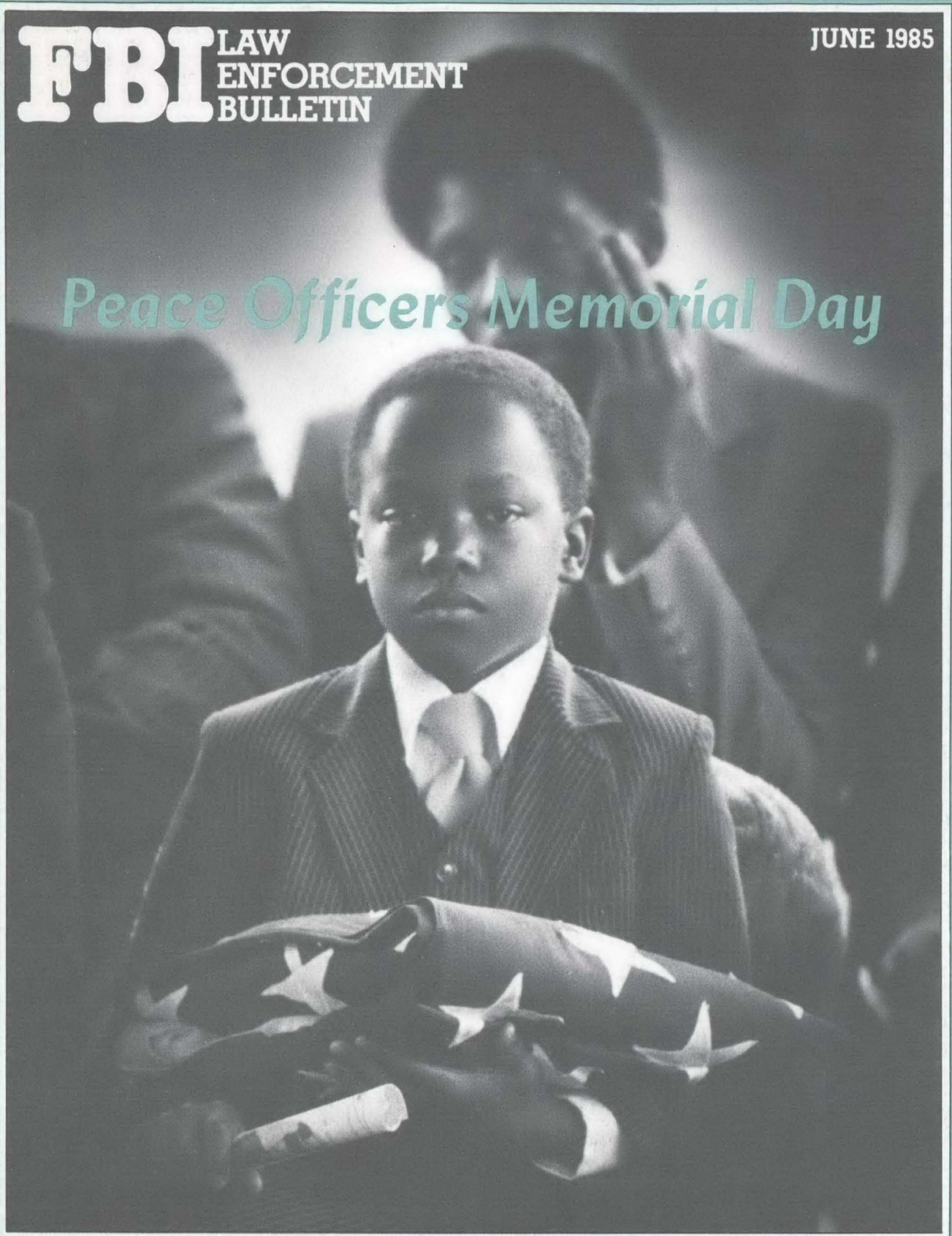


**FBI** LAW  
ENFORCEMENT  
BULLETIN

JUNE 1985

*Peace Officers Memorial Day*

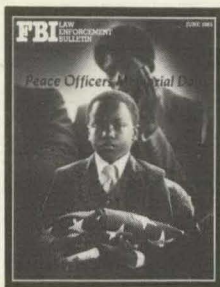


# FBI<sup>LAW</sup> ENFORCEMENT BULLETIN

JUNE 1985, VOLUME 54, NUMBER 6

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**The Cover:** An officer's son holds the American flag which draped the casket of his father, a police officer killed in the line of duty. (Photo courtesy *Charlotte Observer*)

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

**William H. Webster, Director**

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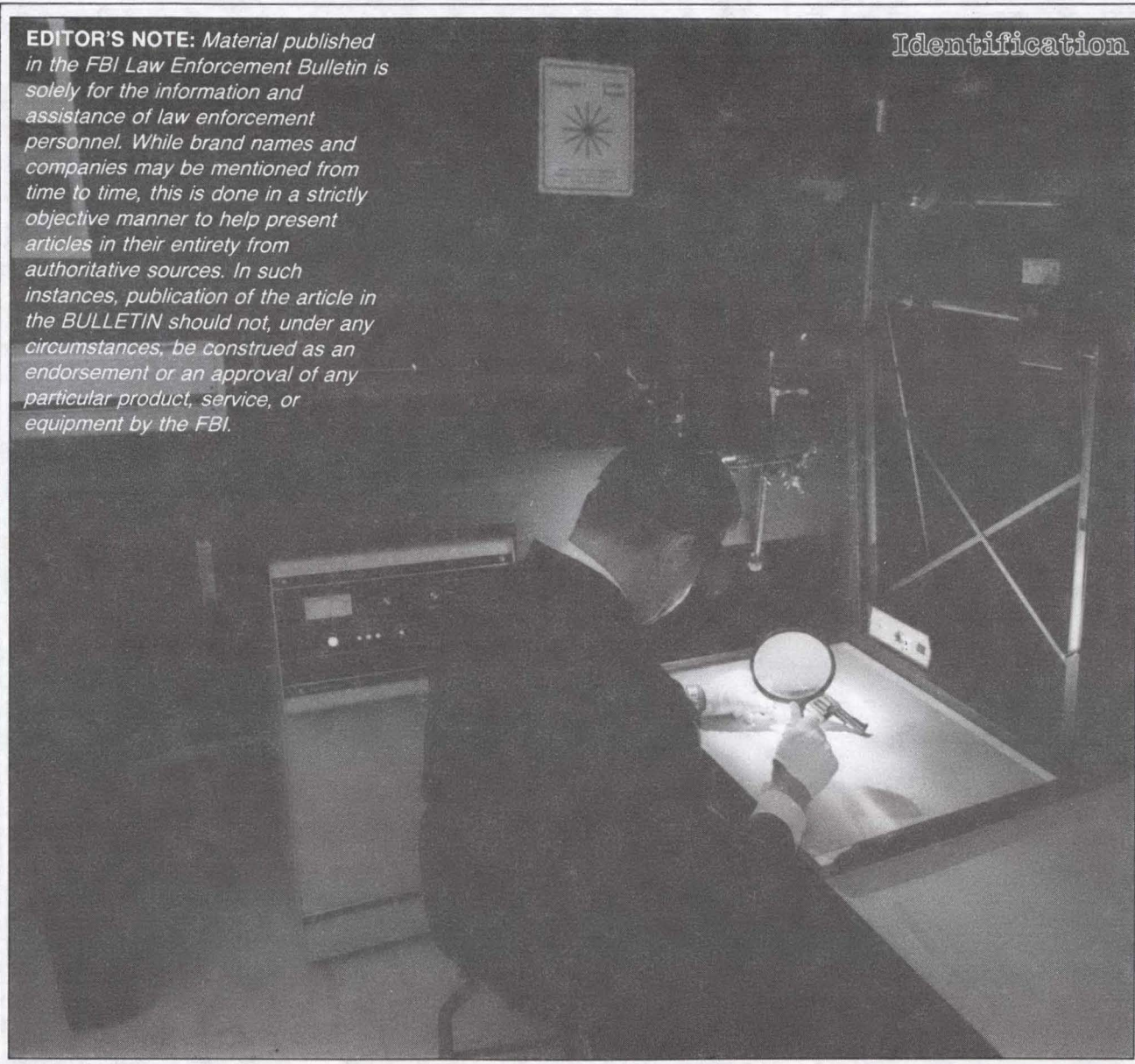
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Identification



## Latent Print Detection *by* **Laser**

The use of fingerprints as a means of identification has long been recognized by courts of law throughout the world as being infallible. This is because minute formations of the ridged skin areas of every finger and the relationship of these formations to one another are unique in every in-

stance. The palms of the hands, toes, and soles of the feet are equally diverse and also are used as a positive means of identification.

Impressions obtained from the ridged skin areas of the body, namely, the palmar sides of the hands and soles of the feet, may be classified as

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inked, latent, or patent prints. Inked prints are usually recorded for record purposes using a thin film of printer's ink as a transfer medium. Latent and patent prints may be left on an object when touched through perspiration, grease, oil, or foreign substance which may be present on the friction ridges at the time a surface is touched. If sufficiently pliable, the bearing surface itself may act as the transfer medium. Latent and patent prints differ only in that a latent print requires some type of treatment to be made visible, whereas the patent print can be readily seen. Location and preservation of latent prints left by the perpetrator of a crime is one problem encountered by the investigator. Traditional techniques usually call for application of powders or chemicals as latent print developers.

#### Conventional Detection Methods

Conventional latent print detection methods may be classified as either physical or chemical. Physical development depends on the adherence of powder to lipids, oils, and/or moisture contained in latent print residue. Chemicals most commonly used (iodine, ninhydrin, and silver nitrate) as developers are dependent on iodine fumes being absorbed by lipids and oils or an interaction between amino acids and ninhydrin or sodium chloride and silver nitrate. One or all of the aforementioned elements (lipids, oils, amino acids, and sodium chloride) may be present in one or more latent prints on a single specimen. Therefore, all three chemicals should be applied to a single specimen in an effort to develop as many latent prints as possible.

Although powders and chemicals develop a high percentage of the latent prints, their application, in some cases, produces undesirable effects, such as staining or discoloration. In addition, these processes do not develop all latent prints on a specimen in every instance. Therefore, law enforcement officials are constantly in search of new techniques and technology to aid in the location and preservation of elusive latent prints.

#### Laser Detection of Latent Prints

In the early part of 1977, a paper published in the *Journal of Forensic Science*<sup>1</sup> was brought to the attention of the FBI, Latent Fingerprint Section. The paper, in brief, reported that certain properties of perspiration and body oils contained in latent print residue will luminesce without pretreatment and to a degree that photographs could be taken when activated by a continuous wave argon-ion laser. In addition, this technique could detect latent prints not developed by conventional processes.

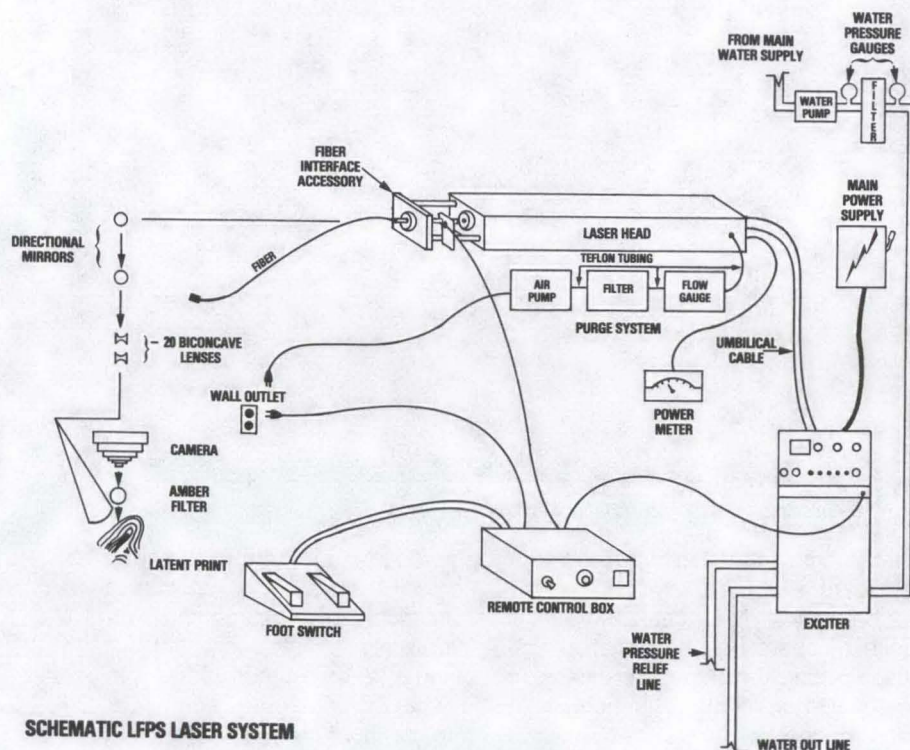
Preliminary tests conducted at various laboratories by FBI personnel resulted in the purchase of a laser for further research and evaluation. In April 1978, the FBI's Laser Latent Print Detection System was put into use.

