incapacitated from going to a place where a line-up can be conducted."⁴⁷

In a second Michigan case, the lack of a timely objection at trial kept the court from reaching the issue of the application of *Wade* to a photographic lineup in *People v. Adams*.⁴⁸ Even though the prosecution conceded the "... exhibit-of-photographs stage is as critical as the lineup stage."⁴⁹

The New Jersey Supreme Court in *State v. Royster*⁵⁰ recognizes the conflict in the cases considering the right

"... no single rule of law can be stated, and, at this time, the only advice that can be offered to the officer is that he should carefully follow the rule of the courts in his jurisdiction."

other State courts. Decisions in Delaware,³⁸ Illinois,³⁹ Maryland,⁴⁰ Mississippi,⁴¹ North Carolina,⁴² Washington,⁴³ and Wisconsin⁴⁴ do not require counsel during a photographic identification even though the accused is in custody.

Michigan has not yet resolved the question in the courts; however, an indication as to the position ultimately taken may be drawn from two decisions in which the issue is raised but not resolved. In *People v. Rowell*,⁴⁵ the identification procedure

of the accused to counsel at postarrest photographic identification. However, since the court determined that the incourt identification had an independent source, it was not necessary to indicate a preference of the conflicting views.

Conclusion

At times it is a difference in the factual situations facing the courts which cause decisions appearing on the surface to be in conflict. When the

varying facts are considered, one rule of law may often be drawn from such opinions. However, the decisions on the right of the incustody accused to the presence of counsel at photographic identification procedures are not susceptible to this approach as the factual situations are for the most part identical. Therefore, no single rule of law can be stated, and, at this time, the only advice that can be offered to the officer is that he should carefully follow the rule of the courts in his jurisdiction.

FOOTNOTES

- ¹ 388 U.S. 218 (1967).
- ² Id. at 227.
- ³ Id. at 236-7. The companion case to *Wade, Gilbert v. California*, 388 U.S. 263 (1967), likewise involved a postindictment lineup of an incustody accused and shed no additional light on the extent of the right-to-counsel rule established in *Wade*.
- ⁴ 390 U.S. 377 (1968).
- ⁵ *State v. Nails*, 234 So. 2d 184, 188 (La. Sup. Ct. 1970).
- ⁶ 409 F. 2d 888, cert. denied *sub nom.*, *Haywood v. United States*, 396 U.S. 852 (1969).
- ⁷ *Gideon v. Wainwright*, 372 U.S. 335 (1963).
- ⁸ *Massiah v. United States*, 377 U.S. 201 (1964).
- ⁹ *United States v. Bennett*, supra footnote 6, at 899.
- ¹⁰ *United States v. Sanchez*, 422 F. 2d 1198 (2d Cir. 1970).
- ¹¹ *United States v. Fitzpatrick*, 437 F. 2d 19 (2d Cir. 1970).
- ¹² *United States v. Baker*, 419 F. 2d 83, cert. denied *sub nom.*, *DeNorscio v. United States*, 397 U.S. 971 (1970).
- ¹³ *United States v. Mojica*, 442 F. 2d 920 (2d Cir. 1970).
- ¹⁴ *United States v. Roth*, 430 F. 2d 1137, cert. denied, 400 U.S. 1021 (1971).
- ¹⁵ *Anderson v. United States*, 406 F. 2d 771 (9th Cir. 1971); *United States v. Sartain*, 422 F. 2d 387 (9th Cir. 1970); *United States v. Smith*, 423 F. 2d 1290, cert. denied, 398 U.S. 930 (1970); *Allen v. Rhay*, 431 F. 2d 1160 (9th Cir. 1970); *United States v. Edwards*, 433 F. 2d 357 (9th Cir. 1970); *United States v. Goetluck*, 433 F. 2d 971 (9th Cir. 1970); *United States v. Roustio*, 435 F. 2d 923 (9th Cir. 1970).
- ¹⁶ *United States v. Williams*, 436 F. 2d 1166 (9th Cir. 1970); *United States v. Fowler*, 439 F. 2d 133 (9th Cir. 1971).
- ¹⁷ *United States v. Zeiler*, 427 F. 2d 1305 (3d Cir. 1970).
- ¹⁸ *United States v. Ballard*, 423 F. 2d 127 (5th Cir. 1970).
- ¹⁹ *McGee v. United States*, 402 F. 2d 434, cert. denied, 394 U.S. 908 (1969); *Rech v. United States*, 410 F. 2d 1131, cert. denied, 396 U.S. 970 (1970); *United States v. Von Roeder*, 435 F. 2d 1004 (10th Cir. 1971).
- ²⁰ 416 F. 2d 696 (4th Cir. 1969) (Winter, J., dissenting).
- ²¹ Id. at 699.
- ²² Id.
- ²³ *United States v. Canty*, 430 F. 2d 1332 (4th Cir. 1970) (Winter, J., specially concurring).
- ²⁴ Supra footnote 17.
- ²⁵ Id. at 1307.

