



The Police and the Elderly

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The Cover:
Auxiliary and reserve police units composed of senior citizens can perform many functions that would benefit the community and police department, such as rendering victim assistance services. See article p. 1.

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The Police and the Elderly (Conclusion)

The Elderly Offender

Unfortunately, some elderly individuals become perpetrators of crime. In fact, the increasing number of elderly people in our population has resulted in a corresponding increase in the amount of crime committed by this segment of the population.⁴⁴

Two types of elderly offenders have been distinguished—lifetime criminals grown old and individuals who have turned to crime late in life.⁴⁵ It is this latter group that warrants concern since their special problems (e.g., diminished hearing and sight) may be a potential catalyst of their lawbreaking activities. The deterioration of sensory organ functions common to the elderly can be extremely aggravating and frustrating because of the difficulties it imposes upon interpersonal communication.

Job discrimination, restricted educational opportunities, and inadequate Social Security payments are additional sources of stress and frustration. If these emotions are ignored or misunderstood, they can easily lead to violence or criminal activity.⁴⁶

Any future research concerning criminality and criminal behavior among the elderly must take into account treatment given them by police, court, and correctional personnel. Their actions and discretionary powers can have a tremendous impact on crime statistics and can often be influenced by the overall characteristics of older persons. Research in ethology has shown that signs of helplessness tend to inhibit aggressive attack.⁴⁷ In a similar vein, the police in the past might have viewed the elderly as weak and less than fully responsible for their acts. It is likely that these factors have an attitudinal impact upon criminal justice personnel. Consequently, the police might be limited in their ability to exer-

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cise their discretionary authority appropriately, unless they possess a sound understanding of the elderly.

The Elderly Victim

Understanding the elderly also aids police officers in their interactions with victims. The physical deterioration which can be so frustrating to aged individuals can also be a source of frustration for their caretakers. As the aged might resort to violence to vent their emotions, so too might those caring for them. An indepth discussion concerning the various reasons for elder abuse is beyond the scope of this article; however, it is important for police officers to know that the elderly are highly vulnerable due to their possible physical, social, emotional, or economic needs. It has been estimated that 10 percent of dependent elderly are at risk.⁴⁸ Abuse might take the form of direct beatings, verbal assaults, misuse of money or property, as well as forcing an individual into a nursing home.⁴⁹ The situation is complicated by the fact that the abuser might be anyone—a close or distant relative, friend, neighbor, paid caretaker, or stranger, and the aged victim might be unable or too fearful to tell anyone what has happened. In addition, the elderly person might be engaging in self-abuse, such as excessive use of alcohol, drugs, improper diet, or refusing to accept medical care.⁵⁰ There also exists the possibility of abuse by elders. As described by Steinmetz, "The authoritarian father who ruled his children with an iron fist and met a loss of authority or control by beating them apparently still resorts to these techniques at age 90, especially when he finds controlling the 'children' more difficult."⁵¹

Fear of Crime

The fear of crime among many elderly individuals is a consuming emotion. As a consequence, many of these individuals imprison themselves in their home.⁵² However, various crime surveys indicate that those individuals 65 and older are generally victimized less than any other age group.⁵³ Further examination of the data indicates that they are no more likely than any other age group to be subject to personal larceny with contact (i.e., pocket picking and purse snatching).⁵⁴ Due to all the problems inherent in collecting crime statistics (e.g., nonreporting of crimes, the victim's failure to recognize a crime has been committed), it is difficult to ascertain the actual rate of victimization among the elderly. However, it seems that when the elderly are victimized, they usually suffer greater economic and physical consequences than younger victims. Since nearly half of the population 65 and over are retired and live on fixed incomes at or below the poverty level, they generally do not have the financial capability to replace or repair property, and the biological changes which occur with age can make recovery from a physical injury a lengthy process, if recovery does occur.⁵⁵

“... police officers can be key figures in reducing the stress of elderly individuals in both crime and noncrime situations.”

Emphasis has been placed upon the interactions police officers have with the elderly in their crime-related duties. However, police officers typically spend less than 20 percent of their time in crime-related activities. The majority of their time involves a wide variety of community services. The elderly can especially profit from the community-service functions that police officers carry out because of their many vulnerabilities. Armed with a solid understanding of the elderly person's special characteristics, as well as the relevant laws, police officers can be key figures in reducing the stress of elderly individuals in both crime and noncrime situations.

Role of the Police

The current and future police role in cases involving the elderly can be addressed by considering the techniques which police can use in order to fulfill their five mandates—law enforcement, order maintenance, crime prevention, delivery of services, and protection of civil rights and liberties.

Law Enforcement

There exist many architectural and psychological barriers to disabled people who are victims or witnesses of crimes. Ideally, the police would coordinate efforts with other law enforcement personnel to insure that their disabled clients feel comfortable within the environment of the criminal justice system (e.g., police stations, courtrooms, and attorney's offices).



The disabled elderly person might require transportation to court, assistance in testifying (e.g., providing interpreters for the deaf), and at times, referrals to other appropriate social service agencies. The progress of a criminal case through the criminal justice system might be dependent upon fulfilling these services.

Due to the disproportionate number of low-income elderly individuals, they are overrepresented in high-crime areas. Such decoy tactics as masquerading as disabled and aged persons in these areas would cause many potential offenders to reconsider their crime plots. Consequently, the victimization of the elderly would be reduced.

Police officers should be especially careful to avoid errors in carrying out arrests, searches, and seizures when crimes involve the elderly. The dismissal of cases due to technicalities will only serve to reinforce any belief suggesting that the police have no impact on crime. Establishing a

case review system with the assistance of the prosecutor in order to determine the legal sufficiency of a case prior to its formal submission for prosecution would reduce police officers' errors and would serve as continuing education for police and prosecutors regarding situations which might lead to errors. When the elderly see offenders being prosecuted, it is likely that their consuming fear of victimization would be reduced and their willingness to report crime would be increased.

The elderly would greatly benefit from the consolidation of police dispatch services. Agencies that operate independently could pool their radio dispatch resources, thereby eliminating confusion and duplication. In this way, the public would have one number to dial and the police could use less dispatch personnel.

Order Maintenance

Senior citizens have much to contribute to society, if only their talents and abilities are recognized. Recruiting senior citizens for auxiliary and reserve police units can provide benefits to the community and police departments. These older volunteers would be able to patrol less hazardous areas, perform clerical duties, enforce safety regulations, search for physical evidence, counsel distressed persons and their families, as well as render victim assistance services. Moreover, these police volunteers could make periodic visits to ascertain the current needs of their less mobile peers. Such use of the elderly would provide the police with extra time to perform more demanding duties, while simultaneously recognizing the elderly person's worth. Consequently, these older people would feel needed, wanted, and less isolated.

