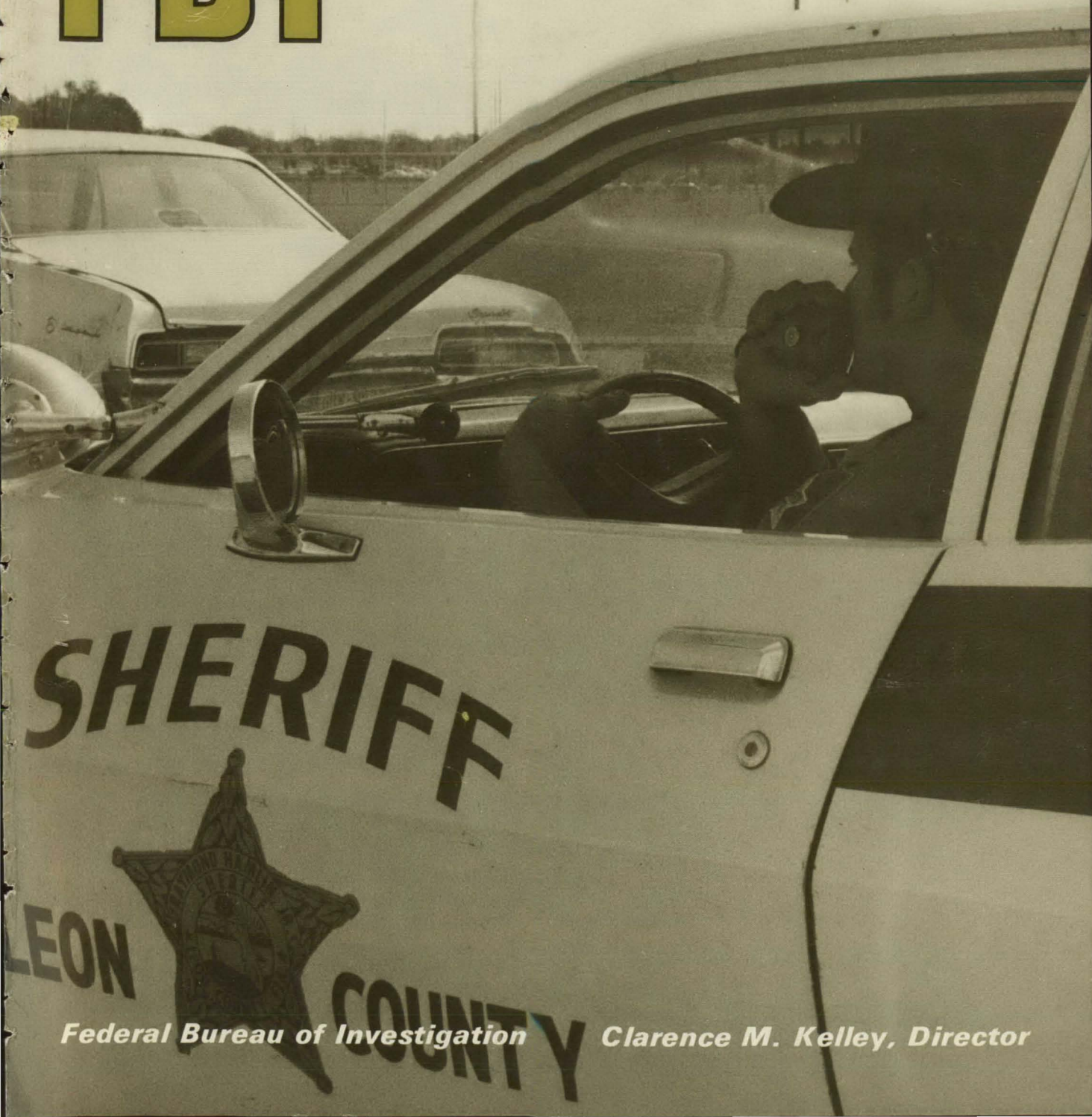


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FBI

Law Enforcement Bulletin

MARCH 1975



Federal Bureau of Investigation

Clarence M. Kelley, Director

FBI

Law Enforcement Bulletin

MARCH 1975
VOL. 44, NO. 3



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

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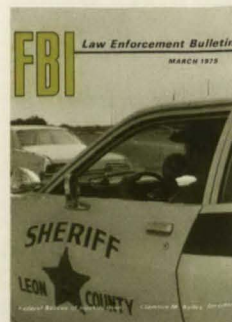
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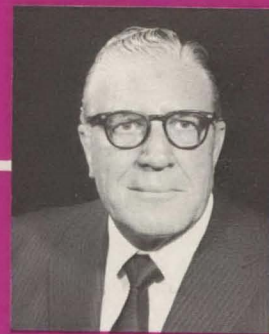
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THE COVER

This month's cover photo pictures a deputy of the Leon County, Fla., Sheriff's Office radioing a request for a search of the Florida Crime Information Center's computerized records concerning the license of a suspect automobile. See article beginning page 16.



Message from the Director . . .



THE PERSISTENT GROWTH OF CRIME provokes many persons to look for scapegoats. This is understandable. Crime has become a gnawing social disorder of such proportions that it threatens personal security as much as any problem of our time.

To many citizens, crime is by far the greatest long-range danger. Job and financial security to them is of no lasting comfort when their possessions, their community, their loved ones, and they themselves are continually subject to loss and harm from lawlessness. It is doubly disturbing to realize that when a criminal strikes, there is a good chance he will be armed with a gun or other deadly weapon.

Our frustrations and fears of crime, however, should not lead us to emotional judgments and rash faultfinding. The police, especially, have received an undeserved share of abuse for the failure to control crime. Law enforcement agencies are only the entrance to a long path of complex institutions known as the criminal justice system along which some solution to the problem of crime will most likely be found.

This is not to suggest that the police are blameless or that other criminal justice agencies—the courts, the penal systems, the probation and parole agencies, and the rehabilitation programs—are at fault. I do propose that improvements and coordination throughout the system are necessary to at least slow the march of crime in our society.

In recent years, the performance of the law enforcement profession has been substantially

enhanced by concerted public attention to fulfilling the need for better personnel, training, facilities, equipment, and technology. Admittedly, these improved resources have not always been managed to their best or fullest extent. But, I am confident that the profession's management expertise is growing and that improved police efforts are having a substantial impact on the inroads of crime, notwithstanding many crime statistics to the contrary.

Many authorities, for example, contend that more impressive police performance will at the outset have the effect of increasing the number of crimes coming to the attention of the police. Among the reasons for this phenomenon, it is logically suggested, are greater public confidence in police ability which encourages more crimes to be reported and better police performance which detects more crime.

Learning of criminal offenses and discovering who is responsible for them—essentially police functions—are only a slight beginning to understanding and controlling crime. Much more important is providing effective remedies to reduce the likelihood of additional offenses by convicted offenders or by persons unknown to the criminal justice system who are inclined to venture initially or additionally into criminal activity.

Perhaps the most important—and certainly the most neglected—element in understanding crime is the reason *why* an offender commits it. This element, like remedial measures to best isolate or rehabilitate known offenders, is

MESSAGE

clearly not a police function. It is to these ends, both punitive and rehabilitative, that the entire criminal justice system must be strengthened to better complement law enforcement efforts. Such unity of purpose and action throughout the system has been too infrequent. Instead, restructuring of many criminal justice agencies has, more often than not, given way to the expediency necessary to cope with staggering court dockets, overcrowded and antiquated penal institutions, and backbreaking caseloads in parole and probation programs.

While much has been accomplished in updating the law enforcement capability, the time is overdue to provide resources for improving other criminal justice agencies. The path through the criminal justice system must be an enlightened one which will transform substantial numbers of offenders into useful and law-abiding citizens, prevent dangerous and incorrigible offenders from threatening society further, and in its manifest efficiency, discourage all manner of potential criminals from risking the trip altogether.

MARCH 1, 1975


CLARENCE M. KELLEY
Director

ECONOMIC CRIME: THE CRIPPLER

FBI Director Clarence M. Kelley recently singled out for recognition the Economic Crime Project of the National District Attorneys Association (NDAA) for furthering the prosecution of major fraud cases across the country.

Speaking at the NDAA's annual summer meeting, August 5, 1974, at Lake of the Ozarks, Mo., Director Kelley acknowledged there were wide gaps between various law enforcement agencies. He called on Federal, State, and local lawmen to close ranks against the whole spectrum of offenders.

He called the project, which coordinates the development of suspected criminal cases of fraud in 15 district attorneys' offices, "an excellent, positive example of what I'm talking about."

The project began in mid-1973 with two professionals and a small secretarial staff at a downtown Washington, D.C., office. In the first 10 months of operation, the 15 prosecutors who had established Economic Crime Units had initiated 2,106 investigations and obtained 449 convictions, 130 of them felonies.

Funds came from a grant from the Law Enforcement Assistance Administration; and as the project got underway, the lion's share of the original one-half-million-dollar grant went

out to set up the economic crime units in the field.

Original areas selected by the NDAA were: Flint, Mich.; San Diego, Calif.; Columbus, Ohio; Nassau County, N.Y.; Brooklyn, N.Y.; Sacramento, Calif.; Houston, Tex.; Wichita, Kans.; Burlington, Vt.; and Miami, Fla.; and more recently, Tampa, Fla.; Chicago, Ill.; Denver, Colo.; and Westchester County, N.Y., are unpaid associates.

The original jurisdictions have extended themselves, helping the following areas to set up and successfully run economic crime units: San Antonio, Tex.; Tucson, Ariz.; Auburn, Maine; Kalispell, Missoula, and Helena, Mont.; Minneapolis, Minn.; Akron, Ohio; Waukegan, Ill.; Olathe, Kans.; Rochester, N.Y.; Las Vegas and Reno, Nev.; Woodbridge, Conn.; and Colorado Springs, Colo.

In each of these counties and districts, an assistant district attorney is in charge of a unit committed to ferreting out and prosecuting schemes likely to impact the largest number of citizens.

The targets, selected by the NDAA, are:

Housing, real estate, and construction frauds;

Repair swindles, especially automobiles and major appliances;

Health, medical, and welfare frauds;

Merchandising rackets: deceptive advertising, "bait and switch," and the like; and

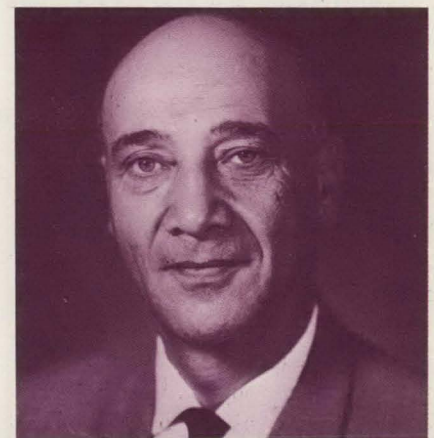
Energy crisis frauds.

Action Program

It is at the field office level that objective judgments can be made about the project's progress as an action program designed to investigate and prosecute economic crime offenses.

By

NATHANIEL E. KOSSACK
Director
Economic Crime Project Center
National District Attorneys
Association
Washington, D.C.



“... [the Economic Crime Project] coordinates the development of suspected criminal cases of fraud in 15 district attorneys' offices. . . .”

The performance of the project's unit in Brooklyn (Kings County) is an example of prosecutorial initiative. Here, the district attorney's office established a Consumer Frauds and Economic Crimes Bureau in September 1973 as a result of project funding.

Since then, a major home improvement fraud has been uncovered which resulted in an indictment containing 218 counts of grand larceny, forgery fraud, and other charges in a more than \$100,000 swindle involving 5 companies and 12 individuals.

The case came into existence without the benefit of citizen complaints. Since there is a high incidence of home ownership in Brooklyn, and most are older homes, members of the Economic Crime Unit started monitoring the home improvement area on a regular basis, recognizing that potential for fraud was high.

What started the investigators on the case were radio advertisements and handbills appealing to pride of ownership, improving the equity in a home, having the only house in the block with a bad appearance, the fear of faulty wiring, collapsing roofs—and all with a very strong hard-sell pitch.

Without the advantage of the unit chief's initiative, a fraudulent operation like this could have worked very well in Brooklyn for a short period of time, and when the investigation started heating up it could have skipped to Baltimore, then on to Columbus, to Wichita, to San Diego, and even back to Long Island, a few miles and a few months from where it all began.

Now, when a scheme such as this is detected, the project center in Washington learns of it from various

sources including its field unit and puts out a bulletin over its telecopier system to all participating crime units. It covers a lot of territory and closes many of the communication and cooperation gaps that existed previously.

Apart from the advantage of the prosecutor's awareness, there was no previous effective system to alert local law enforcement officials before a fraud scheme came to town. Nor was there an appreciation of the telltale signs—the bells and whistles—of an economic crime beginning in an area.

All that is changing. There's a more than \$40 billion industry working against the public interest; that's the current estimate of the damages done each year by swindlers of every size and shape and complexity.

It is the belief of the Economic Crime Project staff that when a particular minor economic crime becomes pervasive, it takes on major proportions. Accordingly, the participating offices are encouraged to:

Seek felony prosecutions whenever possible, keeping in mind that in some instances misdemeanor prosecutions could be equally effective;

Seek the major impact prosecutions, the ones that will affect the largest number of principal offenders and protect the largest possible segment of the public; and

“There's a more than \$40 billion industry working against the public interest; that's the current estimate of the damages done each year by swindlers of every size and shape and complexity.”

Zero in on those offenders who are preying on citizens least able to defend themselves, the ones most likely to be injured by economic criminals.

Project Cases

The cases outlined below are only a sampling of what can be done when the attention of the community and law enforcement is on economic crime as a major crime.