^{25a} See *Rees v. Anderson*, 11 CrL 2105 (3d Cir. April 11, 1972), decided since this article prepared, overrules *Zeiler*.

²⁶ No. 22,340, March 1, 1972, petition for cert. filed (No. 71-1255).

²⁷ *United States v. Brown*, No. 24,452, March 1, 1972.

²⁸ Id.

²⁹ 219 So. 2d 762 (Fla. App. 1969).

³⁰ Id. at 765.

³¹ 248 So. 2d 697 (Fla. App. 1971).

³² Supra footnote 14.

³³ Supra footnote 18.

³⁴ *Commonwealth v. Whiting*, 439 Pa. 205, 209, cert. denied, 400 U.S. 919 (1970).

³⁵ *Thompson v. State*, 451 P. 2d 704, cert. denied, 396 U.S. 893 (1969); *Carmichael v. State*, 467 P. 2d 108 (Nev. Sup. Ct. 1970); *Wyand v. State*, 471 P. 2d 216 (Nev. Sup. Ct. 1970).

³⁶ Supra footnote 6.

³⁷ 93 Cal. Rptr. 204 (Cal. Sup. Ct. 1971).

³⁸ *Reed v. State*, 291 A. 2d 142 (Del. Sup. Ct. 1971); *Denney v. State*, 277 A. 2d 682 (Del. Sup. Ct. 1971).

³⁹ *People v. Martin*, 47 Ill. 2d 331 (1970); *People v. Holiday*, 47 Ill. 2d 300 (1970).

⁴⁰ *Crenshaw v. State*, 13 Md. App. 361 (1971).

⁴¹ *Stevenson v. State*, 244 So. 2d 30 (Miss. Sup. Ct. 1971).

⁴² *State v. Accor*, 175 S.E. 2d 583 (N.C. Sup. Ct. 1970).

⁴³ *State v. Searcy*, 4 Wash. App. 860 (1971).

⁴⁴ *Dozie v. State*, 49 Wis. 2d 209 (1970); *Kain v. State*, 48 Wis. 2d 212 (1970).

⁴⁵ 165 N.W. 2d 423 (Mich. App. 1968).

⁴⁶ *Stovall v. Denno*, 388 U.S. 923 (1967).

⁴⁷ Supra footnote 45 at 427.

⁴⁸ 172 N.W. 2d 547 (Mich. App. 1969).

⁴⁹ Id. at 548.

⁵⁰ 273 A. 2d 574 (N.J. Sup. Ct. 1971).

STANDARDS

(Continued from page 11)

some untrained or inept person, or even an imposter, has passed for or been accepted as a fingerprint expert, but a standard of practice which could be constantly questioned is not a panacea for such occurrences. The acceptance of an expert witness is a discretionary matter with the courts.

A fingerprint identification does not exist until it has been established by a fingerprint technician through observation of the physical impression. Many experts feel that the experience, training, knowledge, and judgment of the technician are just as important, and in some cases more so, as the physical data on which his finding is based. Thus, an evaluation of fingerprints containing a score of "points" in the hands of an knowledgeable person could constitute a

greater hazard to the science than a comparison of prints possessing relatively few points in the hands of a thoroughly experienced technician. Experience, therefore, is an indispensable factor in fingerprint work. And it would seem logical that perhaps adequate, continuous, and thoughtful practice of the science is a more vital factor in eliminating borderline or erroneous testimony concerning fingerprint identification than establishing a questionable technical standard. Although such a suggestion is occasionally broached, less attention is given to insistence on increased training and experience for the technician than to the effort to put the science into a mathematical straitjacket. Conversation with almost any recognized expert in any field will elicit the importance of continuous all-encompassing observation as a factor of equal weight with the physical facts. Long-time assignment to fingerprint duties alone does not necessarily breed an expert. There must be continuous comparison of fragmentary impressions, observation of peculiarities and variations, and thoughtful consideration of questions and problems associated with the field.