Police officers and/or police volunteers could inspect nursing homes and other licensed elderly residences, as well as render other adult protective services in compliance with local and State laws. Through the use of informal arbitration, such visits could serve to eliminate the need for more serious interventions. Also by compiling and maintaining directories of local service organizations, such as battered client shelters, hotels, and other public facilities which have accommodations to service disabled persons, police might be better able to cope with crises involving the elderly as well as other individuals.



Crime Prevention

There are several ways in which police departments can increase their crime prevention efforts for the elderly. Police training manuals and audio visual programs which specifically deal with crime prevention and the elderly are available. The materials contain information which can educate the elderly and orient police officers on safety techniques and methods used to train older persons to assist law enforcement efforts.⁵⁶ Also, com-

“Senior citizens have much to contribute to society, if only their talents and abilities are recognized.”

municating with community crime prevention groups and those throughout the Nation not only augments the variety of techniques but also substantially upgrades the act of crime prevention at the least possible expense.

Dissemination of senior crime prevention information through the mass media is another viable approach. Radio and television presentations, as well as the distribution of crime prevention literature at nutrition sites and senior centers, are ideal delivery modes for the older age group.

The expertise of local organizations and agencies within the public and private sectors for the purpose of developing special safety devices and plans for the elderly should not be overlooked. Possible innovations to assist the elderly could include low-

cost burglar alarms for homes and apartments, safety standards for doors and windows, and new environmental designs for public housing and other residential developments.

Delivery of Services

What can the police do to reduce the automobile, pedestrian, and home accident rate among the elderly? Responses to this question are infinite; however, there are several steps which can be taken, including:

- 1) Present workshops which focus on techniques to compensate for biological changes which come with age;⁵⁷
- 2) Publicize available victim compensation programs;
- 3) Advertise special telephone numbers to obtain assistance during emergencies;
- 4) Operate through volunteers a "survival mobile" to help senior citizens who have not been able to solve transportation problems through usual channels;
- 5) Establish a senior "call-line network" by which volunteers would help the disabled contend with fear, loneliness, and desperation. If a mobility-impaired person does not call the volunteer at a given set time, the volunteer would attempt to establish contact; and
- 6) Make available the services of volunteers to check on status of older persons and report back to concerned out-of-town relations, ensuring that any problem discovered would be resolved before the volunteer departs.

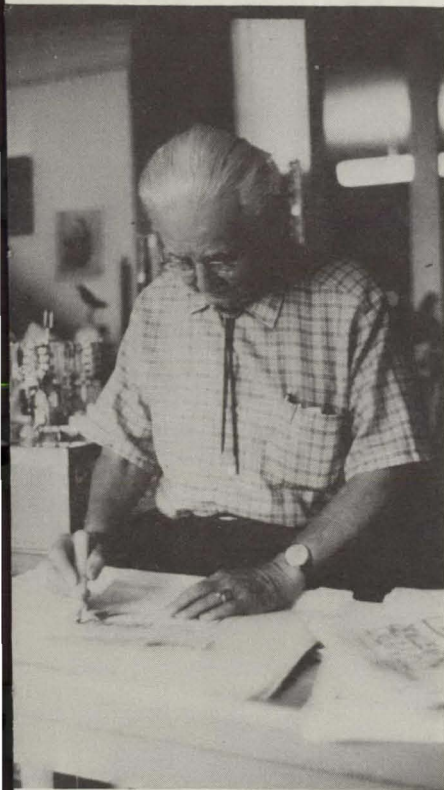
The successful formulation and dispensation of police services to this population greatly depends on the human element. The development of inservice training in order to sensitize police personnel to the characteristics of the elderly is vital. Police departments could institute such courses at minimal cost by using the services of local practitioners and teachers in the fields of disability and gerontology.

Protection of Civil Rights and Liberties

After arresting an elderly person, it is important that the police officer makes a general assessment of the aged person's characteristics. Special accommodations should be made in response to any apparent disability. For example, if it appears that the person has an intellectual impairment, care must be taken when advising this person of his or her rights. It would be wise to have this person repeat his/her understanding of these rights to insure that they are not unintentionally waived.

Many cases involving the older offender involve problems of self-abuse or petty theft. Police could use the help of volunteers to divert such cases with the cooperation of the prosecutor. Such a procedure would save police time and contribute to the rehabilitation of the offender.

Police could safeguard the legal rights of the elderly in cases involving guardianship, civil commitments, and the implementation of related adult protective legislation. Many elderly persons do not really need such "protections," and alert police officers using informal arbitration procedures



“All police departments need to undertake their own local assessments in order to discover how they might best fulfill their role in cases involving [the] elderly. . . .”

could forestall any injustice in this regard. The services of practitioners and teachers expert in health institutions' law could be used for police in-service workshops in order to give police officers the means with which to mediate.

Elderly victims who live at or below the poverty level and are on fixed incomes might be unaware of the programs publicly financed to assist them. Police personnel could disseminate information about the benefits available to them. Also, representatives from the Social Security Administration and other agencies engaged in direct service activities for this age group could be used for consultation. Police could also use the System of Federal Information Centers which has been established to answer questions about Federal programs.⁵⁸

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 79) deals with equal access rights for disabled persons. Agencies receiving Federal funds must accommodate this population, which includes many elderly persons. Police departments should be accessible to the disabled, have telephone amplifiers for hard-of-hearing persons, and teletypewriters for the deaf, as well as provide qualified sign language interpreters for communication with hearing-impaired persons who rely on sign language. The installation of a telecommunication device (TDD or TTY) at a police station can help to protect the lives and property of the hearing-impaired citizens of a community. Moreover, the general public is also benefited by the ability of an additional segment of the local population to make police reports by telephone.⁵⁹



Conclusion

In the final analysis, the police need to be responsive to the needs and concerns of the communities in which they work. When approximately 80 people representing areas within the East San Gabriel Valley in Los Angeles County were caucused on the plight of the elderly and the issue of crime, they ranked their concerns as increased residential burglaries, inability to afford home safety devices, harassment from juveniles, ineligibility of lower middle-class seniors to receive services reserved for the lower income population, general lack of awareness of what can be done to prevent becoming a crime victim, lack of multilingual police officers, lack of police officers who can communicate with the hearing impaired, and abuses





committed against seniors by nursing home staff, their own children, or other persons. They also had much to say about the lack of legal aid, inadequate housing, availability of transportation, and other health and social service issues.⁶⁰

The chief of the Baltimore County, Md., Police Department has authorized police officers to interview neighborhood residents in order to identify their fears. He has learned that the high frequency of specific crimes does not necessarily coincide with the people's fears and stated in a recent interview:

"They're worried about vandalism, they're worried about the larceny of their autos, they're worried about the destruction of their homes and their property, or their ability to walk down the street safely. It's a more personalized thing. It's rather close to home, what they're afraid of, as opposed to the broader crimes that we deal with, which are the Part I crimes, [e.g., homicide or burglary]." ⁶¹

All police departments need to undertake their own local assessments in order to discover how they might best fulfill their role in cases involving elderly community residents, crime victims, and crime witnesses.

