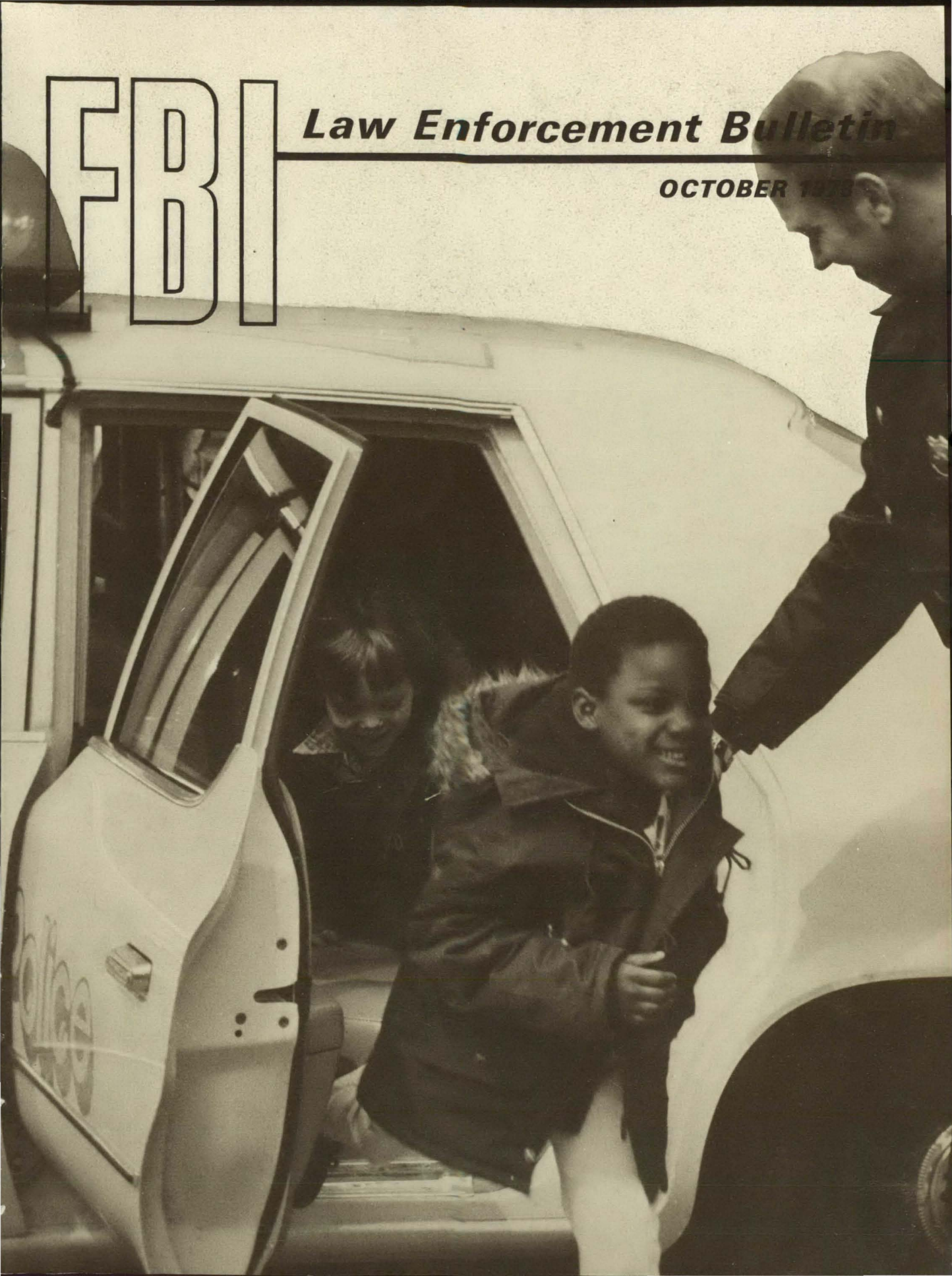


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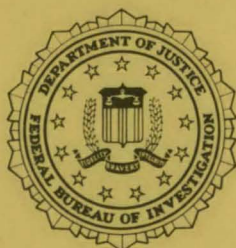
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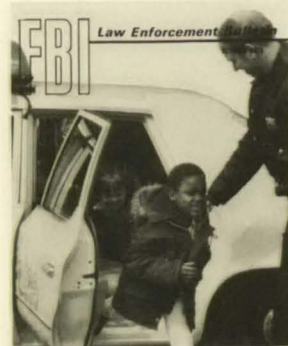
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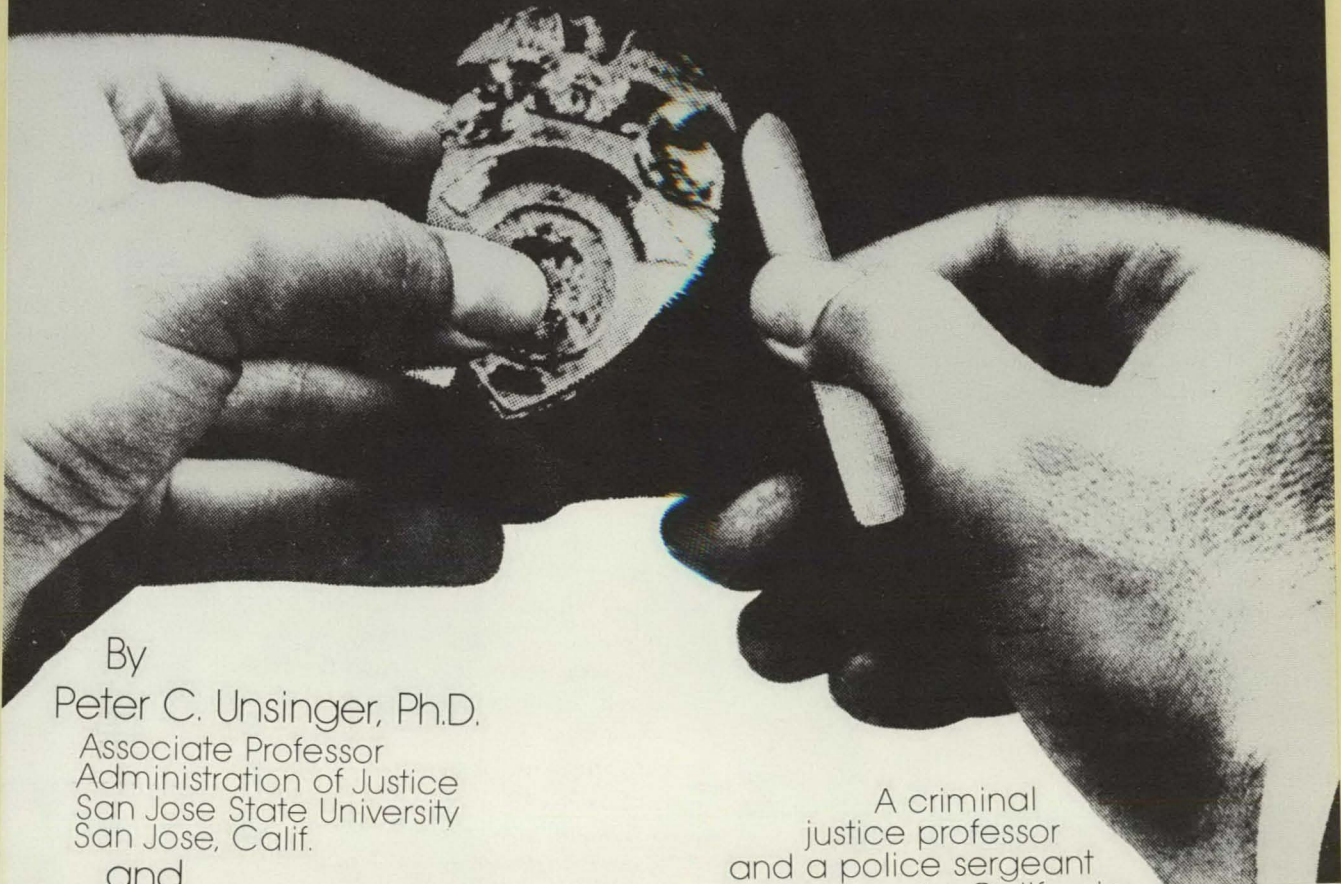
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THE COVER

Youngsters explore a police cruiser as part of the Norfolk, Va., Police Department's "Officer Friendly" program. See article page 8.



The Professor and the Sergeant—A Professional Switch



By

Peter C. Unsinger, Ph.D.

Associate Professor
Administration of Justice
San Jose State University
San Jose, Calif.

and

Sgt. Dave Stone
Police Department
Milpitas, Calif.

A criminal
justice professor
and a police sergeant
in California
exchanged jobs temporarily
and gained valuable insights for both
academics and police.

“[T]he cop could bring street experience to the students, and the professor could get a ‘refresher course’ in the day-by-day practicalities of being a beat officer.”

THE SERGEANT

“**W**hat if a cop came into the classroom full time and a professor went into uniform—straight exchange”? In a way, this idea didn't seem too far-fetched. After all, the cop could bring street experience to the students, and the professor could get a “refresher course” in the day-by-day practicalities of being a beat officer.

Something similar had been tried in Florida when a Ph.D. donned a police uniform for a short time, but this would be the first simultaneous and complete job swap.

My experience in the teaching profession was limited. Since 1973, after receiving a M.S. degree in Administration of Justice, I had taught part time on the university level, thereby meeting the minimum qualifications. But, would I be willing? This required a great deal of thought, for there were many things to be considered. I asked myself—could I give up the midnight to 8 shift, with Mondays and Tuesdays off? . . . deal with a group of students instead of the usual police clientele? . . . miss the opportunity to go to court after working all night or on my days off? . . . take a pay cut to a Ph.D.'s salary?

I often considered teaching as a post-retirement career or as something to fall back on in case of disability. Part-time teaching had been fun—a break from the routine and sort of a mental “battery charge.” Would full time be as enjoyable or would it become a routine after awhile? What about the academic world of faculty meetings, committees, and working

with Ph.D.s, many of whom were my professors in graduate school?

Our police department is a small one (42 sworn, 11 nonsworn personnel), and once, or if, an officer makes sergeant, there's not much lateral mobility. You work either uniformed or investigation (general). In 8 years, I spent 6 in uniformed and 2 in investigation. I guess one could say I was in a routine, or more properly, a *rutine*. In other words, a break looked good! No doubt there are a thousand sergeants in small departments around the Nation who are in the same boat.

By the time the major “bugs” had been worked out, some newspapers and TV stations picked up on the exchange and a fair amount of publicity started. (Once, the professor and myself shared an interview-type TV program with something called a “beefallo,” a cross between a cow and a buffalo, approximately the size of the Oakland Raider “front four” combined and damn near as active.)

By then, Dr. Unsinger was going through the required basic police academy on his own time and expense. It was agreed that each of us would continue to be paid by our respective employers. I would take over the full-time (12 units) classroom job, and Pete would become a Uniformed Division patrol officer, not a sergeant. Pete started riding full shifts to acclimate and acquaint himself with the other officers, the city, and the job; his wife was introduced to the other police wives and was in-

vited to join their association. I would be completely removed from the police department during that time except for emergency recall in the event of a hostage situation, as at the time I was one of two hostage negotiators.

On registration day, early and unsure of myself, I was “on duty” at the registration table with, thank God, a law professor and former FBI Agent, someone who knew what registration was all about. If you've never experienced a university registration day, it's about as easy going as a bar fight. There are as many pleas, stories, and tales of anguish as a year's worth of traffic stops. At least campus “trashing” was no longer in style!

After duty in the “Arena,” as the registration area is known, came the counseling of new, lost, or both, students. With a crash course in how-to-counsel, a couple of “student counseling made easy” manuals, and the professor in the office next door (who made the mistake of leaving his adjoining door open), most of the new/lost students became old and reasonably found. By the end of this first day, the graveyard shift and the street looked pretty good after all.

I can't say enough about the way the faculty treated me—they were great, each and every one of them. There was never any snobbishness or “holier-than-thou” attitudes by any of them. At first I felt awkward and out of place, but thanks largely to the faculty and staff, I was soon more at

home on the fifth floor of MacQuarrie Hall than in the police station. On the occasions when I could find reason to go back to the police department, I actually felt like a stranger. Maybe it's the sharing of tight situations that makes for police camaraderie. Not being a psychologist I don't know, but I do know that I now felt like an outsider—a civilian visitor in a police department where I had worked for some 13 years!

The full-time faculty teaching load is 12 units per semester, although usually, it works out to be 9 units (3 classes) and 3 units "release time," which means that committee work or some other function can be substituted for the fourth class. I was assigned as Director of the Administration of Justice Bureau, a satellite office designed to provide short-term training for working police officers, corrections people, court administrators, and other criminal justice professionals on subjects such as Officer Involved Shooting Investigation, Rape Investigation, Jail Management, Internal Affairs Procedure, Middle Management, Basic and Advanced Auto Theft Investigation, Homicide Investigation, and Basic and Advanced Hostage Negotiation. Although this assignment was intended only as one-fourth of my faculty job, it became so interesting and time-consuming that I wound up spending all available (non-teaching) time on it.

I taught three classes—AJ 102 Administration of Justice-Law Enforcement (two of these back-to-back) and

AJ 142 Crime Prevention. While Crime Prevention was just what it indicates, the AJ 102 class was supposed to be the history of law enforcement and the interrelationship between Federal, State, and local agencies in the administration of criminal justice. I had taught this class twice before as a part timer so I knew by now pretty much what I wanted to do. History and interrelationship were covered during the first week and the remainder of the semester was devoted to topics I believed important in preparing the students for the police officer's job and life. Although my classes were upper division—juniors and seniors—it didn't take long to realize that many students had a somewhat naive idea of what it was like to be a police officer. While some students go directly into Federal or State law enforcement, as well as probation/parole, the majority who do find jobs start out with city or county police and sheriff's departments. Many students believed they would "have it made" with a degree; some thought they would have an edge in getting hired by developing a special skill, such as photography. In other words, police departments were going to welcome them with open arms! My obligation was to set these people straight. Many students, in my opinion, were simply wasting their time and money preparing for a job in law enforcement. Some were flat unemployable in any type of agency because of physical, emotional, and other characteristics. Others would not have made it

through the probationary period because their expectations of the job/life were completely incompatible with reality.