#### Hardware

The nucleus of the FBI's Laser Latent Print Detection System is a Spectra Physics Model 171-19, continuous wave, 18-watt argon-ion laser with a Model 270 power supply. (See fig. 1.) This laser requires a three-phase with ground, 460-volt electrical line, 60 amps per phase, with a wattage rating of 38k. For cooling, a water flow rate of 3½ gpm (.22 liter/sec) at a minimum of 65 psi (4.6 kg cm<sup>2</sup>) to



Figure 1—The FBI's Laser Latent Print Detection System.



SCHEMATIC LFPS LASER SYSTEM

operate. This unit has a spectral range of 457.9 nm to 514.5 nm. Optics provided with the laser allow single-line and multiline operation in the blue-green portion of the visible spectrum. With appropriate optics, the laser can produce approximately 3 watts of multiline UV, with a spectral range of 351.1 nm to 363.8 nm.

External optics consist of two all-band dielectrically coated multilayer mirrors (beam directors) and two crown glass negative 20 biconcave dispersal lenses. The first mirror is set in a mount with horizontal and vertical micrometer adjustments. This allows limited positioning of the expanded

beam on the staging area for ease of specimen examination and photography. The second mirror is held in a fixed mount and is positioned at an angle to the reflected laser beam, downward and through the two dispersal lenses. The laser beam is expanded to approximately 8 inches (20 cm) on a staging area located 18 inches (45 cm) below the dispersal lenses. The purpose of the expanded beam is twofold—to allow a large area of a specimen to be examined at once and to protect flammable items from overheating, which could lead to partial or complete destruction of a specimen.

The laser head is equipped with an optional fiber interface which permits limited portability of the laser

beam. A single 600-micron optical fiber cable transports the beam and is used in the FBI's system for examination of items too large or of a shape which prohibits the use of the staging area. Aberrations encountered when using the optical fiber cable may be alleviated through manual or mechanical vibration of the fiber. This vibration of the cable may only be necessary while photographing a latent print.

The optical arrangement may vary in other systems. The number, type, and positioning of mirrors and lenses may be dictated by the size and configuration of the housing room and the relationship of the staging area to the laser head. In fact, some systems employ a fiber-optic cable as the primary means to transport the laser beam.

Purified air is used to purge the bellows housing the Brewster windows of ozone and remove or prevent the entry of minute amounts of organic contaminants. These elements scatter laser light and coat optical surfaces, resulting in a drop in output power. This increases maintenance and operating costs and causes unnecessary wear on delicate optical surfaces due to repeated cleaning. By comparison, the purified air purge system is relatively simple and inexpensive. The system consists of a small air pump, microfilter with activated charcoal, and an air flow gauge. Tubing used in the purge system should be Teflon or polypropylene.

The laser head, optics, and purge system are mounted on a table 42 inches (105 cm) high, 24 inches (60



**“... time is no factor in the detection of latent prints by laser.”**

cm) wide, and 144 inches (360 cm) long. The staging area is a table 24 inches (60 cm) high, 30 inches (75 cm) wide, and 96 inches (140 cm) long. The two tables are positioned at a right angle to one another. Here again, the arrangement of optical benches, tables, or other support equipment may be dictated by the size and shape of the housing facility.

An air purification system and dehumidification system in the laser room, although not necessary, may prove beneficial to create a proper environment for laser operation. Closed loop cooling using deionized water or ethylene glycol is highly recommended in areas where the water supply is heavily ionized or mineralized. Unconditioned water of this type may lead to electrolysis and/or formations of scale on vital cooling surfaces, thereby causing reduced cooling efficiency and possible premature failure of major components. Additionally, a booster pump may be needed to acquire the necessary water flow rate and water pressure.

### Methodology

The procedure used to detect latent prints with a laser is clean and relatively easy. No pretreatment of the specimen is required initially, and therefore, no alteration to the specimen occurs. The expanded laser beam is used to fluoresce certain properties of perspiration, body oils, and/or foreign substances contained in latent print residue. The laser output power is usually set at 15 watts with all lines emitting. Examination of a specimen is accomplished by passing small items under the expanded

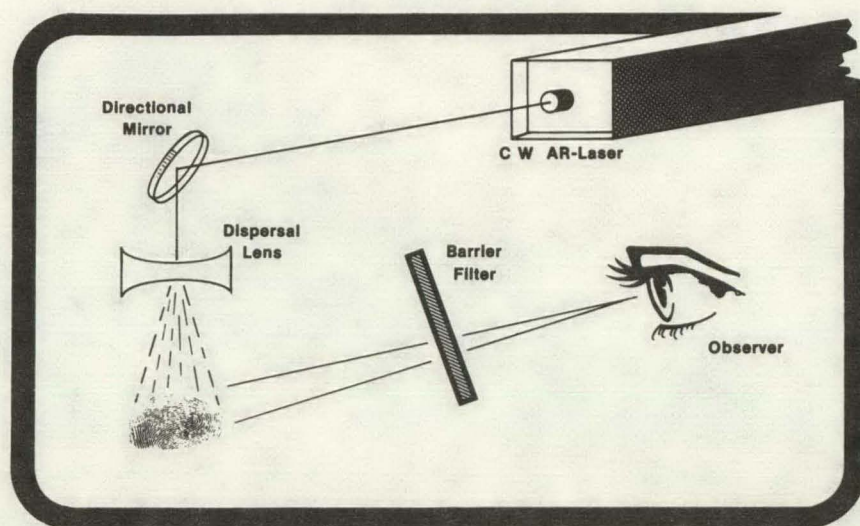


Figure 2—Schematic depicting basic laser latent print detection.

laser beam at the staging area. Large items are examined through the use of the optical fiber cable. In either mode of operation, the visual examination should be thorough, inasmuch as some latent prints exhibit only faint fluorescence.

Detection occurs when latent print residue absorbs the laser light and reemits it in longer wavelengths than the illuminating source. (See fig. 2.) The fingerprint specialist/operator, wearing laser safety goggles containing filters with an optical density of 7 at 515 nm, visually examines the specimen being exposed to the laser light. The filters absorb the laser wavelengths and permit wavelengths from approximately 540 nm and above to pass. Latent print residue fluoresces at approximately 550 nm and above. Thus, latent print residue producing sufficient fluorescence can be seen and photographed by placing this same filter across the lens of the camera. Additionally, the filters protect the operator against possible irrepara-

ble eye damage from scattered or reflected laser light. Examination of specimens and photography of the fluorescing latent prints are carried out in a darkened room.

Latent prints have been detected with the laser on a variety of surfaces. Some items, because of the material from which they are made and/or irregularity of surface, defy the use of powders or chemicals. Positive results have been obtained from glass, paper, cardboard, rubber, wood, plastics, leather, and metals, to mention a few.

Inasmuch as the first attempt at detecting latent prints with a laser is primarily by inherent fluorescence, the laser should be used prior to conventional methods. (See fig. 3.) Reexamination by laser after each conventional process is recommended, as there are occasions that the laser may enhance indiscernible latent prints or fluoresce latent prints resulting from a





Figure 3—Latent prints detected through inherent fluorescence on black electrical tape and plastic bag.

combination of latent print residue and the added processes. In addition, the application of fluorescent products such as zinc chloride, after the ninhydrin process or rhodamine 6G following the use of cyanoacrylate or cyanoacrylate and fingerprint powder, may increase the quality of previously developed latent prints and/or make visible additional latent prints not seen before in room light. Fluorescent fingerprint powders have also been used successfully in some instances.

A working solution of zinc chloride may be made by dissolving 15 grams of zinc chloride in one liter of methanol. The ninhydrin-treated item is then lightly sprayed with the solution and allowed to dry for a short period (1 to 3 minutes). The application of the zinc chloride solution causes the ninhydrin print to change color from the usual purple to an orange, which is sensitive to the blue-green light of the argon-ion laser. In some cases, heating with an iron may enhance the color change.

Rhodamine 6G may be applied in solution or through evaporative dye staining. The strength of the solution may vary greatly; however, for a start-

ing solution, dissolve 0.5 grams of rhodamine 6G powder in 500 milliliters of methanol. The solution may be applied as a first step after cyanoacrylate fuming or following the use of cyanoacrylate fumes and fingerprint powder. The solution may be applied by spraying, pouring, or dipping. The treated item is then left to dry. After drying, the specimen is examined under laser illumination in the usual manner. If solution dye staining has been effective, the latent prints will fluoresce. If a heavy concentration of dye has adhered, a wash of methanol is needed to remove the excess.

Solution dye staining is used primarily on relatively smooth nonporous surfaces. Direct application of the solution to untreated prints may cause the latent prints to be washed away.

Depositing rhodamine 6G through evaporative dye staining is relatively simple. Place a small amount of rhodamine 6G powder in a narrow-necked flask or breaker and heat it on a hot plate. Heating will cause vapor to form and rise in the container. Pass the item being examined over the container of dye vapor for a few seconds and examine the specimen under laser illumination. This procedure is most productive on relatively fresh latent prints on both porous and nonporous materials.

Fluorescent fingerprint powders perform a dual role by acting as a conventional powder as well as a product amenable to laser excitation. These powders are applied in the usual manner. Fluorescent powder can be made by dissolving 0.1 gram of rhodamine 6G dye in 50 milliliters of methanol to which 10 grams of fingerprint powder are added. The mixture is heated and stirred until the solvent has evaporated. The powder is ground with a mortar, if necessary. In addition, commercially prepared powders are available.

### Survey Results

A survey was taken by the FBI's Latent Fingerprint Section personnel involving the examination of actual crime scene evidence submitted in connection with 3,000 cases. This survey was based on inherent fluorescence, fingerprint powders, iodine fumes, ninhydrin, and silver nitrate solutions. Selection of the cases in most instances was based on the type of items received for examination. Primary interest was directed to cases containing specimens, which generally but not exclusively, presented some problems in developing latent prints through the use of powders or chemicals. The figures represent only cases in which identifiable latent prints were developed. Latent prints too fragmentary or indiscernible for identification purposes were not considered.

Latent prints were developed in 242 cases with fingerprint powders, 930 cases with ninhydrin, 1 case with silver nitrate, and 1 case with iodine fumes. The laser detected latent prints in 214 cases. Laser-detected



latent prints in these cases were not developed in any instance by subsequent application of fingerprint powders or chemicals. However, there were occasions when latent prints, first detected by the laser, were developed by subsequent processing with fingerprint powders or chemicals, which produced the same latent print of as good or better quality.

Plastics and copy machine papers were observed as being the greatest producers of laser-detected latent prints. In fact, the laser detected latent prints on copy machine paper known not to have been touched by the subject in 5 years. The prints were subsequently identified as those of the subject. This leads to the belief that time is no factor in the detection of latent prints by laser. This fact was vividly illustrated when the laser detected a 40-year-old latent print on a document prepared during World War II, which resulted in the identification of a Nazi collaborator.

On August 13, 1984, Valerian Trifa, the former Archbishop of the Romanian Orthodox Church of America, departed the United States for Portugal. His departure culminated more than 9 years of litigation to strip Trifa of his U.S. citizenship and deport him from this country. Trifa's fate was brought about by sophisticated laser technology used by the FBI.

Trifa was born on June 28, 1914, in Campeni, Romania. He entered the United States on July 17, 1950, from Italy. In 1952, he was consecrated as a Bishop of the Romanian Orthodox Church of the United States, and in 1957, he was naturalized as a U.S. citizen.

In 1975, the U.S. Department of Justice instituted deportation proceedings against Trifa, alleging that he concealed material facts in obtaining his U.S. citizenship. It was alleged that in 1941, while in Romania, Trifa was a major figure in the violent Fascist and anti-Semitic Romanian Iron Guard and that he was responsible for the deaths of thousands of Jews in Romania. He reportedly received protection from the Nazis from 1941 to 1944.