Many social service agencies are involved in programs that address the safety and security of the elderly. However, while other community agencies may choose to undertake responsibilities in cases involving the elderly, the police alone must handle all cases of social need that come to them.⁶² Consequently, the police represent society's foremost source of aid for this group. The obligations such a responsibility entails can be met with the development of effective programs which take into account the needs and attitudes of the elderly.

Footnotes

⁴⁴ D. Shicho and S. Kobrin, "Note: Criminal Behavior Among the Elderly," *The Gerontologist*, vol. 18, 1978, p. 216; J. Wolinsky, "The Offender as Victim," *APA Monitor*, May 1982, p. 17.

⁴⁵ Wolinsky, *ibid.*

⁴⁶ *Ibid.*

⁴⁷ G. Jensen and F. Oakley, "Aged Appearance and Behavior: An Evolutionary and Ethological Perspective," *The Gerontologist*, vol. 20, 1980, p. 596.

⁴⁸ S. Steinmetz, "Elder Abuse," *Aging*, vols. 315-316, 1981, p. 7.

⁴⁹ E. Lau and J. Kosberg, "Abuse of the Elderly by Informal Care Providers," *Aging*, vols. 299-300, 1979, p. 11.

⁵⁰ *Ibid.*

⁵¹ Steinmetz, *supra* note 48, p. 8.

⁵² M. Lawton and S. Yaffe, "Victimization and Fear of Crime in Elderly Public Housing Tenants," *Journal of Gerontology*, vol. 35, 1980, p. 768.

⁵³ F. Cook, W. Skogan, T. Cook, and G. Antunes, "Criminal Victimization of the Elderly: The Physical and Economic Consequences," *The Gerontologist*, vol. 18, 1978, p. 338; E. Hochstedler, *Crime Against the Elderly in 26 Cities* (Washington, D.C.: U.S. Department of Justice, 1981), p. 3.

⁵⁴ Bureau of Justice Statistics, *Bulletin: Crime and the Elderly* (Washington, D.C.: U.S. Department of Justice, December 1981), p. 3.

⁵⁵ National Council of Senior Citizens, *Victim Compensation and the Elderly: Policy and Administrative Issues* (Washington, D.C.: U.S. Government Printing Office, January 1979), p. 9.

⁵⁶ Criminal Justice Services, American Association of Retired Persons—National Retired Teachers Association, 1909 K Street, N.W., Washington, D.C. 20049, and Criminal Justice and the Elderly Program, National Council of Senior Citizens, 925 15th Street, N.W., Washington, D.C. 20005; *Outsmarting Crime: An Older Person's Guide to Safer Living* (color slides and audio cassette, 18 minutes, 1978), Harper and Row Media, Fulfillment Center, 2350 Virginia Avenue, Hagerstown, Md. 21740; *I'm Alone, I'm Afraid* (black and white video tape, 25 minutes, 1973), New England Gerontology Center, 15 Garrison Avenue, Durham, N.H. 03824; *Senior Power and How to Use It* (color 16mm film, 19 minutes, 1975), William Brose Productions, Inc., 10850 Riverside Drive, North Hollywood, Calif., 91602.

⁵⁷ National Safety Council, 444 N. Michigan Avenue, Chicago, Ill. 60611; Minneapolis Police Department, Room 107A, City Hall, Minneapolis, Minn. 55415; and American Association of Retired Persons/National Retired Teachers Association, 1909 K Street, N.W., Washington, D.C. 20049.

⁵⁸ A list of the publications of the National Senior Citizens Law Center is available from their office at 1636 West 8th Street, Suite 201, Los Angeles, Calif. 90017. Two manuals provide useful summaries of the benefits available to the elderly: *Legal Concerns of the Elderly* (1978). Legal Research and Services for the Elderly, 1511 K Street, N.W., Washington, D.C. 20005; *The Rights of Older Persons: An American Civil Liberties Union Handbook* (1979), Avon Books, 224 West 57th Street, New York, N.Y. 10019.

⁵⁹ Gallaudet College Press, Kendall Green, Washington, D.C. 20002, publishes a resource manual for criminal justice system personnel who work with physically disabled crime victims and witnesses. The National Center for Law and the Deaf, 7th and Florida Avenue, N.E., Washington, D.C. 20002, will assist any law enforcement agency having questions regarding compliance with Section 504.

⁶⁰ House Select Committee on Aging, *Hearing on the Reauthorization of the Older Americans Act: 1981, West Covina, Calif., October 15, 1980* (Washington, D.C.: U.S. Government Printing Office, 1980), pp. 71-77.

⁶¹ L. Sanders, "Programmed for Success: An Interview with Chief Neil Behan of the Baltimore County, Md., Police Department," *Law Enforcement News*, vol. 8, September 27, 1982, p. 8.

⁶² P. Brostoff, "The Police Connection: A New Way to Get Information and Referral Services to the Elderly," eds. J. Goldsmith and S. Goldsmith, *Crime and the Elderly* (Lexington, Mass.: Lexington Books, 1976), p. 150.

(Photographs courtesy of the American Association of Retired Persons)

"Selecting and training crime analysts is important for establishing a solid base for the development of the unit."

Since the mid-1960's, police departments in many parts of the country have formed crime analysis units.¹ Many were established as part of the integrated criminal apprehension program (ICAP), formerly funded through the Law Enforcement Assistance Administration (LEAA). Some crime analysis units are, however, the same in name only. Individual departments tend to have very different ideas about what crime analysis should do for them. Many agencies have also found it difficult to convince patrol officers and investigators to use crime analysis data on a day-to-day basis. In those agencies, crime analysts tend to complain that their work has become routine and clerical.

Traveling around the Nation as a consultant and trainer over the past few years, it became clear to me that some departments were more successful than others in making crime analysis an integral part of field operations. These departments have used strategies to develop the skills of

crime analysts and the functions of crime analysis units. Much of the success these agencies have experienced results from being "user-oriented," meaning that user feedback is actively sought. That feedback is then employed to develop crime analysis products that fit the needs of patrol officers and investigators.

Along with obtaining meaningful user feedback, departments that have developed crime analysis units have successfully addressed other major issues, including staffing the unit, training analysts, and the specifics of crime analysis unit operations.

Staffing the Unit

Selecting and training crime analysts is important for establishing a solid base for the development of the unit. Analysts chosen to start a unit are, in many cases, handpicked. Problems sometimes develop when these original analysts must be replaced. Crime analysts should be persons who can develop credibility with line personnel.