I brought out such facts of life as a 250:1 ratio of applicants to openings (in this part of California) and that a degree was *not* a guarantee of employment. Further, while a special skill might be useful later in their careers, they would spend many years on a beat before the opportunity to use this skill would arise. In other words, no one hires on as a detective, and rookie officers do not take over homicide investigations. Some students found this hard to believe.

Other areas emphasized were politics and the police—not just "bad" politics and corruption, but internal and external political forces which have an effect on the role of the police in the community. Much time was also spent on stress, its causes and effects. Personnel issues were covered, as well as women in uniform; why they must be accepted by the employer, but might not be by the officers.

Toward the end of the semester, some students appeared to be strongly considering their majors. That this was something I had deliberately tried to accomplish will never be admitted, but I really believe those who did change will be much better off and happier doing something else.

There were some real "highs" during the semester. Students would drop into my office just to pass the time or talk about problems. Some students would be hired by a police depart-

“[T]he primary reason for wanting to get out of the university and onto the streets was the fact that I had never been through a formal police academy and never experienced sustained employment with a policing agency.”

ment; others would realize achievement in other areas. As an example, a blind girl who was majoring in corrections was accepted by an excellent law school upon graduation. In addition, I think many students came away with a little better appreciation of the working officer's day-by-day existence.

What did I gain from the exchange? It was a change, something different, a new experience and therefore a new challenge. I had the opportunity to work with a lot of good people and still feel welcome to go back and visit. It was a 5-month break from the crisis-oriented police officer's life. I got to live a Monday-through-Friday-with-weekends - and - holidays-off existence for the first time in several years, which made my family happy. But oddly enough, I found myself not in tune with what I had come to know as the “real” world—where people have problems, get burglarized, robbed, raped, injured, or arrested. Maybe things became too cozy on the fifth floor of MacQuarrie Hall—surrounded, protected, insulated, and isolated. Possibly, I realized that *this* environment was not “reality,” at least in my sense of the word. I missed the street!

Would I do it again—change places with somebody? Maybe. Would I leave police work now and go into full-time teaching? No! I'm back where I belong in a world I've grown accustomed to—one which is for me the real one. I'm back in uniform, a patrol sergeant, working the midnight to 8, with Mondays and Tuesdays off.

THE PROFESSOR

For one semester I left my classroom and assumed the duties of a beat officer in a small suburban police department, while a police officer came to San Jose State University and instructed my classes. The exchange lasted roughly 5 months, although for me, the process took about a year. Maybe some of you reading this article have contemplated such a move, and my experiences will be of use to you.

A word of warning, if you're expecting some great and shocking revelations, such as those made by Dr. George Kirkham at Florida State University,* you can move on to something else. I am no stranger to law enforcement. Since 1965 I have been involved with policing and even have had temporary employment in what is referred to as summer relief. I have been a reserve officer, and my various activities at San Jose State University have allowed me to ride and observe police officers at work in locales as diverse as Ohio and Oregon. So when I took to the field as a police officer, there was no shock encountered.

Despite the exposure I've described, the primary reason for wanting to get out of the university and onto the streets was the fact that I had never been through a formal police academy and never experienced sustained employment with a policing agency. Colleagues, many of whom were regular

*Dr. George L. Kirkham, “A Professor's ‘Street Lessons,’” *FBI Law Enforcement Bulletin*, Vol. 43, No. 3, March 1974, pp. 14-22.

sworn officers, told me that this was not a “must” for teaching in a criminal justice program. Regardless, I felt a growing sense that I had never really been out there doing it for a sustained time frame; something was missing from my personal development.

I began pressing at faculty meetings that someone should be allowed to exchange with a police agency. The faculty discussed matters as to how other groups, such as retention, tenure, and promotion committees at the college and university levels, would view the program. What dislocations, such as committee assignments, chairmanship of these committees, membership in professional associations, and advisory positions, would occur? The faculty had had no experience and could only guess at what impact there would be. The chairman of the department was instrumental in the decision to try the exchange simply to see what could be learned by the temporary dislocation, the arrival of a short-term employee, and the reactions “up the line” in administration.

Feelers were placed out among friends in agencies from the San Francisco Police Department to the San Jose Police Department. No one really seemed to take the matter seriously, and for awhile it appeared the exchange could not be implemented. However, word of our discussions reached the Milpitas Police Department, and in February 1976, I immediately terminated my reserve status with the Santa Clara County Sheriff's Office and began riding along with Milpitas.



One concern of mine was being accepted. It's one thing to ride along as an observer and another to be seen as your future fill unit. Patrol personnel do not look favorably upon outsiders disturbing their environment, and nothing can be as disturbing as a temporary person involved in what they might interpret as "out getting his thrills," "making the grandstand play," or simply taking a few incidental notes that becomes a book damning the police in general and their department in particular. I viewed it as a prerequisite, as do many writers on the participative observer methodology, to allay any fears that might exist by going out and riding with as many personnel as was feasible in order for them to become used to me and to understand what I was seeking by the exchange. For about 1½ months, I was able to do this while waiting for the academy to begin.

The administrative and instructional personnel at the Santa Clara County Regional Academy extended courtesies and helpfulness beyond belief to enable me to attend an academy class that began in March 1976. My presence was explained to instructional personnel, the two San Jose Police Department tactical officers in immediate supervision of the classes, and the young San Jose and Santa Clara police officers who were to be my classmates. It was understood that I'd be "sneaking" into class as I could get away from my duties at San Jose State. Eventually, I was able to complete some 235 hours of instruction, 35 hours more than required by

California's Peace Officer Standards and Training, yet 165 short of what my classmates received.

It was rather interesting to find yourself at 40 years of age, and out of shape, in a classroom full of fit young people some 10 to 18 years younger. As it was, I eventually trimmed some 40 pounds of unnecessary flab and began to get in shape. My classmates accepted me from the start and seemed to enjoy helping the "old man in the back of the room" through the training. When I had to miss a session, they filled me in, at times using their free time to teach me, for example, baton techniques.

At school my preservice students during that spring semester were intensely interested in what I was learning and my reactions. They "lost" every pound with me, and I found myself conducting informal seminars on physical fitness in the hallway. The female students showed intense interest in my reactions to the three women in the academy class and remarked how my attitude toward "police persons" was changing. Several students commented that my person-

ality was becoming more positive and assertive!

The academy's instruction was excellent. The content was interesting and its presentation very professional. Having been a reservist and an occasional employee, I was learning the deficiencies in the training of volunteer reserve personnel. (Fortunately, California and other States are beginning to tighten up the training requirements in this manpower resource alternative.)

Finally, the day arrived when, instead of leaving the house for the registration table in the college gymnasium, I was uniformed and headed for the swing shift. The first week was spent as a continuation of the ride-along program, but I soon proceeded to driving the car. By the third week the training officer was shed; I was on my own. For 5 months, 12-S-1, or beat one, was mine. In many ways it became as familiar to me as the neighborhood in which I grew up.

What was learned out of all this? Like with any experience there were positive and negative lessons. Many of these can now be capitalized on or

avoided because our academic department has the advantage of some experience.

Surprisingly, there were no great revelations. My colleagues and I concluded that the lack of "shock" can be attributed to having been in a reserve and/or active status in the field as an observer on a regular basis, which had as much value as jumping into the field for a period of sustained experience. Unless there is the personal satisfaction I sought—the overcoming of a feeling of inferiority—a planned program of exposure can be developed that will compensate for the lack of prior sustained experience or a long hiatus since that experience was obtained.

When a job exchange is made, the university employee has three options in his relationship with the university. He can have a complete severance, partial disengagement, or remain completely attached to the university, except for teaching. I elected a partial severance, retaining contact with the university through committee meetings, conferences with thesis-writing graduate students, and other professional activities. Because of this, many police officers learned that the "short week" they believed professors enjoyed at the university was, in fact, not realized. They discovered that much of the off-duty time they enjoyed was, for me, expended in a whirlwind of activity. A university parking committee consumed considerable time prior to coming to work, theses were read while "enjoying" a warm bath after work, and days off were spent at professional meetings. Since the severance was partial, the

time demands kept me on the run while off duty. In addition, my inability to attend one committee due to a conflict in shift cost me the seat, because I had mistakenly believed that my seat would be filled by someone from the department. This was quite a loss since university-wide committee assignments are "plums," and in the university system, this can be a career setback. Besides the opportunity of allowing my workmates to see what a professor does, I was able, overall, to meet my professional commitments to the university and my graduate students.

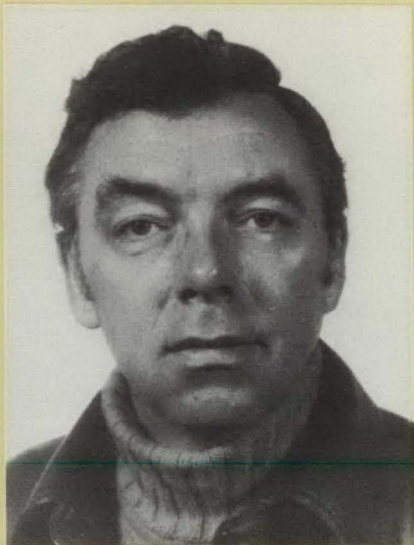
I was blessed with a patrol lieutenant and two fellow patrolmen who were considerate and fine one-on-one instructors. Imagine the tragedy had I worked with someone who may have had some hidden motive for embarrassing an associate professor, a Ph.D. and an "expert" in criminal justice. All of the elements of a Greek tragedy were present. As it was, I did lock myself out of the patrol vehicle three nights in a row! The point here is to choose carefully the agency and the personnel with whom you'll be working, since your university has more to lose than gain. Failure can happen, but it should be free of personal tones.

I found that after 8 hours or more in a patrol car, I had simply had it with reading about a fragmented system, plea bargaining, political influence, etc., because, for me, there was enough of it in reality. Thus much of my spare time was spent reading novels, political science (my old discipline), and historical biographies. I enjoyed the free off-duty hours that were genuinely mine to broaden my

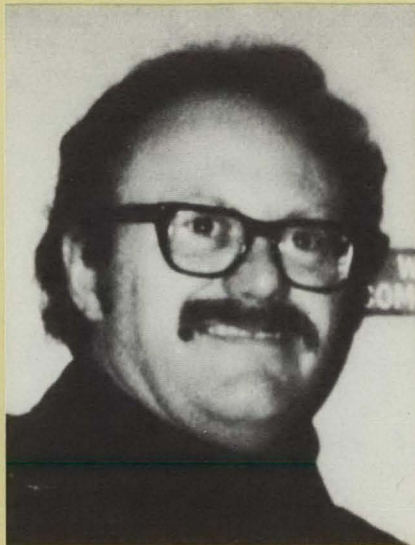
reading horizons with the sheer joy of reading, the lyrics of the words and the ideas.

Other officers and myself encountered practitioners who appeared genuinely pleased to know that one of the faculty was out in the field. They were sincere in their expression of favoring such exchanges, showing that the university was interested in them and their job. This is a big positive factor of a criminal justice program, but again, it can be accomplished by being a reserve or having a routine schedule of exposure to the various aspects of police work.

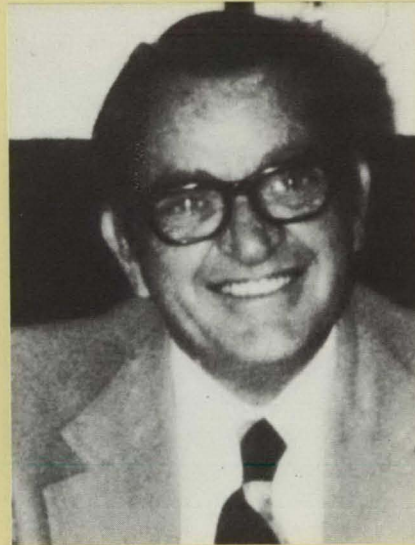
A major positive factor was a change in my attitude toward programs such as detoxification centers and youth service bureaus. I would have labeled "detox" as one of the revolving doors that should be eliminated, but I discovered it to be an added alternative to police discretion. I was confronted (Yes, that's right—there's always a war story) by a very drunk wifebeater. This fellow had to be one of the biggest guys I've ever seen, and I'm 6'2" and weigh 195 lbs. The bruised wife didn't want to press charges, but she didn't want him in the house until he sobered up since "he's such a wonderful man when he hasn't been drinking." He also happened to be in the military and he wasn't going to be taken into protective custody without a fight. In the long run, the other officer and I could have taken him down, but there's no saying how many of us would have ended up in the hospital emergency room. We talked him into going peacefully to detox, because there is no record and his military



Dr. Unsinger



Sergeant Stone



James B. Murphy
Chief of Police
Milpitas, Calif.

career wouldn't be jeopardized. It provided a discretionary alternative. The same lesson was learned in handling juveniles when a youth service bureau is available.

Mistakes were made on administrative matters. Added insurance we thought was there, wasn't; no provisions for overtime and huge out-of-pocket expenses for uniforms and equipment occurred. I estimate that it came close to \$1,000 that I had to put "up front." You just can't foresee every problem, but the good humor and flexibility of everyone eased these and other problems caused by a lack of time to think through everything. A good 3 to 4 months planning is needed before taking any steps, because once the commitment is made, it's difficult to halt the process.

The experience provided new inputs to both the policing agency and the university. Someone from a criminal justice program at a university is a unique person. Usually he reads widely about what's happening in a multitude of agencies, as well as traveling or having contacts that lead

to direct observation of many new and interesting operations. This allows him to suggest new techniques and insights. The reverse is true upon returning to the university. The sustained experience allows the returned faculty member to suggest changes in courses and content. I returned with the conviction that the best service we could provide the field is graduates who can write an accurate report. (I was already a believer, but have become more vocal over it.)