Gas-Saving Devices. In Sacramento, the district attorney's office was unable to challenge alone what the staff considered fraudulent claims made by peddlers throughout the county of the array of “gas-saving” devices that came on the market during last year's energy crisis.

The reason the office couldn't operate in a vacuum was a familiar one in prosecutorial circles: There wasn't enough money available for the substantial testing and experts' fees required to properly challenge the claims.

But the investigation started. In other project cities, similar cases were arising—in Seattle, Houston, Denver, Columbus, and Flint. A decision was made to run the tests and hire the experts and use the results and testimony in each of the different trials. Results were that the devices were determined to be virtually worthless. The cases are awaiting trial.

Land Sale Fraud. As a result of an interjurisdictional chase after a suspicious real estate offering in California, the San Diego District Attorney's Office uncovered a massive land sale fraud.

Suspicion arose from an ad in a San Diego newspaper that looked too

good to be true. It ran: "Ten level acres, \$475.00 total in recreational Northwest Utah. Near national forest and mountains." The lush valley property supposedly covered by tall pines turned out to be steep mountains or desert and subject to railroad easements that made the land all but worthless.

More investigation by the district attorney's Economic Crime Unit disclosed ads from the same "private owner" running in Arizona, Texas, New Mexico, Missouri, Illinois, Ohio, Wyoming, Indiana, Nevada, and Washington, as well as the rest of California.

The public was bilked of an estimated \$25,000 in each of these States. The San Diego prosecutors were instrumental in getting two Arizona entrepreneurs formally charged in California with 12 counts of grand theft and relating a never-before-used State law requiring out-of-State developers to obtain permission from the California Department of Real Estate to sell property to California residents.

Advance Fee. The Economic Crime Unit in the Nassau County District Attorney's Office put an end recently to a scheme that had earned the perpetrator an estimated \$1 million since 1969.

The citizens of the county are relatively affluent; many of them can reasonably expect their children will enter the medical profession. Five years ago, a man started advertising that he could get young people into medical and dental schools, even though they had been rejected at the one of their choice. He offered a money-back guarantee, and he proved true to his word.

But, a check by the local investigators found that the schools where he was successful in getting youngsters admitted would have admitted the students anyway on their own merits. His pitch was that the medical school officials were on the take. The

man was convicted by a jury of 20 counts of grand larceny after a 7-week trial and sentenced to consecutive terms totaling 70 years (with a minimum sentence of 23 years) and a fine of \$244,000.

Changing Emphasis

The Economic Crime Project is trying to change the syndrome in criminal justice that a man committing a physical crime goes to jail, while the one who literally takes food out of the mouths of children operates with relative impunity.

New techniques for investigating swindles are emerging, and while the assistant prosecutors heading up these fraud units can sit at their desks discussing the best way to present a case in court, it is the investigators who gather the bits and pieces and put together the case.

Therefore, each participant is urged to make use of a full-time investigating staff, as well as the resources of the cooperating Federal and State agencies.

In the past, prosecution of white-collar crime has concentrated to a large extent on catching a criminal after the crime has been committed and large losses suffered. Only a very few local prosecutors' offices were prepared to guard the public from new fraudulent schemes.

Since much of the time, in traditional investigations, is spent in finding out who has committed a given crime, economic crime presents a major challenge to investigators—to discover, fundamentally, whether or not a crime has been committed.

In the main, criminal justice in this area has been a reactive force rather than an initiating influence. And across the country, citizens who were

SUMMARY OF NDAA FIELD OFFICE PROSECUTIONS September 1, 1973-June 30, 1974

	Investi- gations	Information and Indictments	Convictions
Buffalo.....	¹ 644	119	89 (20 felonies)
Los Angeles.....	203	269	² 177 (50 felonies)
Baltimore.....	101	³ 383	31
Omaha.....	104	10	4 (4 felonies)
Flint.....	228	64	14
San Diego.....	176	41	38 (33 felonies)
Columbus.....	68	27	8 (2 felonies)
Nassau.....	⁴ 69	6	30 (10 felonies)
Brooklyn.....	70	27	6 (2 felonies)
Sacramento.....	64	22	2 (1 felony)
Houston.....	77	80	26 (5 felonies)
Wichita.....	142	11	7
Burlington.....	19	2	2 (1 felony)
Miami.....	141	56	15 (2 felonies)
Totals.....	2,106	1,117	449 (130 felonies)

¹ Includes welfare fraud investigation.

² Includes 22 civil judgments.

³ Represents multiple count indictments.

⁴ Represents only 4 months' reporting.

BOMBING INCIDENTS

already discriminated against because of race, illiteracy, or religion faced yet another inequity: Economic or white-collar crimes, those that cost these people their already limited capacity to make ends meet.

The Economic Crime Project is making an effort to balance the scales by moving as quickly as possible and acting on tips from other member cities and a variety of sources to alert the member cities to a scheme they should be guarding against.

The project makes use of a telecopier machine, confidential bulletins, warnings of potential frauds where the economic conditions seem ripe, and regular mailings on prosecutorial techniques, schemes, and prosecutions.

Priorities have been established that are aimed at shielding the disadvantaged, the poor, the blacks, the elderly, in fact, all the most likely targets for the con man.

A substantial number of the schemes being investigated are also affecting a more affluent, trusting, and debt-ridden segment of the society—the vast middle class. The project wants to protect people from schemes affecting the largest number of victims, and economic crime has been appealing to more and more sophisticated consumers.

Consumer Education

A major goal of the project is to educate the public to hazards they can expect to encounter in the marketplace. Accordingly, more than one of the participating district attorneys have enlisted their help as civilian investigators.

"A major goal of the project is to educate the public to hazards they can expect to encounter in the marketplace."

In Wichita, the district attorney's office has a Consumer Protection Division that is truly "proactive" in the fight against economic crime. The division has handsome, informative brochures on fraud for individual and business consumers alike. Similar publications are being used in other unit cities.

As communities become aware that something can be done for the wrongs they see, they stop waiting for it to happen to them before bringing it to the attention of the authorities.

Conclusion

One of the most effective tools devised by the project has been the working conferences, bringing together at regular intervals the fraud unit chiefs from the 15 cities for in-depth review of their caseloads and refresher courses in prosecution from some of the finest professionals in the field. Additionally, the project is guided and counseled by the strong Economic Crime Committee of the NDAA.

The success of the project is demonstrated by the fact that a funding survey of its first year's activities recommended the budget be tripled for the second year.

NDAA fraud units have focused on the obvious strength of coordinated law enforcement, and joined with the FBI, the Postal Inspection Service, local and State police, and State attorneys general, to form an amazingly talented and resourceful group of Federal, State, and local law enforcement organizations. This unity of purpose was extolled by Director Kelley, in his closing remarks to the NDAA conference:

"I finally believe that all of us in the criminal justice system—working in concert—can significantly improve our quality of life through reduced crime."

FBI

During the first 9 months of 1974, there were 1,474 actual and attempted bombing incidents throughout the Nation and Puerto Rico. During the same period in 1973, there were 1,486.

Eighteen persons lost their lives and 150 were injured as a result of these wanton attacks during the January–September 1974 period.

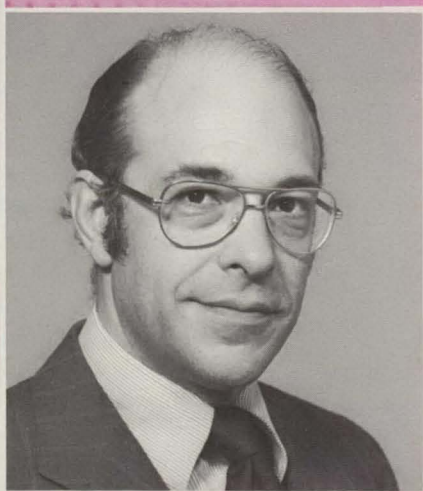
During this period, 773 of the bombing attacks involved the use of explosive devices. Detonation occurred in 79 percent of these attacks. In addition, there were 701 bombing incidents wherein incendiary devices were utilized. Ignition occurred in 84 percent of these incidents.

The leading targets were residences with 414 attacks. Commercial operations and office buildings suffered 333 attacks while 182 attacks were directed at vehicles. School facilities were targets in 131 incidents, and 53 attacks were against law enforcement personnel, buildings, and equipment.

Geographically, the Western States reported 610 bombing incidents, the Southern States 327, the North Central States 303, the Northeastern States 213, and Puerto Rico 21.

A Special Vigilance*

"... growing numbers of our citizens of all ages are seeing themselves as Lilliputians threatened by the Gulliver institutions in our society."



By
DOUGLAS W. METZ
Acting Executive Director
Domestic Council Committee
on the Right of Privacy
Washington, D.C.

Mr. Chairman, I am pleased to have this opportunity to address this distinguished group of leaders in the State and local criminal justice community gathered as members and guests of the National Crime Information Center [NCIC] Advisory Policy Board.

As board members you have the challenging task of advising the NCIC on the use of one of law enforcement's most powerful and awesome tools—criminal justice information. Recently publicized abuses of such information, particularly at the Federal level, have generated increased public concern and apprehension about the way personal information is used by criminal justice agencies.

Many might think it strange that you—the police—would ask me to come 3,000 miles to talk about privacy. I guess Supreme Court Justice Rehnquist was partially right when he said recently: "Privacy: you've come a long way baby!"

In fact, a colleague of mine suggested that I wear a flak vest if I accepted FBI Director Kelley's invita-

*An address before the National Crime Information Center Advisory Policy Board at San Francisco, Calif., December 5, 1974.

"... [it is] my deep conviction that you are as concerned as I am about protecting and preserving [privacy] . . . 'the value most prized by civilized man.'"

tion to be with you. I spurned that advice, not because of any foolish bravado on my part, but because of my deep conviction that you are as concerned as I am about protecting and preserving what Justice Brandeis called "the value most prized by civilized man."

Fully aware, therefore, of your keen interest in rendering your commitment to this value as effective as possible, I accepted this opportunity to share with you my thoughts on three subjects: first, the origin and basis of rising public concern about safeguarding individual privacy; second, the objectives and activities of the Domestic Council Committee on the Right of Privacy; and third, the implications of this Administration's commitment to privacy with respect to the operation of criminal justice information systems.

I believe the public's increased concern for personal privacy has its roots in social, economic, and political developments that have strengthened public belief that George Orwell's Big Brother was more prophetic than fictional.

Call it alienation, depersonalization, or whatever, you don't have to be a social psychologist to find increasing evidence that growing numbers of our citizens of all ages are seeing themselves as Lilliputians threatened by the Gulliver institutions in our society.

The Gullivers are not only the institutions, public and private, but also the forces of technology that seem beyond the comprehension and con-

trol of the common man. In the view of many, we inhabit a society:

In which machines and the cycles of economics threaten the temporary or permanent job displacement of hundreds of thousands of wage earners.

In which mechanization of services has obliterated the familiar and unique local telephone exchange (remember Butterfield 8?) in favor of area codes and direct dial digits; have made the ZIP code more important to mail delivery than the community and State in which one lives; and will not be satisfied with our name and address, but also demands our Social Security number.

In which the computer seems the only person we can talk to inquiring about the amount we owe our creditors.

In which citizens are subjected to information scrutiny and analysis as never before by market analysts and government planners.

In which decisions affecting the social and economic status and future of individuals increasingly are made on the basis of recorded information.

In which technologists tell us that a computer the size of an average filing cabinet can be used to store and retrieve 500-word dossiers on every man, woman, and child in the United States.

Is it surprising, therefore, that a hue and cry arose over the plan in the midsixties to establish a national statistical data center enabling researchers and statisticians to link information gathered by Federal agencies on individuals? Or that there was public concern over Army surveillance of domestic political activities of social dissidents and U.S. Congressmen? Or that the revelations of Water-

gate engendered such great concern over abuses of power? Or that citizens should be shaken over revelations that Federal law enforcement, intelligence, and tax collection agencies could in any way be implicated in actions to transgress individual rights, including personal privacy, to serve allegedly higher, greater ends?

I do not ask you to accept as completely rational and justified this public concern over Big Brother-like enumeration, abusive data gathering and manipulation, and preparation of secret dossiers linking personal files by the press of a button—but only to concede that behind such perceptions there exists substantial and genuine public apprehension about the loss of personal privacy. This fact has

"... public apprehension about the loss of personal privacy . . . has enormous significance for public policymakers and particularly those charged with enforcing our laws."

enormous significance for public policymakers and particularly those charged with enforcing our laws.

What then are the objectives and responses of the Domestic Council Committee on the Right of Privacy to these concerns?

The Privacy Committee seeks to enlist and coordinate the efforts of the Federal executive branch of Government in examining policies for the protection of personal privacy and recommending new policy initiatives for prompt implementation by executive, legislative, or voluntary action. Only wiretapping and electronic surveillance are excluded from the committee's direct purview, and those two subjects, as you may know, are under a review by a commission created especially for that purpose by the Congress.

The Cabinet-level Privacy Committee was established on February 23, 1974, under the chairmanship of then Vice President Ford. The scope of its concern is not confined to the Federal Government, but the committee has set as its first goal getting the Federal house in order before prescribing solutions for State and local government and the private sector.

Today the Privacy Committee's marching orders are drawn from the President's pledge of "hot pursuit of tough laws to prevent illegal invasion of privacy in both Government and private activities." The committee's mandate, in short, is action not research.

In its relatively brief existence, the Privacy Committee's activities have yielded a series of new policy initiatives having wide-ranging impact both in and outside of the Federal establishment. Now being implemented are policies which:

- Require Federal privacy safeguard plans for all new or modified Federal automatic data processing and telecommunications systems containing personal information.

- Accelerate the development of standards for data security and integrity in computerized systems containing personal information.