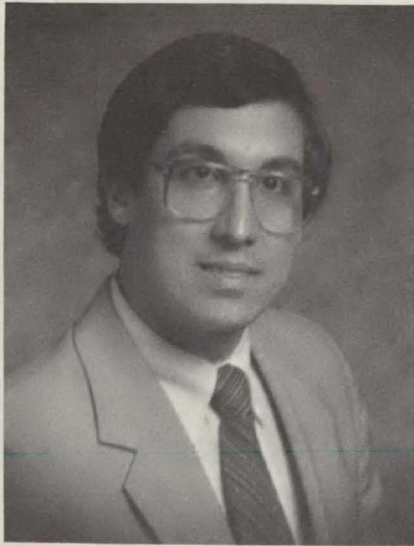
Sworn personnel who are used as crime analysts should be capable of handling the necessary paperwork and have the reputation of being "good cops." Assigning light-duty persons or using crime analysis as a place to put someone "on the shelf" places the unit at a serious disadvantage. Assignment decisions send a message to a department's staff about the importance of a function.

If civilians are assigned to the unit, they should not be mathematicians. They should be persons who have a criminal justice background, have good communication skills, and understand how best to deal with line personnel.

Ongoing Development of Crime Analysis Units

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Once an analyst is chosen, clerical support should be considered. The information processing tasks performed by crime analysis units require some clerical services. Many units do not develop because analysts are bogged down in the day-to-day paper flow.

Time studies performed by the Portsmouth, Va., and Virginia Beach, Va., Police Departments suggest that crime analysts spend less than 20 percent of their time actually analyzing crime.² The balance of their time is spent on such tasks as screening information, file maintenance, and report production. These and other departments have used part-time high school students or retired volunteers as a low-cost method for reducing the clerical burden on crime analysts.

Training Issues

There are several formal training courses available for crime analysts. These programs may be expensive because of tuition, travel, and subsistence costs; however, departments just beginning to implement crime analysis units may find these training programs a worthwhile investment. Crime analysts with some experience sometimes find that these courses do not deal with more advanced problems. Overall, they tend to be one-time ventures for most agencies.

Many departments have found that one of the best methods for ongoing development of crime analysts is to provide travel funds to enable them to visit other units using new and innovative crime analysis techniques. This on-the-job training allows a new crime analyst to work for a week in an established crime analysis unit. More experienced crime analysts also find this approach useful because they can ask questions about operational problems they may face in implementing new techniques in their own departments. These onsite visits also tend to create an informal technical assistance network of crime analysts who share both ideas and experience on an ongoing basis.

Operational Issues

Aside from staffing problems, crime analysis units that continue to develop their capabilities have addressed important issues at each of the five operational stages of the crime analysis process—data collection, collation, analysis, dissemination, and feedback.

Data Collection

Successful crime analysis units look beyond using only offense reports and field interviews as data sources. In cities that have high rates of property crime, offense reports provide limited information for analysis purposes. Many times, analysts are not able to determine the time of the day or the day of the week a residential burglary took place. Other sources of information are used by some units to supplement information provided in offense reports and field interviews. (See fig. 1.) The data in these sources can be used to pin down times of occurrence or to distinguish between old

Figure 1

Supplemental Data Sources for Crime Analysis Units

Internal sources	Uses
Evidence technician's reports.....	Determine availability of latent fingerprints Determine precise means used to commit an offense
Selected calls for service	Times at which alarms are triggered in areas Speeding car calls Suspicious person calls
Investigative followup reports	Additional information from witness Information on trademarks
Traffic citations	Movements of vehicles in key areas
Teletypes from local agencies.....	Track crimes across jurisdictional boundaries
Confessions from arrestees.....	Confirm exact modus operandi of fencing property
Intelligence files.....	Drug abusers, fences, organized crime-related activity
External sources	Uses
Bail information.....	Suspects committing crimes while on bail
Probation information.....	Conditions of probation related to associates, places, alcohol use, etc.
Parole information.....	Release of known offenders into the community
Furloughed prisoners.....	Track appearance of an old modus operandi over a series of weekends

and new pry marks. Analysts should be aware of witness information that may have changed and new evidence obtained through followup investigations. Information on known offenders released from prisons or out on bail may also be very helpful in determining why a crime pattern continues after an arrest is made or why an old modus operandi reappears. In some cases, crimes committed by suspects out on bail may have little or no impact on their prosecution and therefore provide limited additional penalties.

When attempting to collect additional data, departments should establish information sharing agreements with other agencies. Staffing also becomes an important consideration because clerical help is needed to sift through data to provide analysts with information relating only to a specific area or problem.

Along with seeking new data sources, many departments have struggled with the problem of obtaining good information. Quality control is needed to create a system of checks and balances that promotes the collection of specific crime information. This requires that a set of standards be established for information to be collected about offenses and incidents. Training should include an explanation of why certain information is needed, and the quality of reports should be monitored at each level of supervision. Supervisors should determine the need for supervision, training, and changes in forms of paper-flow systems.

Some crime analysis units are assigned the quality control responsibility. Those units risk their relationship with line officers by assuming a role that is essentially supervisory without having the authority to make it work.

Data Collation

Crime analysis units usually begin to question the usefulness of files developed when the units were first implemented. Generally, these units eliminate files that are not used regularly to answer information requests. Each unit should also examine the need to maintain files on particular types of crime. Assault and homicide files, for example, may be interesting for research purposes, but many agencies find that information from these files has little application to patrol or investigative activities. These types of crimes usually take place between persons who know each other. Interpersonal relationships, not geography, time, or weapons used, determine whether these crimes take place. Many of these are also "smoking gun" cases that are less difficult to solve because of confessions or

witness testimony. Keeping files on these types of problems does not usually justify the time spent on file maintenance.

Files should be easy to use and maintain. This requires adjustment and development of file structure on an ongoing basis. For example, file categories that have become too large should be divided into more manageable categories.

Collation of data has also been improved through the use of automated systems. Overall, however, the automation of crime analysis has not been as successful as many units had hoped. Units that use central computer systems sometimes run into problems because of the priority given to programing support for crime analysis from municipal data processing departments. These centralized systems were designed based on the assumption that a central records system could be modified to serve crime analysis. New forms to be fed into these systems were designed as a result of compromises involving many department units. The result, in many cases, was a new form that may have served the needs of records units but did not collect the information needed to analyze crime problems effectively.

Automation of crime analysis functions was also less successful in units that did not first develop viable manual systems. Making changes to developed manual systems is less time consuming and less expensive than rewriting computer software. User confidence is also threatened when customized software is constantly being revised.

Easy to use, relatively inexpensive, desk top microprocessors seem to hold the most promise for successful automation of crime analysis files. These systems can employ existing crime analysis software available for several brands of machines.

Along with existing crime analysis software, new data base management software packages for microprocessors that are well-suited to crime analysis functions are available. These packages function like large electronic file cabinets that can be searched a variety of ways, using file tabs defined by crime analysts. While these packages have some limitations, they can be used to inexpensively develop automated crime analysis files.