"Several colleagues . . . discovered what peace officers have known for years—this has got to be the most fascinating, challenging, and exciting profession in the world."

The fact that the university has one of its professors out in the streets is a unique opportunity for the rest of the university. Through the social science dean, I invited the faculty and students to ride with me and several of them took advantage. Urban planners

were able to gain a new perspective on suburban living. Parks, where planners assumed the people would interact as a social community, were transformed before their very eyes as market places for drugs and usage with the setting of the sun. They sensed shifts in community priorities with the staking of calls and changes in locations. They discovered the policeman's working environment with its discretion shared by many actors and began to understand the multitude of variables at play. The patrol car is literally a minidecision-making laboratory. Having a Ph. D. and colleague behind the wheel helps to introduce the social scientist to the world of law enforcement trauma, and even violence. Several colleagues in other departments discovered what peace officers have known for years—this has got to be the most fascinating, challenging, and exciting profession in the world. (Maybe that's why Trotsky once said the only internationale is the police!) It's about people—drunk ones, battered ones, scared ones, and ones needing our help. ■

OFFICER FRIENDLY— CRIME FIGHTER

By

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Can a police-sponsored classroom intervention program effectively alter the attitudes of children so that their chances of being victims of crime are reduced? Can such a program create a better understanding of the relationships between citizen action and crime and law enforcement action and crime? The results of a 1-year evaluation of a program in the Norfolk, Va., public schools by psychologists from Old Dominion University appear to provide a preliminary and significant answer—yes.

In July 1975, the Federal Bureau of Investigation, in cooperation with the Police Foundation and police departments in four metropolitan areas in the United States, began the Crime Resistance Program. The

basic aim of this program was to demonstrate to local authorities that much can be done within the constraints of present resources to increase citizen involvement in reducing the opportunity for crime.

The Norfolk Crime Resistance Unit had one goal—to demonstrate what a citizen can do to protect self and property. In order to do this effectively, it was considered necessary for individuals to have a realistic understanding of the limits of police potential in a democratic society and a better understanding of their own potential against crime.

In two of the pilot areas, Norfolk, Va., and DeKalb County, Ga., the Crime Resistance Program directed part of its efforts toward school-based educational pro-

“[S]chool administration and police department personnel met to plan a structured Officer Friendly program that would include crime resistance techniques and act as a viable teaching tool capable of fulfilling traditional school needs.”

grams. The strategy in Norfolk included a significant upgrading and restructuring of a part-time program that was currently underway in several elementary schools—the Officer Friendly Program. The first phase of the Norfolk program attempted to help students de-



Officer Wiggs as Officer Friendly teaches crime resistance to second grade class.

velop positive attitudes toward the police so that subsequent instruction would be acceptable and credible. Subsequent phases dealt with safety and crime resistance, i.e., citizen initiative in reducing criminal opportunity and citizen-police teamwork. A brief overview of program rationale, a description of the program, and an analysis of the evaluation follow.

Program Rationale

It has been established that attitudes about police and crime vary among cultural groups and age groups and

that these attitudes change with the scope of experiences of each individual. Social scientists describe these differences in attitude that materialize from varying experiences as resulting from the “socialization process.” An individual’s attitude, i.e., his or her state of mind with regard to a particular matter, is a primary result of this socialization process.

The family is the chief agent for this process in almost every culture. The family’s impact is so great because, in most cases, the family is the young child’s world, and he or she has nothing against which to compare the family’s actions. The ages of the child’s parents and their personalities; the economic, educational, and ethnic status of the family; the number of children in the family; and the child’s position in relation to siblings are all factors that affect the child’s socialization. Characteristics thus developed are known to be reflected in many dimensions of a child’s social and intellectual behavior and have been found to endure over long periods of time.

Another important socializer today is television. Children are exposed to a wide variety of television shows which often present scenes of violence and victimization. Assessments of the effects of extensive exposure to television violence and victimization suggest that individuals may become desensitized to crime and violence and be more prone to “accept” such activity.

The combination of television and family may also function to reinforce one another. Parents select programs which are least objectionable to their own attitudes and may verbally condone those depicted as similar to their own attitudes, while disparaging those which are different. Children in two different families observing the same shows may thus develop different attitudes as a result.

Knowing that attitudes are acquired early in life, it is not unrealistic to believe that children can form attitudes based on their limited experience. This limited experience is usually derived from parents and siblings or from other more impersonal sources, such as television. This is particularly true of attitudes about police officers. Parents may speak of officers as ticket-

givers, or even worse, as people "who take bad little children to jail." Television portrays police officers as "shoot 'em up" characters in situations that make it difficult for a child to identify the proper role of a police officer.

Communities interested in attitudes being formed by their youth often choose to initiate programs in the schools which expose the child to aspects of life not experienced in the home, or at least not experienced in a positive manner. Such educational programs often go beyond the individual child to affect the adults in the community, particularly parents and teachers. Once a community decides that an educational program for children is needed to deal with existing attitudes toward the police, the type of program implemented varies. It may be very complex, or it may be a very simple program designed for superficial coverage. Norfolk chose to address the issue of youthful attitudes toward police with a comprehensive program designed to bridge cultural and age barriers between the police officer and the child, and to change behavior.

Program Description

The first Officer Friendly appearance in the Norfolk public schools began in 1974 on a part-time basis. At that time, the officers making the visits were assigned to the Youth Division and were detailed one-half day each week to the school system. As a result, only a small portion of the school population was exposed to the program. Cooperation between the school and police was productive, but limited.

In the spring of 1976, through recommendations of the Norfolk Police/FBI Crime Resistance Program, the chief of police decided to make the Officer Friendly program available to the schools on a full-time basis. This decision had the complete support of the superintendent of schools. Simultaneously, school administration and police department personnel met to plan a structured Officer Friendly program that would include crime resistance techniques and act as a viable teaching tool capable of fulfilling traditional school needs.

During the summer, two officers were selected as Officer Friendlys and became part of the planning committee. The planning committee set down goals and

objectives, agreeing on three focal areas—police-role awareness, personal safety, and crime resistance—and deciding that an evaluation was necessary in order to measure successes and failures of the program. The program goals were:

1. To establish rapport between elementary school children and the uniformed officer,
2. To provide a realistic understanding of police work and the services police perform in society,
3. To create a positive attitude in children toward their own welfare and the welfare of others, and
4. To provide children with an opportunity to develop an intelligent understanding of their rights, responsibilities, and obligations as community members.

In order to meet these goals, the committee designed a program that consisted of three classroom visits by the Officer Friendly, a series of teacher-initiated activities, and for second grade students, a prototype workbook entitled, "The Officer Friendly Crime Resistance Activity Book." Lesson plans and audio-visuals were developed by the police officers, with assistance from the committee and school personnel, and development of the activity book and teacher-initiated classroom activities were begun. The foundation of a nationwide retail store funded a major portion of the cost incurred in developing the activity book by paying the salaries of five teachers for several days' work and by funding the necessary art work. All printing costs for the book were paid for by the foundation. The officers also began training in elementary education techniques and gave several "trial" presentations to summer school students. It was during this time also that the committee enlisted the aid of author Derlega and Dr. Heinen from Old Dominion University to design a low-cost evaluation of the Officer Friendly program. Program development was completed and the program was incorporated into the kindergarten through second grade curricula by the beginning of the 1976-77 school year.

The program was divided into three phases, which were to parallel the three classroom visits by the officer. These visits were to be equally spaced as much as possible throughout the year.

During the officer's first visit to the classroom, he introduced himself, explained the various parts of his

“Following each visit by Officer Friendly, students participated in a variety of teacher-initiated classroom activities designed to reinforce the ideas and concepts presented by the officer.”

uniform, the reason for wearing it, his equipment, and its purpose. He showed a series of slides that portrayed him in various off-duty activities, such as feeding a baby, watching television with his family, shaving, and cutting the grass. Then he showed slides depicting various law enforcement persons on duty, including traffic officers, K-9's, detectives, State police officers, and dispatchers. This was followed by a discussion with the students and a visit to the police car which was parked outside.

On the second visit, the officer stressed several types of safety—pedestrian, bicycle, bus, home, and neighborhood. The student was encouraged to be cautious around strangers and to learn to identify the “dangerous stranger.” The student was taught to remember his or her name and address, to refuse medicine or pills

from classmates or strangers, and to recognize potentially dangerous household items, such as firearms, medicines, matches, and cleaning preparations. The student was also encouraged to intervene when a classmate or other peer was not exercising “caution” in such situations.

On the third visit, the student was introduced to the concept of “crime resistance.” It was stressed that there are things that each individual can do to lessen the chance of becoming a victim of a crime, and that everyone had a responsibility to do what he or she could to prevent a crime from happening. Slides were used to explain basic crime prevention in terms meaningful to the particular age group and covered such things as locking and registering bicycles, putting toys in safe places after play, reminding parents to lock doors and windows before going to bed or when away from home, being observant and cautious around strangers, and telling parents about suspicious things that happen. The student was also encouraged to discuss these ideas with family members so they in turn might benefit from the crime resistance strategies learned in school.

Following each visit by Officer Friendly, students participated in a variety of teacher-initiated classroom activities designed to reinforce the ideas and concepts presented by the officer. Second grade students, in addition, completed a section of the Officer Friendly Crime Resistance Activity Book, which had also been designed to parallel the officers' visits and reinforce the presentation.

Evaluation of Program

The program was evaluated at the second grade level in order to examine the effectiveness of the activity book and the officers' visits. From the 52 Norfolk elementary schools, 7 were selected at random to provide the evaluation data. From each school, three second grade classes were used for the study. One class in each school used both the book and had the officers' visits (Group I). The second group of classes used only the activity book (Group II). The remaining class in each school (Group III) received no treatment; that is, they used neither the workbook nor re-



Officer Friendly joins students for lunch following a classroom visit.

ceived the officers' visits. These classes were also randomly selected and assigned.

Pretests, made in all 21 classes prior to any visits or distribution of the activity book, involved 2 measures. First, the children were asked to draw a picture of a police officer at work. When completed, they brought their pictures to the evaluator who asked them, "What does your picture show?" Each student's statement was recorded on the picture which he had drawn. The second measure consisted of 10 questions such as, "A police officer is nice. Yes or No." Five positive statements and five negative statements were used. These two measures were employed again as post-tests at the end of the school year, after the officers had completed their visits to the Group I classes.

The pictures were rated by independent judges who did not know the purpose of this study. The ratings were made on two dimensions: Enforcive v. facilitative, and crime v. noncrime. The judges were instructed to rate each picture on whether it showed the officer in an enforcement or facilitating (helping) capacity and whether the picture involved a crime or not. Change scores were computed in an effort to compare the pictures drawn at the pretest and post-test. The questionnaires were also analyzed in this way, measuring the degree to which the children's answers changed from pretest to post-test.

Statistical analyses of the judges' ratings for the drawings were made. The analysis indicated that the children who were not involved in the program (Group III) tended to draw the same types of pictures they had at the beginning of the school year, while those who were exposed to the program tended to draw policemen in less violent roles. Children who used only the activity book (Group II) or who had used both the book and had the officers' visits (Group I) were more likely now to draw pictures representing officers as helping victims of crime. Typical drawings included a patrolman helping a child whose bicycle had been stolen, or a patrolman interviewing a person whose apartment had been burglarized. There was no difference, however, between the pictures drawn by students

visited by policemen and the pictures drawn by students who received only the workbook.

The impact of the Officer Friendly Program on the drawings was not identical for males and females. The improvement in children's attitudes occurred for the boys but not for the girls. Perhaps the program's impact on males was greater than for females, because girls didn't and don't identify police work as a female occupation or because there were no female officers visiting schools or pictured in the workbook.