- Call upon companies in the private sector to adopt voluntarily a code of fair information practices for handling consumer information.

- Provide privacy protections in new legislation establishing national policy for cable television systems.

- Mandate Federal agencies to give an individual the right to control the use of his name on Federal agency mail lists made available for other than official uses.

- Call for careful study of

"... the committee has as a major objective the enactment of workable legislation controlling the use and exchange of criminal justice information in ways that will assure the fullest possible protection of individual rights, including personal privacy."

the privacy impact of electronic funds transfer systems in the checkless/cashless society.

Support and encourage the development of legislation to:

- Require Federal agencies to give public notice of systems of records containing personal information, guarantee individuals the right to see and correct their records, and make record disclosures subject to statutory conditions.

- Codify existing regulations barring military surveillance of domestic political activity protected by the first amendment.

- Require educational agencies receiving Federal funds to give students and parents access to student records and to restrict disclosure to other educational agencies unless the subject's consent is obtained.

- Provide greater confidentiality protections for IRS taxpayer returns and return information.

- Establish stronger privacy protections for personal financial records maintained by banks and other financial institutions.

- Strengthen the Fair Credit Reporting Act to provide additional privacy safeguards.

(On January 1, 1975, the President signed S. 3418, an initiative supported by the Administration designed to safeguard individual privacy from misuse of Federal records, to guarantee individual access to Federal records, and to establish a Federal Privacy Protection Study Commis-

sion. It also contains provisions affecting mail lists and the use of the Social Security number. Known as the Privacy Act of 1974, it will fulfill or supersede several Privacy Committee initiatives dealing with privacy protection in Federal agencies. The new law exempts, for the most part, criminal justice records, which will be the subject of new legislation in the 94th Congress.)

The Privacy Committee is supporting projects currently underway to identify needed additional privacy protections in the handling of health, welfare, and employee records and in the gathering of information by agencies of the Federal Government. Other projects include reviewing Federal policy on the use of the Social Security number and drafting legislation to strengthen confidentiality protections for statistical and research data gathered by Federal agencies.

In addition, the committee has as a major objective the enactment of workable legislation controlling the use and exchange of criminal justice information in ways that will assure the fullest possible protection of individual rights, including personal privacy.

At the recent Chicago conference of police chiefs, the Attorney General stressed the limited Federal role—and the primacy of the State and local roles—in law enforcement and crime control. I agree with that and want to record my steadfast opposition to centralizing the war on crime in the name of efficiency or any other rubric. We must not sacrifice traditional freedoms inch by inch in quest of law and

order, and we must not permit ourselves to slide down the path toward a national police force—an entity that I consider contrary to the concepts of a Federal Republic and the guarantees of individual freedom—including the right to privacy—embodied in our Constitution.

One area for special vigilance in law enforcement operations involves criminal justice information systems. These systems, especially in this computer age, have the capacity to gather, store, and transmit large quantities of personal information useful in enforcing the laws of the land. Law enforcement authorities need timely and relevant intelligence as well as investigative and criminal history information, but we must not invade the personal privacy of our citizens by improper methods of handling highly sensitive information about them. Good principles for handling personal information dictate that such information be accurate, that it be current, and that it be used only for the purposes authorized by law.

When these principles are applied to criminal justice information, it is clear that notions of personal privacy are compatible with good law enforcement. Neither law enforcement agencies nor individual citizens benefit if criminal justice information is inaccurate or outdated, or when traffic in criminal justice information is so unregulated that highly sensitive information may circulate willy-nilly among noncriminal justice agencies.

There is too much permissiveness when employers, potential creditors or insurers—even academic institutions—have access to criminal justice information without legal authorization.

Even when good information practices are observed, the question of who stores the information and who controls access to it is extremely important—for the control of informa-

tion can be the quintessence of power in our complex society. I am opposed to the notion that all personal information for criminal justice purposes should be computerized and stored in one place—be it Washington, D.C., or anywhere else in the United States. In the first place, the great bulk of criminal justice information—perhaps 95 percent or more—relates to matters of State or local concern, and appropriately should be maintained by the States individually.

If, after careful examination of need, cost, and effectiveness, a case is made for some limited central index of criminal justice data to assist in the identification and prosecution of multi-State offenders, that index need only point to the particular State that has the complete criminal justice information on the subject of inquiry.

“ . . . we must not overlook the legitimate needs of Federal agencies for access to criminal justice information and for maintaining files required to accomplish their legally authorized missions.”

At the same time we must not overlook the legitimate needs of Federal agencies for access to criminal justice information and for maintaining files required to accomplish their legally authorized missions.

Once a case is made for one or more centralized systems for linking or accessing criminal justice information, the question of who should control operations is vital. This question begs no simple answers. Organizational plans must be judged with reference to proposed safeguards, such as credible audits and oversight, to preclude abuses of power that can accompany control over sensitive per-

sonal information. The preservation of the delicate balance in Federal-State-local law enforcement must be considered.

To reject *prima facie* any plan involving Federal maintenance or control of certain types of criminal justice information and/or a network for exchange of such information on grounds that it *per se* endangers our freedoms, risks dogmatism and illogic. Such rationale overlooks the outstanding records of national agencies like the Census Bureau. This agency has successfully guarded the privacy of millions of files of personal information commonly considered as sensitive as criminal history data.

Because of genuine public concerns over the dangers of power abuses at the Federal level and the vigorous rejection of the concept of a national police force by the Nation's chief law enforcement officer, the burden of proof properly should rest with advocates of plans involving Federal management of nationwide criminal justice systems. The crucial factor in assessing the merits of such proposals, I believe, is the adequacy of the planned checks and balances to guard against abusive practices by the recordkeepers.

The Federal Government can and should seek to establish some common general standards governing the maintenance and exchange of criminal justice information. But these standards should not preclude any State from establishing higher degrees of confidentiality and protections for this sensitive information applicable within its jurisdiction.

I certainly do not want the aggressive pursuit of privacy protections to limit unreasonably the ability of law enforcement to protect our society—for while we are concerned about the privacy of the individual citizen—we are also concerned about his personal safety, his civil rights, and the protection of his property. We cannot halt

"Privacy ought not to be a haven for the wrongdoer."

the circulation of information concerning the personal conduct of citizens—especially when that conduct runs counter to the laws of the land. Privacy ought not to be a haven for the wrongdoer. We can, however, serve the interests of society as a whole and those of the individual by dealing fairly and discreetly with sensitive personal information.

One of the major priorities of this Administration is to write sound, effective legislation establishing common regulations and standards for the use and exchange of criminal justice information based on constitutionally rooted privacy rights.

Last month, the Department of Justice, on behalf of the Administration, transmitted to the Congress comprehensive new legislation to regulate the exchange and use of criminal justice information. This bill contains fundamental privacy safeguards and represents a meaningful and workable first step in developing badly needed ground rules for regulating criminal justice information. I urge your support for the approach taken by this bill. I will not dwell on its details since I understand the distinguished and able Deputy Assistant Attorney General Mary Lawton will address you on this subject.

At this and subsequent meetings, I am informed, you will be called upon for counsel on plans for new or modified systems for collecting, main-

taining, and communicating criminal justice information by the NCIC.

Consistent with the policy of our committee and the desire of President Ford to have careful consideration given to changes in Federal computer and telecommunications systems containing sensitive personal information, the committee asked that privacy safeguard plans be prepared for review prior to implementing proposed changes.

I am aware of your keen interest in this subject, the excellent reputation of your Security and Confidentiality Committee, and am confident that you will give careful scrutiny to the documentation supporting any plan prior to forwarding your recommendations to the Justice Department.

The public concern about Big Brother will just not go away. The burden now is upon all of us in government to justify the necessity of maintaining systems of records containing sensitive personal information and to demonstrate publicly that adequate personal privacy safeguards exist.

Many groups, such as yours, within the criminal justice community have demonstrated leadership in assuming this responsibility. They have mapped some of the yet uncharted field of privacy protections in complex criminal justice information systems. These marvels of information technology can retrieve portions of dusty

and often forgotten criminal history records from the shelves of far-flung precincts and courthouses and within seconds transmit them to potential users in thousands of law enforcement agencies scattered from Alaska to Puerto Rico. We need new information handling policies to protect both individual and social interests in an era where new information processing technology can construct, preserve, and almost instantaneously distribute complete and indelible records of a person's social and criminal history.

Your own Security and Confidentiality Committee, its counterparts in SEARCH [System for Electronic Analysis and Retrieval of Criminal Histories], Inc., NLETS [National Law Enforcement Telecommunications Systems], the National Association of State Criminal Planning Administrators, and many individual law enforcement agencies at the Federal, State, and local level are to be commended for their contributions in analyzing what needs to be done to assure that criminal justice information is legitimately gathered, used, properly protected, validated, and appropriately accessible to individual verification and correction.

I believe that the diligent pursuit of privacy safeguards by our governmental institutions can serve as a unifying and healing force in a body politic recently shaken and divided by incidents of unwarranted abuses of government power by trusted public servants.

No criminal justice agency has ever been truly effective in a democracy without the confidence and support of the citizens it seeks to protect. Demonstrated concern and action by criminal justice agencies in support of personal privacy values now, more than ever before, can assure that confidence and support. You are obviously off with a running start, and I wish you well.

"The burden now is upon all of us in government to justify the necessity of maintaining systems of records containing sensitive personal information and to demonstrate publicly that adequate personal privacy safeguards exist."

Selection of Sergeants

"The selection of first-line supervisors is especially critical in a police agency. . . ."

By

MAJ. MARVIN L. VAN KIRK

**Commanding Officer
Administration Bureau
Police Department
Kansas City, Mo.**



One of the most critical concerns of any organization is developing accurate and fair procedures to select the best qualified candidates for promotion and career advancement purposes.

In a police organization, this problem is particularly acute at the first level of supervision (sergeants), where a small number of supervisors must be selected from a relatively large pool of eligible candidates. The selection of first-line supervisors is especially critical in a police agency,

where, to a considerable extent, the future leadership is determined by the standards and criteria utilized for progression upward in the rank hierarchy.

The Kansas City, Mo., Police Department was recently confronted with the dilemma of selecting approximately 50 to 60 patrol sergeants from a pool of 543 eligible police officers. For several years, the department has used the more or less traditional promotional criteria of experience in the department, written examinations,

oral review, and supervisory promotional evaluations.

Recently, however, these procedures have come under attack from both within and outside the department. One of the major criticisms of past examinations was the tendency to place too much emphasis on written tests (the past examination counted 50 percent) which seemed to provide a decided advantage to officers who were able to do well on written tests. Although expedient, the validity and relation of such tests to the job remained a serious concern to the department.

Similarly, the lack of objective and job-related criteria for board members to use during the oral interview procedures caused some to criticize this technique as unfair. The supervisory evaluations relating to the performance potentials of eligible candidates also proved to be less than adequate. The absence of established and objective criteria with which to compare the candidates' performance potentials made these procedures inherently discriminatory.

New Promotional Process

Under the guidance and with the support of Chief of Police Joseph D. McNamara and with financial aid from the Police Foundation, the department set out to develop a selection process which would attempt to eliminate many of the past problems and to select the best candidates. To accomplish this goal, a special Personnel Task Force was formed to research and analyze modern promotional practices. The task force consisted of three permanent members: A civilian personnel specialist and two sworn officers.

After studying several promotional approaches, the task force settled upon the following multiphasic assessment process.

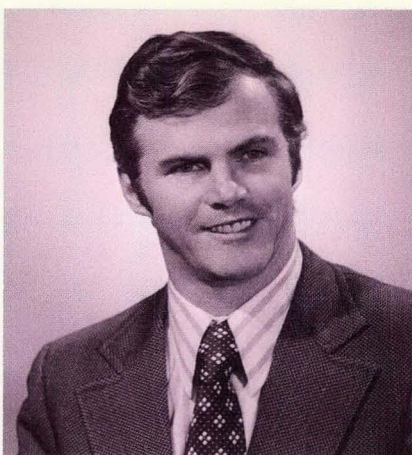
The Written Examination

In any written examination process which attempts to select the best 60 candidates from 543 eligible, it becomes apparent that some form of discriminator must be used to screen candidates fairly. It was determined by members of the Personnel Task Force that the written examination should continue to be used to screen candidates, but the central theme of the whole process would be that it must be "job related" to the duties of a sergeant in the Kansas City, Mo., Police Department.

Two management consultant firms were contacted regarding the development of a written examination for sergeant, and one was chosen to develop the test. To insure that the written test would be job related, the consultant was furnished with a copy of the department manual consisting of the rules of conduct, code of ethics, general orders, and procedural instructions. It was also decided that the candidates should be tested on their knowledge of supervisory and management principles. "Supervision of Police Personnel," by N. F. Iannone, and "Municipal Police Administration," 7th edition, by the International City Managers' Association, were chosen as source material for testing knowledge of supervisory and management principles.

The consultant was asked to develop 210 questions. The firm also agreed to eliminate or reduce the possibility of ethnic biases from the examination prior to submitting it to the department.

In July 1974, the written questions were reviewed by five commanding officers and the consultant, and 150 questions were selected for the exami-



Chief Joseph D. McNamara

nation (76 from department material, 38 from "Supervision of Police Personnel," and 36 from "Municipal Police Administration").

The written examination was given on August 7, 1974, in two sections (morning and evening) to accommodate all eligible officers. A total of 475 officers from the 543 who had registered took the written phase of the examination.