The adoption of a low minimum standard would tend to give people of limited training in the field confidence in establishing identifications on small numbers of characteristics which they would not otherwise have attempted. Should there be any type of error or criticism involved, the standard established by the "experts" would be immediately quoted as justification.

No one can object to the continued compilation of statistical data and their legitimate application to identification work, but conclusions based on inadequate data are destructive and must be diligently avoided. Fingerprint identifications cannot be made on an a priori basis. Each case requires actual observation and careful examination by the expert, whose

ability to discern the truth must not be restricted by unsupportable statistical data or theories. Professional competence and personal integrity are the surest safeguards against malpractice. FBI

FLUIDS

(Continued from page 15)

Stains of urine, feces, saliva, decomposing blood, and some plant material may occasionally produce a positive reaction.

In the FBI Laboratory, the acid phosphatase test and the Florence test are considered to be excellent preliminary screening tests for semen.

Microscopic Examination

Conclusive identification of a seminal stain ultimately depends on the microscopic demonstration of spermatozoa, which are the male reproductive cells. Although human spermatozoa differ in their appearance from spermatozoa of other animals, in certain cases it is necessary to conduct a precipitin test to identify the origin of the stain.

Secretors

Approximately 80 percent of the United States population secrete in their fluids—such as semen, saliva, and vaginal fluid—the blood group substance(s) corresponding to their major blood group. These individuals are known as secretors. Those whose fluids do not contain the major blood group substance(s) are referred to as nonsecretors. It is possible, therefore, to determine the ABO blood group from stains of semen, saliva, vaginal fluid, etc., derived from secretors.

In a sex-murder case of an elderly woman, seminal stains were identified on her slip. Grouping tests conducted on these stains disclosed the presence

of the "B" blood group substance. Blood and saliva samples from eight suspects were grouped. Only one of the suspects was determined to belong to blood group "B." Grouping tests made upon his saliva showed that he was a "B" secretor. The suspect, when confronted with this evidence along with other physical evidence, admitted the crime.

Approximately 80 percent of the population are secretors whose ABO blood group can be determined from a variety of body fluids.

In many sex crimes, the conclusive grouping of seminal stains is extremely difficult since the semen may be contaminated with blood, saliva, or vaginal fluid. In all cases for semen grouping, where possible, blood and saliva samples from the victim should be submitted to the Laboratory. If available, blood and saliva samples should also be submitted from any suspects.

Saliva samples should be submitted in a dried state. The sample can be taken by having the donor expectorate on a piece of filter paper and allowing it to dry. The saliva stain should be circled with a pencil by the person who took the sample. The filter paper containing the saliva stain should be identified with the name of the donor, the date taken, and the identifying initials or mark of the officer.

For the submission of garments or other items containing suspected seminal stains, the procedures that are set forth for bloodstained evidence should be followed.

All evidence submitted to the FBI Laboratory should be addressed to the Acting Director, Federal Bureau of Investigation, Washington, D.C. 20535, and marked for the attention of the FBI Laboratory. FBI

AIR DISASTER

(Continued from page 20)

team. Supplies should include food, clothing, shelter, and necessary accessory items, such as nylon ropes, hunting knives, ice axes, portable stoves, portable powerplant, candles, sleds, bolt-cutters, air mattresses, and so on.

- A list of business establishments and their owner's telephone numbers, both at home and at work, should be maintained for use in obtaining supplies during emergencies. Men on the dispatch desk should know where to contact such people, particularly on holidays.

- Primary consideration should be given during the year to establishing and improving liaison between the department of public safety and other units likely to participate in disaster operations. These include military and disaster units, local police and fire departments, hospitals, search and rescue organizations, fingerprint experts, dentists and doctors, coroners and morticians, and the district attorney's office. Dispatchers should be familiar with whom to call and where such individuals can be located at all times.