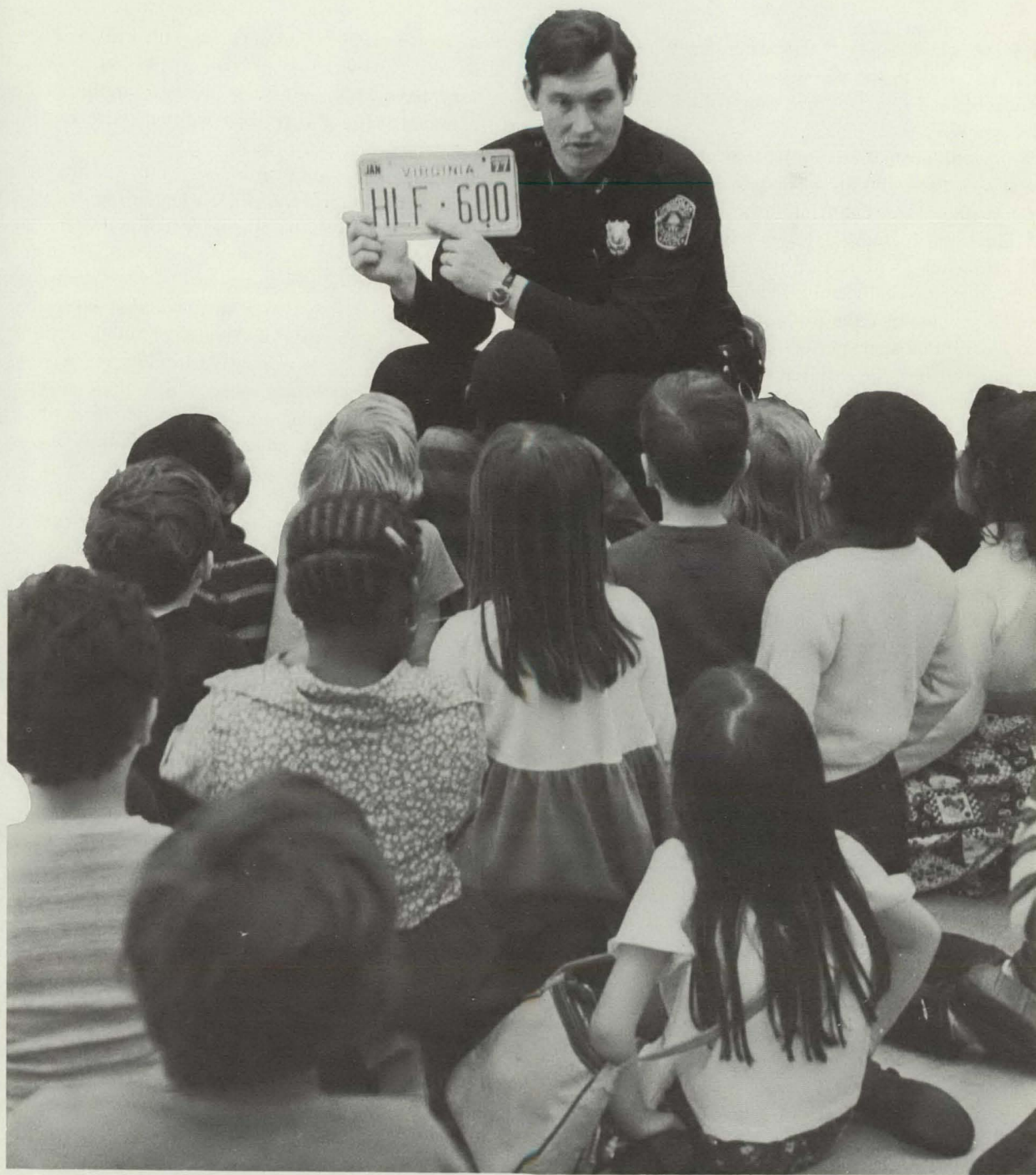
The results so far suggest that the workbook presented to the children may have been mainly responsible for changes in the children's image of police as less violent. This conclusion is based on the finding that the pictures drawn by students visited by policemen and the pictures drawn by students who received only the workbook did not differ. However, another test result indicates that unique positive effects were associated with the Officer Friendly's visits.

This test involved an evaluation of the effects of the program on the children's behavior toward other uniformed police officers. Preliminary work indicated that many children are anxious and embarrassed to talk with a police officer. It was expected that the children in the program, particularly those who met Officer Friendly in the classroom, would be more comfortable interacting with another police officer. In order to test this, an evaluation, based on how close the children would stand to an unfamiliar officer, was made. Children in the evaluation were instructed that an officer standing in the hallway wanted to talk to them. Each child then proceeded alone down the hallway toward the officer. When the child stopped, the distance the child stood from the officer was measured. Data from this evaluation was analyzed in terms of the child's race and sex, as well as the degree of the child's participation in the Officer Friendly Program, i.e., Group I, II, or III.

Children who were visited by Officer Friendly (Group I) stood closer to the unfamiliar police officer than children who were either in the control group (Group III) or had access only to the workbook (Group II). These results were found for both boys

"The impact of the Officer Friendly Program . . . was not identical for males and females."

“[A]s a result of Officer Friendly’s visits to the classroom, children were more comfortable and relaxed interacting with an unfamiliar police officer.”



Identification of license plates is taught to the students as part of the program.

“The overall evaluation results indicate that the Norfolk Officer Friendly Program positively affects children’s attitudes and behavior toward the police.”

and girls, which suggest that as a result of Officer Friendly’s visits to the classroom, children were more comfortable and relaxed interacting with an unfamiliar police officer.

The overall evaluation results indicate that the Norfolk Officer Friendly Program positively affects children’s attitudes and behavior toward the police. Children did learn to see the police officer as a resource person in dealing with crime, and as someone to whom they could relate comfortably. These results are particularly interesting since the program had this significant impact in a rather short period of time.

As noted earlier, the children’s positive change in attitudes toward the police occurred for males but not for females. The program worked equally well for both white and black children, but blacks maintained less favorable attitudes about police officers than did whites at the beginning and end of the program. Results from the verbal questionnaire administered to the children at the beginning and end of the school year were inconclusive. It may have been inappropriate to ask the second grade child verbal questions, since they did not seem able to process and respond to questions adequately.

A person’s attitude toward the police is a function of the social experience of that individual. People do not uniformly view police officers in a positive way and many do not have a realistic understanding of police work and the limitations of the services they can perform in a democratic society. Negative attitudes toward police create barriers to communication and cooperation and may be a major factor in the failure of many citizens to report crime and assist in law enforcement investigations.

Many police departments today are engaged in programs to instruct citizens in how to protect themselves from crime, and to encourage more active cooperation between police and citizens. The extent to which these programs are or can be successful is generally unknown due to an absence of systematic program evaluation.

Yale University sociologist, Dr. Albert Reiss, Jr., has suggested that the negative attitudes some citizens have toward police are a major factor in the failure

to report crimes and cooperate with investigations. He writes, “Citizens may fear or dislike the police; they may have little confidence in their ability to handle criminal matters or in their willingness to regard citizen complaints as legitimate.”¹

Much of law enforcement depends on citizens’ willingness to mobilize the police when crimes occur either against themselves or others. A major advance in law enforcement can be made if citizens feel increased responsibility to call the police when a crime occurs. Data suggests that police on prevention patrol can do very little in the way of crime prevention, but that the patrol can be very responsive to citizens’ requests for assistance. Hence, programs which increase citizens’ willingness to contact police in criminal matters can potentially have an important contribution in law enforcement. We would like to think that children who participate in programs similar to Officer Friendly will perceive that the police can be called upon when crime occurs, and that such children will accept more responsibility for their own welfare and the welfare of others.

The public often views the police as solely responsible for crime prevention and law enforcement. Actually, citizen initiative to assist the police and themselves plays a more important role in law enforcement. Law enforcement can be undermined by citizens’ decisions not to report crimes to the police. Educational programs like Officer Friendly, by increasing the public’s understanding of what the police can do for them, and what they can do for themselves, are a significant aspect of law enforcement.

The Officer Friendly Program operates presently in kindergarten through the third grade in the Norfolk School System. It would be interesting to test the same children in later years to see if the program’s impact has lasting effects. The data suggests that similar community programs could be designed to encourage students to adopt positive attitudes toward law enforcement in all school classrooms from kindergarten through 12th grade.

FOOTNOTE

¹ Albert J. Reiss, Jr., *The Police and the Public* (New Haven: Yale University Press, 1971), p. 68.

Comb Picks Cuffs



Recently, the Erie County Sheriff learned an interesting technique from one of the inmates in the Erie County Holding Center, Buffalo, N.Y.

The technique involves the use of an Afro-pick or Afro-comb to escape from handcuffs which are loosely fastened or have at least eight notches showing on the single arm. In this case, one tooth of the pick is inserted through the double arm of the handcuffs and used to work against the spring which holds the locking teeth in place until the handcuffs are released. (See photographs.) Even if the handcuffs are double locked, a paper clip could be used to release the double lock and the pick could then be used to slip the handcuffs. This process takes approximately 10 seconds.

To prevent this from occurring, law enforcement officers should control the use of picks and paper clips. In addition, they must make sure handcuffs are properly and snugly applied by either cuffing palms out behind the back or cuffing palms out and belted down in the front.

Perspective Grid Photography

By
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The concept of perspective grid photography has been around almost as long as the camera itself. It was first used in connection with motor vehicle accidents in pre-World War II Europe. However, in the United States, the use of perspective grid photography in accident investigations had been disregarded for two main reasons. First, the only learning institution in the United States that taught the concept was Northwestern University Traffic Institute in Evanston, Ill., and their teaching was limited to familiarization rather than operational proficiency. And second, police administrators viewed it as inaccurate, complicated, and too time-consuming for motor vehicle accident investigations.

If police personnel are properly trained and equipped, the value of this method is just the opposite of what was thought to be true. It is extremely accurate, time-saving, far safer for the on-scene investigator, and rarely makes it necessary to halt the flow of traffic while the on-scene, data-gathering portion of the investigation is being performed.

In 1974 authorization was granted to conduct a feasibility study to determine the practicality of grid photography on the metropolitan freeway system of

Minneapolis and St. Paul. Heading up this study was Cpl. Myron Lofgren, a 16-year veteran of the Minnesota State Patrol who had received training in grid photography at Northwestern University Traffic Institute. Although minor changes were incorporated into the system that were mostly of a streamlining nature, Corporal Lofgren's final recommendation was that grid photography could be used to an advantage on any road that had a high volume of traffic, and that complete investigations could be conducted with minimum exposure to traffic by the investigator and very little disruption of normal traffic flow.

As a result of this feasibility study, a pilot project was conducted in early 1975. Federal money was made available, and eight troopers in the Minneapolis-St. Paul metro area were equipped and trained in this technique. The results of the pilot project were indicative that the grid photography system could be employed on an operational level satisfactorily.

The strongest argument for the use of perspective grid photography in accident investigations is its simplicity. If you look down railroad tracks, they appear to become narrower until, in the far distance, the rails

“The strongest argument for the use of perspective grid photography in accident investigations is its simplicity.”

seem to come together. This is called a vanishing point, and the lens of a camera sees this phenomenon in the same manner as the observer's eyes. The grid photography system simply involves taking a series of pictures of an accident scene, including in each picture a metal template 2 feet square, white in color with a black border and a black X painted on it. (See fig. 1.) When the print is returned to the trooper, he simply extends the edges of this template to its vanishing point and in this manner divides the photograph into segments of known dimensions. (See fig. 2.) Once this is done, the length of skidmarks, gouges, scratches, and final positions of vehicles can all be measured from the photograph and located in proper relationship to the road. These dimensions are then transformed into a scale diagram of the accident, which is critical to a complete accident investigation. (See figs. 3 and 4.)

The most essential component of the grid photography system is that the investigator knows where the template was placed in relation to the evidence to be measured. To standardize this, Minnesota State troopers are taught to start from a known point at one end of the area to be measured and take a series of photographs at 20-foot intervals through the accident scene. The template is aligned with a straight line, such as the edge of the roadway or a seam in the concrete. (See fig. 5.) This enables anyone examining the photographs to work from known distances.

The system is totally dependent on the quality of the photograph. Consequently, the trooper's photographic

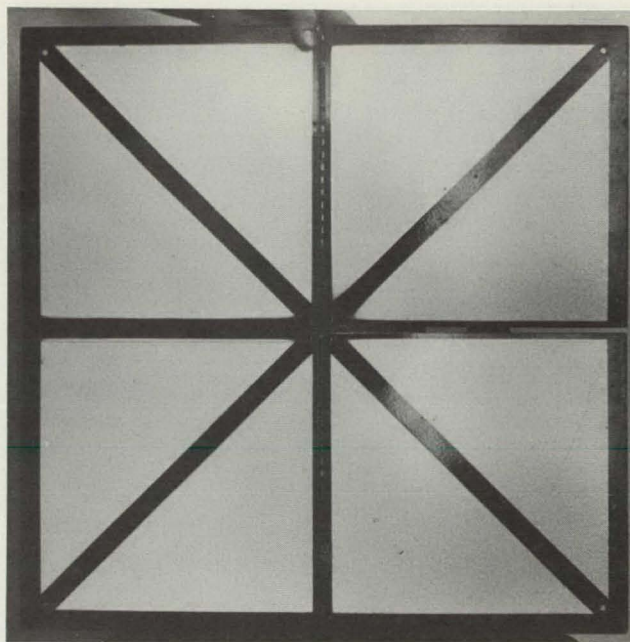
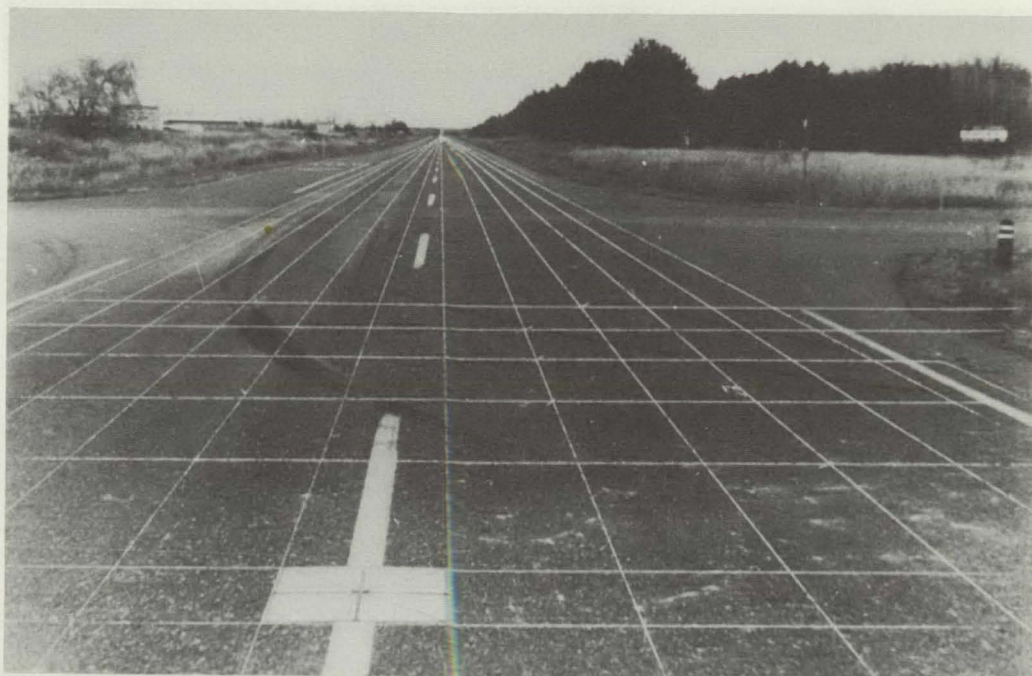


Figure 1. A grid photography template, 2 feet square and of 20-gauge metal.