After the written examination was completed, officers were asked to fill out a questionnaire regarding the written test prior to obtaining their test scores. A total of 293 questionnaires were returned by the officers with the following results:

Present assignment:

Operations Bureau-----	201
Administration Bureau----	45
Investigations Bureau-----	45
Not answered-----	2

On the whole do you feel the test was:

Fair -----	275
Unfair -----	17
Not answered-----	1

Do you feel the test content was:

Very job related-----	118
Reasonably job related----	164
Not job related-----	11

Did you feel the test was:

Extremely difficult-----	62
--------------------------	----

Moderately difficult-----	228
Moderately easy-----	3
Easy -----	0

Do you feel the test questions fairly reflect the material you were asked to study:

Yes -----	274
No -----	14
Not answered-----	5

The written phase of the new examination process was given a weight of 25 percent. The top 124 candidates were certified to continue to the second phase of the process.

Candidate Review Committee

The second phase of the promotional process consisted of examination of the candidates' overall qualifications by a Candidate Review Committee of seven commanding officers selected from all major elements of the department. This phase of the examination was not assigned any weight in the examination process, but was intended to review the candidate's overall qualification with particular emphasis on exploring any evidence of physical impairment, emotional instability, and willful misconduct.

Each candidate's immediate supervisor (sergeant) was required to submit a written recommendation through the chain of command with endorsements from all commanding officers.

Sergeants and commanding officers making recommendations were specifically instructed that reasons for not recommending a candidate should be thoroughly documented, that is, excessive use of sick time in conjunction with regular days off, poor performance evaluations, habitual tardiness, documented disciplinary actions, etc. A personal resume was prepared by members of the personnel unit for each candidate and forwarded to the Candidate Review Com-

"Sergeants and commanding officers . . . were specifically instructed that reasons for not recommending a candidate should be thoroughly documented. . . ."

mittee for its use in evaluating the candidate.

The Candidate Review Committee met the week of August 19-22, 1974, to consider the 124 candidates. The committee requested 13 of the candidates to appear in person to clarify various points concerning their qualifications. A total of 119 candidates were selected by the committee to proceed to the supervisory assessment phase of the examination. Five candidates were not recommended for continuance in the examination process and were asked to appear in person to be told why they were not selected. Four of the candidates who were rejected chose to appear before the committee. One of the 119 was killed in a motorcycle accident.

Supervisory Assessment Phase

The third phase of the examination was the supervisory assessment phase, which was given a weight of 75 percent of the total overall score.

A sergeant from the department was assigned full time in April 1974 to coordinate the development of the assessment center phase of the sergeant's examination process. A consultant was selected to furnish technical assistance in developing this phase.

In the Kansas City, Mo., Police Department, with the exception of critical or highly technical assignments, all officers promoted to sergeant are assigned to uniformed patrol duties in the Operations Bureau. More than 100 questionnaires were forwarded to uniformed patrol sergeants in order for them to conduct a task analysis of their duties. The written response to the questionnaire identified 172 separate tasks which sergeants were performing in field operations.

After the questionnaire results had been consolidated, seven sergeants, representing all elements of the uniformed patrol, met to consider what dimensions a uniformed sergeant should possess to satisfactorily per-

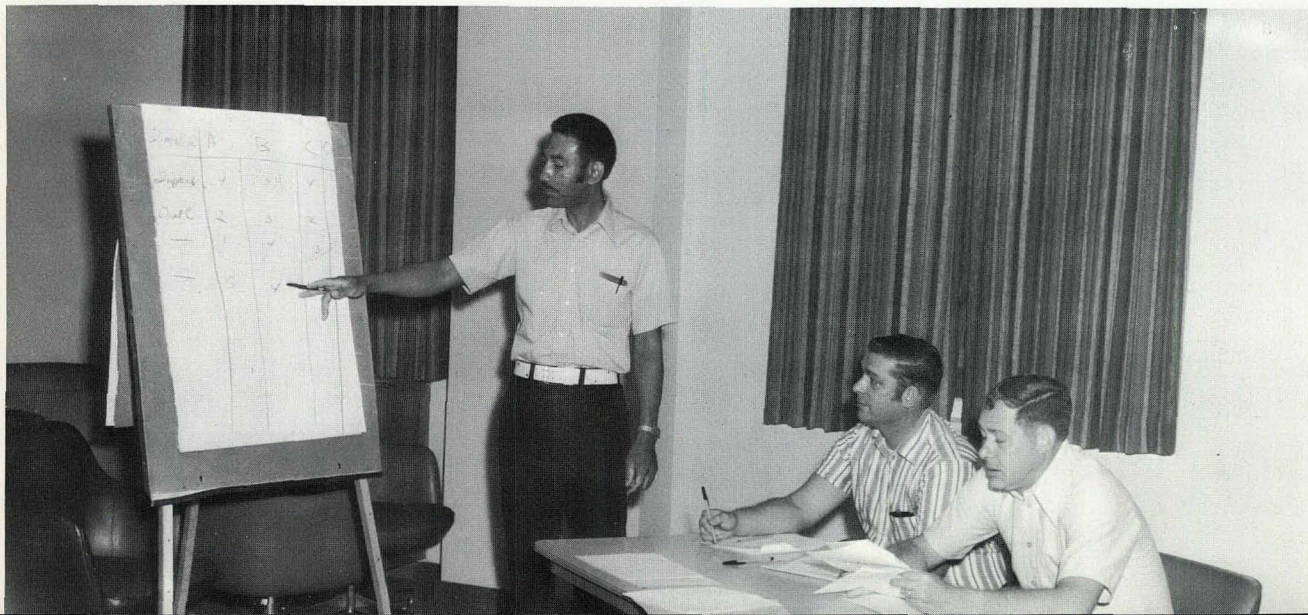
form current and future tasks of uniformed patrol sergeants. A list of 12 dimensions was initially identified and was later refined to the following nine dimensions: Decisiveness, impact, judgment, leadership, listening skill, motivation, oral communication skill, planning and organizing, and problem analysis.

A list of these dimensions was sent to 40 uniformed patrol sergeants asking them to rank the dimensions in degree of importance.

After the task analysis and identification and ranking of dimensions had been completed, it became necessary to develop practical police exercises that would test the candidates to determine their skills in the various dimensions. Three exercises were developed and written by two sergeants in the Kansas City, Mo., Police Department, under the direction of the consultant: An "In-Basket" exercise containing 30 problems, a career interview exercise, and a leaderless discussion group (management) exercise.

The next step in the development process was the selection of assessors. Our department chose captains from the department. They all once served under sergeants, had performed the duties of a sergeant, and were directly

Assessors, department captains, grade a candidate.



supervising sergeants. (Our department does not have the rank of lieutenant). No one is better qualified to serve as assessor than a person who has achieved one rank higher in an organization than the rank for which the candidates are being assessed.

On September 1, 1974, 19 captains began a 2-day assessor's training period under the consultant's direction. The training program for the assessors covered all phases of the assessment center process. The exact definitions of the dimensions were discussed. Through the use of video tapes and role playing, each assessor actually observed and scored each exercise that would be used in the supervisory assessment center. A thorough critique, during which the assessors presented their findings to the group, followed each exercise.

Each assessor was provided with an assessor's manual which included the exercises and examples of completed assessor reporting forms, and each rated two candidates. The candidates were required to complete a 3-hour "In Basket" on 1 day and attend the assessment center the following day to complete the other two exercises. It took three assessors approximately 2 days to grade six candidates and prepare summaries of their strengths and weaknesses which are available to officers at the individual's request at a later time. The 118 candidates were tested in the assessment center phase from September 3-21, 1974.

Prior to the conclusion of his participation at the center, each candidate was asked to anonymously complete a participant reaction questionnaire. All findings were positive, and particularly noteworthy was the response to this question: "To what extent do you think the assessment center was job related for the rank of sergeant?"

To a very great extent---- 47
To a great extent----- 52

"... the sergeant's examination process ... is an attempt to look at the 'whole man' in a job-related performance test that differs from a strict 'pencil and paper' approach."

To some extent----- 4
To a slight extent----- 0
To a very little degree---- 0

An added benefit of participation in the assessment process was that the captain assessors sharpened their evaluation skills, which is beneficial to them in their normal duty assignments when they evaluate personnel under their command.

Planning is presently underway to complete a validation study of the entire process by evaluating field performance of officers promoted after a period of 1 year and comparing it with results of the selection process.

At the completion of the assessment center phase, a final list of the combined scores on the written examination (25 percent) and the assessment center phase (75 percent) of all the candidates was published. The list contained the names in rank order.

Pre-Sergeant's Training Program

The fourth and final phase of the sergeant's promotional process is the pre-sergeant's training program. As stated earlier, the central theme of the entire process has been that it must be job related. This was also true in determining the content of the instruction material for the 4-week program given candidates prior to being promoted and assuming their duties. The curriculum was developed by sending out questionnaires to sergeants, captains, and majors in the Operations Bureau (uniformed patrol) requesting that they identify those areas which they consider most important in preparing new sergeants to handle

their responsibilities adequately. Captains were specifically asked what type of performance they expected from sergeants and what they thought were the responsibilities of a sergeant. The development of the curriculum was the direct responsibility of two sergeants. After careful evaluation of all the information compiled, the following curriculum was established:

	Hours
Administration -----	11
Community relations-----	8
Supervisory responsibility--	46
Interpersonal relations----	12
Law -----	20
Communications -----	4
Policies and procedures----	25
Interelement supervisory relationships -----	19
Handling of rape victims--	2
Inservice physical fitness--	12
Total -----	159

As a requirement for promotion, all candidates will be required to attain a passing grade on a noncompetitive pass/fail written examination.

Sessions will be conducted as needed by the department.

It is our belief that the sergeant's examination process is job related in the written examination phase, assessment phase, and pre-sergeant's training program, and is an attempt to look at the "whole man" in a job-related performance test that differs from a strict "pencil and paper" approach. In the final analysis, the success or failure of the process will be determined by the quality of officers selected and the degree of fairness perceived by the officers taking the test.

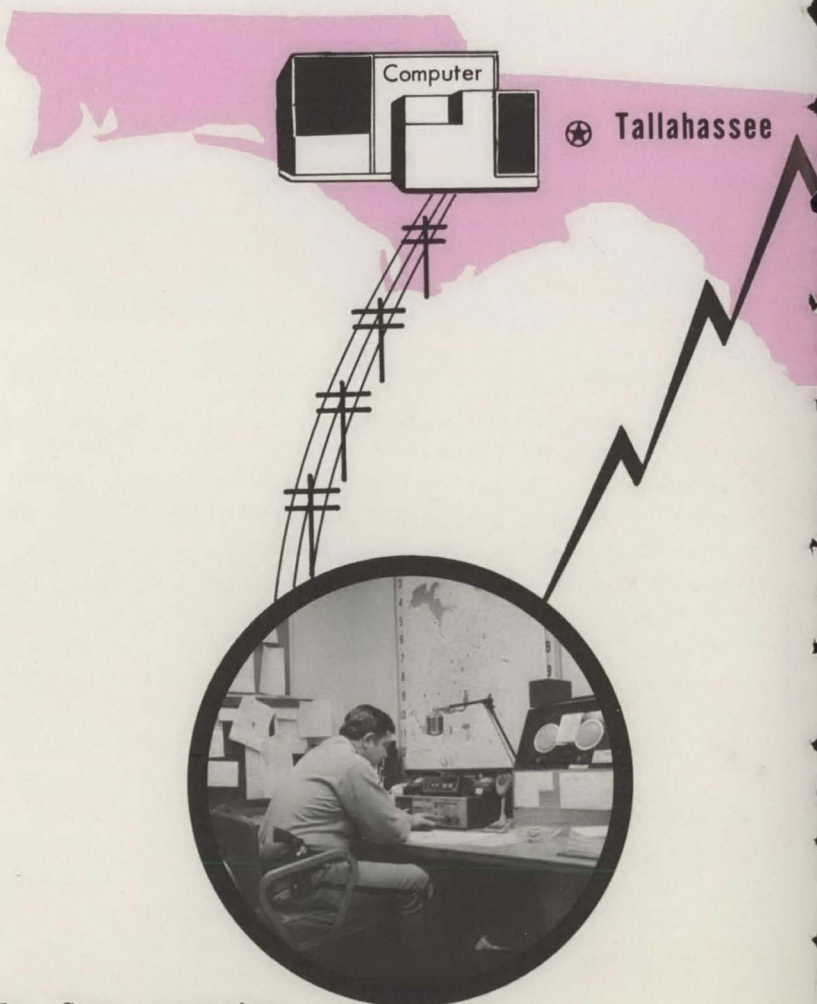
florida speeds crime data flow

By
WILLIAM A. TROELSTRUP
Commissioner
Florida Department of Criminal
Law Enforcement
Tallahassee, Fla.

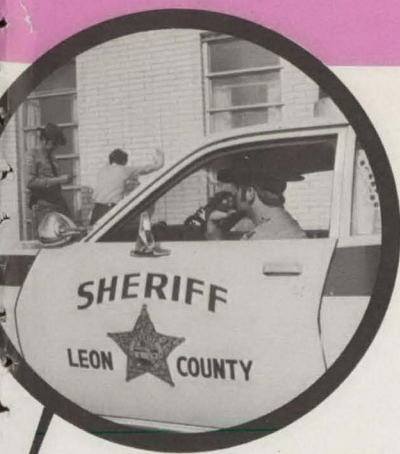


*"We must take the criminal out of circulation.
We must make crime hazardous and very costly.
We must insure that swift and prolonged imprisonment
will inevitably follow each and every offense."*

*—President Gerald R. Ford
September 24, 1974*



*"The State recognizes
its responsibility to protect
lives and property with the
most efficient and advanced
computer capability avail-
able."*



It is axiomatic that the criminal seldom observes geographic boundaries in his activities and even less frequently voluntarily advises law enforcement officers of his past criminal behavior. Thus, it is essential that crime information be available without regard to geographic boundaries and be available where it is required and when it will be most helpful to public officials in discharging their criminal justice responsibilities.