In May 1982, at the request of the U.S. Government, the West German Government, through its embassy in Washington, DC, made available to the FBI's Identification Division certain documents for latent fingerprint examination. One such document was a postcard dated June 14, 1942, allegedly authored by Trifa and addressed to Heinrich Himmler, one of Hitler's close associates. Trifa emphatically denied authoring the document. The West German Government requested that the examination of the document not in any way deface or alter its condition. By using laser technology, a latent impression of a left thumbprint was developed on the postcard and subsequently identified as placed there by Trifa. (See fig. 4.)

Based on this information, Trifa was deported to Portugal on August 13, 1984. Thus, through the use of laser technology, FBI fingerprint experts were able to detect a latent fingerprint over 40 years old, a remarkable accomplishment in the pursuit of justice.

### **The Fluorescent Latent Print**

Fluorescing latent prints appear in varied shades of red, orange, green, and yellow. No color can be associated with any particular substrate or age of a specimen. Latent

prints which fluoresce in the lighter shades of yellow appear to be the most likely candidates for subsequent development with powders or chemicals. Background luminescence is clearly the greatest problem encountered and is considered to be the overriding factor in the lack of detection of latent prints by the laser. In this instance, the surface being examined fluoresces at the same wavelengths as the latent print substance and the latent print cannot be seen by the observer or photographed. However, on occasion, strong background fluorescence has worked in the examiner's favor by outlining a nonfluorescent latent print on a specimen.

Initially, several wavelengths at various power densities were tried to ascertain the most suitable argon-ion laser lines for exciting fingerprint fluorescence. Higher power densities within the operational wavelengths (visible spectrum) of the argon-ion laser proved very beneficial in latent print detection. Due to the output power limitations of single-line lasing (approximately 8 watts output power at 514.5 nm with an 18-watt argon-ion laser), the multiline mode appears to be most useful, due to its greater power range. After extensive testing using 10 to 20 watts of output power, 15 watts appear to be the best general setting for latent print detection through inherent fluorescence. This is because no appreciable number of additional latent prints were located above the 15-watt setting.

Latent prints can be detected with the laser on a variety of substrates; however, all individuals do not leave prints which exhibit strong fluorescence. In addition, some surfaces



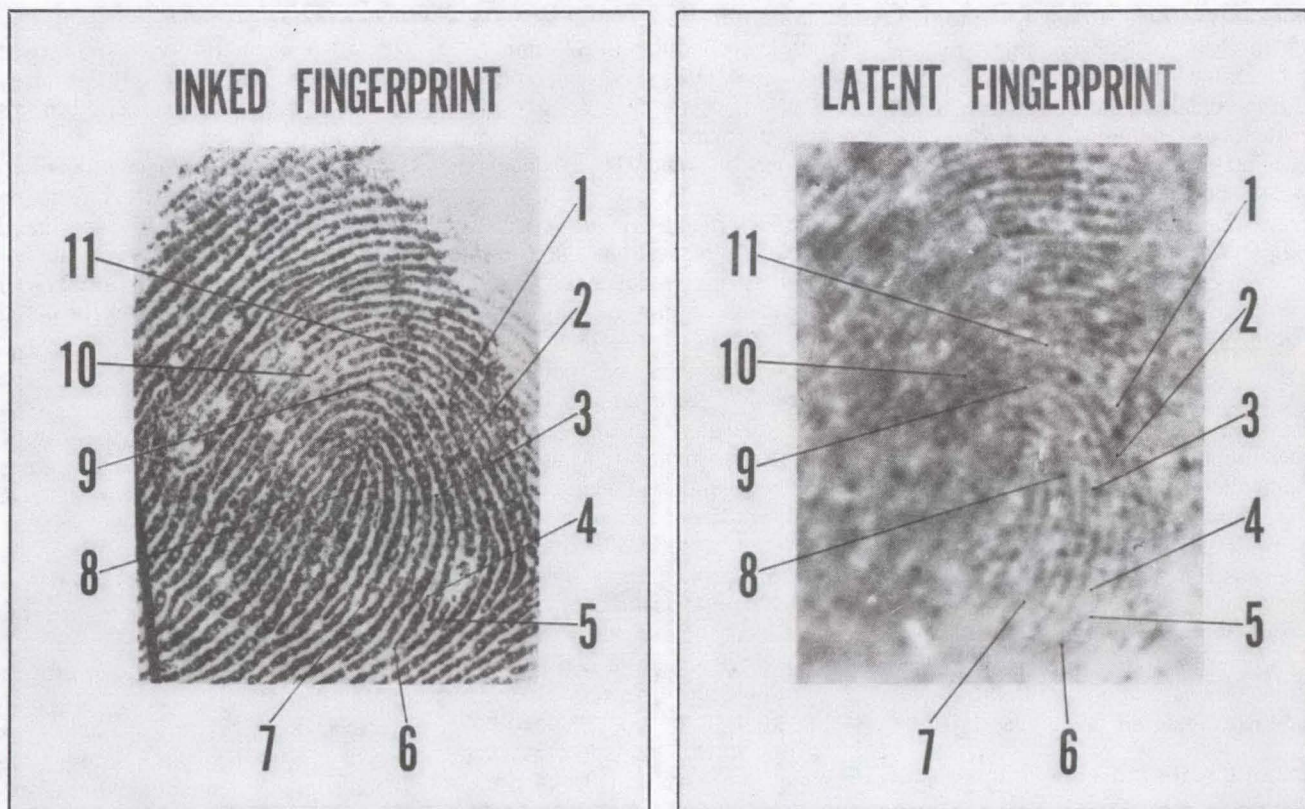


Figure 4—Charted enlargements illustrating the identification of a 40-year-old latent print.

do not transfer latent print residue as well as others. These facts, combined with the previously mentioned background fluorescence, lead to the inference that the laser detection method does not produce conclusive results in all cases. Therefore, from a practical standpoint in actual case specimen examination, this method, at the current state of the art, can only be considered a supplement to traditional processes.

#### Photography

The camera used to photograph laser-detected latent prints is a 4 x 5 Polaroid MP-4, adjusted one to one, with a 135 mm lens, set at F:11. The filter is the same as the filter used in the laser safety goggles. On occasion, a #22 photographic filter has been used in lieu of the laser safety filter with good results. The laser is usually set at 15 watts output power, all lines emitting.

Two types of film used are Kodak Contrast Process Ortho and Kodak Royal X Pan. Contrast Process Ortho is used to photograph items with a strong fluorescent background and has an exposure time ranging from 15

to 60 seconds. Royal X Pan is used on items with little background fluorescence, with an exposure time of 1 to 2 minutes. However, regardless of the type of film used, the greater the fluorescence of the latent print, the less exposure needed. Proper exposure in some cases can be determined only through trial and error.

In order to place the print in the proper perspective (black ridges on a white background) for comparison purposes, reverse color is necessary. Negatives with strong detail are reversed on Kodak commercial film and negatives with weak detail are re-



## **"The use of the laser in the forensic disciplines . . . has already made a dramatic difference by providing an additional means to obtain the ultimate and most dynamic piece of physical evidence—the latent print."**

versed on Kodak Kodalith Ortho. Kodalith Ortho, a high contrast film, enhances the weak negative's images in the reversal stage and many times makes the difference between discernible and indiscernible ridge detail.

In addition to excitation of latent print residue, the unique coherent properties of the argon-ion laser proved to be of value for photographing visible, treated, and untreated latent prints, although the latent print itself is not fluorescent. Use of the expanded laser beam as a light source diminishes surface textures, fibrous backgrounds, reflection, and highlights encountered under incandescent lighting. Films used in this procedure are Contrast Process Ortho or Contrast Process Pan. The laser has increased the latitude of photographic procedures and provides a higher quality product, previously unobtainable, in instances where latent prints are developed on textured or fibrous surfaces.

### **Other Lasers Currently in Use**

The copper vapor laser has also proved useful in the detection of latent prints. Several are currently in use by Federal, State, and local law enforcement agencies. While there has been no controlled study to determine whether the copper vapor laser is superior, inferior, or equal to the argon-ion laser, it is known that the cost factor involved in the procurement, operation, and maintenance of the copper vapor laser is considerably less than the argon-ion laser. This laser has an input power requirement of 208 volts and a cooling requirement of 1 gallon of unfiltered tap water per minute (.063 liter/sec) to operate. It produces 6 watts of power in green line operation at 510 nm and

2.5 watts of power in the yellow-orange line operation at 578 nm. With both lines emitting, the unit produces 10 watts of power. The copper vapor laser is a pulsed laser as opposed to the argon-ion which is a continuous wave laser.

As with many new applications of technology, the systems used initially are formed from equipment available at that time in the marketplace. In some instances, the use of such equipment leaves a void that must be filled by new technology or modification of available devices. Such was the case with laser latent print detection. It was apparent almost immediately that lasers being used to detect latent prints were confined to laboratory use due to size, weight, water, and electrical requirements. The void to be filled in this instance was laser latent print detection at crime scenes.

Portable and transportable laser latent print detection systems have been developed and are being used in actual case work in the laboratory and at scenes of crimes. The nucleus of the portable system is a Nd:YAG laser which produces up to 500,000+ watts/pulse at a rate of 10 to 20 pulses per second. Its operational wavelength is 532 nm—frequency doubled. The system is cooled with 1 quart of liquid coolant, which is self-contained, and may be operated with standard 110-volt wallpower or a 12-volt battery with converter. A fiber optic cable is the primary means of laser beam transport.

The nucleus of the transportable laser system is an argon-ion laser, which provides 4 watts of output power with all lines lasing. The system requires 3 gpm (.19 liter/sec) of water at 30 psi (2.1 kg/cm<sup>2</sup>) and 220 volts of electricity to operate. This system

would normally require some sort of support equipment for crime scene use. A fiber optic is also the primary means of laser beam transport in this system.

Both the portable and transportable systems use TV monitoring equipment to assist in locating latent prints. In addition, each manufacturer offers an optional video tape recorder to be used for later viewing of latent prints found.

### **Conclusion**

As with traditional processes, the laser does not detect all latent prints and more than likely it never will have this capability. Also, it cannot even be said that it has replaced any of the conventional methods of latent print development. However, it represents a supplement to these methods, which has and will continue to provide a means to locate valuable latent print evidence that was unobtainable. The use of the laser in the forensic disciplines is only in its infancy. Further research in this field will spawn new ideas and techniques to further aid the forensic scientist and ultimately the investigator in their pursuit of trace evidence left at the scenes of crimes. It has already made a dramatic difference by providing an additional means to obtain the ultimate and most dynamic piece of physical evidence—the latent print.

**FBI**

### **Footnote**

B. E. Dalrymple, J.M. Duff, and E. R. Menzel, "Inherent Fingerprint Luminescence—Detection by Laser," *Journal of Forensic Science*, vol. 22, No. 1, 1977.



# Temporary Assignments to Criminal Investigation Units

**"... a temporary assignment program could improve investigative skills of patrol officers as well as maximize patrol/investigative communication and coordination."**

By  
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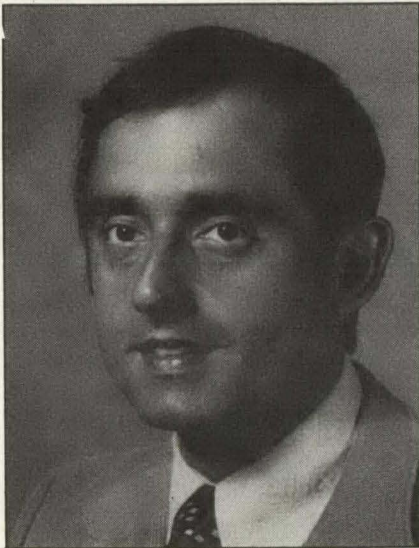


The feasibility of temporarily assigning patrol officers to criminal investigative work was recently tested at the Carlisle Station of the Pennsylvania State Police. The program was designed to improve investigative skills of station personnel through a 3-month reassignment period.