Figure 2. An example of a photograph divided into segments using perspective grid photography. Each square above the template is 2 feet wide and 6 feet deep. The squares lining up horizontally with the template are 2 feet square.



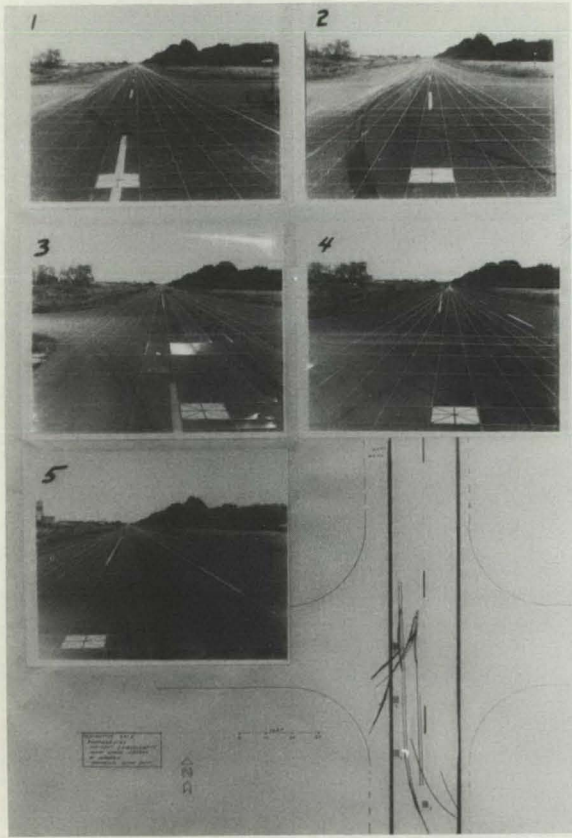


Figure 3. A grid photograph and the scale diagram drawn from it.

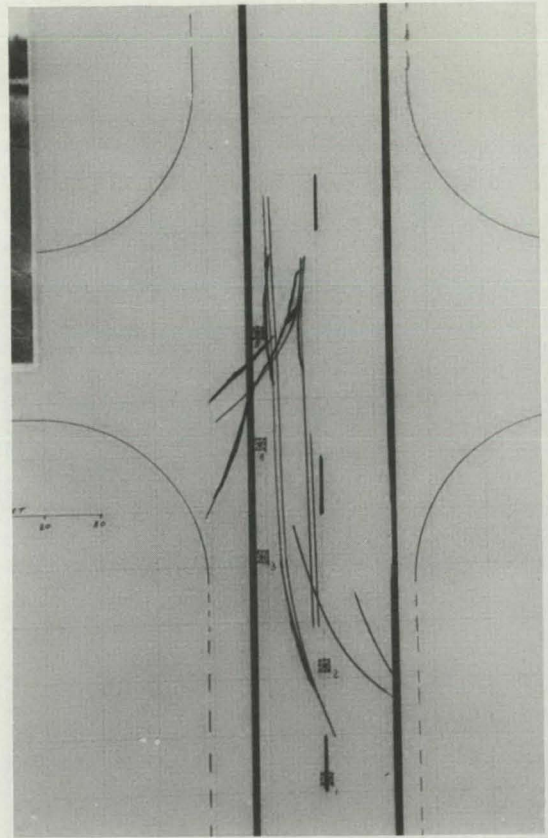
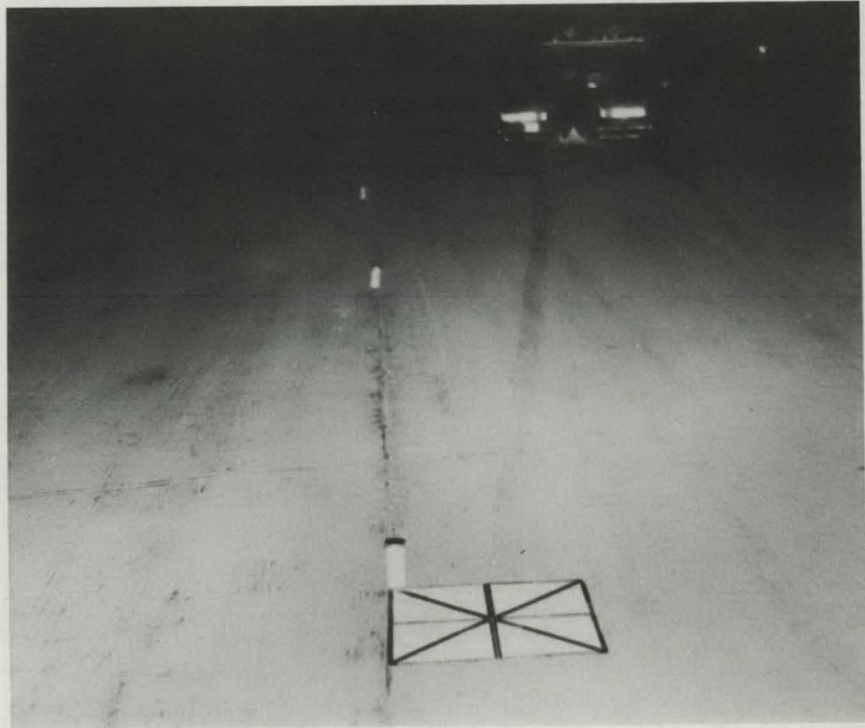


Figure 4. A scale diagram based on grid photography measurements.

Figure 5. Night photography using the perspective grid system. The trooper has placed small cans at 20-foot intervals along the seam in the concrete. These show where the template will be placed in pictures to be taken and give points of reference to insure grid measurements will be correct.



“Grid photography is not limited to the field of accident investigation alone; it can be effectively utilized in the investigation of other crimes as well.”

proficiency and the film development process are critical. Sometimes the weather is such that quality photography is next to impossible; however, one must consider that under such severe weather conditions, conventional measuring is also difficult. In January 1977, a State trooper using the grid photography system investigated an accident involving a State unit. It was in the midst of a ground blizzard with a windchill temperature of -71° F. The pictures were of excellent quality, and all the necessary evidence was preserved.

Of primary importance is the equipment necessary to insure satisfactory performance. This includes:

1. A good camera with an adjustable F stop and a normal lens. If you have a 35 mm camera, a normal lens is 50 mm. A normal lens does not have a built-in distortion and reduces the possibility of error in distances.

2. A photography template exactly 2 feet square. It is preferable to hinge it so that it folds down to a 1 foot square for easy transportation and storage. (See fig. 6.) The template can be made of any material that can be painted. The Minnesota State Patrol uses one made out of metal.

3. A set of dividers to make equal divisions on the photograph.

4. A straight edge and a sharp metal point to mark straight lines on the surface of the photograph, and

5. Developing and printing facilities that will afford special processing and fast delivery service, or the system will fail before it starts.

Perspective grid photography is also adaptable without a template in the picture. Any rectangular object whose dimensions can be established in the photograph will suffice. Distance measured along a straight line, such as the wheelbase of a vehicle, can be reproduced across a photograph. However, this will only give a single dimension, and depth will not be measurable. Consequently, the subsequent scale drawing will be limited to that degree.

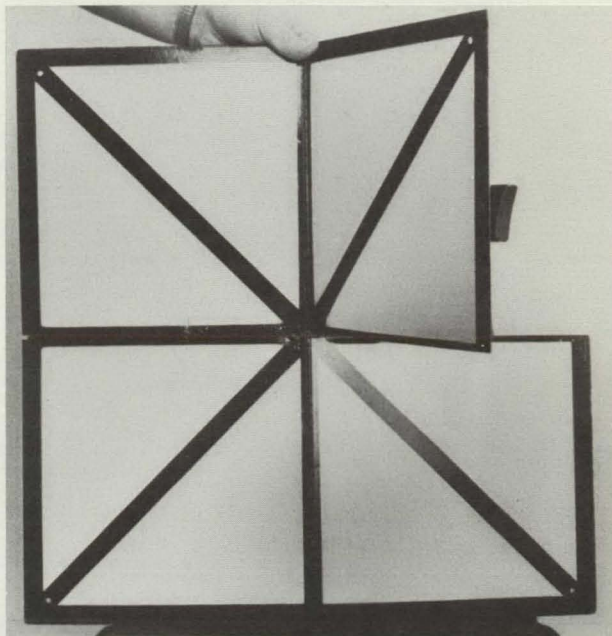
A picture taken from near the center of a roadway depicting a center line dash may also be used to measure objects in the photograph. Using the known distances of length of the center line dash and width of roadway edges, the necessary rectangle is formed from which measurements can be formulated. It is always best to utilize the template at carefully specified inter-

vals, but improvisations are possible under certain circumstances.

Grid photography is not limited to the field of accident investigation alone; it can be effectively utilized in the investigation of other crimes as well. If a homicide is being investigated, it is common practice to have someone precisely locate and document the position of the evidence. It is also not uncommon to overlook something which appeared insignificant at the time of the initial investigation only to realize later its significance. If such item is preserved in a photograph, grid photography will allow its proper placement within the crime scene at a later date. Templates of smaller dimensions can be employed in confined areas, such as a small room, and would prove beneficial where the scene should be subdivided into inches. (It is recommended in such instances that the scene also be photographed without the template to illustrate that the template did not cover any material items.)

In those instances where artificial light must be used, care must be taken not to aim the flash directly at the template. The light color of the template has a reflective quality which could have an adverse impact

Figure 6. A template which folds into a 1-foot square.



“[T]he perspective grid concept is totally dependent on the quality of the photographs.”

on the quality of the photograph. If the flash is pointed up or slightly to either side, this problem is normally alleviated. Especially troublesome are automatic flash units that shut themselves off when a light intensity bounces back into a sensor. This type of flash, if aimed directly at the surface of the template, will give a properly exposed template but will underexpose everything else.

In the initial implementation of our system, we encountered two problem areas—the operation of the 35 mm camera and night photography. We discovered that an 8-hour training session was insufficient to cover adequately the various camera settings and the techniques for gridding out photographs. Therefore, the training program was expanded to 16 hours, with gratifying results. The added time provided for practical use of the camera, processing the film, and gridding the resultant photographs. The troopers who received the expanded training are less apprehensive about using the camera and have experienced fewer problems in the field. We have determined from our experience that practice is critical to the operation and that the perspective grid concept is totally dependent on the quality of the photographs.

Night photography was another problem which had to be overcome. The strobes we use are small, and the conditions under which pictures are taken are sometimes severe. A larger strobe would be more efficient; however, they are significantly higher in cost and their larger size makes them more difficult to handle. Also, larger, more sophisticated flash units are usually more fragile and thereby more vulnerable.

The Minnesota State Patrol currently issues the Vivitar 200 strobe, and the quality of our night accident pictures are adequate for the needs. In total darkness an F stop setting of 2.8 gives us about 30 feet of roadway that can be identified in the photograph. In metropolitan areas where there is supplemental lighting, an F stop of 4 works very well.

However, an effort is currently underway to improve the night aspect of the project. The State Patrol is currently employing a technique known as “painting with light” in its effort to maximize the quality of photos

taken during the evening hours. This process requires that the camera be mounted on a stationary mode, such as on a tripod or a mounting device for a car door. Mounted in this manner the camera's aperture is closed to its maximum and the distance is set for about one-half to two-thirds the total distance to be illuminated. The shutter is then locked open and the patrol car spotlight is directed back and forth across the scene in a slow sweeping motion. With each sweep the beam is moved farther away as though the road were being painted with light. This process takes about 10 to 15 seconds to cover 200 feet. The painting method is very effective for a photograph of the entire scene, which is beneficial in that it ties the grid segments together. If the light is kept moving at a consistent pace across the surface of the scene and if the source of light is behind the camera, quality night photography is the end product. Foreign objects, such as vehicle and pedestrian traffic, must naturally be kept away from the area being photographed. Regular flash equipment can normally be used for grid photographs because they are taken in increments of 20 feet.

Tri-X ASA 400 black and white film is purchased in bulk form, helping to defray the cost of the project. Our experience has proven Tri-X ASA 400 is versatile enough to produce acceptable quality prints when used either under daytime or nighttime conditions. All film is processed in a photo lab which was equipped with Federal funds and is used specifically for the grid photography program. Response time for film processing is critical for an operation of this nature. By maintaining a facility devoted to this need, response time is kept to within 5 days. We are currently processing 200 to 300 8- x 10-inch prints per week.

Individual attention by the photo technician in the development process oftentimes will produce a usable photo from a substandard negative. It is a definite asset to the program to have personnel who are well-qualified and familiar with the needs involved in the photo processing effort. This prohibits the use of commercial facilities unless some type of special arrangements can be made.

The benefits realized from the grid photography sys-

“It is a definite asset to the program to have personnel who are well-qualified and familiar with the needs involved in the photo processing effort.”

tem as employed in accident investigations are numerous. The system increases the State trooper's ability to investigate all accidents in detail, affording a good foundation for more technical accident reconstruction, and allows more safety for the investigator on high-volume roadways. However, most important is the permanency of record that grid photography provides. Anyone who has measured accident scenes is aware that on-scene measurements are sometimes overlooked. That measurement often becomes significant after the evidence is gone. If the evidence is on film, it is always available. If a standard procedure is followed, anyone familiar with the system can grid the photographs and obtain the necessary measurements at a later date. Pictures can also be taken of accidents and can be stored in negative form. Prints for scale diagraming may be made thereafter, if the need arises, for use in criminal or civil action.