The President of the United States in his address September 24, 1974, before the 81st Annual Conference of the International Association of Chiefs of Police said: "We must take the criminal out of circulation. We must make crime hazardous and very costly. We must insure that swift and prolonged imprisonment will inevitably follow each and every offense." In Florida, we are working toward the President's goals by making information available to those responsible for making the criminal justice system work. We are bending our efforts toward identifying criminals, especially professional criminals and those who have committed serious and significant offenses, and toward making it possible for this information to flow promptly where it is needed in the criminal justice system.

Network Operations

If information concerning crime and criminals is to flow freely, all increments of the systems involved must be technically compatible. Consequently, in establishing a sophisticated computer/communications network to serve all levels of law and justice throughout Florida, we have developed our own criminal history system, in cooperation with the National Crime Information Center (NCIC)

and the Federal Bureau of Investigation. As a result, when we update our criminal history data online, if the information entered is "criteria data," it also feeds the NCIC system in Washington, D.C. Florida is now the first State to have a single fingerprint card system. Law enforcement agencies in the State just send us a card, and they no longer need send one to the FBI Identification Division, too. Naturally, we use the NCIC fingerprint classifications and NCIC Advisory Policy Board regulations on security requirements, although we add to these Florida's own legislative requirements regarding security and privacy to protect individual rights.

Fast movement of information to and from virtually every law enforcement agency in the State results from all of this compatibility. For example, an officer in a patrol car with a mobile digital terminal in Broward County keys in an inquiry. If it can be answered by data in the county's own computer—1 of 10 linked to our system, in addition to some 400 terminals of various types—he gets his print-out in about 3 seconds. But, if the inquiry must move through the county's systems on up to the records at our department's Florida Crime Information Center (FCIC) computers, response time is about 6 seconds. If his inquiry must tap data in the NCIC computer files in Washington, again via our network, total turnaround from the moment he keys in the inquiry until it prints out on his patrol car terminal is some 10 seconds.

In actual practice, a Palm Beach County deputy sheriff was on routine patrol at 3:45 a.m. recently, and his curiosity was aroused by the reaction of a passing motorist and his passenger to the sight of the patrol car.

Using the car's terminal, the officer first made a license tag inquiry, but got a "no hit" response. With sound grounds for continued suspicion, the deputy stopped the vehicle and questioned the occupants, requesting identification. His inquiry on the driver received a "not wanted" response. But seconds after he queried regarding the passenger, he received information that the individual in question was possibly the same person who had escaped from prison in California. The subject was taken into custody, positively identified, and returned to prison.

The value of a communications network is in direct proportion to the amount of use it gets, of course. Florida's lawmakers recognized this when they authorized, in 1967, establishment of a fully funded "system of intrastate communications of vital statistics relating to crime, criminals, and criminal activity." Our network is supported entirely by the State, without Federal funds. *No local agency has to pay for a terminal or for connection to the system.* The State recognizes its responsibility to protect lives and property with the most efficient and advanced computer capability available.

Today we have 383 terminals of various types throughout the State tied directly to our network. These are in more than 200 law enforcement agencies, plus most of the criminal justice agencies. The network is also linked to the computer at the Florida Department of Highway and Motor Vehicles, plus the National Law Enforcement Telecommunications Systems (NLETS) and NCIC networks. Another 26 video display terminals at the department's headquarters in Tallahassee are used for online data update and inquiry. Many more terminals are linked indirectly through the computers in seven Florida counties, like the one in Palm Beach, as described. In 4 of these counties alone,

149 mobile digital terminals are tied to their computers and indirectly to our network. Dade County (Miami area) has another 45 fixed terminals; Palm Beach County has 66 terminals, and so forth.

Files and Data

At the heart of the network, operated by our Division of Criminal Justice Systems, are two computers, one with 240,000 characters of core memory and the other with 210,000. We have two computers because much of our network must be "up" around-the-clock, 7 days a week. Our disk storage totals 1.6 billion characters of information. Stored in the disks and accessible online are integrated files on 40,000 wanted persons, 65,000 stolen vehicles or tags, 60,000 guns or serialized articles, 700,000 criminal history records (of which 150,000 have been established in NCIC), and the parole or probation status of another 50,000 individuals. The communications portion of the network is controlled by two data communication processors.

We now process over 3 million messages a month, route about 400,000 inquiries to the NCIC system and 35,000 messages to the NLETS network. During a recent, typical 30-day period, the network assisted in the apprehension of 615 wanted persons and the recovery of 324 stolen vehicles and 26 guns and articles.

Vitally important to the success of an endeavor like this is the quality of the information available and the speed with which it can be acquired in comprehensive form. Too often in the past, an individual has been arrested in several different jurisdictions, counties, or States and because of the lack of criminal history data—or due to the delay in getting it—the individual has been treated as a first offender. Now, however, if a judge in Florida is considering the release of a defendant, he can access a terminal

and determine if the defendant has an active status—not only elsewhere in Florida, but anywhere in the Nation that also provides information to the NCIC/CCH (Computerized Criminal History) file.

To insure the comprehensiveness of our own data, when Florida converted its manual criminal history files into the NCIC-compatible computerized files, interrelated files on persons, vehicles, and articles were also established. Each of these major categories is divided into several subcategories, with an automatic cross-index to insure that an inquiring agency receives *all* information relating to an event or person.

The first phase of our automation of criminal history data resulted in complete histories, or "rap sheets," being printed by the computer instead of typed by clerical personnel. This not only speeded response, but also reduced errors caused by manual transcribing. The next change took place when participation in Project SEARCH (System for Electronic Analysis and Retrieval of Criminal Histories) established the methodology necessary for us to electronically enter and retrieve criminal history information from the NCIC system. This contributed to Florida's becoming the first State to operate an online computerized system for the interstate—as well as the intrastate—exchange of criminal history files. Since, we have speeded response to users even more by putting criminal history summaries online, so that a summary of any offender's past criminal activity—both from our records and NCIC records—is printed at the inquiring terminal within seconds. And we can print the full rap sheet here and get it in the mail so the inquiring agency has it within 48 hours.

Florida has also expedited processing of fingerprint cards by placing them in a microfilm disc file, and the complete criminal history is placed in

computer storage. Now when a subject is booked, an operator at one of several video display terminals keys in his name and a code for his fingerprint characteristics. The computer displays up to five names on the video terminal, in descending order of likelihood of persons possibly identical with the arrested person and listing the microfilm roll and frame numbers, where details of their records are found. The search then moves to the operator of a microfilm reader who averages about 25 identifications per hour compared with about 6 with our old manual system. Fully 99 percent of the criminal history records are accurately retrieved using this method. However, the print classification search is always available and remains as a backup to the name search, or is utilized when a more exhaustive check of the files is required.

In addition, because of our internally programed computer name-search techniques, during the routine processing of fingerprint cards a name will often be flagged, indicating a subject is wanted by some other agency in this State, by some other State, or by a Federal agency. Even subjects who have changed their identification are not safe, as the search has more than once revealed that what appeared to be two or three different persons was in reality the same one. This, again, is the result of the integration of information, both within our system and with the NCIC system.

Not long ago a police officer responded to an "auto theft in progress" call at a Florida hospital parking lot. When the officer arrived, he discovered a suspect being held by a security guard. The officer entered the identifying information about the suspect and within seconds received a response indicating that the suspect was wanted for sale of heroin and violation of probation, and that if arrested he was not eligible for bail.

It turned out that these offenses had occurred in different law enforcement jurisdictions and in dissimilar criminal justice agencies. Yet all were brought together and made readily available to the man on patrol—the man who needs it most. Again, this was possible because a central repository had been established; it was compatible with data in another central repository; and the related communications systems permitted rapid transmission of the inquiry and receipt of the data in the patrol car.

Additional System Functions

However, the usefulness of this system does not end here, since subsequent communications between the arresting agency and the agencies entering the wanted information were carried back and forth by the network. And, once jurisdictional authority was established, the criminal history was updated and ready to provide a complete record to any segment of the criminal justice system having subsequent contact with the offender.

Not all queries to the criminal history file are via terminals. Identifications of the badly decomposed or the battered remains of deceased persons can be achieved through the system. Recently, a decomposed body was found alongside a railroad track in northern Florida after it had been considerably decimated by a train and few identifying features remained. With the cooperation of the local sheriff's office, we were able to reconstruct fingerprints. Since these fingerprints were in our files due to a previous arrest for a minor offense, identification was almost immediate.

Florida has also expanded the functions of the network into the fields of criminalistics, research, and statistics. For example, by utilizing the computers to store a broad index of information and analyze a large volume of technical or investigative

data, the Florida Crime Information Center has been able to rapidly identify unknown substances. Typically, readings from an X-ray defraction analyzer are fed into the computer, and the system compares these with stored tables of values and prints out its determination of what the material or substance is. Similarly, the system has helped establish categories and origins of drugs and has also implemented a detailed case-tracking system for the crime laboratory. The computers have been used also to digest large amounts of data and pinpoint certain linkups or trends that are occurring within the criminal population of the State.

Further, the data base is being used to provide area or statewide operational support information. Initial research is underway to expand offenders' statistics developed from the computerized criminal histories, which will provide statistical data for the entire criminal justice process. Also in a developmental stage is daily, on-line collection of Uniform Crime Reporting data to ease the chronic reporting problems at local law enforcement agencies, which will enable us to collect more comprehensive information and permit more timely analysis of statewide criminal activity.

Conclusion

Florida is, we are told, the first State to establish a criminal information system completely compatible with the NCIC system, although others are soon to implement theirs. Already, our system has been of significant value to law enforcement and judicial agencies in the State of Florida and elsewhere.

When the other States establish identical NCIC-compatible systems—which will therefore be compatible with ours, too—the benefits will be greatly increased for each of us. This national network of NCIC-compatible



Each dot on this map of Florida represents either a terminal or computer—about 400 of them—linked to the criminal justice information system of the Florida Department of Criminal Law Enforcement.



A wide-angle camera lens provides a panoramic view of the computer heart of the system's headquarters in Tallahassee.

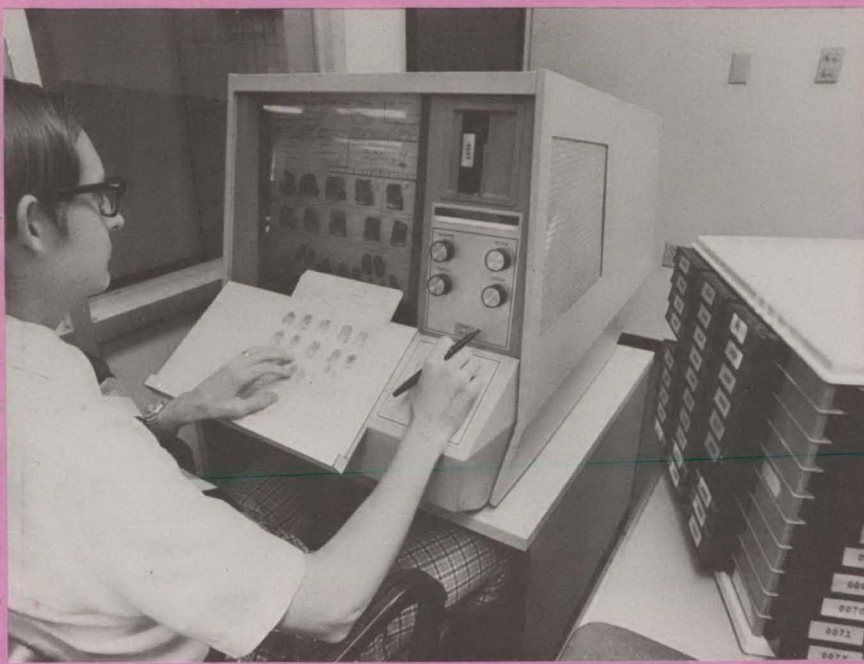


Incoming arrest and disposition information is added to the system's criminal history data through the video display terminals shown above, while pictured below is one of several banks of disk memory units in which criminal history and other information is stored.



Video display terminal operators search incoming fingerprint cards for matching record by keying-in the subject's name and a coded classification for the fingerprints.

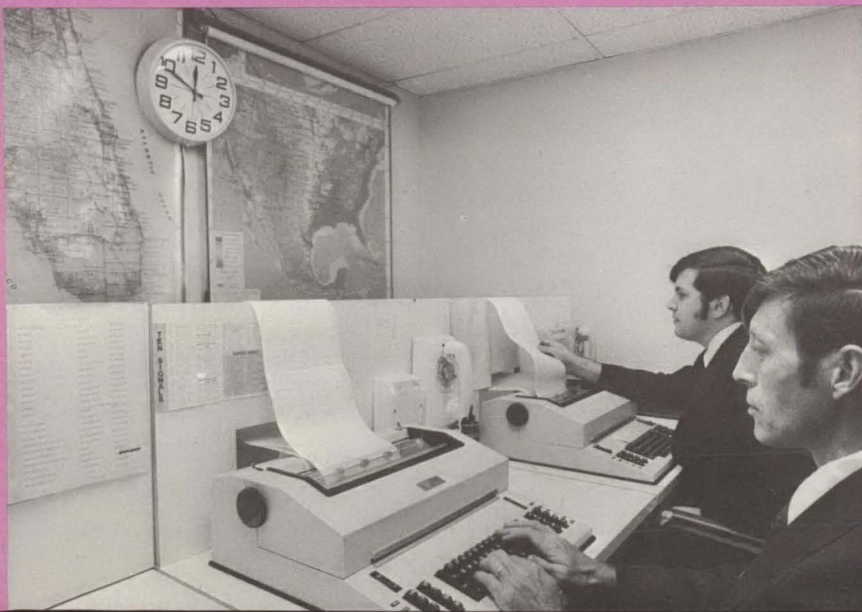
FBI Law Enforcement Bulletin



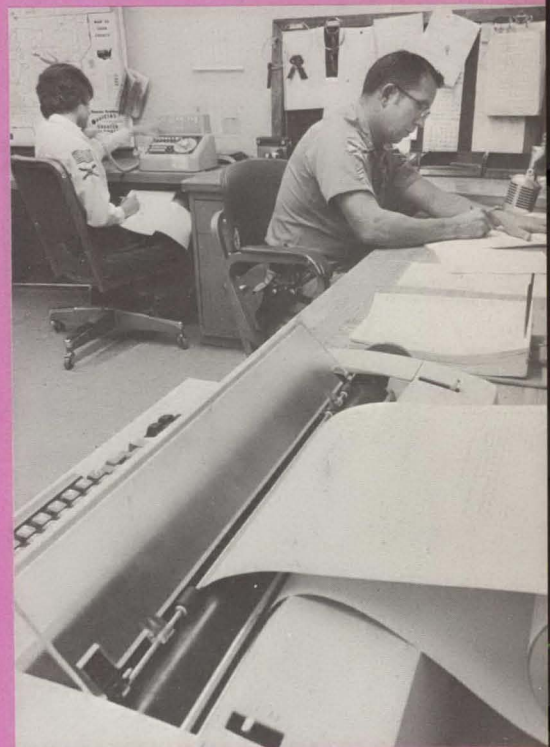
Newly received fingerprint card is matched with prior record (on screen) by microfilm reader operator.