- Assignment of duty is an important factor in a disaster situation. There will always be personnel on leave, ill, in transfer, and so forth. Administrative personnel should know who the "back-up" men are for various assignments. For example, if a crash site team leader is going to be away, his replacement should be notified before he leaves. The importance of this procedure cannot be overemphasized. Considerable confusion and inefficiency can be avoided through prompt and proper assignments. This holds true for every function in a disaster situation.

I.I.L. # 846
95-169962

CLAMPS CLINCH CONVICTIONS

Several days after a trailer loaded with \$24,000 worth of beef was stolen from a processing company in a mid-western State, 15,000 pounds of the meat were recovered at a market in another city. The proprietor claimed he had purchased the meat for \$3,000 from two individuals who were later charged in the theft.

Metal clamps taken from the recovered meat and from four clamping machines used at the processing plant were sent to the FBI Laboratory for comparison and examination to determine if they were from the same machines.

At the trial of the defendants, an expert from the FBI Laboratory testified that the markings on the metal clamps removed from the recovered beef were identical with those on the clamps taken from the four clamping machines at the processing plant. The two defendants were found guilty of receiving stolen property, while the market owner had been granted immunity because he testified for the State.

PHYSICAL FITNESS MANUAL

"Physical Fitness for Law Enforcement Officers" has recently been published by the FBI. The purposes of the new manual are to make the law enforcement officer more aware of the importance of physical fitness and to set forth suggested guidelines for a variety of illustrated exercise programs to help in his development of a high level of physical fitness. The manual is available in limited quantities free of charge to all interested law enforcement officers. Requests for copies should be forwarded to the Acting Director, Federal Bureau of Investigation, Washington, D.C. 20535.

drawing up your disaster plan, we will be pleased to send a copy of ours to any interested law enforcement agency. Requests should be addressed to Commissioner, Department of Public Safety, State of Alaska, Pouch N, State Capitol, Juneau, Alaska 99801.

FBI

I.W. Newpher to Conrad memo
4-6-72, "Gambling Matter
Snohomish County,
Washington
I.I.L. # 1321
95-167855

INJUNCTION

PERMANENTLY

CLOSES BETTING PARLORS

In February 1971 the prosecuting attorney for Snohomish County, Wash., sought FBI assistance in his drive to rid the county of betting parlors. Specifically, he desired statistical data on the relative weights of skill and chance factors inherent in card games played at the parlors: nine-card cinch rummy and auction pinochle.

Relying upon electronic data processing to perform the numerous mathematical calculations, FBI Laboratory personnel conducted original research into this problem. Based on this research, showing that the element of chance is a strong factor in these games, legal action was commenced against the parlors' operators. In a rare move for antigambling matters, the prosecutor chose to bring a civil rather than a criminal prosecution. Two benefits resulted: His burden of proof was lowered, and the injunction he was able to secure closed the parlors permanently.

An FBI expert on mathematical probability was a key witness at the trial; and his testimony met with the approval of the State's supreme court, which recently upheld the verdict and judgment of the trial court.

- The crash site coordinator for the Alaska State Troopers arranged to have team leaders wear one color hard hat and assistants to wear another color hat. This plan facilitated liaison between the coordinator and his men and the teams of various agencies, such as the Federal Aviation Administration (FAA), NTSB, FBI, and U.S. Postal Service, conducting investigations of the crash site.
- A video tape of the crash site should be made as soon as possible after it is discovered.
- An information officer should be named. He is invaluable in taking care of the needs of the news media and answering the deluge of queries that come in by letter and phone.
- At the crash site recovery teams should be assigned one section to work and should concentrate, where practical, in that one area.
- Each team leader should have a portable radio.
- A doctor should be assigned to the crash site and remain there until the teams leave the area.
- Newsmen should be asked to refrain from publishing any photograph of a crash site in which the appearance of recovery personnel and their procedures might be misinterpreted. The reason for this is obvious: Many people would be offended by a picture—having nothing to do in fact with the disaster—which suggested anything other than the grim solemnity expected at such a scene.