Data Analysis

Crime analysis units that have been less successful may have omitted the data analysis stage in producing products. Some of these units served only to reprocess information from incident reports into lists or summaries and send them back out to officers. These units did little analysis and even expected line personnel to do some of the analysis. As a result, bulletins were generally not used.

Analysis techniques should be developed by individual analysts. These techniques result from a mixture of information, intuition, creativity, and disciplined reasoning. Analysts have transformed traditional pin maps into multicolored maps that use acetate overlays. While these overlay maps are more useful than pin maps, some units depend too much upon maps as an analysis tool. As a result, some crime series go undiscovered because they are based on property targets, trademarks, or time of day, rather than geography.

Crime series matrices have been used by many departments to identify similarities in a series of cases. Matrices are particularly useful tools for analyzing crimes against persons. By charting the steps used to commit each crime, analysts can determine when offenses were most likely committed by the same suspect.

Other automated reports produced on a regular basis can be used to pinpoint reporting areas that are experiencing an unusual level of activity so that the areas could be the focus of detailed analysis.

The analysis process is one area that is still in need of major development. Many hours have been spent developing new approaches to analysis that employ such things as triangulation and statistically based projections of future criminal activity.

Dissemination of Products

An interesting analysis problem confronted by units after they have been in operation for a few years is that of defining the criteria for identification of a crime pattern. Some analysts have found that they waited too long to make their theories known. By the time any information was released, the problem was well-recognized by other members of the department. As a result, some units now release information in phases as problems and patterns develop.

“The credibility of crime analysis has been enhanced greatly in agencies that encourage regular contact between line personnel and analysts.”

Reports generated by crime analysis units are their “products.” Many units have learned that the packaging of these products seems to have a significant impact on increasing their use. Examples of alternative approaches are the use of video taped presentations based on a television news format, a tabloid newspaper format, and a briefing of patrol officers by crime analysts during rollcall.

Departments should adopt dissemination methods that fit the character of their agency. Experimentation is very important in finding the right method. A few general rules have emerged that seem to indicate that some products may be more successful than others. (See fig. 2.)

Feedback and Evaluation

Good communication with users of crime analysis products is necessary for the development of good

products. Without input from users, crime analysis units are more inclined to become involved in planning projects or in maintaining useless, impressive-looking files. Officers on patrol and in investigations need to believe that the crime analysis unit is a service bureau that is able to meet their information needs.

Every effort should be made to ensure that the feedback and evaluation phase is a constructive process. One method that has been used to solicit feedback on the quality of unit products is a simple, structured user survey that elicits specific written feedback from users. These questionnaires, which are filled out anonymously, can serve to answer important questions about the relationship between the unit and its users. Some typical user survey questions include:

- 1) How do you use crime analysis reports?

- 2) Do you find them easy to use?
- 3) Are you familiar with the information available from the Crime Analysis Unit?
- 4) How often do you request information from the Crime Analysis Unit?
- 5) Are you satisfied with the information you receive?
- 6) What types of new reports do you need that could be provided by the Crime Analysis Unit?
- 7) What do you like best about the Crime Analysis Unit?
- 8) What do you like least about the Crime Analysis Unit?

A key to making this exercise a success is to ensure that the persons completing the survey later receive a summary of the survey results. The department should also issue a memo explaining how the survey's results will later be employed in fine-tuning the Crime Analysis Unit.

Figure 2

Checklist for Assessing Crime Analysis Products

Yes

No

- 1) Is the report less than three pages long?
- 2) Does it look significantly different from other department memos?
- 3) Is the report *timely* (within 1 day of latest offense)?.....
- 4) Is there a system for *keeping track* of who acted on the basis of the reports?.....
- 5) Could the report be written more clearly or concisely?.....
- 6) Does the report require the reader to analyze lists of cases or information?.....
- 7) Are there grammatical or spelling *errors* in the reports?.....
- 8) Do more than 35 percent of the reports end up in a trash can just after rollcall briefing?.....
- 9) Does any one complain when you stop producing the report?.....
- 10) Does your unit stress quantity of bulletins rather than their *quality*?.....

If you answered “no” to any of the first four questions and “yes” to any of the last six questions, you should reevaluate your unit's products.

Other, less formal, methods of feedback may be more appropriate in some departments. A user committee for crime analysis could be assembled to meet quarterly to provide feedback on unit products and operations. This group, which should be larger than 10 people, should represent a cross section of persons from various user groups. Both supporters and critics of crime analysis should be considered for appointment. A chairperson should establish an agenda in consultation with the crime analysis supervisors, and simple minutes of the meetings should be recorded. It may also be helpful to keep in touch with a few key, objective users who will be honest about the use of crime analysis products. Occasional surveys of rollcall room trash cans can also determine what shift or precinct in a patrol division is using Crime Analysis Unit products. Some units also find it useful to keep records of requests for service. A log or card file of information concerning requests provides a good data base for analyzing the types of information users are requesting.

Patrol Officer Use of Crime Analysis Products

Successful use of crime analysis by patrol officers results from the development of a partnership between patrol officers and crime analysts. Crime analysts must maintain the posture of a service bureau. Patrol officers should be praised and recognized in some way for their use of crime analysis products.

One way to build a successful partnership is through in-house training programs that explain crime analysis services available to patrol officers. Both inservice and recruit programs should include time for crime analysis. Rotation of patrol officers into crime analysis for 60 to 90 days is another method of training that provides patrol officers with insight into crime analysis and the necessity of direct feedback on unit products.

Once officers understand what information is available from crime analysis, a regular program of directed patrol activity should be developed. These directed patrol activities should be based on crime analysis data. Departments that expect results from patrol activities will find that crime analysis products are more likely to be used since successful directed patrol activities support the credibility of crime analysis products. Without a planned patrol program, officers may use crime analysis products on an individual basis, obtaining results that may never be traced back to crime analysis products.

Firstline supervisors also play an important role in increasing the use of crime analysis products. These supervisors, who are often the peer group leaders for their shift, can greatly improve the quality of offense reports,

as well as the use of crime data by line personnel. For this reason, they should be consulted in the development and dissemination of crime analysis products.

The credibility of crime analysis has been enhanced greatly in agencies that encourage regular contact between line personnel and analysts. The crime analysis office should be close to the rollcall room but not next to the chief's office. Analysts should be encouraged to attend rollcalls to deliver briefings to officers on shifts with specific crime problems.

The credibility of crime analysis units suffers when predictions about when crimes will occur are inaccurate. Prediction and forecasting require a solid data base, coupled with a good deal of skill. Some units attempt to forecast offenses too soon, and their credibility suffers as a result.

Communication Between Units

Communication between crime analysis units and investigative divisions needs improvement. Data describing crime series are used by some departments to improve multiple clearances. Other departments use photographs of known offenders recently interviewed in the field for photo lineups rather than traditional mug books.