The success of any new concept is, at times, difficult to measure, especially in an area such as accident investigations. However, since the Minnesota State Patrol began using grid photography, the number of traffic accident investigation-related trooper injuries has decreased. The average on-scene time per accident has also diminished, and physical evidence overlooked by the naked eye is detectable on photographs. More complete measurements are now possible with the grid photography system than were with the conventional



Col. James C. Crawford

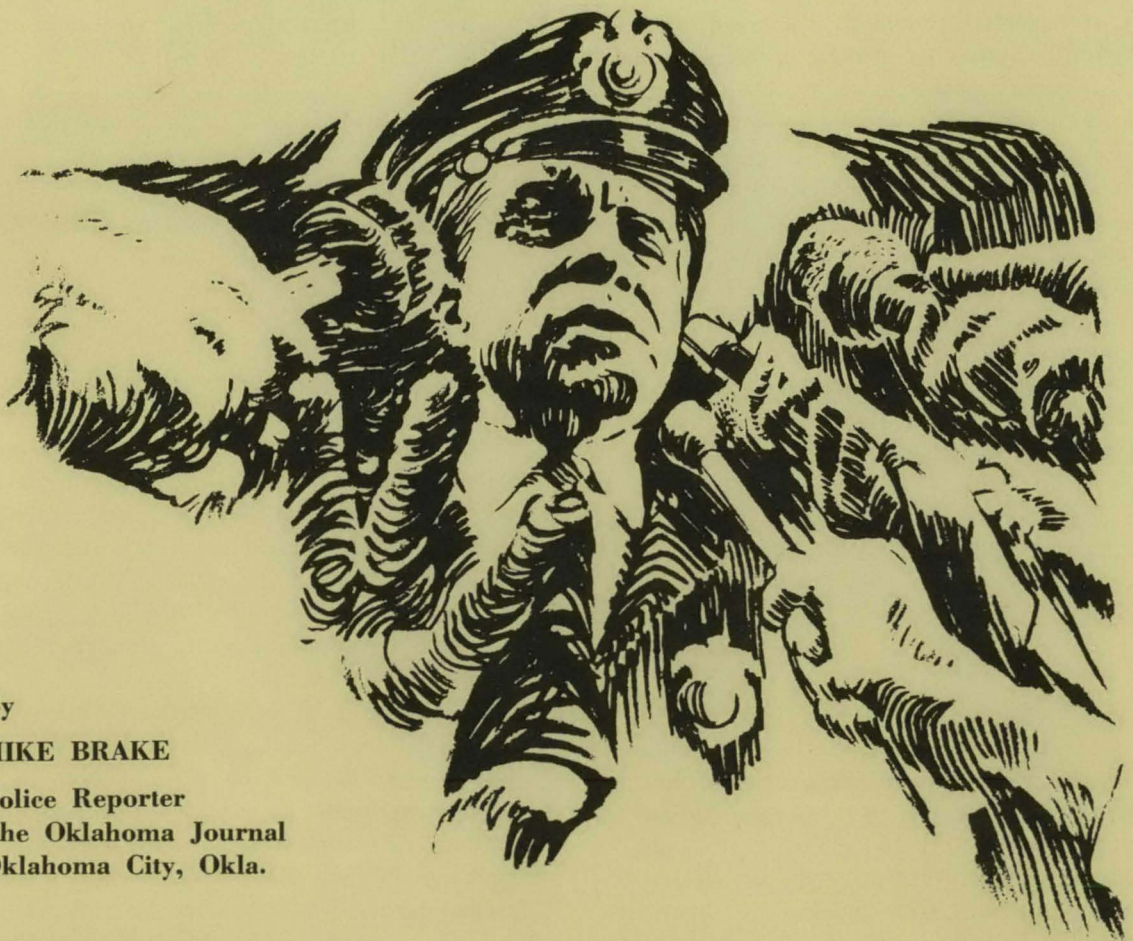
method. If success can be measured by results, it can be said that the quality of accident investigations had increased significantly. Because of the successful outcome of our project, Federal money has been made available to continue the system and provide for a modest expansion into other areas of the State where there is a high volume of traffic and congestion-related accidents. By the end of 1978, 150 troopers will be trained and equipped for grid photography accident investigation.

If accidents are to be investigated properly to determine contributing factors, if violators of traffic laws are to be prosecuted, and if the right of a wronged individual to compensation is to be protected, complete and thorough measuring of an accident scene is a mandatory function. Grid photography is a means to this end in environments where conventional measuring is hazardous or impossible. The Minnesota State Patrol has instituted this process as an investigative aid and will continue to expand upon its use in other phases of law enforcement.

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Establishing a Public Information Office

By
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Law enforcement executives are contacted regularly by representatives of the news media with requests for information, statements, and opinions. These contacts, though occasionally bothersome and unpleasant, indi-

cate that the American constitutional system is operating properly. The public, which pays the ever-increasing bill for law enforcement services, depends on the print, radio, and television media to tell them how their money is

being spent. The alternative is a news blackout on the operations of law enforcement, a clearly unworkable and dangerous step toward totalitarianism.

The modern police executive is

“The Public Information Officer (PIO) acts as a liaison between the agency and its administration and the media, and hopefully creates goodwill and positive publicity that enhances the agency’s image and contributes to public support.”

aware of the role played by the press in the success—or failure—of his agency’s endeavors. Good publicity means a positive public image, which helps reduce citizen complaints and encourages taxpayers to vote in favor of revenue measures designed to upgrade law enforcement. Bad publicity, which can result from a lack of police-press cooperation as easily as from corruption or inefficiency, demeans the agency in the public eye and reduces its credibility. The growing emphasis on community relations in law enforcement that arose from the turbulent 1960’s has also been extended to the formation of press offices in most large agencies.

The Public Information Officer (PIO) acts as a liaison between the agency and its administration and the media, and hopefully creates goodwill and positive publicity that enhances the agency’s image and contributes to public support. The executive who plans to establish a PIO position with these goals in mind cannot proceed as he might in selecting a new shift commander or homicide investigator. The

PIO is a unique individual, filling a unique position.

The executive’s first step is to isolate and define the duties and responsibilities of the PIO. Although the PIO will necessarily occupy a slot near the top of the organizational chart, he is not a supervisor or commander. He fulfills a one-of-a-kind need, reports directly to the chief administrator, but has no operational control over personnel of lower or equivalent rank.

The PIO’s essential duties and responsibilities include:

1. Media accessibility to answer inquiries on matters of public interest;
2. Assistance to the media in developing feature and documentary items;
3. Monitoring media contacts with other agency personnel, and moderately controlling information disseminated by such contacts;
4. Advice to the command staff in formulating press policies; and
5. Service to the agency in matters requiring journalistic skill, such as the publication of an internal newsletter or the production of public service materials.

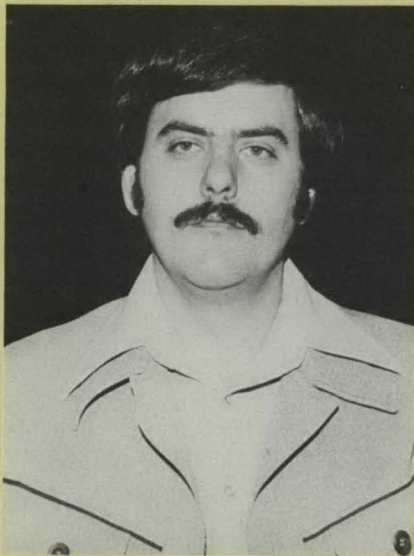
Some executives err in burdening the PIO with additional duties. The PIO is not a community relations officer; his role is distinct and cannot be blended with more traditional po-

lice community relations functions, which will only dilute his effectiveness as media liaison. Nor is he an internal security investigator. Many executives assign the disposition of minor citizen complaints to the PIO, in the mistaken belief that he should adjudicate such cases as a “public relations” officer. Again, this reduces the PIO’s effectiveness, and can create for him an internal image as a “headhunter,” hampering his relations with fellow employees. The executive must guard against diverting the PIO from his essential duties, those related to media relations and a community-wide approach to positive image building.

It is equally important that the PIO position be adequately supported by the executive. The administrator must clearly state the function of the PIO and require full cooperation with his goals, both from the media and from agency personnel. Some reporters may view the establishment of a PIO position as an effort to censor or suppress information, and attempt to circumvent it or subvert its true purposes. Policemen, afflicted with press paranoia that is a part of the professional isolationism sometimes encountered in law enforcement work, may see the PIO in the opposite light, as an administration attempt to bow to press demands and reveal secret or confidential information. Neither view is accurate when a PIO function is prop-

“The executive’s final commitment must be to openness and honesty in all dealings with the media.”

erly administered, but it remains the executive’s task to convince both sides that the PIO will benefit all con-



Mike Brake

cerned, and that cooperation is expected from the outset.

The executive’s final commitment must be to openness and honesty in all dealings with the media. Reporters and editors are not stupid, and falsehoods or half-truths will eventually be uncovered, and the agency embar-

assed. The PIO must speak candidly for the agency, and should be regularly consulted by the command staff on sensitive matters. Professional law enforcement officers are rarely the best judges of what makes a news story, or what increases or decreases its impact on the media and the public.

Step two in establishing the PIO function is the selection of an individual to fill the job. Here, a debate has developed concerning the source of the new assistant to the executive. Some agencies have chosen a civilian expert from outside their halls, while others have selected law enforcement personnel and placed them in the PIO position. There are good and bad points to both approaches.

The civilian-PIO brings to the job a proven ability in news or public relations work. He is a professional journalist, well acquainted with the demands of the media and the methods used by successful press agents to build a positive image. He is also a master of the mechanical tools of the trade, and can be depended upon to produce technically workable materials, press releases, and information.

But the civilian lacks important knowledge of law enforcement, and the personnel and policies of the agency he hopes to serve. He must win the trust and cooperation of officers and administrators, who can be expected to view him as an outsider requiring proof of his good intentions. They may even question his ultimate

loyalty, particularly if he is known as a former newsman.

A commissioned officer elevated or transferred to the PIO position can be trusted to bring with him a working knowledge of law enforcement, and of the agency he represents. He will be familiar with the techniques of criminal investigation, with local and State statutes, and with the policemen he must contact in order to relay information to the press. He is a trusted insider.

The policeman-PIO has deficiencies. A good record as a patrolman or investigator does not insure his success in the radically different role of press liaison coordinator. He probably lacks professional journalistic training and experience, and fails to fully understand the inner workings of a news agency, with its deadlines, editorial pressures, and community commitments. While his loyalty to law enforcement is unquestioned, it may also impede his credibility with media personnel, who will see him as a spokesman with extraordinary stakes in the image of his agency.

The civilian-commissioned decision is up to the executive, and may well be dictated by the availability of qualified applicants within and without the agency. It is essential that the executive recognize the advantages and disadvantages of each approach, and make allowances for them in implementing his press program. Once he makes the decision, he must next se-

“It is equally important that the PIO position be adequately supported by the executive. The administrator must clearly state the function of the PIO and require full cooperation with his goals, both from the media and from agency personnel.”

“Good publicity means a positive public image, which helps reduce citizen complaints and encourages taxpayers to vote in favor of revenue measures designed to upgrade law enforcement.”

lect the individual who can best accept the duties and responsibilities assigned.

This is best accomplished through personal, extensive interviews. The police executive must look for a specific set of qualities in each applicant, and choose the man or woman who

willingness to use initiative and imagination in dealing with the media;

3. A strong respect for facts, to avoid the slipshod dissemination of erroneous information;

4. A command of written and spoken English, to insure that press releases, interviews, and other mate-

knowledge of the criminal justice system;

7. Loyalty to the agency first, then the administrator, to avoid an image as a press agent for the executive; and

8. Personal integrity.

The police executive who examines prospective PIO applicants under these criteria will find that few individuals fulfill all the requirements. This does not mean that they should be rejected without further examination. Some qualifications can be learned or acquired, just as the executive learned budgeting techniques when he was elevated to his position. It is important that the executive look behind the surface qualifications and seek out hidden potentialities within the applicant. A useful tool might be an interview board of commissioned employees and press or public relations administrators from the community. The board can rate the applicants from two distinct points of view, providing the executive with a diverse set of judgments from which to operate. The final decision is his, however. He must work closely with the new PIO, depend on him for vital counsel and advice, and delegate substantial authority to him in matters related to press liaison activities. If he acts wisely, the law enforcement executive will almost certainly be pleasantly surprised by the response to his new PIO program from the public, the media, and the personnel he commands.



best meets those qualifications. The positive characteristics of a PIO should include:

1. A commitment to the free press philosophy, and an aversion to the unfair suppression of information concerning the agency;

2. The ability to work with minimal supervision and control, and a

rials distributed to the media—and the public—are clear, readable, and not open to misinterpretation;

5. Patience and tactfulness, valuable tools in dealing with an often-demanding press;

6. An overview of the agency's structure, policies, operating techniques and personnel, and a thorough

Forfeiture Statutes— Constitutional Challenges

By

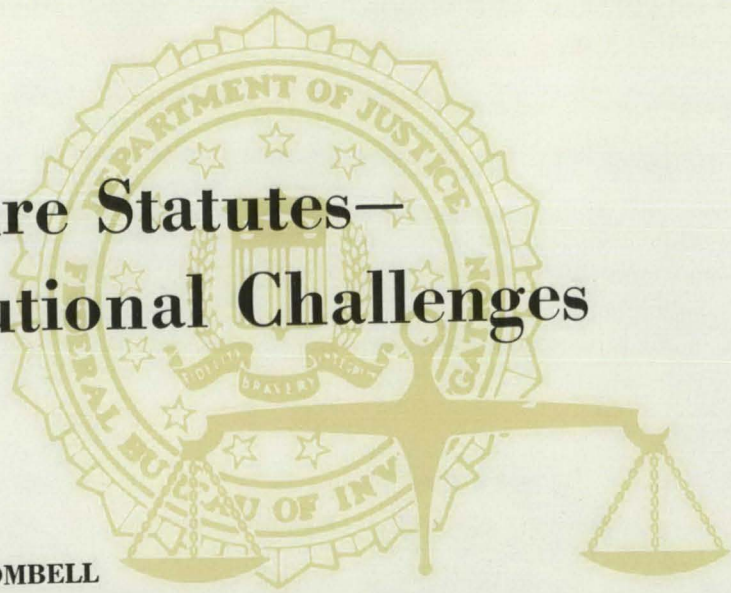
WILLIAM E. COLOMBELL

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A basic tenet of any system of justice is that laws are drafted and enforced to punish the wrongdoer and to protect the innocent. Those involved in making, enforcing, and interpreting laws would unanimously agree that any law which punished innocent, law-abiding citizens would be repugnant to a sense of fair play. They also would agree that constitutional protections regarding unreasonable searches and seizures and guarantees of due process have always been placed on the highest plateau; laws that infringed thereon, even though they might benefit society as a whole, should be declared unconstitutional.