## **Program Development**

The Pennsylvania State Police Carlisle Station is responsible for investigating crimes and patrol-related functions in areas of Cumberland County, PA, which do not have a duly constituted law enforcement agency. In addition, station personnel provide police service to other law enforcement agencies requesting assistance. A supervisor and 5 criminal investigators augment the 31 patrol officers assigned to the station. The two basic drawbacks of this organizational arrangement have a direct bearing on the effectiveness of the overall operation. The first is the lack of patrol/investigative communication; the second deals with providing patrol officers an opportunity to develop much needed skills in criminal investigation.





*Sergeant Dadigan*



*Commissioner Jay Cochran, Jr.*

Traditionally, patrol and investigative forces have separate lines of command which tend to isolate them from each other. These two divisions often occupy different offices, keep separate records, and work different shifts, resulting in minimal communication between patrol officers and investigators. The social barriers which are often erected because of this lack of communication are inimical to good teamwork and are not conducive to effective and efficient achievement of organizational goals and objectives. Temporary assignment of patrol officers to investigative work was an attempt to minimize this problem.

A second and equally important objective of this program was to give patrol officers an opportunity to develop skills in criminal investigation through on-the-job training. Once assigned to the Criminal Investigation Unit, it was assumed that individuals would gain insight into the criminal investigative process, including exposure to crime scene search procedures, collection, identification, and preservation of evidence; interviewing techniques; and other related processes. Patrol officers at the Carlisle Station are most often the first to arrive at the crime scene. On many occasions, they continue investigations without the assistance of a criminal investigator. Because space limitations and manpower constraints usually preclude patrol officers from attending criminal investigation training courses, it was believed that a temporary assignment program could improve investigative skills of patrol officers, as well as maximize patrol/investigative communication and coordination.

### **Program Implementation**

Supervisors at the Carlisle Station met to determine how the new temporary reassignment program would be implemented. After a consensus on implementation was reached through a group decisionmaking process, the following guidelines were adopted:

- 1) The temporary reassignment program would last 3 months. This timeframe was sufficient to accomplish the program's objectives, as well as facilitate the temporary reassignment of all interested patrol officers in a "reasonable" amount of time.
- 2) The program would be voluntary. Each officer would be required to submit correspondence requesting the temporary reassignment. Requiring all officers to participate in the program would simply undermine the program's objectives.
- 3) A random drawing would be held to determine the order and months of assignment of those requesting to participate in the program. A fair and equitable system of selection was seen as an important element in the ultimate success of the program.
- 4) During emergencies, criminal investigators would be assigned to patrol-related duties. Several supervisors expressed concern that the temporary reassignment of patrol officers would result in a decrease in the effectiveness of the patrol units due to the





loss of manpower. Therefore, it was decided that criminal investigators would be used to augment the patrol unit when and if conditions warranted it.

### Program Evaluation

The evaluation of this program was based upon judgmental criteria. These criteria consisted in part of written evaluation reports submitted by participating patrol officers and interviews conducted with supervisors to assess the program's effectiveness. The evaluation reports submitted by patrol officers identified strengths as well as weaknesses of the temporary reassignment program.

Officers commented that the program enabled them to obtain a working knowledge of the Criminal Investigation Unit, which aided in following up their own criminal investigations. It was also learned that the program helped some officers to develop tact and rapport with witnesses and taught new methods in field interviewing. Others became more aware of the criminal element, as well as traffic-related problems. Basically, the program added a new dimension to the patrol officer's education and increased skills and overall performance while on routine patrol.

The program evaluations submitted by patrol officers also disclosed shortcomings of the initial program. It was suggested that reassigned officers be assigned to one criminal investigator instead of several different

ones. This would facilitate training in that a systematic and comprehensive approach would insure that all major points were covered without duplication. Also, a formal training program should be set up so that each reassigned officer would be provided the opportunity to visit and receive a brief explanation of laboratory services. This would include visits to the handwriting section, fingerprint section, ballistics section, and the various other sections of the crime laboratory.

In addition to the formal evaluations submitted by patrol officers, interviews with supervisors were conducted to determine the overall effectiveness of the program. There was a consensus on the part of supervisors that the program was effective, and all supervisors indicated that the program should be continued until all interested patrol officers had been given an opportunity to participate.

However, some supervisors believed that individual patrol officers were requesting a second temporary reassignment to avoid midnight patrol shifts. Others were concerned with the fact that temporary reassignment of patrol officers for a second time would slow down the process of providing training to the new patrol officers who would request it. Therefore, it was suggested that patrol officers should be prohibited from requesting a second reassignment to the Criminal Investigation Unit.

Supervisors also recommended that the program should be mandatory for patrol officers requesting permanent assignment to the Criminal In-



**“... the program added a new dimension to the patrol officer's education and increased skills and overall performance while on routine patrol.”**

vestigation Unit. These supervisors generally believe that one of the best predictors of future performance is past performance. In other words, a more objective and reliable selection decision could be made by considering the effectiveness of an individual while temporarily assigned to the Criminal Investigation Unit. One supervisor also pointed out that this requirement would serve to make individual patrol officers cognizant of the duties and responsibilities of a criminal investigator. On one occasion, this proved beneficial to a patrol officer who wanted a permanent transfer but reconsidered after his 3-month reassignment.

Several program modifications were made as the result of the feedback received from patrol officers and supervisors. Although manpower constraints prohibited the assignment of patrol officers to one individual criminal investigator, provisions have been made to give reassigned officers an opportunity to visit the laboratory and receive instruction on various services. Both recommendations made by supervisors have been incorporated into the program's guidelines. Furthermore, provisions have been made to continually monitor the program to evaluate its effectiveness.

### **Conclusion**

Based on the formal evaluations submitted by patrol officers, interviews with supervisors, and personal observations, it was concluded the reassignment program initiated at the Carlisle Station has achieved the initially



specified program objectives. Specifically, the program has increased coordination, cooperation, and communication between patrol officers and criminal investigators assigned to the Carlisle Station. In addition, exposure to the 3-month program has increased patrol officers' skill in criminal investigative techniques and procedures, such as collecting and preserving evidence, conducting background investigations, and obtaining and serving warrants. In fact, one patrol officer recently involved in the program was instrumental in obtaining information which subsequently led to the solution of a homicide case. On the occasions when manpower shortages in the Criminal Investigation Unit required temporary assistance, competent patrol personnel could be assigned to

the unit without a significant decrease in effectiveness.

In summary, the development and implementation of the temporary reassignment program at the Carlisle Station seems to be a cost-effective way of improving productivity at a time when budget constraints prohibit other alternative solutions. **FBI**



# Peace Officers Memorial Day

By  
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*The Seattle Police Department honors its fallen officers during annual ceremonies at Public Safety Plaza. (Photo: Seattle PD)*



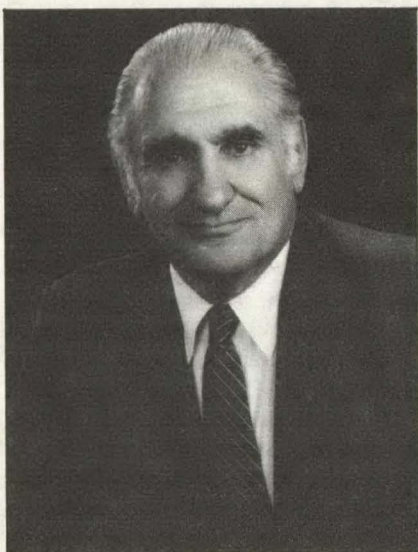
On May 15, Peace Officers Memorial Day, law enforcement agencies across the United States and Canada honored officers who have died or have been disabled in the line of duty. In addition, communities in both countries had the opportunity to recognize

the efforts of their forces by celebrating Police Week, May 12-18.

Peace Officers Memorial Day and Police Week afforded the public the chance to offer their thanks to all law enforcement officers. For 1 week, the ceremonies and remembrances of

**“For 1 week, the ceremonies and remembrances of these occasions helped put into focus the efforts and sacrifices of our law enforcement professionals.”**





Chief Sardino

these occasions helped put into focus the efforts and sacrifices of our law enforcement professionals.

Peace Officers Memorial Day and Police Week were first recognized in the United States in 1961, when President John F. Kennedy signed Public Law 87-54. That Joint Resolution of Congress established May 14, 1962, as Peace Officers Memorial Day, in honor of peace officers killed or disabled while serving their communities. Police Week was scheduled for May 13-19, 1962. As a result of enthusiastic public and police response, President Kennedy signed Public Law 87-726 in October 1962, making these observances an annual event. Peace Officers Memorial Day now always occurs on May 15, with Police Week being celebrated in the calendar week that includes that date.

Canadian police forces began formally observing Canadian Police Week in 1972, after the government and the attorneys general of the 10 provinces endorsed activities to coincide with the United States dates.

Over the years, Peace Officers Memorial Day has remained a solemn, and many times, moving occasion. Communities throughout North America have joined the men and women of their police forces in honoring fallen comrades at wreath-laying ceremonies, religious services, and memorial dedications.

The spirit of Peace Officers Memorial Day was eloquently expressed by Rev. Merle L. McConnell, Chaplain of the Lee's Summit, MO, Police Department in a 1978 ceremony. In his

address, honoring officers everywhere, Reverend McConnell stated:

"We pay tribute to all those individuals who, in the performance of their duties, paid the supreme price. Few are the names of those who will be long remembered except by their families and close friends. Their names have been embossed upon roles of honor and hung with fitting ceremony upon the walls of the departments in which they served. But for the most part, they died unsung, doing their duty, sacrificing themselves for the good of all. But to those of us who are enlisted in the cause of maintaining our society, they are all heroes. So we honor them in death as we remember."

Memorial ceremonies throughout the country take several forms. The ceremonies held every year in St. Louis are particularly fitting. All county officers and various dignitaries, along with hundreds of spectators, gather in Government Center Plaza. The 30-minute program begins with a call to attention, followed by the playing of "America the Beautiful." Following remarks by city officials, the color guard and rifle squad enter the plaza to the beat of marching drums. The county police department flag is raised to half-staff and the band plays the National Anthem. Then comes the most solemn moment. An officer or special guest slowly reads a roll-call of all St. Louis policemen killed in the line of duty over the years.

In many areas, police departments join together for memorial ceremonies. Kansas agencies send representatives to a statewide service at the capitol building in Topeka. Following a tradition established in 1983 by the Kansas chapter of the Fraternal Order of Police, the proceedings are



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**"An important feature of any Peace Officers Memorial Day is recognizing the families of slain officers."**



*Actress Veronica Hamel reads the roll call of deceased St. Louis County PD officers during 1982 ceremonies. (Photo: Police Chief magazine)*

Highlighting the local agency's desire to work with the community it serves is the key to a successful Police Week.

One of the best ways to accomplish this goal is to bring the public into the police environment by way of an open house. The average citizen has an inherent curiosity about how the police operate. During open houses, police officers can demonstrate the tools of their trade. Exhibitions of marksmanship, high-performance driving, emergency rescue procedures, and first aid have all been well received. Special capabilities should receive particular emphasis. Motorcycle units, underwater search teams, helicopter crews, and forensic personnel often demonstrate their unique skills during Police Week. The mystique of policing and the allure of advanced and uncommon equipment make these fields irresistible to laymen.

If an open house is impractical, consider taking the department to the people. Shopping centers and malls can usually arrange space for police demonstrations and exhibits. Informational movies and other activities will be seen by hundreds of people if they are held in these public places throughout Police Week during the evening. Several departments in Maryland have conducted popular Ident-a-Kid Programs in which chil-

climaxed by a 21-gun salute and the mournful playing of "Taps."

An important feature of any Peace Officers Memorial Day is recognizing the families of slain officers. Most departments make special efforts to include them in the day's activities. They need to feel the law enforcement community's continued support, and they in turn, often provide a courageous example to the officers of the force. The Allegheny County, PA, Police Department concludes their ceremonies with a luncheon and social gathering to provide an opportunity for fellowship with the families of slain officers. In this way,

they are assured that through the sacrifice made by their loved one, they will always be embraced as members of the law enforcement fraternity.

While Peace Officers Memorial Day is rightly a time for respectful remembrance of things past, the remainder of Police Week is an opportunity to bridge the gap between the community-at-large and law enforcement agencies and lay the groundwork for a future of goodwill and cooperation.

Most departments plan a variety of events that emphasize the skilled professionalism and dedication of their officers. The scope of these activities may vary from department to department, but every force can organize some type of unique program.



dren are fingerprinted to assist in missing persons cases. These occasions perform a valuable service and also permit face-to-face contact between the public and police officers. The public relations benefits can be profound and long lasting.