Assignment of cases based on information about crime series or crime patterns will reduce duplication of effort and make better use of investigative staff time. Crime analysis units could perform a case enrichment service by searching their files and providing the investigative supervisor with any additional relevant information before assignments are made.

Traditional uses of latent fingerprints could be speeded up by using crime analysis information to narrow

“... ongoing development of crime analysis units ... does require a systematic approach to developing and evaluating unit products.”

down the number of fingerprint cards against which latent prints need be compared. Latent prints from crime scenes could be compared against those of known offenders recently field interviewed in the area of an offense.

The link between crime analysis units and crime prevention units is also weak. More work is needed to define and develop this link. Crime prevention units should stress target-hardening for crime problems identified by crime analysis. Neighborhood watch groups should receive on a regular basis information that describes crime problems in their neighborhood to help them focus their efforts. Crime analysis could also provide crime prevention units and neighborhood groups with profiles of potential victims and targets. These profiles would provide a basis for educational programs tailored to serve potential victim groups.

Conclusion

Many agencies began crime analysis units with high expectations. Some even experienced initial success during a “honeymoon” phase just after implementation. Now, many second generation units are no longer funded by Federal dollars. These units must compete with other department priorities to obtain resources, and as a result, they are experiencing either pressure to produce results or loss of resources.

While ongoing development of crime analysis units does not necessarily require dollars, it does require a systematic approach to developing and evaluating unit products. Successful crime analysis units have recognized that obtaining user feedback on a regular basis is crucial to the development of a crime analysis process that works.

FBI

Footnotes

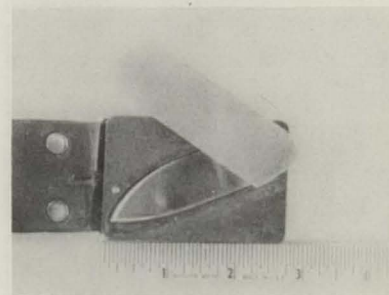
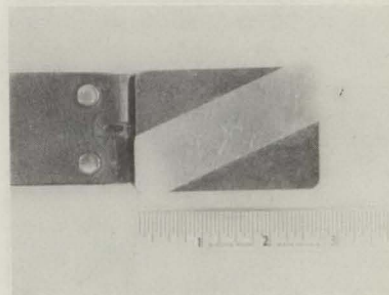
¹ A good source of information about the experience of these agencies is a bibliography by Ms. Meg Emig and Mr. Robert O. Heck which is available from the National Criminal Justice Reference Service, Box 6000, Rockville, Md. 29850.

² These studies were conducted by Dr. Wolfgang Pindur of Old Dominion University in Norfolk, Va. Dr. Pindur served as the program evaluator for ICAP projects in Portsmouth, Virginia Beach, and Hampton, Va.

Belt Buckle Knife

During a narcotics arrest, a San Diego, Calif., police officer noticed an unusual belt buckle on the subject. It was subsequently discovered that the buckle, which conceals a knife, is a model in Gerber's “Touche” line and is available in sporting goods stores, police equipment stores, and other retail outlets. Law enforcement personnel should be aware of such a tool since it poses a potential threat when making arrests.

(Submitted by the San Diego, Calif., Police Department)



Crime in the United States 1982

According to the final 1982 Crime Index figures, serious crimes numbered an estimated 12.9 million, the lowest total recorded since 1979 when 12.2 million offenses were reported. These figures compiled by the FBI's Uniform Crime Reporting Program reveal an overall decline of 3 percent in serious crimes from the 1981 volume, the first significant decline since 1977. However, when compared to previous Crime Index totals, the 1982 statistics show a 15-percent increase over the 1978 figure and a 47-percent increase in the number of offenses recorded in 1973. Over 15,000 law enforcement agencies nationwide, covering over 97 percent of the total U.S. population, reported their crime data during 1982.

Crime Distribution

Geographically, the overall Crime Index showed declines of 6 percent in the Northeastern States, 5 percent in the North Central States, and 3 percent in the Western States. The Southern States registered virtually no change in its totals for the two annual periods.

Like the Nation as a whole, the country's cities recorded a 3-percent decrease in crime from 1981 to 1982. The rural counties and suburban

areas each showed 5-percent declines.

The national crime rate, which relates the crime volume to population, was 5,553 offenses per 100,000 inhabitants in 1982. This rate was 4 percent lower than in 1981 but was 9 percent higher than the 1978 rate and 34 percent above the 1973 level.

Index of Crime, United States, 1973-1982

Population ¹	Crime index total ²	Modified Crime index total ³	Violent crime ⁴	Property crime ⁵	Murder and non-negligent manslaughter	Forcible rape	Robbery	Aggravated assault	Burglary	Larceny-theft	Motor vehicle theft	Arson ⁶
Number of offenses:												
1973-209,851,000	8,718,100		875,910	7,842,200	19,640	51,400	384,220	420,650	2,565,500	4,347,900	928,800	
1974-211,392,000	10,253,400		974,720	9,278,700	20,710	55,400	442,400	456,210	3,039,200	5,262,500	977,100	
1975-213,124,000	11,256,600		1,026,280	10,230,300	20,510	56,090	464,970	484,710	3,252,100	5,977,700	1,000,500	
1976-214,659,000	11,304,800		986,580	10,318,200	18,780	56,730	420,210	490,850	3,089,800	6,270,800	957,600	
1977-216,332,000	10,935,800		1,009,500	9,926,300	19,120	63,020	404,850	522,510	3,052,200	5,905,700	968,400	
1978-218,059,000	11,141,300		1,061,830	10,079,500	19,560	67,130	417,040	558,100	3,104,500	5,983,400	991,600	
1979-220,099,000	12,152,700		1,178,540	10,974,200	21,460	75,990	466,880	614,210	3,299,500	6,577,500	1,097,200	
1980-225,349,264	13,295,400		1,308,900	11,986,500	23,040	82,090	548,810	654,960	3,759,200	7,112,700	1,114,700	
1981-229,146,000	13,290,300		1,321,900	11,968,400	22,520	81,540	574,130	643,720	3,739,800	7,154,500	1,074,000	
1982-231,534,000	12,857,200		1,285,710	11,571,500	21,010	77,760	536,890	650,040	3,415,500	7,107,700	1,046,300	
Rate per 100,000 inhabitants:												
1973	4,154.4		417.4	3,737.0	9.4	24.5	183.1	200.5	1,222.5	2,071.9	442.6	
1974	4,850.4		461.1	4,389.3	9.8	26.2	209.3	215.8	1,437.7	2,489.5	462.2	
1975	5,281.7		481.5	4,800.2	9.6	26.3	218.2	227.4	1,525.9	2,804.8	469.4	
1976	5,266.4		459.6	4,806.8	8.8	26.4	195.8	228.7	1,439.4	2,921.3	446.1	
1977	5,055.1		466.6	4,588.4	8.8	29.1	187.1	241.5	1,410.9	2,729.9	447.6	
1978	5,109.3		486.9	4,622.4	9.0	30.8	191.3	255.9	1,423.7	2,743.9	454.7	
1979	5,521.5		535.5	4,986.0	9.7	34.5	212.1	279.1	1,499.1	2,988.4	498.5	
1980	5,899.9		580.8	5,319.1	10.2	36.4	243.5	290.6	1,668.2	3,156.3	494.6	
1981	5,799.9		576.9	5,223.0	9.8	35.6	250.6	280.9	1,632.1	3,122.3	468.7	
1982	5,553.1		555.3	4,997.8	9.1	33.6	231.9	280.8	1,475.2	3,069.8	452.8	

¹ Populations are Bureau of the Census provisional estimates as of July 1, except April 1, 1980, preliminary census counts, and are subject to change.