"Florida has also expanded the functions of the network into the fields of criminalistics, research, and statistics."

Equipment performance and message procedures throughout the network are monitored constantly by operators at system headquarters.



The communications equipment (pictured below) of the Leon County Sheriff's Office includes a high-speed teleprinter terminal (foreground) linking it with the system's master computer and its network of law enforcement agencies throughout the State.



systems will do much to help meet the President's goals of taking "the criminal out of circulation" and making "crime hazardous" by making information concerning crime and criminals available when it is needed and where it is needed. We in Florida believe our system is worthy of emulation by others.

FBI

Introducing the 71st Attorney General

On February 7, 1975, the Honorable Edward Hirsch Levi became the 71st Attorney General of the United States. He succeeds the Honorable William Bart Saxbe who has been confirmed as U.S. Ambassador to India.

Mr. Levi comes to his new position from a rich and distinguished career of both public and private accomplishments. Most recently, he was president

The Honorable Edward Hirsch Levi



of The University of Chicago. Before becoming president, on November 14, 1968, Mr. Levi had been provost of the university since 1962.

He was born on June 26, 1911, in Chicago. He received his Ph. B. degree in 1932 and his J.D. degree in 1935 from The University of Chicago. In 1935-36, he was a Sterling fellow at Yale University, where he received his J.S.D. degree in 1938. He was admitted to the Illinois bar in 1936.

He joined The University of Chicago faculty in 1936 as an assistant professor of law. From 1940 to 1945, he was on leave from the university while he served as a special assistant to the Attorney General of the United States.

Except for about 8 months, when he served as first assistant in the newly created War Division, Mr. Levi's Department of Justice service was in the Antitrust Division. Besides heading the Consent Decree Section for a time, in 1944-45 he served as first assistant to the Antitrust Division, generally supervising the work of the division. He was also chairman of the Interdepartmental Committee on Monopolies and Cartels in 1944.

Mr. Levi rejoined The University of Chicago Law School faculty in the autumn of 1945 as a professor of law. In 1950, he was appointed dean of the law school and held this post until he became provost of the university in 1962.

In 1965, while he was provost, Mr. Levi was also named acting dean of the college of the university. Shortly afterward, he directed a study which led to the reorganization of the college curriculum into five collegiate divisions.

In addition to his academic and administrative careers, Mr. Levi has been involved in many public and professional activities. In 1945, he acted as counsel for the Federation of Atomic

Scientists on the Atomic Energy Act of 1946. Also, he served then as counsel, by appointment by the U.S. Supreme Court, in two cases involving Illinois postconviction procedures. These cases led in part to the revision of the State's postconviction procedures. In 1950, he became counsel to the Subcommittee on Monopoly Power of the U.S. House Judiciary Committee, and he conducted its hearings on the steel and newsprint industries.

Mr. Levi began his legal writing in the fields of bankruptcy and reorganization and of Federal procedure. His later writings deal with trade regulations, law and economics, jurisprudence, and legal education. Mr. Levi has authored numerous books and articles.

In 1969, he gave the 25th annual Benjamin N. Cardozo Lecture of the Association of the Bar of the City of New York, "The Crisis in the Nature of Law." In 1973, he delivered the John Randolph Tucker Lecture at Washington and Lee University, "The Collective Morality of a Maturing Society."

Mr. Levi is a member of various professional and honorary organizations, including the American Academy of Arts and Sciences, the Council of the American Law Institute, and the Social Science Research Council. He is a fellow of the American Bar Foundation.

In 1964, he was a member of the White House Central Group on Domestic Affairs, and in 1966-67, he was a member of the White House Task Force on Education. In 1969-70, he was a member of the President's Task Force on Priorities in Higher Education. He is a member of the National Commission of Productivity.

Mr. Levi is an honorary trustee of the Institute of International Education and a trustee of the International Legal Center, the Urban Institute, the Russell Sage

Foundation, the Aspen Institute for Humanistic Studies. He was chairman and a member of the Council on Legal Education for Professional Responsibility.

He was a member of the Research Advisory Board of the Committee for Economic Development, a director of the American Bar Foundation, a director of the National College of State Trial Judges, a member of the Citizens Commission on Graduate Medical Education, the Sloan Commission on Cable Communication, the Committee on the Professional School and World Affairs, and the Commission on Foundations and Private Philanthropy. He was an associate editor of the *Natural Law Forum* and is currently a member of the editorial board of the *American Journal of Jurisprudence*.

Mr. Levi was named the 1970 Chicagoan of the Year in Education by the Chicago Junior Association of Commerce and Industry and received the Distinguished Service Medal for 1970 of the Phi Beta Kappa Association in the Chicago area. In 1973, he was nominated as an officer in the French Legion of Honor. This past year, he became a member of the National Council on the Humanities.

He has received honorary L.H.D. degrees from Hebrew Union College, Loyola University, and De Paul University, and honorary LL.D. degrees from the University of Michigan, University of California at Santa Cruz, University of Iowa, Jewish Theological Seminary of America, Brandeis University, Lake Forest College, University of Rochester, the University of Toronto, Yale University, Denison University, and University of Notre Dame, and a Certificate of Honor from the University of California at Berkeley.

Mr. Levi and his wife, Kate Sulzberger Hecht, have three sons, John, David, and Michael.

An Overview of the Emergency Search Doctrine

By

ROBERT F. PETERSON

Special Agent

**Federal Bureau of Investigation
Washington, D.C.**

In *State v. Hardin*,¹ the police were summoned to investigate a homicide in Room 83 of a North Las Vegas hotel. They found a blood-drenched corpse, its throat cut and multiple stab wounds in its chest. The police, as a part of the ensuing investigation, contacted occupants of adjoining rooms for information about the murder. The respondent was seen earlier entering Room 82, but he did not answer to the officers' knock. Believing interview of the respondent was essential since his room was nearest the death scene, the police opened his door with the hotel manager's passkey.

"The key to Room 83 lay on the floor in plain view. Wearing a blood-stained shirt, respondent was on the bed, staring up at the officers. When they ordered him to his feet, a knife later identified as the death weapon fell to the floor. Key and knife were blood stained. The officers placed respondent under arrest and, in the ensuing search, found the victim's wallet on his person."²

The trial court, in ordering these items of evidence suppressed, stated that the record "is devoid of facts which might justify the officers' initial entry of Room 82."³

This warrantless entry and the subsequent activities of the police were, however, upheld by the Supreme Court of Nevada which considered the case "in light of authorities decided under the so-called 'emergency doctrine' exception to the Fourth Amendment's warrant requirement."⁴

The "emergency" found by the *Hardin* court was the fact a murderer was at large. Because of the violent nature of the crime under investigation, the factual situation justified fears that the "perpetrator constituted 'a substantial threat of imminent danger'" to life.⁵ Consequently, the action of the officers in opening the respondent's room was "both reasonably directed toward and confined to the officers' legitimate, nonexploratory, emergency purpose. In our view, therefore, this conduct did not constitute an 'unreasonable search' in the constitutional dimension."⁶

The "emergency exception" illustrated by *Hardin* has been repeatedly applied by lower courts to a myriad of factual situations involving searches and seizures but is not de-

fined in terms which permit anticipation in advance of its use. The facts confronting the officer at the critical time must constitute an emergency and thus justify the exception. The usual practice has been for courts to consider application of the exception in the individual factual context of each case as was done in *Hardin*.⁷

The basic proposition is, of course, that warrantless searches "are *per se* unreasonable under the Fourth Amendment—subject only to a few specifically established and well-delineated exceptions."⁸

The "Emergency Doctrine"

Excluding searches by consent, it would appear that exceptions to the warrant requirement⁹ are recognition by the courts that exigent circumstances often require prompt police action. The search incident to a lawful arrest exception¹⁰ requires immediate action to prevent harm to the arresting officer and destruction of incriminating evidence within the arrestee's reach. Likewise, urgent and responsive action is required where "hot pursuit" or destruction or removal of evidence exceptions are involved.¹¹ The "emergency doctrine" which has evolved as an exception to the warrant requirement considered here relates solely to situations involving saving life, preserving property, rendering first aid, or initiating an inquiry into an unsolved crime during which the police in response to the particular sit-

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.

uation discover incriminating evidence.

The doctrine has been summarized by one commentator as follows:

"Law enforcement officers may enter private premises without either an arrest or a search warrant to preserve life or property, to render first aid and assistance, or to conduct a general inquiry into an unsolved crime, provided they have reasonable grounds to believe that there is an urgent need for such assistance and protective action, or to promptly launch a criminal investigation involving a substantial threat of imminent danger to either life, health, or property, and provided, further, that they do not enter with an accompanying intent to either arrest or search. If, while on the premises, they inadvertently discover incriminating evidence in plain view, or as a result of some activity on their part that bears a material relevance to the initial purpose for their entry, they may lawfully seize it without a warrant."¹²

This right of the police to enter a constitutionally protected area and investigate without an accompanying intent to either search or arrest is inherent in the very nature of their duties and derives from the common law.¹³

In spite of the concept that police have this "right," since the emergency doctrine is an exception to the warrant requirement, those who seek to invoke it have the burden of proof that the course of conduct pursued by the police fell within the exception.¹⁴ Furthermore, the reasonableness of the officers' belief justifying the intrusion is measured against an objective standard: "[W]ould the facts available to the officer at the moment of the seizure or the search 'warrant a man of reasonable caution in the belief' that the action taken was appropriate?"¹⁵

Thus, to invoke the exception, there must reasonably appear to be an emer-

gency during the course of which incriminating evidence is discovered and the discovery results from police action relating to the purpose of the intrusion. The officers' presence in a constitutionally protected area is legally justified because of the emergency presented and the seizure is legally valid since it relates to the justification for the entry.¹⁶

The utility of the exception to both the public and law enforcement is described in a frequently cited passage of a circuit court of appeals opinion by Chief Justice Burger before his appointment to the Supreme Court in *Wayne v. United States*.¹⁷ "But a warrant is not required to break down a door to enter a burning home to rescue occupants or extinguish a fire, to prevent a shooting or to bring emergency aid to an injured person. The need to protect or preserve life or avoid serious injury is justification for what would be otherwise illegal absent an exigency or emergency. Fires or dead bodies are reported to police by cranks where no fires or bodies are to be found. Acting in response to reports of 'dead bodies,' the police may find the 'bodies' to be common drunks, diabetics in shock, or distressed cardiac patients. But the business of policemen and firemen is to act, not to speculate or meditate on whether the report is correct. People could well die in emergencies if police tried to act with the calm deliberation associated with the judicial process. Even the apparently dead often are saved by swift police response. A myriad of circumstances could fall within the terms 'exigent circumstances' . . . smoke coming out a window or under a door, the sound of gunfire in a house, threats from the inside to shoot through the door at police, reasonable grounds to believe an injured or seriously ill person is being held within."

The myriad of circumstances referred to in the above quotation of

Justice Burger are, indeed, diverse. They range from entry onto private premises in response to a call that the caller was being threatened with a knife and the responding officers were assaulted when they continued to search the premises despite the occupants' assurances everything was "all right"¹⁸ to search of locked briefcases of an individual undergoing a physical seizure found in a disabled vehicle to determine the nature of his illness and his identity.¹⁹ The doctrine has been applied to a missing person,²⁰ moans and groans emanating from an apartment indicating a person in distress,²¹ loud screams in the dead of night,²² and a homicidal killer on the loose.²³

Limitations

Although there is no lack of authority for application of the exception, the courts have, in some reported cases, refused to sustain a warrantless entry on this reasoning.