Police Week is an excellent time to recognize members of the public who have played an important role in local law enforcement. Block captains from Neighborhood Watch Programs can be honored at a luncheon during the week. In 1984, the Metropolitan Toronto Police Department credited increased neighborhood watch participation directly to Police Week activities. It is also important to include citizens who have performed acts of heroism in the past year. Many businesses and social and fraternal organizations are eager to aid police agencies, and their help in planning and operating such an awards program should be sought.

Children are naturally interested in the policeman's job. Departments should contact school officials to organize Police Week programs geared toward youngsters. Assembly programs in the school auditorium might feature police bands and discussions on youth issues, such as drug abuse and how to recognize and avoid sexual exploitation. The Hawaii County Police Department has sponsored successful contests in which school children design posters concerning specific law enforcement themes. The Rocky Hill, CT, Police Department incorporates a life-sized "McGruff" into its presentations for children.

Children are also usually interested in K-9 dogs. Sending the animals through their tracking and detection paces is always fascinating. A demonstration of their suspect-controlling abilities would be appropriate for high school students but might frighten younger ones.

The Saturday that concludes Police Week is a perfect time for a parade. Take advantage of warm spring weather to show off police honor guards, drill teams, and marching bands. Include community and local high school bands, equestrian units, and National Guard units, as well as the fire department and city officials. Contact neighboring cities and towns and invite their police forces to participate. Many departments end their parades at the town square or school yard where specta-



*Police of Puerto Rico*



*Phoenix PD (Photo: Phoenix Gazette)*



*Houston Airport PD*



*Charlotte PD*



*District of Columbia PD*





*Traffic safety was a major emphasis of the first few Police Weeks. (Photo: IACP archives)*

tors can picnic and listen to an afternoon concert featuring the various marching units.

Since the first Police Week in 1962, departments have realized the importance of publicity promoting their programs. That year, Atlanta radio listeners were treated to a 24-hour marathon information session. The chief of police, Herbert T. Jenkins, coordinated the broadcast with a radio station, covering a wide variety of police-related subjects. Chief Jenkins set the tone for future Police Weeks—the media has proven to be a valuable ally in spreading the message of closer police/community ties. The success of Police Week may well rest on the ability of the chief or his public

affairs officer to work effectively with the local media. Interesting events and activities will not be well attended if the public is not made aware of them.

Newspapers and radio and television stations are usually anxious to run features that highlight interesting police procedures and equipment. Editors and news directors should be contacted as early as possible to let them know what type of activities are planned, especially those that will interest their audiences, such as a mock hostage situation or helicopter rescue. A description of a new crime lab's capabilities will be effective in the printed media.

Be aware of the newspaper's needs. Ascertain what kind of background information is necessary and be prepared to provide an expert to answer questions. Make sure stock photos of department activities are available, and don't hesitate to stage scenes for the benefit of press photographers. A press release containing quotes from the chief or the head of a special unit will save everyone considerable time and allow a degree of control over the image projected by the department.

Radio stations are valuable sources of public service programming. Most local stations have interview shows that feature community leaders; be sure to get police person-



## "It is not too early to begin thinking about 1986."

nel on the air. Discussions should focus on the particular crime problems in the area and what the public can do to minimize risk. Departments planning parades for Police Week should try to arrange live coverage of events. Ensure that adequate electrical power is available at the reviewing stand to accommodate broadcast equipment.

Many of the same guidelines apply to securing television coverage. Keep in mind that TV news segments rarely run longer than 2 minutes, and on-the-scene reporters like to focus on exciting visual images. Try to schedule equipment demonstrations for the times when news crews are present, and be ready to physically rearrange equipment so that it photographs well. The reporter will usually want a brief quote from a police official. Spokespersons should plan to sum up the scene in a concise manner. It is also important to avoid the use of technical terms—don't call

a radar gun a remote traffic speed measurement unit.

In all dealings with the media, remember that deadlines are crucial. If agencies want coverage, they may have to adjust schedules to meet time constraints. This is especially critical with TV journalism. In order to make the 6:00 news, remote units must submit their stories by about 3:30. The news media is usually pleased to cooperate in spreading the Police Week message, but law enforcement must cooperate with them to make these efforts successful.

It is not too early to begin thinking about 1986. Improving the relationship between the community and its law enforcement agency is an exciting challenge, and the benefits are worth extensive long-term preparations. The sacrifices of our slain officers and their families should not go unrecognized by the citizens these officers were protecting. Not a year

### **The First Recognition of Police Week and Peace Officers Memorial Day— Public Law 87-54, Signed by President Kennedy, 1961**

*"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of May 13-19, 1962, is hereby designated as Police Week, in recognition of the contribution the police officers of America have made to our civilization through their dedicated and selfless efforts in enforcing the laws of our cities, counties and States of the United States regardless of the peril or hazard to themselves, and May 15th is hereby designated as Peace Officers Memorial Day in honor of the Federal, State, and municipal peace officers who have been killed or disabled in the line of duty. Through their enforcement of our laws our country has internal freedom from fear of the violence and civil disorder that is presently affecting other nations.*

*"To this end the President is authorized and requested to issue a proclamation inviting the people of the United States to observe such period, with appropriate ceremonies and activities, as a tribute to the men and women who, day and night, stand guard in our midst to protect us through enforcement of our laws, and to honor those who have lost their lives in service to the community."*



*In the early 60's, Police Week observances included the display of public safety billboards like this one, developed with cooperation between IACP and the Outdoor Advertising Association of America. (Photo IACP archives)*



goes by without unwarranted deaths of fine officers, and not a year should go by without citizens banding together to honor these slain officers.

For the past 23 years, the people of the United States and Canada have grown closer to their police forces because of Police Week. Law enforcement helps fulfill a duty to serve the public by conducting these educational and interesting events. By ensuring that each new Police Week and Peace Officers Memorial Day is better than the last, citizens and police strengthen bonds that help preserve the freedom so basic to community welfare.

**FBI**

This model Police Week and Peace Officers Memorial Day Proclamation was developed by the International Association of Chiefs of Police and has been approved and used by many municipalities. It is reprinted here to encourage cities and towns throughout the continent to observe these occasions and convey their significance to citizens everywhere. This proclamation can be easily adapted for Canadian use and can be customized to accommodate local situations.

WHEREAS, the Congress and President of the United States have designated May 15 as Peace Officers Memorial Day, and the week in which it falls as Police Week; and

WHEREAS, the members of the law enforcement agency(ies) of (city) play an essential role in safeguarding the rights and freedoms of the citizens of (city); and

WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of their police department, and that members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS, the police department of (city) has grown to be a modern and scientific law enforcement agency which unceasingly provides a vital public service;

NOW, THEREFORE, I, (mayor of city), call upon all citizens of (city) and upon all patriotic, civic and educational organizations to observe the week of May — through —, 19—, as Police Week with appropriate ceremonies in which all of our people may join in commemorating police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I FURTHER call upon all citizens of (city) to observe (day of week), May 15, 19—, as Peace Officers Memorial Day in honor of those peace officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of ——— to be affixed.

DONE at the City of ——— this (date).

The month of May included two other observances of special significance to the law enforcement community.

Law Day, U.S.A., May 1, is sponsored by the American Bar Association and honors the important role of the law in each citizen's life. It seeks to foster an awareness of the heritage of individual freedom under the law, emphasizes respect for the law, and reaffirms the value of a

government of rule by law. Law Day U.S.A. was endorsed in 1957 by a Joint Resolution of Congress.

The International Association of Chiefs of Police (IACP), the world's largest organization of police executives, celebrated its 92d anniversary May 18 through 20. These dates mark the founding meeting of IACP in 1893, when Omaha Police Chief William S. Seavy invited chiefs throughout the country to the Chicago

International Exposition for the purpose of "discussing mutual problems." Fifty-one chiefs responded and created the National Chiefs of Police Union. This organization evolved into the present IACP, but its purpose remains the same—to promote the highest possible standards of performance and conduct within the police profession.



# A Guide to Child Care Services

American family lifestyles are constantly changing. A current trend is the entry or reentry of young mothers into the work place. This, in turn, has led to an increase in the use of babysitters, child caregivers, and day care centers, resulting in an increase in some sociological problems. A few severe cases of child abuse, sexual exploitation, and even homicide involving babysitters or day care centers have focused media attention upon this issue. The dangers present to children, the caregivers themselves, and the whole family make child care a legitimate concern of law enforcement agencies. The police role is education and crime prevention; teaching parents how to select and train babysitters and teaching babysitters to protect themselves and their clients.

The improper selection of a caregiver, whether temporary or a live-in situation, poses problems for the host family. The children may be subjected to physical abuse or neglect, perhaps including verbal, psychological, or sexual abuse. The caregiver may expose children to alcohol, cigarette smoke, loud music, and possibly even drugs. Inattention on the part of the caregiver may expose the child to dangers of a household environment inadequately "childproofed." The caregiver may inadvertently expose the child to illness or infections. In the worst possible scenario, the caregiver may set up the family home for burglary and theft or even a kidnapping.

There are equal dangers involved for the caregiver. She may find herself a victim of robbery while caring for the premises or a victim of sexual assault from her employer. She may be subjected to the dangers of an unsafe household or fire hazards. She is equally likely to contract illnesses from members of the family. Above all, she bears the responsibility and liability involved in providing child care.

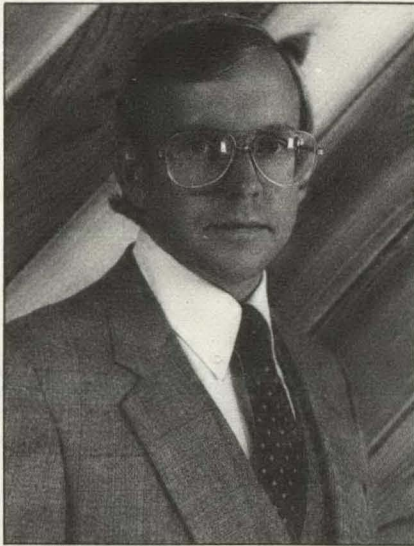
## Caregiver Selection

The selection of a babysitter should be approached in a systematic fashion. The first step is to assemble a list of suitable candidates. The best source for names are recommendations from friends, relatives, or neighbors with children. Newspapers, classified ads, and notices posted in grocery stores can also provide leads. Local doctors, teachers, or ministers may be able to make recommendations. Other good referrals are high school and community college job placement services, counselors, and home economics teachers. The local chapter of the American Association of Retired Persons may also be able to provide names of people interested in child care jobs.

By  
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Mr. Killam

Once a list of possible candidates has been assembled, the actual selection process begins. Each candidate should be interviewed prior to the time of hiring. The candidates should be questioned about their experience with children. They should be asked to describe their own families and upbringing. They should be asked about their lifestyle habits and social values. They should also be asked practical questions about hypothetical emergency situations. After the interview, the potential employer should make written notes on the impressions created by the candidate, including character, maturity, attitudes, and morality. Notations should also be made about the person's personal grooming and appearance. The next step in the selection process is to check the person's references and background by talking with the candidate's neighbors, relatives, friends, or previous employers.

The babysitter should also engage in a selection process. She should ascertain how the employer got her name and she should get accurate job information, including the full name, address, and telephone numbers of the potential employer and other details of the job, including the number of children, their names, ages, etc. Check the reputation of the family as much as possible to find out if there are any pre-existing problems. Determine whether there are any special conditions, such as children who are handicapped or with special medical conditions. Whenever possible, the caregiver should be responsible for his/her own transportation so that they are not dependent upon a ride from a stranger or left at a remote location without transportation. After the

caregiver begins a job, someone should always know exactly where she is, how she can be reached, and when she is expected to return.

### Daycare Centers

Daycare centers should also be carefully selected. This is important because of the great number of hours the child will spend at the center and the profound impact this time will have on the child's development. Selection can begin with a list of facilities provided by the Better Business Bureau, Chamber of Commerce, or State or county licensing agencies. Each facility should be visited and the managers interviewed. Determine what qualifications the caretakers possess, such as teaching experience, emergency medical technician certification, etc. How are the facilities themselves? Are the play areas fenced in and the children protected? Are there sufficient exits from the building for evacuation? Does the management practice good fire and crime prevention techniques? Is there a good first aid kit and are fire extinguishers available? What is the atmosphere of the facility? Is it comfortable like a home setting or institutionalized?