² Due to rounding, the offenses may not add to totals.

³ Although arson data are included in the trend and clearance tables, sufficient data are not available to estimate totals for the offense.

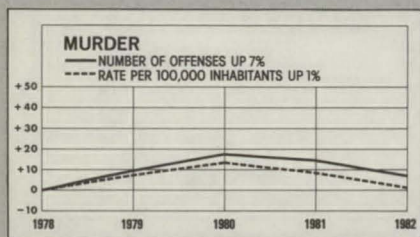
⁴ Violent crimes are offenses of murder, forcible rape, robbery, and aggravated assault. Property crimes are offenses of burglary, larceny, theft, and motor vehicle theft. Data are not included for the property crime of arson.

⁵ Crime rates calculated prior to rounding number of offenses.

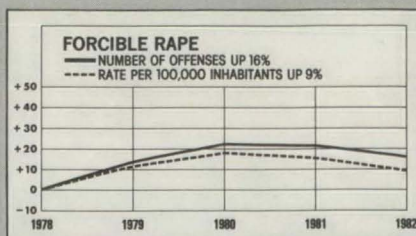
Violent Crimes

In 1982, the total number of violent crimes declined 3 percent—murder was down 7 percent; robbery, 6 percent; and forcible rape, 5 percent. The only Index crime to increase in volume was aggravated assault which rose 1 percent. The violent crime rate was 555 per 100,000 people, a decline of 4 percent from 1981.

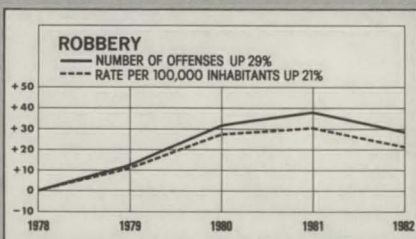
MURDER—An estimated 21,012 murders were reported in 1982, a decline from the 22,516 murders committed the previous year. Of the murder victims, 76 percent were male and 55 percent were white. In 55 percent of the cases, the victims were slain by a relative or an acquaintance. Forty-one percent of the murders occurred as a result of an argument, while 18 percent were committed in conjunction with another felony (robbery, arson, etc.). Firearms were used in 6 of every 10 murders, with handguns being the weapons used in 43 percent of all offenses. The nationwide murder clearance rate for 1982 was 74 percent, the highest clearance rate recorded for a Crime Index offense.



FORCIBLE RAPE—The number of forcible rapes committed in 1982 was estimated at 77,763, a decrease of 5 percent from the 1981 total. Sixty-five of every 100,000 females were reported rape victims. Of the rape offenses reported, 76 percent were rapes by force, while the remainder were attempts or assaults to rape. Law enforcement agencies cleared 51 percent of the reported forcible rapes, making an estimated 33,600 arrests for this offense last year. Over half of the persons arrested were males under 25 years of age.

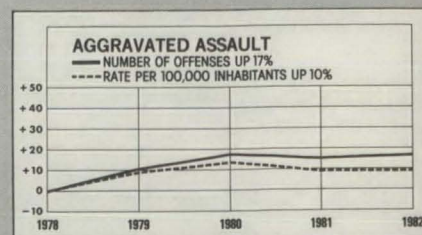


ROBBERY—Comprising 42 percent of all violent crimes, robberies totaled an estimated 536,888 offenses in 1982. Losses to victims of this offense reached an estimated \$339 million. Fifty-four percent of all robberies occurred on the streets or highways, while commercial businesses accounted for 23 percent of this offense. Perpetrators used firearms in 40 percent of all robberies, strong-arm tactics in 37 percent, knives or cutting instruments in 14 percent, and other dangerous weapons in the remainder. Law enforcement agencies cleared 25 percent of all robberies reported. It is estimated that 157,630 arrests were lodged for this offense. Nearly 50 percent of those arrested were under 21 years of age, and 93 percent were male.



AGGRAVATED ASSAULT—The only Crime Index offense to show an increase (1 percent) in 1982 from the previous year, aggravated assaults numbered over 650,000 and made up 51 percent of the violent crimes. Twenty-two percent of the offenses were committed with firearms, 23 percent with knives or cutting instruments, 28 percent with blunt objects or other dangerous weapons, and the remainder with personal weapons

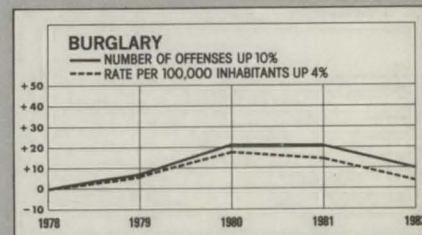
such as hands, fists, and feet. Six of every 10 reported cases of aggravated assault were cleared in 1982, and the number of persons arrested for the offense rose 2 percent from the 1981 level. Arrests of males outnumbered those of females by 7 to 1.



Property Crimes

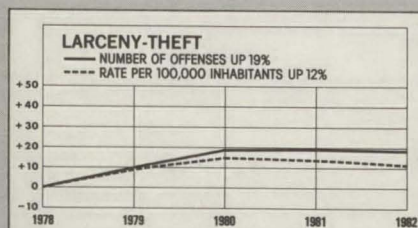
Last year's property crimes declined 3 percent in total when compared to the 1981 statistics. In this category, burglary decreased 9 percent; motor vehicle theft, 2 percent; and larceny-theft, 1 percent. The property crime rate for 1982 was 4,998 per 100,000 inhabitants, a decline of 4 percent.

BURGLARY—Over 3.4 million burglaries were committed last year, with losses to victims estimated at \$3 billion or \$880 per incident. Of all burglaries reported, 66 percent were of residential property, and 41 percent were known to have occurred at night. Seventy-three percent involved forcible entry; 19 percent were unlawful entries (without force); the remainder were forcible entry attempts. The 1982 national burglary clearance rate was 15 percent. Seventy-seven percent of the burglary arrestees were under the age of 25.