In one case,²⁴ a police officer was confronted with a child who had been found left alone by the landlady who initially cared for the child but could not continue to assume responsibility for the child and called the police. The police officer decided to determine if the child's mother had returned home by knocking on the apartment door and announcing his identification. Upon receiving no response, the officer directed the landlady to open the door and subsequently entered each room of the apartment. In the bedroom he found marihuana. The court refused to extend the exception to include "necessity" which the prosecution claimed arose when the officer was confronted with what to do with the child left alone by her mother. The court with reference to the emergency doctrine said, ". . . in the absence of a showing of true necessity—that is, an imminent and substantial threat to life,

health, or property—the constitutionally guaranteed right to privacy must prevail.”²⁵

Even if the emergency doctrine justifies the initial warrantless entry, it may not sustain a subsequent search and seizure. Such was the case in *United States v. Goldenstein*²⁶ where police officers were summoned to a hotel because of a fight. A gunshot victim was found lying on the floor, and the defendant, registered at the hotel, was last observed apparently wounded going up the stairs with a gun in his hand. The officer went to the defendant's room and, receiving no response to his knock, had the hotel clerk open the door. The room was thoroughly searched but the defendant was not present. The court found the intrusion valid to this point for the purpose of rendering first aid and possible interrogation of the defendant concerning the fight. However, the subsequent warrantless search in which the incriminating evidence was found concealed in a suitcase could not be supported under the doctrine since the reason for the initial intrusion, to locate the defendant, had been resolved.²⁷

Another limitation to the doctrine appears in those cases where it cannot be established that the police at the time of entry in fact believed, or had reasonable cause to believe, that an emergency existed. For example, in *Root v. Gauper*,²⁸ the police learned of a shooting through an ambulance operator. The shooting victim had called a telephone operator stating his wife had shot him and requested an ambulance. The police were aware the victim had been removed from his home and was en route to the hospital prior to their arrival at the victim's residence. The first police officer on the scene, a town marshal, did not immediately enter the residence but awaited the arrival of the sheriff. The two then entered the home and conducted a warrantless search,

seizing some evidentiary items and photographing the crime scene. As one basis to justify the search and seizure the State argued the police action came within the emergency doctrine. The court rejected this contention since the information available to the police—knowledge the victim was en route to the hospital and no other persons were in need of aid—and because their actions—delay in entering the house upon arrival and arrival at the scene with camera equipment—were not consistent with a belief that an emergency existed but suggested the officers' purpose was to enter the house to obtain evidence relating to the crime.

The Supreme Court's decision in *Coolidge v. New Hampshire*²⁹ also had a restricting effect on the emergency search doctrine. Concerning this decision, one observer noted: "Although it is difficult to predict the ultimate influence of *Coolidge* on the law of search and seizure, its impact upon the emergency exception, by severely limiting warrantless seizures under plain view to those objects inadvertently discovered after lawful entry, should prove to be rather substantial. The effect of this will be to restrict the scope of official presence to the immediate area of the emergency and to restrain peace officers from wandering about a home in anticipation of discovering evidence of crime. Thus, *Coolidge* should prove to be a limitation upon the critical element of lawful presence, the existence of which is an indispensable prerequisite of the emergency doctrine exception."³⁰

Conclusion

The preservation of human life is paramount to any other rights which an individual may possess, and the emergency exception is but simple recognition of this fact. It permits the police officer to react immediately by

entry into a constitutionally protected area in response to the untold emergencies which constitute a part of the daily police function. But in situations where response to what appears to be an emergency results in discovery of incriminating evidence, the motives and actions of the officer will be subject to scrutiny. The factual situation illustrated to the court will determine if an emergency existed and whether the officers' actions were reasonable. The court's determination of these criteria will dictate whether a search and seizure fell within the exception or were beyond the permissible bounds thus far enunciated by the courts.

FOOTNOTES

¹ 518 P. 2d 151 (1974).

² *Ibid.* at 152.

³ *Ibid.*

⁴ *Ibid.* at 153.

⁵ *Ibid.* at 154.

⁶ *Ibid.*

⁷ See, for example, the language of *Root v. Gauper*, 438 F. 2d 361 (8th Cir. 1971) at 364.

⁸ *Katz v. United States*, 389 U.S. 347, 357 (1967).

⁹ See *Vale v. Louisiana*, 399 U.S. 30, 35 (1970); *United States v. Goldenstein*, 456 F. 2d 1006, 1009 (8th Cir. 1972), for listing of exceptions.

¹⁰ *Chimel v. California*, 395 U.S. 752, 763 (1969); *Coolidge v. New Hampshire*, 403 U.S. 443, 478 (1971).

¹¹ *Vale v. Louisiana*, 399 U.S. 30, 35 (1970); *Warden v. Hayden*, 387 U.S. 294, 298-299 (1967); *Carroll v. United States*, 267 U.S. 132, 153 (1925).

¹² E. Mascolo, "The Emergency Doctrine Exception to the Warrant Requirement Under the Fourth Amendment," 22 *Buff. L. Rev.* 419, 426-427 (1973).

¹³ *United States v. Barone*, 330 F. 2d 543, 545 (2d Cir. 1964).

¹⁴ *McDonald v. United States*, 335 U.S. 451, 456 (1948).

¹⁵ *Terry v. Ohio*, 392 U.S. 1, 21-22 (1968).

¹⁶ E. Mascolo, *supra* footnote 12 at 427.

¹⁷ 318 F. 2d 205, 212 (1963).

¹⁸ *State v. Sainz*, 501 P. 2d 1199 (1972).

¹⁹ *United States v. Dunavan*, 485 F. 2d 201 (6th Cir. 1973).

²⁰ *People v. Brooks*, 289 N.E. 2d 207 (1972).

²¹ *People v. Roberts*, 303 P. 2d 721 (1956).

²² *United States v. Barone*, 330 F. 2d 543 (2d Cir. 1964).

²³ *State v. Hardin*, *supra* footnote 1.

²⁴ *People v. Smith*, 496 P. 2d 1261 (Calif. 1972).

²⁵ *Ibid.* at 1263.

²⁶ 456 F. 2d 1006 (8th Cir. 1972).

²⁷ The Court in holding no exception applicable to the warrantless search and seizure, limited the permissible scope of the search under the emergency exception to that of an incidental search, i.e., not beyond the person of the arrestee and the area within his immediate reach. [*Chimel v. California*, 395 U.S. 752 (1969).]

²⁸ 438 F. 2d 361 (8th Cir. 1971).

²⁹ 403 U.S. 443 (1971).

³⁰ E. Mascolo, *supra* footnote 12 at 424-425.

(FBI)

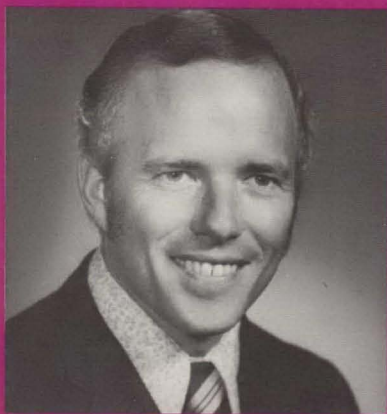
Trial Aids and the Role of the Forensic Odontologist

"The forensic odontologist is concerned with the subject of identification based on dental evidence."

By

DR. NORMAN D. SPERBER

Forensic Dentist
San Diego County
Coroner's Office
San Diego, Calif.



The forensic odontologist is a dentist specially trained in the collection and handling of dental evidence and the presentation of such findings in a court of law. The forensic odontologist is concerned with the subject of identification based on dental evidence.

Two Case Histories

- A report by a young boy who noted a disagreeable odor beneath a house brought San Diego police patrol units to investigate. An officer determined that a human body was present, and homicide detectives were dispatched to the area. Upon removing floorboards, they discovered the badly decomposed body of a white female.

Before logical investigation can begin to develop a homicide suspect, the identity of the deceased must be determined. Missing persons reports for 1973 that seemed to correspond with the deceased were checked, and only one lead in particular seemed close, but not promising. The missing persons report listed a 15-year-old female Caucasian who had been missing for 2 weeks. Dental X-ray films were obtained from this individual's private dentist. Since the skull and mandible were almost skeletonized, suggesting an indeterminate time of death, the San Diego County Coro-

ner's Office was most skeptical that the deceased and the missing person were one and the same.

A routine examination of the deceased was undertaken. Intraoral dental films and color photographs were taken and the former compared with the films of the missing person. A positive comparison was made by the author and reported to the homicide division of the San Diego Police Department and to the assistant coroner.

Subsequently, a suspect surrendered and confessed. The author testified before the grand jury as to the positive identification of the victim. In preparing for the trial, photographic enlargements were made of the small dental films and mounted on a large display board suitable for diagrammatic presentation in court as an exhibit. To prepare this item, we sought the expertise of the technical services division of the Bureau of Investigations, San Diego County District Attorney's Office. The display shown in figure A was the result. The suspect was subsequently convicted of murder and imprisoned.

- During the summer of 1973, the nude body of a Caucasian woman was found floating in a lake in San Diego County. Fingerprints of the woman were submitted through the usual channels to no avail. Following the autopsy, an article describing the

FORENSIC DENTAL COMPARISON



FIG. 1 (KNOWN)
UPPER LEFT FIRST MOLAR (14)

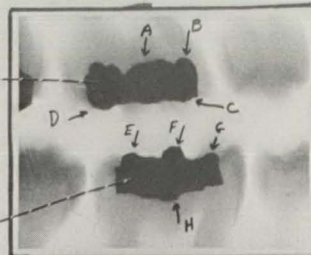


FIG. 2 (UNKNOWN)
a. UPPER LEFT FIRST MOLAR (14)
b. LOWER LEFT FIRST MOLAR (19)

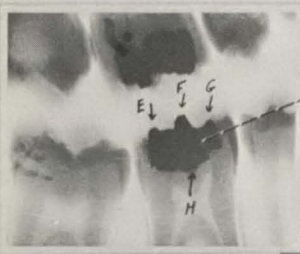


FIG. 3 (KNOWN)
LOWER LEFT FIRST MOLAR (19)

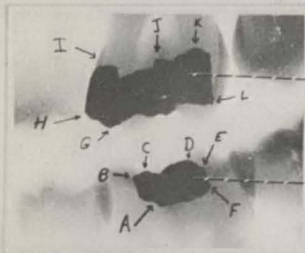


FIG. 4 (KNOWN)
a. UPPER RIGHT FIRST MOLAR (3)
b. LOWER RIGHT FIRST MOLAR (30)

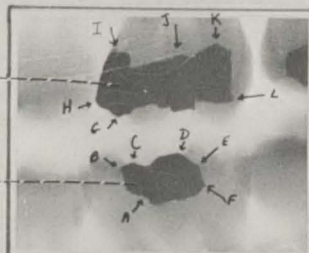


FIG. 5 (UNKNOWN)
a. UPPER RIGHT FIRST MOLAR (3)
b. LOWER RIGHT FIRST MOLAR (30)

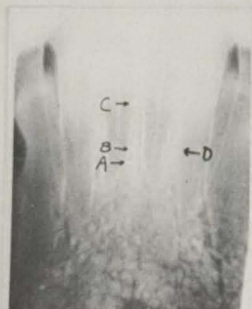


FIG. 6 (KNOWN)
a. LOWER LEFT CENTER INCISOR (24)
b. LOWER RIGHT CENTER INCISOR (25)
(BONE PATTERNS)

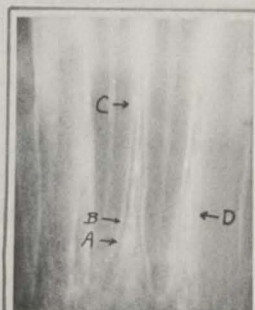


FIG. 7 (UNKNOWN)
a. LOWER LEFT CENTER INCISOR (24)
b. LOWER RIGHT CENTER INCISOR (25)
(BONE PATTERNS)

Figure A. Diagrammatic presentation for use as a courtroom exhibit.

deceased was published in a local newspaper. Investigation by the San Diego County Sheriff's Department's homicide division led to a local dentist who had treated the patient almost 20 years earlier. Fortunately, he had retained her dental records. The condition of her mouth had changed appreciably. It was possible through numerous points of comparison, however, to establish positive identification (see figure B) and this fact was furnished to the homicide division. (It should be noted that even if numerous teeth are missing, valid comparisons often can be made of the bony architecture of the jaws.) A warrant was issued for a suspect. Several months later, he was arrested, convicted of murder, and sent to prison.

Discussion

Trial aids are frequently used in judicial proceedings. Firearms identification and fingerprint photographs and diagrams are often used as courtroom exhibits. Forensic odontology (a division of forensic dentistry) as an acceptable evidence examination-comparison specialty should be prepared to provide a like presentation.

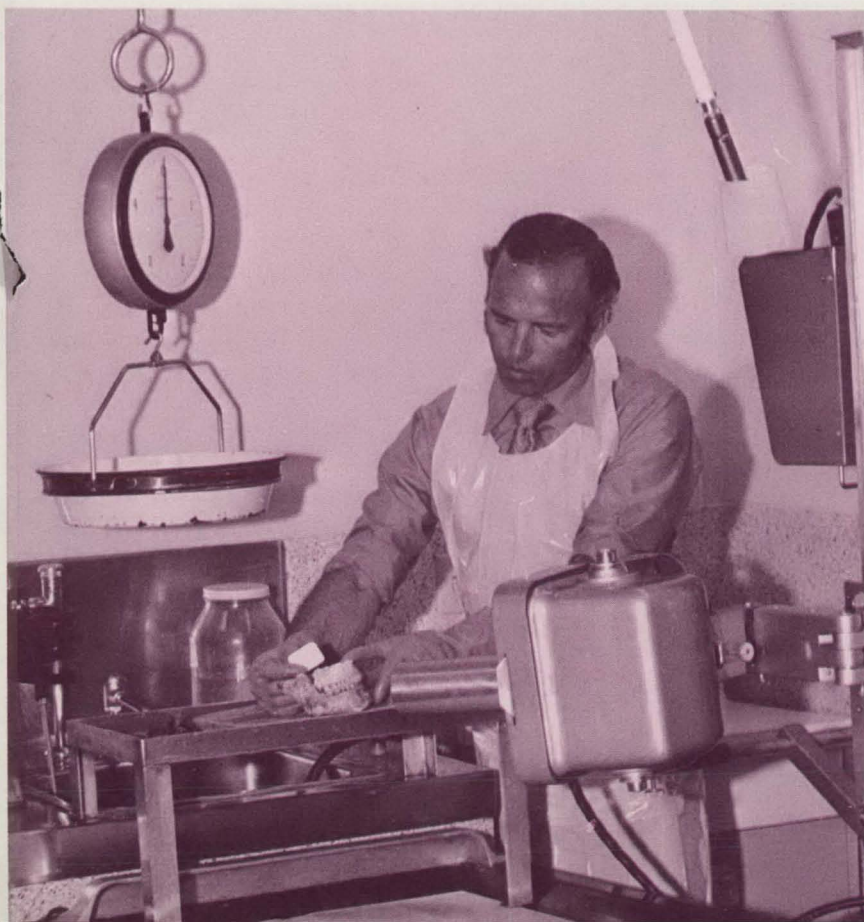
The role of forensic odontology (dental examining, recording and presenting evidence) is obvious to law enforcement personnel and other investigators involved in the identification of individuals. Identification of humans through fingerprint comparison is a recognized and accepted method throughout the world. But what of the deceased who cannot be identified through fingerprints, facial characteristics, tattoos, skin color, or hair type due to the body being badly decomposed, burned, or in a mutilated condition? The oral structures then become the only means by which a binding legal identification can be attained.