Prospective clients should obtain, in writing, details about the fee schedule and billing procedures. They should also obtain a list of the center's rules, including parental expectations. (For instance, parents are expected to be punctual with their children so that daycare center activities are not disrupted.) What is the ratio of children to caretakers at the center? Approximately how many adults and children will be at the center on any given day? A common standard, applied by Dr. Benjamin Spock, is that for each full-time adult caregiver,



there should be no more than four children under the age of 5 or no more than two under the age of 2.

Once a facility is chosen, specify who may pick the child up at the end of the day. It is the parent's responsibility to call the center if there are any changes in normal plans. No daycare center should ever release children into the custody of a stranger without telephone authorization from the parent. A written note is never sufficient since it could be forged. The parents should question their children daily about the activities at the center. This will not only provide feedback about the quality of care at the center but it also shows the child that the parents are interested in his or her daily life.

### **Police Participation**

The police have the dual responsibility of protecting families from dangerous babysitters and protecting babysitters from dangerous clients. Some agencies have successfully addressed this responsibility by publishing crime prevention pamphlets, one designed for babysitters and another for parents. Both have been well received and provide a valuable service to the community.

Babysitters should be reminded that they are a guest in the family's home, but in addition, have been entrusted with the care of a parent's most priceless possession. A caregiver's responsibility is to protect the children, themselves, the other members of the family, and the family's home and property. Taking care of a child is an active duty, not a passive responsibility. It means, among other things, protecting the child from accidents with sharp objects, dangerous plants, animals, electric shock, medi-

cines or other chemicals, dangerous falls, and a host of other household threats. The caregiver can do a number of things to reduce the risk of accidents. For instance, except under controlled conditions and in good weather, children should not play outside. Young children should never be given a bath or be allowed to play in any body of water. The babysitter should not allow any visitors to come to the house, nor should the sitter ever leave the premises, leaving the children unattended. Children who are awake should always be supervised and kept in sight. Even sleeping children should be checked at regular intervals.

Sitters should plan to arrive at the family home at least 15 minutes before the parents plan to depart. This will give the parents and the sitter ample time to exchange information. The sitter should find out specifically where the parents will be and how they can be reached. She should know if any visitors, telephone calls, or deliveries are expected. The sitter should also know what procedures she should follow when these occur. Any unusual activity should be reported to the parents as soon as they return. A sitter should be careful when dealing with visitors or telephone calls. She should never let anyone know that she is alone in the house and she should never open the door to strangers. She should advise telephone callers that the person they wish to speak with is "unavailable now" and take a message.

When first left alone at the house, the sitter should make a tour of the house to familiarize herself with all possible exits. She should ensure that all windows and doors are closed and locked. She should, however, respect the privacy of the family and not go exploring through closets, drawers, or other personal possessions.

A caregiver has a responsibility to abide by family house rules regarding food, television, etc. While the children are awake, the caregiver should give her time and attention to them, saving television, homework, reading, or other activities until the children are asleep. Unless it is an overnight job, the sitter should remain awake until the parents return. She should not unnecessarily use the telephone so that the line is kept free for incoming calls from the parents. The sitter should not be expected to do routine housework, but she should be responsible for cleaning up after herself and the children.

If the sitter detects suspicious activities around the house, she and the children should stay in a locked room. She should phone the appropriate police agency and perhaps the neighbors. In the event of smoke or fire, her responsibility is to evacuate the children and herself from the house immediately and then notify the fire department from a neighbor's residence. In the event of an injury to a child, she should perform the necessary emergency first aid and then immediately summon an ambulance for help. If time and circumstances then allow, the caregiver should notify the parents or neighbor of the injury and the action being taken.



## **"The police role [in child care] is education and crime prevention . . . ."**

At the end of the evening, the babysitter may request to be escorted home even if the distance involved is relatively short. For the sitter's safety, one of the parents should be willing to provide transportation. The escort should remain at the sitter's house until she is safely inside. The sitter should, however, be prepared to call for a ride or take a taxi home if the escort appears at all intoxicated.

### **Advice to Parents**

The first time a new sitter comes to the home, the parents should expect to spend 15 to 30 minutes explaining family procedures. Parents should not assume that the caregiver will know how things are to be done. The parents should carefully explain their procedures for feeding, bottles, diapers, clothing, bathing, napping, etc. Caregivers should be given precise instructions about the administration of any medicines and about any necessary pet care. Parents should never hurry away, even if they are late. They must take time to go over instructions with the sitters. Sitters should be shown where first aid equipment is located and how to operate doorlocks and other security devices. The sitter should be taken on a tour of the house and shown where all fire extinguishers and telephone extensions are located. The most centrally located phone should be supplied with a pencil, paper, and flashlight. Sitters should not be shown where guns, jewelry, or other valuables are stored.

To help reduce the child's insecurity, the sitter should be introduced to

the children. The parents should explain the child's individual habits, such as favorite toys, sleeping positions, nightlights, etc. House rules regarding telephone use, TV time, foods, etc., should be discussed jointly between the parents, the caregiver, and the children. It is important to set and discuss rules in everyone's presence so there are no misunderstandings. If the parents do not set the rules, the children might interpret sitter requests as nonbinding. It must be made clear to the children that while the parents are absent, the caregiver is to be obeyed.

Remember that engaging the services of a caregiver is a business transaction. Payment should be agreed upon in advance, as well as details such as travel arrangements, whether travel time will be reimbursed, rate changes after midnight, etc. Will the caregiver only have to take care of children or will she be expected to perform household duties as well?

When the caregiver arrives at the family home, she should be provided with two sets of information. The first—general information—might even be posted near a telephone. It should include the nearest neighbor's name and phone number. There also should be telephone numbers for the police, hospital, or ambulance service. It should also contain the family physician's name and phone number, as well as that of the veterinarian, fire department, and poison control number. The second card of information should be freshly prepared each time. It should give the parents' specific location, including address and phone number for the particular time involved. It should also include the number of the police agency where the parents are located in case the

police must locate the parents to deliver a message. Should there be any change in plans while the parents are away, they must notify the sitter of these changes. The information should also include any specific bedtime or feeding instructions and the time the parents expect to return home. Any additional pertinent information about medications, etc., should be clearly written down.

Parents should always encourage their children to talk about what happened in their absence. They should specifically ask about what games were played and what activities took place. This will show the children that the parents are concerned and interested in their activities. It will also demonstrate that the parents believe the caregiver to be an important, respected person. It is also during these conversations that the parent may get hints of any possible problems.

Leaving a child with a temporary caregiver is always a stressful situation for the parents, the child, and the sitter. It is the disposition of the caregiver, more than experience, that reduces the stress on all parties. The most important factor is the caregiver's attitude and behavior while interacting with the child. Parents can be overly protective of their children, but not when it comes to hiring a caregiver. A good caregiver is an asset to the child's development and a treasure to the family, but parents must be ready and willing to change caregivers if it is in the best interests of their children.

**FBI**



# Emergency Entries to Arrest

## Developments Since *Payton*

(Part I)

**"The burden is on the government to establish that exigent circumstances made the warrantless action necessary."**

In 1980 in *Payton v. New York*,<sup>1</sup> the U.S. Supreme Court held that the 4th amendment to the U.S. Constitution, made applicable to the States by the 14th amendment, prohibits law enforcement officers from making a warrantless entry into a suspect's home to effect a routine felony arrest.<sup>2</sup> The majority of the Court reaffirmed the principle that the "physical entry of the home is the chief evil against which the wording of the Fourth Amendment is directed"<sup>3</sup> and that the simple language of the amendment applies equally to seizures of persons and property. The Court again emphasized its belief that the warrant requirement minimizes the danger of needless intrusion.<sup>4</sup>

The Court in *Payton* established the rule for arresting a suspect in his own premises:

"... for Fourth Amendment purposes, an *arrest warrant* founded on probable cause implicitly carries with it the limited authority to enter a *dwelling in which the suspect lives* when there is reason to believe the suspect is within."<sup>5</sup> (emphasis added)

The *Payton* Court thus made it clear that absent consent or emergency circumstances, a law enforcement officer must obtain an arrest warrant to gain lawful entry to a suspect's residence to arrest him.

The Supreme Court left two important questions unanswered in *Payton*. First, they did not rule on the authority of a law enforcement officer, acting without either a search or arrest warrant, to enter a third party's home to arrest a suspect.<sup>6</sup> Second, the Court did not consider the type of emergency which would constitute exigent circumstances to justify a warrantless entry into a private residence to effect an arrest or search.<sup>7</sup>

This article will address those issues left unanswered in *Payton* by discussing the Supreme Court's decision concerning the entry of third party premises to arrest. It will then focus on specific factors which the courts have considered to constitute exigent circumstances justifying a warrantless entry of premises.

### **STEAGALD v. UNITED STATES ENTRY OF THIRD PARTY RESIDENCES TO ARREST**

In 1981, a year after its decision in *Payton v. New York*, the Supreme Court addressed the issue of entry

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





Special Agent Johnson

into a third party's residence to effect an arrest. In *Steagald v. United States*,<sup>8</sup> an agent of the Drug Enforcement Administration (DEA) was contacted by a confidential informant who suggested that he might be able to locate Ricky Lyons, a Federal fugitive for whom an arrest warrant was outstanding. A few days later, the informant called the agent again and gave him a telephone number in the Atlanta, GA, area where Ricky Lyons could supposedly be reached during the next 24 hours. Two days later, DEA agents in Atlanta obtained the address corresponding to the telephone number provided by the informant. Several days later, DEA agents drove to that address to arrest Lyons. Two men later identified as Hoyt Gaultney and Gary Steagald were detained outside the house. Several agents proceeded into the house. The agents did not locate Ricky Lyons at the house, but during the search for Lyons, an agent observed what he believed to be cocaine. They subsequently obtained a search warrant, and thereafter, seized 43 pounds of cocaine. Based on the evidence seized, the agents arrested Steagald.

Steagald was indicted on Federal drug charges, and prior to trial, he moved to suppress all evidence discovered during the searches of the house. He argued that the evidence resulted from an illegal entry, inasmuch as the DEA agents had failed to obtain a search warrant before initially entering the house. At the suppression hearing, a DEA agent testified that there had been no "physical hindrance" preventing him from obtaining a search warrant and that he did not

obtain one because he believed that the arrest warrant for Lyons was sufficient to justify the entry and search.<sup>9</sup>

The district court agreed that the arrest warrant alone was sufficient to justify the entry and denied the suppression motion. Steagald was convicted. A divided Court of Appeals for the Fifth Circuit affirmed the district court's denial of the suppression motion.