Yet there are many legal scholars and jurists who insist that contemporary forfeiture statutes, both on the Federal and local levels, permit law enforcement agencies not only to circumvent 4th amendment protections from unreasonable searches and seizures, but also to violate 5th and 14th

amendment protections against taking property without due process of law.¹ The intent of this article is not only to explore how such a disparity could exist within our system of constitutional criminal procedure, but also to examine recent constitutional challenges encountered by the police when utilizing forfeiture statutes.

History of Forfeiture

To understand the legal rationale on which forfeiture statutes are based, a brief historical review of the forfeiture doctrine is required. Present forfeiture statutes can be traced to the English common law custom of deodand. Deodand, which means "given to God," required forfeiture to the king of any chattel that had caused someone's death. The object itself was considered guilty and held forfeit. In the words of a medieval historian, "Where a man killeth another with the sword

of John at Stile, the sword shall be forfeit as deodand, and yet no default is in the owner."² The value of the chattel would provide money for prayers to be said to insure the salvation of the deceased.³ This procedure later evolved into a means whereby the King secured for himself a source of revenue.

Such a practice is distinguishable from another common law forfeiture

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

proceeding, the punitive custom of forfeiting the chattels of a convicted felon.⁴

Contemporary forfeiture statutes trace their ancestry to the common law practice of deodand and are treated as proceedings "in rem" against the chattel itself rather than a punitive action against the owner. Thus the guilt or innocence of the owner is considered irrelevant. Being a civil action, the standard of proof required for a decree of forfeiture is far less, a preponderance of the evidence, as contrasted to proof beyond reasonable doubt required in a criminal matter.

Endorsement by American Courts

As early as 1827, in a case titled "*The Palmyra*,"⁵ involving forfeiture proceedings against a ship used in illegal acts of piracy, the U.S. Supreme Court recognized the practice of statutory forfeiture of chattels and endorsed the view that such proceedings were "in rem," that is, against the chattel itself. A century later, in *Van Oster v. Kansas*,⁶ the Court held that forfeiture of a car which had been loaned to a third party, who then used it to violate liquor laws, did not deprive the innocent owner of his 5th or 14th amendment due process rights. Not until 1965 did the Court finally recognize that by characterizing a forfeiture as a civil proceeding against the thing itself, basic constitutional rights were being infringed.

In *One 1958 Plymouth Sedan v. Pennsylvania*,⁷ a vehicle was unlawfully stopped and searched and untaxed liquor was discovered. The vehicle was seized pursuant to a State forfeiture statute. The State Supreme Court, in ordering the car forfeited, held that evidence obtained in violation of the fourth amendment was nevertheless admissible in the forfeiture proceeding, noting that the exclusionary rule applied only to criminal proceedings. The U.S. Supreme Court reversed, stating "... the con-

stitutional exclusionary rule does apply to such forfeiture proceedings."⁸ The Court noted that although the proceeding was civil in nature, in substance and effect it was a criminal matter.

Again, in 1971, in *United States v. U.S. Coin & Currency*,⁹ the Supreme Court evidenced a change in attitude regarding forfeiture statutes. The case involved a forfeiture action against \$8,674 which had been used in gambling operations and later seized incident to the arrest of the defendant for failure to comply with a Federal gambling registration statute. Having ruled in an earlier case that the Federal gambling registration statute was unconstitutional in that it compelled self-incrimination,¹⁰ the Court refused to sanction the forfeiture of the money. It rejected the Government's argument that since the procedure was "in rem" against the money, guilt or innocence of the defendant was irrelevant. The Court reasoned that it saw no difference between a man who is fined \$8,674 for violation of the substantive criminal statute and the man who forfeits \$8,674 as a result of the same criminal conduct. Since the substantive statute was unconstitutional, no punitive action could be taken against the defendant. To permit the Government to achieve the same punitive effect through a civil forfeiture proceeding would make a mockery of constitutional due process. By way of dicta, the Court noted that "When the forfeiture statutes are viewed in their entirety, it is manifest that they are intended to impose a penalty only upon those who are significantly involved in a criminal enterprise."¹¹

Constitutional Rights of Innocent Property Owners

In a 1974 case, *Calero-Toledo v. Pearson Yacht Leasing Co.*,¹² the Supreme Court had the opportunity to further expand upon the new, constitutionally oriented attitude regard-

ing forfeitures that had been expressed in *Coin & Currency* and *One 1958 Plymouth Sedan*. The case involved the lease of a pleasure yacht to private parties in March 1971. In May 1972, marihuana was discovered on board and the lessee was charged with violation of the narcotics laws of the Commonwealth of Puerto Rico. In July 1972, authorities seized the vessel without giving prior notice to the lessee or the lessor, The Pearson Yacht Leasing Company. Pursuant to statute, the lessee was notified of this seizure and given an opportunity to appeal. When the seizure was not challenged within 15 days after service of notice, the yacht was forfeited. The yacht company was never notified of the action or given an opportunity to challenge. It learned of the forfeiture only because the rental payments had fallen in arrears. Although the yacht company was not involved in the criminal activities of the lessee, and was unaware of the use to which the yacht had been put, the Court rejected constitutional challenges on two distinct grounds.

First, the Court held that the due process clause of the 14th amendment did not require that prior notice and a hearing be afforded before seizure of property pursuant to a forfeiture statute. Notice and a hearing may be postponed under certain extraordinary situations provided that:

- (1) The seizure is necessary to secure an important governmental interest;
- (2) there is a special need for prompt action; and
- (3) the government initiate and maintain strict control of the seizure and forfeiture proceedings under narrowly drawn statutory guidelines.¹³

Second, the Court avoided the constitutional claim that an innocent owner's property had been taken without due process of law by holding that the yacht company was not a completely innocent party and had not taken

“Federal courts of appeal have also refused to portray forfeitures as criminal procedures for purposes of due process constitutional challenges regarding the lesser standards of proof required on the part of the government.”

every reasonable precaution to guarantee that the yacht was not put to an illegal use. It is interesting to note that despite the fact that the yacht company was completely unaware of the illegal use of the yacht and had included a clause within the rental contract prohibiting any illegal use, the Supreme Court required a higher standard of care. The Court implied that the company did not take all reasonable precautions to prevent the illegal use of the boat and had been negligent in this regard. It thus had no cause for complaint.¹⁴ The Court intimated that it would be difficult to reject the constitutional due process claim of an innocent owner whose property, subject to forfeiture, had been taken unlawfully, or of an owner who could prove not only that he was uninvolved in and unaware of the illegal activity, but took all reasonable actions to prevent the proscribed use of his property.¹⁵

In light of *Pearson Yacht Leasing Co.*, one can conclude that forfeiture statutes, despite alleged constitutional inequities regarding due process of law questions, are firmly entrenched as an acceptable means of deterring crime and preventing continued use of property in criminal endeavors. Although the Court in prior decisions recognized the quasi-criminal nature of forfeiture for the purpose of protecting rights secured by the fourth and fifth amendments, it appears hesitant to broaden the criminal aspect of forfeiture so as to encompass a wider range of constitutional due process protections.¹⁰

Recent Federal appellate decisions appear to support the above interpretation. In *United States v. One 1975 Ford Pickup*,¹⁷ the alleged innocence

of the owner of a vehicle seized at the border, after cocaine was found on one of the passengers, was held to be no defense against forfeiture. In *United States v. One 1973 Buick Riviera*,¹⁸ the defense of innocence was denied where the vehicle owner's son was arrested for possession of narcotics. Interpreting the *Pearson Yacht Leasing Co.* case as providing a possible constitutional defense to forfeiture based on innocence of the owner, the court held that since the owner was aware of his son's prior arrest for narcotics possession, he was not completely innocent.

Burden of Proof Requirements

Federal courts of appeal have also refused to portray forfeitures as criminal procedures for purposes of due process constitutional challenges regarding the lesser standards of proof required on the part of the government. In *Bramble v. Richardson*,¹⁹ the owner of an automobile was arrested for possession of marijuana. His car was seized. Federal law²⁰ required that in order to preserve his right to challenge the seizure in court, he must have filed a claim and posted a \$250 bond within a prescribed time period. He failed to do so and his car was summarily declared forfeited. The U.S. Court of Appeals for the 10th Circuit upheld the constitutionality of the above statutory procedure and declared that in forfeiture proceedings, the government does not have to establish proof beyond a reasonable doubt that the vehicle was used to transport or facilitate the sale of a controlled substance. A showing of probable cause by the government shifts the

burden of proof to the claimant. To avoid forfeiture, the claimant must establish by a preponderance of the evidence that the vehicle was not used in violation of the drug laws.²¹

In a 1976 case, *United States v. One 1970 Pontiac GTO*,²² the U.S. Court of Appeals for the Ninth Circuit agreed that placing the burden of proof on a claimant whose car had been used by a third party to sell narcotics did not violate any constitutional right. The court noted that the government need only establish the illegal use of the car by clear and convincing evidence, at which time the burden of proof shifts to the claimant who must refute the government's claim to avoid forfeiture.

Other Federal circuit court decisions have characterized forfeiture as a civil proceeding in justifying the lesser standard of proof required.²³ They have refused to permit the use of evidence obtained illegally in sustaining this burden. In *United States v. One 1971 Harley Davidson Motorcycle*,²⁴ a cycle had been illegally seized and later forfeited. The U.S. Court of Appeals for the Ninth Circuit held that evidence seized or obtained illegally cannot be the basis for a forfeiture proceeding. However, the court upheld this forfeiture, ruling that the evidence offered by the government to prove illegal use had been properly obtained; the fact that the cycle was illegally seized, standing alone, did not immunize it from forfeiture.²⁵

Other Due Process Considerations

The Federal Court of Appeals for the Ninth Circuit has been in the van-

guard of Federal courts displaying a willingness to recognize and correct other alleged constitutional infringements relating to forfeiture statutes. In *Wiren v. Eide*,²⁶ decided in 1976, the ninth circuit held that previously mentioned Federal forfeiture statutes²⁷ requiring a claimant to post a \$250 bond to preserve his right to a judicial hearing operated unconstitutionally, at least as to claimants who are indigent. The case involved an allegedly innocent party whose car had been seized after narcotics were discovered on one of the passengers. Pursuant to Federal law, the owner was notified of pending forfeiture proceedings and filed a claim, but failed to post the required bond because he was indigent. Summary forfeiture resulted. The court, in addition to holding that the bond requirement denied an indigent claimant due process of law, also criticized the statute's postseizure notification requirements.²⁸ By way of dicta, the court stated that notice by publication does not adequately protect the due process rights of claimants whose proprietary interests are directly affected and whose identities and addresses are known or easily ascertainable.²⁹

Petitions for Remission

Before ending our review of related due process constitutional challenges to forfeiture proceedings, one remaining area of concern merits examination. Most contemporary forfeiture statutes expressly provide for petitions for remission, that is, an appeal by allegedly innocent parties who will suffer financial loss if the property is forfeited. The appeal is always to the

executive branch of government. The weight of authority supports the view that decisions on remissions are not reviewable by the courts, no matter how harsh the results may appear.³⁰ However, in 1971, the U.S. Supreme Court, in commenting on statutory provisions dealing with petitions for remission, stated, "It is not to be presumed that the Secretary [of the Treasury] will not conscientiously fulfill this trust, and the courts have intervened when the innocent petitioner's protests have gone unheeded."³¹

A majority of Federal decisions have since refused to interpret the Court's comments regarding remission procedures as heralding a new era of judicial review. A recent decision by the U.S. Court of Appeals for the First Circuit involving forfeiture of a \$25,000 boat reflects this view.³² In addition to affirming the principle that forfeiture of the property of an innocent owner does not violate due process, the court held that although the forfeiture in this case was indeed a harsh result, "Congress has provided a means for ameliorating the harshness of these statutes—the Attorney General may return the property if he finds . . . mitigating circumstances . . . and we must assume that this was intended to be the sole mechanism for affording leniency."³³

The only significant case by a Federal appellate court expressing a different view involved the seizure of a vehicle being driven by the registered owner after a homemade silencer was discovered therein.³⁴ The petition for remission alleged that although the driver of the vehicle was the registered owner, the claimant had purchased the vehicle for valuable consideration

prior to the illegal use and was innocent of any wrongdoing. The petition was denied and the Federal district court later upheld the forfeiture. The appellate court reversed and remanded with instructions to afford the claimant an opportunity to fully present his claims of ownership and innocence, noting that the district court may also consider the adequacy of the remission proceedings.³⁵ In line with this minority view, a Federal district court within the ninth circuit clearly asserted the court's authority to review such petitions pursuant to the Administrative Procedures Act holding that failure of the attorney general to grant remission in a case involving an allegedly innocent owner was not only an abuse of discretion but violated just compensation provisions of the fifth amendment.³⁶

Law enforcement agencies can interpret *Pearson Yacht Leasing Co.* as providing broad latitude regarding the reach of forfeiture statutes. However, many States have enacted forfeiture statutes that require a lesser standard of care than that imposed in the *Pearson Yacht* case. The rights of innocent lienholders and owners are protected, provided they are ignorant of the illegal use.³⁷ The forfeiture statutes for the State of Maryland provide a good example.³⁸ Cases involving small amounts of marijuana seized from a student while driving his parents' car or from a vehicle innocently loaned to a friend would not result in vehicle forfeiture, provided the owner neither knew nor should have known of the illegal use of the vehicle. Such State statutes, coupled with the policy of many courts to narrowly construe

"Most contemporary forfeiture statutes expressly provide for petitions for remission, that is, an appeal by allegedly innocent parties who will suffer financial loss if the property is forfeited."

forfeiture statutes in order to prevent inequities, support the view that forfeiture should be utilized only where the owner of the property is either involved in the crime or should have been aware of the use to which his property was put. If the owner is completely innocent and not negligent in loaning out his property, then it can be argued that the primary function of forfeiture statutes, deterrence, is not served.