Disasters create complex organizational problems and severe manpower strains for almost all law enforcement agencies. Many of the pitfalls and shortcomings that develop during the law enforcement response to these tragedies can be avoided by thoughtful planning beforehand. To assist in

99-Casper to Newpher memo, 4-6-72, re
"Bureau Pamphlet 'Physical Fitness for Law
Enforcement Officers'"

WANTED BY THE FBI



HERMAN BELL, also known as: Hurmon Bell, John Holmes, Samuel Lee Penegar, "Jonas."

Bank Robbery

Herman Bell is being sought by the FBI for bank robbery. A Federal warrant for his arrest was issued on November 15, 1971, at San Francisco, Calif.

The Crime

On September 20, 1971, Bell and four accomplices allegedly robbed the Bernal Heights Branch of the Bank of America, San Francisco, of over \$15,100. Three of the bandits, reportedly armed with two sawed-off shotguns and a revolver, entered the bank and ordered the employees and customers to lie face down on the floor while they took money from the teller drawers and the bank vault and placed it in a brown leather bag.

A bank employee was slightly injured during the robbery when one of the bandits allegedly discharged a shotgun into the bank vault. After leaving the building, the suspects reportedly were joined by another accomplice who was standing across the street, and the four allegedly fled in

a getaway car driven by a fifth individual.

Description

Age-----	24, born Jan. 14, 1948, Benton, Miss.
Height-----	6 feet.
Weight-----	165 to 175 pounds.
Build-----	Medium.
Hair-----	Black.
Eyes-----	Brown.
Complexion---	Dark.
Race-----	Negro.
Nationality---	American.
Remarks-----	May wear mustache and goatee.
FBI No-----	963,837 G.
Fingerprint classifica- tion-----	14 O 21 W IOO 12 M 19 W IOO

Caution

Bell is a convicted robber. He reportedly has been armed with a sawed-off shotgun and pistol and should be considered extremely dangerous.

Notify the FBI

Any person having information which might assist in locating this fugitive is requested to notify immediately the Acting 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.

INTERCEPTION OF COMMUNICATIONS

Title 47, Section 605, United States Code, prohibits the unauthorized interception of radio and wire communications. Title 18, Section 2511, United States Code, prohibits the unauthorized interception of wire or oral communications. Title 18, Section 2512, United States Code, prohibits the unauthorized mailing or interstate or foreign shipment of mechanical devices primarily useful for surreptitious interception of wire or oral communications and the manufacture, distribution, or possession of such devices by any person knowing they have been or will be mailed or transported in interstate or foreign commerce. This section of Title 18, United States Code, also prohibits the advertising of electronic or mechanical devices primarily useful for surreptitious interception by any person knowing that such advertisement will be mailed or transported in interstate or foreign commerce.

Under Title 18, Section 2513, United States Code, such devices can be seized and forfeited to the United States. Authority for this seizure has been delegated by the Attorney General to officials and Agents of the FBI, which has primary investigative jurisdiction over alleged violations of the Interception of Communications Statutes.

Approved for use by M. A. Jones to Bishop memo,
5-3-72, captioned "June, 1972, Issue of FBI Law
Enforcement Bulletin." (filed in background material
on front cover photo)

IN MEMORY

Frequently in the past this space was reserved for photographs of visitors to FBI Headquarters—usually officers and notables from the Administration of Justice system in all States of the Nation and all countries of the free world—who met the late J. Edgar Hoover, Director of the FBI for nearly half a century. These visits were testimony to his immense stature in the law enforcement profession. As have the pages in this issue of the Bulletin, his remarkable life and career have come to an end.

The vision, however, that Mr. Hoover unselfishly and unfalteringly held throughout his almost 55 years of service to the Nation lives on: to perfect law enforcement as a profession of the highest standards of integrity and competency. It is fitting that all readers of the Bulletin who share his vision pause here to recommit themselves toward this lofty goal and, by so doing, honor a giant of a proud and dynamic profession whose untiring efforts in its and his country's behalf have left both an unrivaled legacy of accomplishment.

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

OFFICIAL BUSINESS

RETURN AFTER 5 DAYS



POSTAGE AND FEES PAID
FEDERAL BUREAU OF INVESTIGATION

INTERESTING PATTERN



The pattern this month is classified as an accidental whorl with an outer tracing. It consists of a combination of two different pattern types—a loop over a tented arch.