In a 7-2 opinion, the Supreme Court reversed the court of appeals and held that the homeowner was constitutionally entitled to the protection of a search warrant.<sup>10</sup> The Court specifically noted that the search at issue took place in the absence of consent or exigent circumstances and reiterated the general rule that warrantless entries into a home to conduct a search or make an arrest are unreasonable under the fourth amendment.<sup>11</sup>

The Court noted that the DEA agents had an arrest warrant for Ricky Lyons; however, they concluded that although "an arrest warrant and a search warrant both serve to subject the probable cause determination of the police to judicial review, the interests protected by the two warrants differ."<sup>12</sup>

The Supreme Court reasserted the *Payton* rule that the fourth amendment rights of the person named in an arrest warrant were fully protected by that warrant, and the arrest warrant alone was sufficient to authorize the entry into that individual's home to effect his arrest. The Court restated the reason for the *Payton* rule as follows: "Because an arrest warrant authorizes the police to deprive a person of his liberty, it necessarily also authorizes a limited invasion of that person's privacy interest when it is necessary to arrest him in his home."<sup>13</sup>



The Court noted, however, that the *Payton* rationale was inapplicable to situations where police sought to use an arrest warrant as the legal authority to enter the home of a third party to conduct a search for the person named in that warrant. "Such a warrant embodies no judicial determination whatsoever regarding the person whose home is to be searched. Because it does not authorize the police to deprive the third person of his liberty, it cannot embody any derivative authority to deprive this person of his interest in the privacy of his home."<sup>14</sup>

In conclusion, the Court found that although the arrest warrant protected Lyons from an unreasonable seizure, it did nothing to protect Steagald's home from an unreasonable search. The Court concluded that the deprivation of the third-party homeowner's right to privacy must be based on an independent determination by a magistrate, evidenced by a *search warrant*, that the person named in the arrest warrant is probably in the third party's home.<sup>15</sup>

In the final portion of its opinion in *Steagald*, the Court stated that the situation in which warrants would be required are few because arrests frequently occur inside the subject's own home (in which case an arrest warrant is sufficient) or in a public place (in which case probable cause justifies a warrantless arrest).<sup>16</sup> Furthermore, the Court concluded that exigent circumstances would excuse the need to obtain a search warrant when entry was necessary to accommodate legitimate law enforcement efforts.<sup>17</sup>

#### DETERMINING THE EXISTENCE OF EXIGENT CIRCUMSTANCES

In both the *Payton* and *Steagald* decisions, the Supreme Court noted that circumstances would arise in the course of some investigations which would justify police officers in making warrantless entries into premises to effect an arrest. Prior to those decisions, the existence of exigent circumstances had been recognized as a legitimate exception to the general rule that warrantless searches and seizures made inside a home are *per se* unreasonable.<sup>18</sup> The burden is on the government to establish that exigent circumstances made the warrantless action necessary. In determining whether that burden has been met, the courts must rely on the "realities of the situation presented by the record."<sup>19</sup>

Since the *Payton* and *Steagald* decisions, numerous courts have addressed the issue of what factors are sufficient to constitute exigent circumstances. An analysis of these cases reveals the existence of several factors which appear as common threads in lower court decisions which found exigent circumstances. Several of these recurring factors are: (1) The gravity of the offense which precipitated the warrantless entry; (2) the time between establishing probable cause to arrest and the warrantless entry; (3) the destruction of evidence; (4) the likelihood of escape; (5) danger to the safety of law enforcement officers and/or the public; (6) prior efforts to obtain a warrant, with particular emphasis on the availability of telephonic search warrants; and (7) whether the exigency was created by the Government. The remainder of this article will focus upon each of these factors and their application by the courts.

#### Gravity of the Offense

In *Payton*,<sup>20</sup> the Supreme Court held that warrantless *felony* arrests in the home were prohibited by the fourth amendment, absent probable cause and exigent circumstances. In *Steagald*,<sup>21</sup> however, the Court, in referring to *Payton*, placed no limitation on the type of crime with which the suspect must be charged for this rule to be applicable. As a result, some courts have concluded that the nature of the underlying offense was not material when determining the reasonableness of a warrantless entry of premises.<sup>22</sup> For example, could officers justify a warrantless entry of premises to arrest for a minor offense based on exigent circumstances? The Supreme Court confronted that issue in deciding *Welsh v. Wisconsin*<sup>23</sup> in May of 1984.

Shortly before 9:00 p.m. on the night of April 24, 1978, a lone witness observed a car being driven erratically. After changing speeds and veering from side to side, the car eventually swerved off the road and came to a stop in an open field. No one was injured. Concerned about the driver and fearing that the car would get back on the highway, the witness drove up behind the car to block its access to the highway. Another passerby also stopped, and the witness asked him to notify the police. Before the police arrived, the driver of the car emerged from his vehicle and requested that the witness give him a ride home. The witness suggested that they wait for assistance in removing the car. Ignoring that suggestion, the driver of the car instead walked away from the scene.



**“... the gravity of the underlying offense for which the arrest is being made is an important factor to be considered in determining whether an exigency exists to justify the warrantless entry of the home.”**

Several minutes later, the police arrived and the witness described what he had seen, specifically noting that the driver was either very inebriated or very sick. The police officer checked the registration of the vehicle and determined that it was registered to Edward Welsh and that he lived within walking distance of the scene.

Without securing any type of warrant, the police went to Welsh's residence. When Welsh's stepdaughter answered the door, at approximately 9:00 p.m., the police gained entry into the house.<sup>24</sup> Welsh was found upstairs lying in his bed. At that point, he was placed under arrest for driving under the influence. At the police station, Welsh refused to submit to a breathalyzer test.

It is significant that under Wisconsin State law a first offense for driving under the influence is a nonjailable civil violation with a maximum fine of \$200.<sup>25</sup> In addition, a valid arrest is a necessary prerequisite to the imposition of the breathalyzer test. Welsh was charged with a criminal misdemeanor, inasmuch as this was his second DUI citation.<sup>26</sup> Welsh requested dismissal of the complaint, claiming that the underlying arrest was invalid. The trial court concluded that the existence of probable cause and exigent circumstances justified the warrantless arrest. The Wisconsin Supreme Court affirmed.

The U.S. Supreme Court reversed. In expressing hesitation at finding exigent circumstances to justify warrantless entries, the Court stated:

“Before agents of the government may invade the sanctity of the home, the burden is on the government to demonstrate exigent circumstances that overcome the

presumption of unreasonableness that attaches to all warrantless home entries. . . . When the government's interest is only to arrest for a minor offense, that presumption of unreasonableness is difficult to rebut, and the government usually should be allowed to make such arrests only with a warrant issued upon probable cause by a neutral and detached magistrate.”<sup>27</sup>

The Supreme Court held that the gravity of the underlying offense for which the arrest is being made is an important factor to be considered in determining whether an exigency exists to justify the warrantless entry of the home. In addition, the Court said that it was difficult to conceive of any circumstances where a warrantless entry would be justified when the underlying offense is *extremely minor*.<sup>28</sup> The Court emphasized three reasons for overruling the State supreme court's finding of exigent circumstances: (1) There was no hot pursuit because police did not continuously pursue Welsh from the place where he left his car; (2) there was no threat to public safety because Welsh was home and had abandoned his car; and (3) although there might have been the potential for destruction of evidence relating to the expulsion of alcohol from the blood, the minor nature of the crime made this inconsequential.<sup>29</sup>

It should be noted that the Court in *Welsh* emphasized the importance of the nature of the offense to the overall question of whether exigent circumstances exist to justify a war-

rantless home entry. The Court observed that although the grave nature of a crime does not alone create exigent circumstances, it is an important factor in the determination.

Since the Court's decision in *Welsh*, one Federal court of appeals has found the existence of exigent circumstances to justify a warrantless entry to arrest when the underlying offense was a misdemeanor. In *Bledshoe v. Garcia*,<sup>30</sup> a civil rights action was brought against New Mexico police officers for unlawful arrest. Bledshoe had been arrested at his mother's residence pursuant to a bench warrant for failure to appear. By way of factual background, Officer Garcia went to the residence and spoke to Bledshoe outside and told him of the warrant. Bledshoe confirmed that he was a.w.o.l. Officer Garcia then allowed Bledshoe to re-enter the house to inform his mother. While inside, several people in the house argued with Garcia that Bledshoe was not going with the officer and yelling ensued. Officer Garcia left the residence and briefed two other officers on what had transpired. The officers returned to the house, entered over Bledshoe's mother's objection, and arrested her for interfering with a law enforcement officer. Other relatives also attempted to thwart the officers' efforts to locate Larry Bledshoe and they were also arrested. Bledshoe escaped in the meantime.

The U.S. Court of Appeals for the 10th Circuit held that although absence without leave from the armed forces is only a criminal misdemeanor, it is nevertheless a serious offense and the circumstances as a whole justified the finding of exigent circumstances to support the warrantless entry. The court held that the resist-



ance and clear defiance of the officers' efforts to take Bledshoe into custody, as well as the possibility of flight, justified their immediate actions.<sup>31</sup>

Following the Court's holding in *Welsh v. Wisconsin*, courts will closely examine warrantless entries to make arrests for minor offenses. The burden is on the law enforcement officer in those circumstances to articulate all factors, such as those present in the *Bledshoe* case, which will justify a warrantless entry to arrest when the underlying offense is minor.

#### **The Time Between Establishment of Probable Cause and the Warrantless Entry**

Many of the lower court decisions which have examined the existence of exigent circumstances justifying the warrantless entry have focused in part on the time when police officers developed probable cause to arrest an individual. When the establishment of probable cause precedes the warrantless entry by only a short period of time, the courts are more favorable to the government's claim of exigent circumstances.<sup>32</sup> However, in a planned arrest situation where the police have previously established probable cause and are waiting to effect the arrest for convenience or strategic reasons, courts are less receptive to police claims that exigent circumstances necessitated a warrantless entry.<sup>33</sup>

The case of *United States v. Hultgren*<sup>34</sup> is illustrative of some issues that lower courts have confronted in this regard. The legal issues arise from a progressively complex factual situation involving a narcotics investigation. It commenced on February 2, 1982, when Foster, a DEA informant,

purchased cocaine from Hellums at Hellums' residence. No arrests were made. At midnight on March 1, 1982, Foster informed a DEA agent that he had a cocaine deal with Hellums and Hultgren scheduled to occur on March 2, 1982.

At 3:00 p.m. on that date, Foster informed the agent that in 2 hours he would obtain a sample of the cocaine at Hellums' house, and at that time, final arrangements would be made for the larger sale. At 6:20 p.m., Foster advised the agent that he had met with Hellums and Hultgren, had received a sample, and that the larger transaction would occur at 8:00 p.m. At 7:00 p.m., Foster met with the agent; the sample was tested and determined to be cocaine. Foster was then given a transmitter to broadcast the conversations from Hellums' residence.

At 7:30 p.m., Foster returned to Hellums' residence for the sale, and DEA agents established a surveillance. Although the sale was to occur at 8:00 p.m., Hultgren and Rondinelli did not arrive until 9:30 p.m. Rondinelli was not known to the agents prior to his arrival with Hultgren. DEA agents monitored the conversation between Hellums, Hultgren, Rondinelli, and Foster regarding prices, quantities, and future transactions. Then, for reasons unknown to the agents, the transmitter stopped broadcasting and they only heard static. Minutes later, DEA agents forcibly entered the residence and arrested Hellums, Hultgren, and Rondinelli as they attempted to escape through the back door.

The three arrested individuals were charged with possession of cocaine and with conspiracy to possess cocaine with intent to distribute. Rondinelli and Hultgren challenged their warrantless arrests at Hellums' residence. The district court found that exigent circumstances justified the arrests, and the U.S. Court of Appeals for the Fifth Circuit affirmed.

The circuit court found that the DEA agents did not have sufficient probable cause to arrest Rondinelli until 9:30 p.m., inasmuch as Rondinelli was previously unknown to them. By that time, the surveillance and monitoring of the cocaine transaction was under way and there was no time to obtain the necessary warrants. The court also found that the agents were justified in not having previously obtained warrants and that the subsequent failure of the informant's transmitter constituted exigent circumstances.<sup>35</sup>

The circuit court had a more difficult time with Hultgren's arrest, inasmuch as probable cause to arrest Hultgren for conspiracy was established at midnight on March 1, 1982, and probable cause for the possession charge was established at 6:20 p.m. on March 2, 1982. The court examined whether the agents' failure to avail themselves of the opportunity to obtain a warrant earlier on the conspiracy charge was fatal to the Government's claim that exigent circumstances justified the warrantless entry on the possession charge.<sup>36</sup>

The court noted that the finding of exigent circumstances is not foreclosed by the failure to obtain a warrant at the earliest practicable moment.<sup>37</sup> The opportunity to obtain a warrant, however, is one of the fac-



## "The time at which probable cause is established is but one of the factors to be considered in the determination of whether exigent circumstances exist."

tors to be weighed in determining reasonableness. The court concluded that the ongoing nature of the investigation and the close proximity of events between March 1 and 2 were significant factors in finding that the failure to obtain a warrant on the conspiracy charge did not preclude the subsequent arrest precipitated by exigent circumstances.<sup>38</sup>

The time at which probable cause is established is but one of the factors to be considered in the determination of whether exigent circumstances exist. In each case which addressed this issue the courts also considered the existence of other factors, such as hot pursuit,<sup>39</sup> destruction of evidence,<sup>40</sup> or safety to police and the public<sup>41</sup> in finding justification for the warrantless entry.