To ensure against constitutional challenges based on due process grounds, law enforcement and prosecutive agencies should consider the following additional procedures: (1) Furnish actual notification rather than a notification by publication in situations where the identities and addresses of legitimate claimants are known or readily ascertainable; (2) following seizure, ensure that forfeiture proceedings are instituted promptly, since excessive delay can constitute an unconstitutional deprivation of property rights;³⁹ and (3) avoid summary denials of petitions for remission and ensure that reasonable, equitable consideration is afforded.

Warrantless Forfeiture Seizures

While constitutional challenges to statutory forfeiture procedures on due process grounds have met with limited success, such has not been the case with arguments attacking the propriety of forfeiture seizures on fourth amendment grounds. Consider the following hypothetical case. An undercover officer negotiates a narcot-

ics buy with a known dealer. The dealer arrives at the drop site in his automobile, and after the transaction is completed, successfully eludes the police. He is arrested in his car 3 weeks later, pursuant to an arrest warrant. Although the arresting officers do not have probable cause to believe the car contains narcotics, they seize it and later search it based upon its prior use in transporting the contraband.

Two constitutional questions immediately come to mind: (1) In the absence of exigent circumstances or one of the recognized exceptions to the warrant requirement, should the warrantless seizure be permitted? and (2) even if the warrantless seizure can be justified, should the greater intrusion of searching the car be delayed until a warrant is secured?

A split of authority exists among the Federal circuits as to whether a search warrant is required before seizing a vehicle for forfeiture. The traditional view has been that forfeiture statutes take effect the moment the car is used for an illegal purpose. At that time there is a fictional passage of title to the government. All that is required for seizure is probable cause to believe the car was or is being used in violation of the forfeiture statute.⁴⁰ However, in a 1974 case, *United States v. McCormick*,⁴¹ the U.S. Court of Appeals for the Ninth Circuit held that forfeiture statutes do not confer upon law enforcement officers the power to operate outside traditional fourth amendment limits.

McCormick was arrested on a counterfeiting charge. At the time of arrest,

Federal agents had reason to believe that his car had been illegally used in the past in violation of a forfeiture statute, but there was no evidence indicating that it was being used illegally at the time of seizure. The court noted that if the arresting officers, at the time of seizure, had probable cause to believe that the vehicle was concealing or transporting counterfeiting paraphernalia, then warrantless seizure would have been justified under the Carroll Doctrine.⁴² Such was not the case and the court ruled that evidence discovered in the vehicle should not have been introduced at McCormick's trial.

The court also refused to justify the warrantless seizure of the vehicle under the plain view doctrine, stating that the requirement of inadvertence was lacking. It also distinguished between a plain view seizure of contraband per se (possession of which is always illegal) and derivative contraband (the illegal use of which makes possession illegal), stating that as a general rule, a warrant is required prior to seizing derivative contraband.⁴³ Two other Federal circuits have endorsed this minority view.⁴⁴

The related issue concerning the later warrantless search of a vehicle seized pursuant to a forfeiture statute was recently decided by the U.S. Court of Appeals for the Ninth Circuit. In *United States v. Johnson*,⁴⁵ decided in 1978, two men were arrested for violation of Federal narcotics laws and their cars seized and searched without warrants. The initial search failed to uncover any incriminating evidence; however, after repeated inquiries by

“[I]f officers have probable cause justifying seizure of a vehicle pursuant to a forfeiture statute, a prudent approach would be to secure a warrant prior to seizure, unless there are exigent circumstances or one of the recognized exceptions to the warrant requirement is applicable.”

Johnson as to whether narcotics had been discovered in his car, agents became suspicious and decided to conduct a more intensive investigatory search. The second warrantless search, conducted 2 weeks later, revealed an altered gas tank containing 5 kilograms of heroin.

In reaching a decision, the ninth circuit cited *Cooper v. California*,⁴⁶ a 1967 Supreme Court case involving the warrantless seizure and later search of a vehicle used in illegal narcotics activities. The court of appeals had difficulty in characterizing the *Cooper* decision, stating that it was unclear whether the Supreme Court justified the warrantless search as a noninvestigative inventory or whether it permitted police to conduct warrantless searches of vehicles lawfully seized pursuant to a forfeiture statute whenever they wished.⁴⁷ The court adopted the more expansive view, holding that if the initial forfeiture seizure is valid, all later warrantless investigative searches of the vehicle are considered reasonable. Other Federal decisions that have considered this question are in accord.⁴⁸

In light of the foregoing decisions, if officers have probable cause justifying seizure of a vehicle pursuant to a forfeiture statute, a prudent approach would be to secure a warrant prior to seizure, unless there are exigent circumstances or one of the recognized exceptions to the warrant requirement is applicable.⁴⁹ Provided the forfeiture seizure is lawful, there appear to be no restrictions placed upon the officer's right to search.

While this article has dealt primar-

ily with forfeiture of vehicles, all types of personal property are subject to forfeiture, providing there is an enabling statute. The constitutional questions discussed herein are applicable to all such statutory forfeitures.

“[T]here is a significant divergence of views regarding forfeiture procedures among the State courts.”

Officers of State and local jurisdictions are reminded that there is a significant divergence of views regarding forfeiture procedures among the State courts. Moreover, some State forfeiture statutes are very permissive and broad in scope, while others are restrictive and narrowly construed. Careful analysis of both the statutes and the court decisions interpreting them is essential for officers contemplating seizure under the forfeiture authority.

FOOTNOTES

¹ Note, Statutory Forfeitures: The Taking of Pearson's Yacht 54 Neb. L. Rev. 711 (1975); Note, 60 Cornell L. Rev. 467 (1975); see also *U.S. v. One 1971 Ford Truck*, 346 F. Supp. 613 (C.D. Cal. 1972).

² Quoted from O. W. Holmes, *The Common Law* 23 (Howe ed. 1963).

³ See 1 M. Hale, *Pleas of the Crown* 419, 423-424 (1st Am. ed. 1847).

⁴ *The Palmyra*, 25 U.S. 531, 535 (1827).

⁵ *Id.* at 531.

⁶ 272 U.S. 465 (1926).

⁷ 380 U.S. 693 (1965).

⁸ *Id.* at 696. The exclusionary rule requires the exclusion from a criminal prosecution of evidence obtained in violation of constitutional rights.

⁹ 401 U.S. 715 (1971).

¹⁰ *Grosso v. U.S.*, 390 U.S. 62 (1968).

¹¹ *U.S. v. U.S. Coin & Currency*, supra n. 9, at 721, 722.

¹² 416 U.S. 633 (1974).

¹³ *Id.* at 679.

¹⁴ *Id.* at 690.

¹⁵ *Id.* at 689, 690.

¹⁶ *One Lot Emerald Cut Stones and One Ring v.*

United States, 409 U.S. 232 (1972); *Calero-Toledo v. Pearson Yacht Leasing Co.*, supra n. 12.

¹⁷ 558 F.2d 755 (5th Cir. 1977).

¹⁸ 560 F.2d 897 (8th Cir. 1977).

¹⁹ 498 F.2d 968 (9th Cir. 1974).

²⁰ 19 U.S.C. § 1606, 1607, 1608 (1970).

²¹ *Bramble v. Richardson*, supra n. 19 at 970.

²² 529 F.2d 63 (9th Cir. 1976).

²³ *U.S. v. Rapp*, 539 F.2d 1156 (8th Cir. 1976);

Wiren v. Eide, 542 F.2d 757 (9th Cir. 1976); *U.S. v. One 1975 Ford Pickup*, supra n. 17.

²⁴ 508 F.2d 351 (9th Cir. 1971).

²⁵ *Id.* at 352; see, e.g., *Fugua v. Armor*, 543 S.W. 2d 64 (Tenn. 1976).

²⁶ 542 F.2d 757 (9th Cir. 1976).

²⁷ See n. 20, supra.

²⁸ *Wiren v. Eide*, supra n. 26 at 762.

²⁹ *Accord, Menkarell v. Bureau of Narcotics*, 463 F.2d 88, 93 (3d Cir. 1972).

³⁰ *U.S. v. One 1973 Buick Riviera*, 560 F.2d 897 (8th Cir. 1977) (See cases cited at 900).

³¹ *U.S. v. U.S. Coin and Currency*, supra n. 9, at 721.

³² *U.S. v. One Clipper Bow Ketch Nisku*, 548 F.2d 8 (1st Cir. 1977).

³³ *Id.* at 12; accord, *U.S. v. One 1961 Cadillac*, 337 F.2d 730 (6th Cir. 1964).

³⁴ *U.S. v. One 1972 Chevrolet Blazer*, 563 F.2d 1386 (9th Cir. 1977).

³⁵ *Id.* at 1391.

³⁶ *U.S. v. One 1974 Mercury Cougar XR 7*, 397 F. Supp. 1325 (1975).

³⁷ Code of Virginia, § 4-56 (h), (i); Vernon's Texas Civil Statutes Ann., Art. 4476-15, Sec. 5.07(c).

³⁸ Code of Maryland Ann., Art. 27, § 297, f. (2) (j) (ii) (iii).

³⁹ See, *U.S. v. One Motor Yacht Named Mercury*; 527 F.2d 1112 (1st Cir. 1975); *U.S. v. One 1973 Ford LTD*, 409 F. Supp. 741 (1976).

⁴⁰ See, *U.S. v. Panebianco*, 543 F.2d 447 (2d Cir. 1976); *U.S. v. Troiano*, 365 F.2d 416 (3d Cir. 1966); *U.S. v. White*, 488 F.2d 563 (6th Cir. 1973).

⁴¹ 502 F.2d 281 (9th Cir. 1974).

⁴² *Id.* at 286, 287. The Carroll Doctrine permits a warrantless search of a mobile vehicle provided there is probable cause to believe evidence is contained therein. *Carroll v. U.S.*, 267 U.S. 132 (1925).

⁴³ *Id.* at 288. The Plain View Doctrine permits officers to seize without a warrant items that are inadvertently discovered in plain view provided the officer is lawfully present and the items are immediately recognizable as relevant evidence. *Coolidge v. New Hampshire*, 403 U.S. 510 (1971).

⁴⁴ See, *U.S. v. Pruett*, 551 F.2d 1365 (5th Cir. 1977); *U.S. v. One 1972 Chevrolet Nova*, 560 F.2d 464 (1st Cir. 1977).

⁴⁵ 572 F.2d 227 (9th Cir. 1978).

⁴⁶ 386 U.S. 558 (1967).

⁴⁷ *U.S. v. Johnson*, supra n. 45 at 230.

⁴⁸ See, *U.S. v. Kwip*, 508 F.2d 1122 (9th Cir. 1974); *U.S. v. Arias*, 543 F.2d 641 (9th Cir. 1972).

⁴⁹ *Carroll v. U.S.*, 267 U.S. 132 (1925) (probable cause to believe a mobile vehicle contains evidence); *South Dakota v. Opperman*, 49 L.Ed. 2d 1000 (1976) (impoundment and inventory of vehicles).

WANTED BY THE FBI



Photograph taken 1967.

Photograph taken 1974.

ANDREW DAVIS

Unlawful interstate flight to avoid prosecution—Murder

The Crime

Davis is being sought for the ambush murder of a female associate in which a sawed-off shotgun was used.

A Federal warrant for Davis' arrest was issued on September 25, 1973, at Cleveland, Ohio, charging him with unlawful interstate flight to avoid prosecution for the crime of murder.

Description

Age..... 53, born April 16,
1925, Wylam,
Ala.
Height..... 6 feet 3 inches.

Weight..... 175 pounds.
Build..... Thin.
Hair..... Black.
Eyes..... Brown.
Complexion.. Medium brown.
Race Negro.
Nationality.. American.
Occupations.. Cab driver, garage
manager, restaur-
ant manager.
Remarks..... Wears corrective lens
glasses.
Scars and
marks..... Scar center of fore-
head; operation
scar on abdomen;
scars on both
arms, both knees,
left leg, and right
thigh.

Social Secu-
rity Nos..

used..... 298-14-3748.
297-14-3748.

FBI No. 321,570 L3.

Fingerprint Classification:
17 L 27 W 100 13
M 12 W QMI

NCIC Classification:
17PIPOPO1314POPMCII4

Caution

Davis, who is being sought for the ambush murder of a female associate in which a sawed-off shotgun was used, should be considered armed and dangerous.

Notify the FBI

Any person having information which might assist in locating this fugitive is requested to notify immediately the Director of the Federal Bureau of Investigation, U.S. Department of Justice, Washington, 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.



Right middle fingerprint.

FBI LAW ENFORCEMENT BULLETIN

FOR CHANGE OF ADDRESS ONLY—NOT AN ORDER FORM

Complete this form and return to:

DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535

_____	_____	
(Name)	(Title)	

(Address)		
_____	_____	_____
(City)	(State)	(Zip Code)

Parking Meter Key



Various tools have been devised by elements of the criminal world to perpetrate crime; one of these, discovered by an officer of the Kansas City, Mo., Police Department, is a key designed to open parking meters. The above-pictured burglar tool was confiscated from a convicted felon, who said he manufactured and marketed keys of this type. Law enforcement officers should be alert to such an instrument and its possible illicit use.

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

OFFICIAL BUSINESS

ADDRESS CORRECTION REQUESTED



POSTAGE AND FEES PAID
FEDERAL BUREAU OF INVESTIGATION

JUS-432

CONTROLLED CIRCULATION
RATE

INTERESTING PATTERN



The pattern presented above is classified as an accidental whorl with an outer tracing. The interesting aspect of this impression is the numerous separate loops within the pattern.