FORENSIC DENTAL COMPARISON CHART



Figure B. Points of comparison establishing the positive identification of a murder victim.

Figure D. A mobile X-ray unit is utilized to take dental films for determination of identification.



“Dental identification determinations are commonly based on dental X-ray films taken of the victim under supervision of the forensic odontologist.”

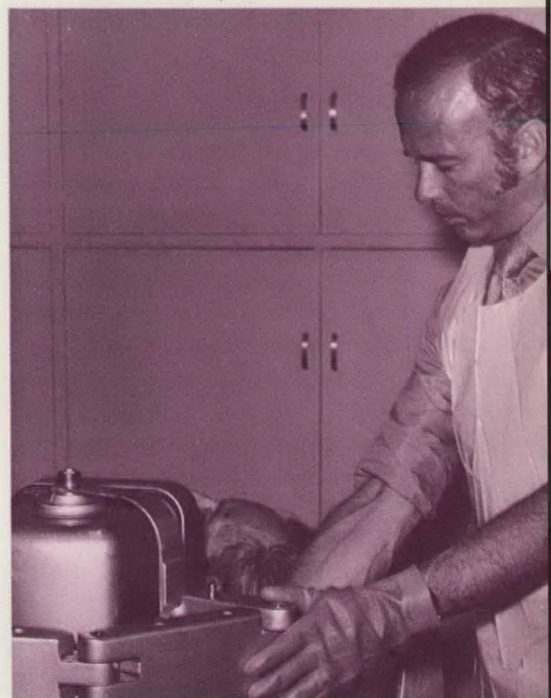


Figure C. Dental X-ray films of a deceased are taken with a mobile unit at the coroner's facility.

Standard Procedure

In San Diego County, agents of the sheriff's department, police department, and district attorney's office supply leads to the coroner's office for identification processing of the deceased. Dental identification determinations are commonly based on dental X-ray films taken of the victim under supervision of the forensic odontologist. They are made with a mobile X-ray unit at the coroner's facility (figures C and D) and compared with the dental films submitted by the investigators which are possibly those of the victim.

“... an experienced, well-trained forensic odontologist should be prepared to demonstrate his science to the judge and jury just as does the firearms, fingerprint, or handwriting expert witness.”

Through the technical assistance of supervising and technical investigators of the district attorney's office, photographic enlargements of the small dental films are mounted and marked similar to fingerprint court exhibits. The acceptance of this procedure appears to be most appropriate since it reduces tedious and voluminous courtroom testimony and cumbersome projection techniques. The entire exhibit can be left in court and reviewed by the jury, if necessary, without further explanation by the

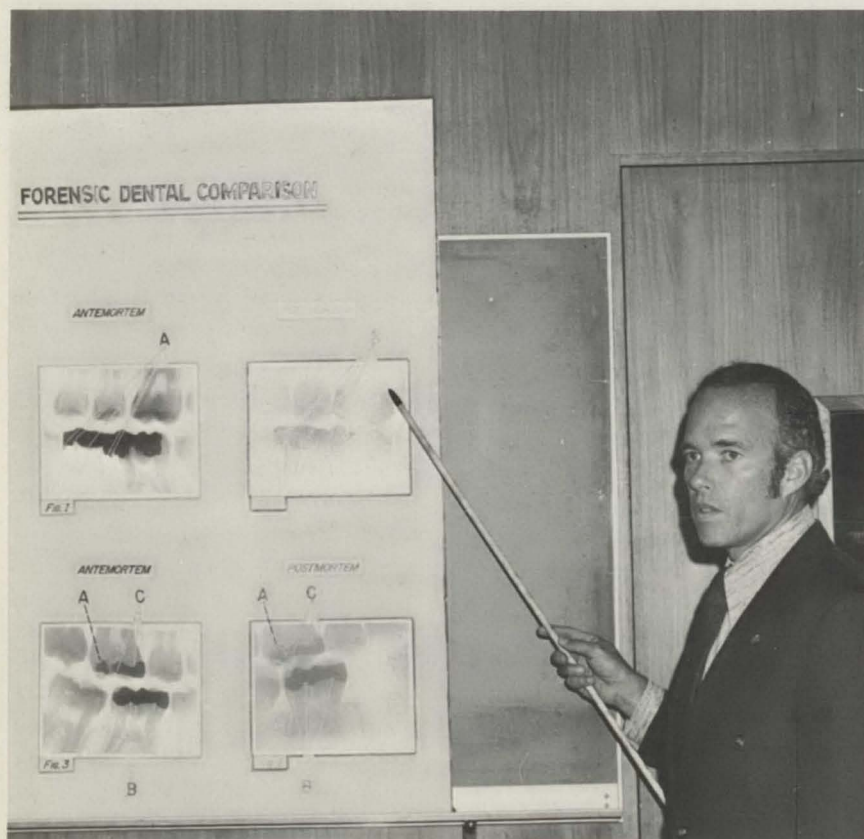
forensic odontologist once he has made his initial presentation in court (figure E).

Summary

Thus, it is apparent that an experienced, well-trained forensic odontologist should be prepared to demonstrate his science to the judge and jury just as does the firearms, fingerprint, or handwriting expert witness. The importance of dental film enlargement cannot be overemphasized.

This article demonstrates the close cooperation and professionalism that exists between the various law enforcement agencies, the coroner's office, and the district attorney's office in San Diego County. Further, it demonstrates a trial technique that may be useful in other jurisdictional areas. FBI

Figure E. After an exhibit is presented, it can remain in the courtroom for review by the jury.



APB-Relay to local agencies
Law Enforcement Officers Killed
Summary, Jan-Dec-1974. Figures
updated on oversight for Mar 74
Figures used, Authority-R.D. Conger, 489

LAW ENFORCEMENT OFFICERS KILLED

During 1974, 132 local, county, State, and Federal law enforcement officers were killed due to criminal action—2 less than the year before.

According to information collected through the FBI's Uniform Crime Reporting Program, 13 law enforcement officers were killed in December 1974, as compared to 11 officers slain in December 1973.

During 1974, 57 officers were killed in the Southern States, 37 in the North Central States, 20 in the Western States, 14 in the Northeastern States, and 4 in Puerto Rico.

Twenty-nine officers were slain handling disturbance incidents, 28 while attempting arrests for crimes other than robbery or burglary, 25 in connection with robbery matters, 12 while investigating suspicious persons, 11 while making traffic stops, 10 while handling prisoners, 9 in unprovoked or premeditated ambush-type attacks, and 8 in connection with burglary matters.

All but four of the officers were killed by firearms. Handguns were used in 95 of the killings.

Balancing Ideology With Reality

The 99th Session of the FBI National Academy was graduated at Quantico, Va., on December 5, 1974, after the speakers called for rededication to the basic principles of responsible law enforcement. Bradley L. Gates, Sheriff-Coroner, Orange County, Calif., was the class spokesman, and the main address was given by H. Stuart Knight, Director of the U.S. Secret Service.

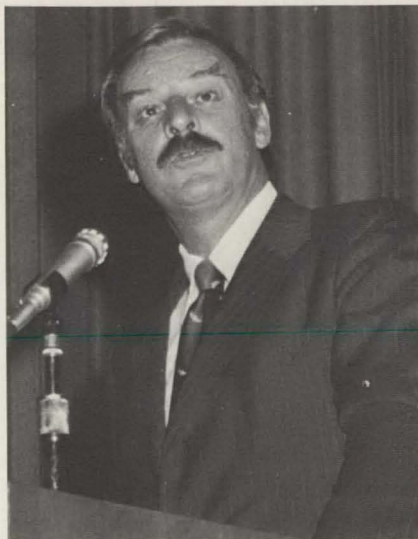
Sheriff-Coroner Gates expressed his admiration for the National Academy staff and facilities, as well as for his fellow 249 graduates, assembled with their families, friends, and associates. He said that "the greatest value of the Academy is our association and interaction with each other"—a cross-pollination-like process of international dimensions in the encouraging atmosphere of scholarly instruction. Sheriff-Coroner Gates

summed up by saying he was certain his class, representing 49 States, the U.S. Virgin Islands, and the District of Columbia, as well as 7 foreign countries, would make a significant contribution to the advancement of law enforcement.

FBI Director Clarence M. Kelley then introduced the guest speaker, H. Stuart Knight, who spoke on what he considered a major obstacle to the law enforcement profession—establishing its credibility and integrity. Mr. Knight extolled the principles of integrity, loyalty, dedication, honesty, and professionalism as virtues in law enforcement personnel.

"We must conduct ourselves . . . [in a manner that will] earn the respect of . . . [the] community. It's not something that you inherit," emphasized the Secret Service Director.

Mr. Knight also stated that while the ideology of the classroom must be



U.S. Secret Service Director H. Stuart Knight is shown delivering the principal address.

balanced with the realities of the street, it must not be lost.

Following Mr. Knight's comments, Director Kelley introduced the Commissioner of the Royal Canadian Mounted Police, Maurice Nadon, and his wife, who were seated in the audience.

Inspector James V. Cotter of the FBI Training Division then presented the graduating class to Mr. Kelley who awarded each member a diploma.

The graduation ceremonies were closed with the benediction delivered by Capt. Asa W. Jones, Chaplain Corps, U.S. Navy, who also gave the invocation at the outset of the ceremonies, and the playing of the National Anthem by the U.S. Marine Corps Band.

The commencement of the 99th Session brought the total number of National Academy graduates to 8,670. One of every five FBI National Academy graduates occupies the top executive position of his agency. Their success is a reassuring demonstration of the value of professional law enforcement training.

FBI

Pictured with Mr. Kelley are the elected section leaders of the graduating class. Shown, left to right, are: Mr. Donald T. Mullins, Denver, Colo., Police Department; Mr. Robert Lee Suthard, Virginia State Police; Mr. George Rudolph Pojer, Yonkers, N.Y., Bureau of Police; Mr. Kelley; Mr. Bradley L. Gates, Orange County Sheriff's Department, Santa Ana, Calif.; and Mr. Leon Jay Langeland, Spring Lake, Mich., Police Department.



WANTED BY THE FBI



Photos taken: 1961



1967

REBECCA KILE FARRIS, also known as **Betty Jean Hart**, **Rebecca Gyle Farris**, **Rebecca Joan Fassir**, **Rebecca Jean Gyle**, **Jean Betty Hart**, **Betty Jean Kile**, **Rebecca Jean Martin**

Interstate Flight—Attempted Murder

Rebecca Kile Farris is being sought by the FBI for unlawful interstate flight to avoid prosecution for attempted murder. A Federal warrant for Farris' arrest was issued on August 11, 1969, at Minneapolis, Minn.

The Crime

On January 26, 1969, an attempt was allegedly made on the life of Farris' husband by two male assailants. He was beaten over the head with a billy club and stabbed in the chest with a knife, and when he escaped from the assailants, two shots were fired at him. It is alleged

that the two men had reportedly been hired by the victim's common-law wife, Rebecca Farris, and her daughter, to kill him. The daughter and the two assailants were soon apprehended.

Right ring fingerprint.



Description

Age ----- 48, born Aug. 1, 1926, Alma, Mich.
Height ----- 5 feet 6 inches.
Weight ----- 135 to 150 pounds.
Build ----- Heavy.
Hair ----- Brown (may wear blonde wig).
Eyes ----- Blue.
Complexion -- Fair.
Race ----- White.
Nationality --- American.
Remarks ----- Reportedly 30 pounds heavier than depicted in 1967 photograph.
Occupations - Machinist, optical repair specialist.
FBI No. ----- 662,961 A.
Fingerprint classification: 14 O 14 U 000 20 Ref: 14
O 20 W OII 24
NCIC classification: PO 14 11 PO 20 PO PO 02 PI CI

Caution

Farris, who has been convicted of larceny, should be considered armed, dangerous, and an escape risk.

Notify the FBI

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

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*Voluntary suggestion credited SI
11/19/74.*

NOSTALGIC TRIP

The trend toward nostalgia has been sweeping the country during the past few years. Now, the Illinois State Police have confiscated what is thought to be the apex of nostalgia—a nursing bottle which had been converted into a marihuana pipe.

Nursing bottle converted into marihuana pipe.



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
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INTERESTING PATTERNS

The illustrations this month depict the effect that a scar can have on a fingerprint pattern. The picture at top shows a 13-count loop before it was scarred. The picture at bottom shows the fingerprint pattern after it was scarred, causing it to appear as a whorl.