### Preventing the Destruction of Evidence

Courts have recognized that preventing the destruction of evidence is another legitimate exigency which will assist in justifying a warrantless entry of premises.<sup>42</sup> In *United States v. Cuaron*,<sup>43</sup> the arrests of Cuaron and three other individuals in a joint DEA and local police narcotics investigation illustrate the significance of this factor. In that case, DEA undercover agents purchased cocaine from Jon and William Neets. Jon Neets told the agents that he would be meeting his supplier after the meeting, and they negotiated another 2-pound transaction for that day. Neets said he could only obtain 1 pound of cocaine from his supplier at a time and that he would have to return with the money before he could obtain the second

pound. Using an electronic tracking device, officers located Neets at premises later identified as Cuaron's residence. While at Cuaron's residence, at approximately 12:30 p.m., Neets called the undercover agents and said that he was at his supplier's residence. At approximately 2:00 p.m., the agents arrested Jon and William Neets after they returned and effected the transaction. At approximately 2:55 p.m., DEA agents entered Cuaron's residence without a warrant. The door to an upstairs room slammed shut. Agents, thereafter, arrested Cuaron as he tried to flush cocaine down the toilet, secured the house, and obtained a search warrant for the premises.

The U.S. Court of Appeals for the 10th Circuit concluded that exigent circumstances justified the warrantless entry. The court found it reasonable to believe that evidence would be destroyed if the Neets did not return to the residence soon after the sale with the proceeds from the transaction. The court stated that because of time constraints in this particular instance, even attempting to obtain a warrant telephonically was excused by the exigencies. The court noted that although in this particular case the agents waited approximately 55 minutes before deciding to enter the residence, the exigencies still existed.<sup>44</sup>

In *United States v. Eddy*,<sup>45</sup> the U.S. Court of Appeals for the Eighth Circuit found a warrantless entry justified where it appeared that the arrest outside the premises of a subject in a narcotics case may have alerted others inside to destroy evidence.

Warrantless entries to prevent the destruction of evidence, other than narcotics, have also been upheld as exigent circumstances.<sup>46</sup>

When attempting to use the possible destruction of evidence as a factor in determining exigent circumstances, law enforcement officers must articulate facts indicating that destruction is more than just a remote possibility. Supportive facts could include, among other things, the specific location of the arrest of one subject in relation to the location of his confederates and the likelihood that the confederates saw or heard the arrest;<sup>47</sup> the involvement of several people in a crime and the likelihood that one or more would become suspicious if their accomplices did not return within the expected time;<sup>48</sup> or that suspects had observed a police surveillance.

Part II of this article will analyze four additional factors which courts have relied on in finding exigent circumstances to justify a warrantless entry of premises to arrest. **FBI**

(To be continued)

### Footnotes

<sup>1</sup> 63 L.Ed.2d 639 (1980).

<sup>2</sup> *Id.* at 644. For a more detailed analysis of the *Payton* decision, see: D. Schofield and J. Davis, "Entering Premises to Arrest: An Analysis of the Warrant Requirement," *FBI Law Enforcement Bulletin*, August and September 1980, vol. 49, Nos. 8-9, pp. 26-31; pp. 24-31.

<sup>3</sup> *Id.* at 650, citing *United States v. United States District Court*, 407 U.S. 297, 313 (1972).

<sup>4</sup> *Id.* at 650.

<sup>5</sup> *Id.* at 661.

<sup>6</sup> *Id.* at 649.

<sup>7</sup> *Id.* at 648.

<sup>8</sup> 101 S.Ct. 1642 (1981).

<sup>9</sup> *Id.* at 1645.

<sup>10</sup> *Id.* at 1644.

<sup>11</sup> *Id.* at 1647.

<sup>12</sup> *Id.* at 1648. The Court stated that an arrest warrant is issued by a magistrate upon a showing that probable cause exists to believe that the subject of the warrant has committed an offense, and thus, the warrant primarily serves to protect an individual from an unreasonable seizure. A search warrant, in contrast, is issued upon a showing of probable cause to believe that the legitimate object of the search is located in a particular place, and therefore, safeguards an individual's interest in the privacy of his home and possessions against the unjustified intrusion of the police.

<sup>13</sup> *Id.* at 1649 n. 7.

<sup>14</sup> *Id.* at 1649 n. 7.

<sup>15</sup> *Id.* at 1648, 1649 n. 7.



<sup>16</sup> *United States v. Watson*, 423 U.S. 411 (1976).  
<sup>17</sup> *Steagald v. United States*, *supra* at 1652.  
<sup>18</sup> *Warden v. Hayden*, 387 U.S. 294 (1967) (hot pursuit); *Vale v. Louisiana*, 399 U.S. 30 (1970) (prevent destruction of evidence).  
<sup>19</sup> *United States v. McEachin*, 670 F.2d 1139, 1144 (D.C. Cir. 1981).  
<sup>20</sup> 63 L.Ed.2d 639.  
<sup>21</sup> 101 S.Ct. 1642.  
<sup>22</sup> *United States v. Spencer*, 684 F.2d 220 (2d Cir. 1982), *cert. denied*, 459 U.S. 1109 (1983).  
<sup>23</sup> 104 S.Ct. 2091 (1984).  
<sup>24</sup> *Id.* at 2094 n. 1. The State trial court never determined whether there was consent for the entry. The Supreme Court, for purposes of its decision, therefore assumed that there was no valid consent.  
<sup>25</sup> *Id.* at 2095.  
<sup>26</sup> *Id.* at 2096 n.6. The Supreme Court noted that although Welsh was subject to a criminal charge, the police who conducted the warrantless entry were not aware of Welsh's previous charge for driving under the influence. It was therefore necessary to assume that the police at the time of the arrest acted as if they were investigating and eventually arresting for a nonjailable traffic offense that was only a civil violation under State law.  
<sup>27</sup> *Id.* at 2098.  
<sup>28</sup> *Id.* at 2099.  
<sup>29</sup> *Id.* at 2099, 2100.  
<sup>30</sup> 742 F.2d 1237 (10th Cir. 1984).  
<sup>31</sup> *Id.* at 1241.

<sup>32</sup> *United States v. Acevedo*, 627 F.2d 68 (7th Cir.), *cert. denied*, 449 U.S. 1021 (1980); *United States v. Hultgren*, 713 F.2d 79 (5th Cir. 1983); *United States v. Martinez-Gonzales*, 686 F.2d 93 (2d Cir. 1982).  
<sup>33</sup> *Chimel v. California*, 395 U.S. 752 (1969); *Payton v. New York*, *supra* note 1; *Steagald v. United States*, *supra* note 8; *United States v. Hultgren*, *supra* note 32, at p. 87 n. 11.  
<sup>34</sup> 713 F.2d 79 (5th Cir. 1983).  
<sup>35</sup> *Id.* at 85.  
<sup>36</sup> *Id.* at 86.  
<sup>37</sup> *Id.* at 86, citing *United States v. Gardner*, 553 F.2d 946 (5th Cir. 1977), *cert. denied*, 434 U.S. 1011 (1978).  
<sup>38</sup> *Id.* at 87.  
<sup>39</sup> *United States v. Martinez-Gonzalez*, *supra* note 32; *United States v. Haynie*, 637 F.2d 227 (4th Cir. 1980), *cert. denied*, 451 U.S. 972 (1981).  
<sup>40</sup> *United States v. Martinez-Gonzalez*, *supra* note 32; *United States v. Cuaron*, 700 F.2d 582 (10th Cir. 1983); *United States v. Acevedo*, *supra* note 32.  
<sup>41</sup> *United States v. Hultgren*, *supra* note 32; *United States v. Berick*, 710 F.2d 1035 (5th Cir. 1983), *cert. denied*, 104 S.Ct. 286 (1983).  
<sup>42</sup> *Vale v. Louisiana*, *supra* note 18; *United States v. Acevedo*, *supra* note 32; *United States v. Berick*, *supra* note 41; *United States v. Gomez*, 633 F.2d 999 (2d Cir. 1980), *cert. denied*, 450 U.S. 994 (1981); *United States v. McEachin*, *supra* note 19.  
<sup>43</sup> 700 F.2d 582 (10th Cir. 1983).  
<sup>44</sup> *Id.* at 590.  
<sup>45</sup> 660 F.2d 381 (8th Cir. 1981).

<sup>46</sup> *United States v. McEachin*, *supra* note 19. In this case, police received information from an informant that after a confederate was arrested, McEachin was nervous and stated that he was going to "move or get rid" of a gun which was used in an armed robbery.  
<sup>47</sup> *United States v. Eddy*, *supra* note 45; *United States v. Todisco*, 667 F.2d 255 (2d Cir. 1981), *cert. denied*, 102 S.Ct. 1250 (1982).  
<sup>48</sup> *United States v. Cuaron*, *supra* note 40; *United States v. Acevedo*, *supra* note 32; *United States v. Berick*, *supra* note 41; *United States v. Mejia*, 578 F.Supp. 1541 (E.D. N.Y. 1984), *aff'd. by United States v. Bermudez*, 751 F.2d 371 (2d Cir. 1984).

## Crime Index Declines in 1984

Last year, the FBI's Crime Index showed a 3-percent decline, as compared to 1983. During 1984, the overall violent crime volume remained virtually unchanged from the previous year's level, but property crimes collectively decreased 3 percent, according to preliminary figures.

Among the four violent crimes measured by the Index, murder and robbery declined 4 percent and 5 percent, respectively, while increases of 6 percent in forcible rape and 4 percent in aggravated assault were recorded. Of the property crimes, burglary was down 6 percent, larceny-theft decreased 3 percent, and arson held at approximately the same level. Motor vehicle theft was the only

property crime to record an increase, one of 3 percent.

Each of the Nation's four geographic regions showed declines in the total Crime Index. The Northeastern States registered a decrease of 6 percent; the Midwest, 5 percent; and the Southern and Western States, 1 percent each.

Cities with populations over 50,000 registered a 2-percent decline, while those outside metropolitan areas reported a 5-percent decrease. The suburban and rural areas showed decreases of 3 and 5 percent, respectively.



# WANTED BY THE FBI



Photograph taken 1982

Date taken unknown

## Gilbert Winfield Chilton

Gilbert Winfield Chilton, also known as Gilbert Winfield Chilton, Jr., Gil Chilton, and Louis G. Sandella

## Wanted for:

Interstate Transportation In Aid of Racketeering—Bribery

## The Crime

Gilbert Winfield Chilton, as chairman of the California State Teachers' Retirement System pension fund, reportedly authorized \$2 million from the fund to be paid to a Denver, CO, company in September 1982. A short time later, a portion of that money was allegedly paid as a bribe to Chilton by a company official.

A Federal warrant was issued on July 5, 1983, in Sacramento, CA.

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

## Description

Age..... 41, born March 15, 1944, Macon, GA.  
Height..... 5'11".  
Weight..... 180 pounds.  
Build ..... Medium.  
Hair..... Brown.  
Eyes ..... Brown.  
Complexion ..... Medium.  
Race..... White.  
Nationality..... American.  
Occupation ..... Loan officer.  
Scars and Marks .... Small scar under chin, may be wearing mustache and slight beard.

Remarks ..... Sometimes has facial rash which is reportedly caused by hypertension, rash may be hidden by beard; has fascination for small handguns and other weapons; active motorcyclist. Chilton may be traveling with Cheryl Ann Ciccarelli, also known as Cheryl Ann Chiccarelli, Cheryl Ann Uhrig, Cheryl Ann Stone, white female, born July 27, 1959, 5'4", 110 pounds, brown hair, blue eyes, Social Security Number Used: 563-29-1848. Ciccarelli is not wanted by law enforcement authorities.

## Social Security

Numbers Used ..... 058-36-5679;  
058-36-5649;  
058-36-6649.

FBI No. .... 959 670 AA9.

## Caution

Chilton has a permit to carry a concealed weapon and may be armed with handguns, including a Colt .45 automatic and a .380 automatic. Chilton may have possible suicidal tendencies. Consider armed and dangerous.

## Notify the FBI

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

## Classification Data:

NCIC Classification:

17541518161709101412

Fingerprint Classification:

17 S 1 R IOO 16  
L 1 U IIO

I.O. 4953



Right index fingerprint



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## Interesting Pattern

This month's presentation depicts the effect a scar can have on a fingerprint pattern. The fingerprint pattern at the top shows a plain whorl. The picture at the bottom shows the same pattern after it was scarred, causing it to appear as a double loop-type whorl.



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## The Bulletin Notes

Officer Thomas R. Green of the Canton, Ohio, Police Department saved the life of a young woman who was injured in a traffic accident in January 1984. The woman had been thrown from a half-ton truck, which overturned and pinned her head. Officer Green, a weight lifter, came on the scene and lifted the truck off of her head. The Bulletin joins Officer Green's superiors in recognizing his heroic action.



*Officer Green*