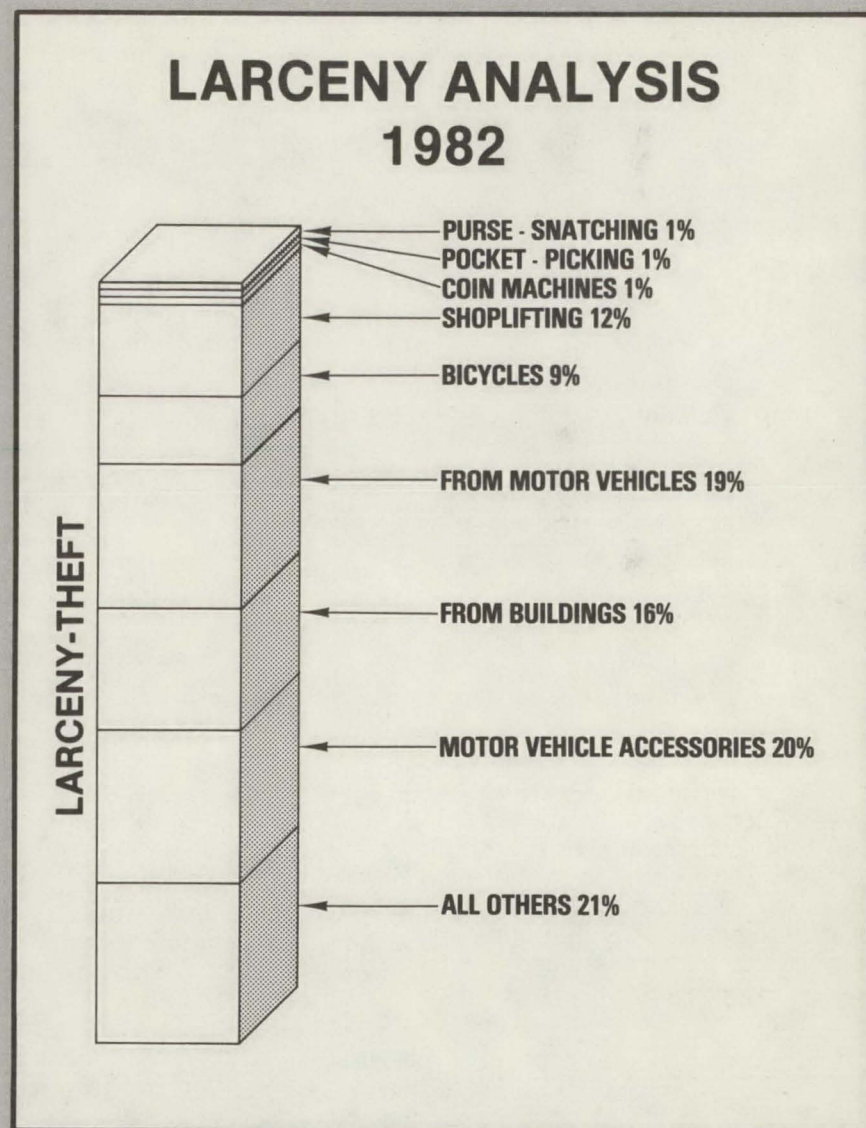
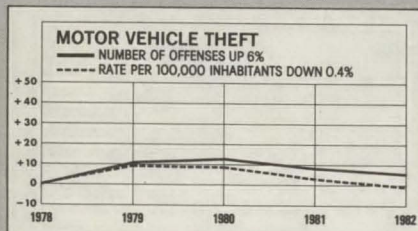


LARCENY-THEFT—The most voluminous Crime Index offense, larceny-theft made up 61 percent of all property crimes in 1982 and totaled over 7.1 million offenses. The estimated property loss to victims was \$2.4

billion. Thefts of motor vehicle parts, accessories, and contents accounted for 39 percent of the larceny volume; thefts from buildings for 16 percent; shoplifting for 12 percent; bicycle theft for 9 percent. Pocket-picking, purse-snatching, thefts from coin-operated machines, and other miscellaneous types of theft accounted for the remainder of this offense. Law enforcement agencies cleared 19 percent of all larceny-thefts and made an estimated 1.4 million arrests in 1982. Forty-nine percent of the persons arrested for larceny last year were younger than 21.



MOTOR VEHICLE THEFT—
 During 1982, 1,048,310 motor vehicle thefts were reported, an average of 1 of every 153 registered motor vehicles. The estimated national loss was \$3.7 billion, for an average value of \$3,545. Of all vehicles stolen, 75 percent were automobiles and 14 percent were trucks or buses. The motor vehicle clearance rate was 14 percent. Fifty-seven percent of the arrestees for this offense were under 21 years of age, and persons under 18 accounted for 36 percent of the total.



ARSON—Over 11,000 law enforcement agencies reported a total of 106,501 arson offenses during 1982; however, complete data are available on only 86,681 offenses. Structures were the most common targets of arson, accounting for 57 percent of the incidents. Mobile property (motor vehicles, boats, etc.) were the targets of 24 percent of the incidents, the remainder being directed at other property (crops, timber, etc.). Averaging \$9,731 per incident, the monetary value of property damaged due to arson was \$843 million. Industrial/manufacturing structures registered the highest loss, \$54,599 per offense.

In 1982, 16 percent of reported arsons were cleared by law enforcement agencies. Thirty-six percent of the clearances involved only young people under age 18, the highest percentage of juvenile involvement recorded for any Index crime. The estimated number of arson arrests was 20,500. Thirty-seven percent of the arrestees were in the under-18 age group.

Based on reports from law en-

Total Estimated Arrests,¹ United States, 1982

TOTAL ²	12,136,400	Drug abuse violations	676,000
Murder and nonnegligent manslaughter	21,810	Opium or cocaine and their derivatives	112,900
Forcible rape	33,600	Marijuana	455,600
Robbery	157,630	Synthetic or manufactured drugs.....	24,800
Aggravated assault	313,150	Other dangerous nonnarcotic drugs.....	82,900
Burglary	527,100	Gambling	41,200
Larceny-theft	1,368,100	Bookmaking	3,400
Motor vehicle theft	129,100	Numbers and lottery	7,100
Arson	20,500	All other gambling.....	30,600
Violent crime ³	526,200	Offenses against family and children.....	58,700
Property crime ⁴	2,044,800	Driving under the influence	1,778,400
Crime Index total ⁵	2,571,000	Liquor laws	501,200
Other assaults.....	543,400	Drunkennes	1,262,100
Forgery and counterfeiting	97,300	Disorderly conduct	895,500
Fraud	334,400	Vagrancy	36,800
Embezzlement	9,000	All other offenses (except traffic)	2,324,100
Stolen property; buying, receiving, possessing.....	137,500	Suspicion (not included in totals)	11,200
Vandalism	245,700	Curfew and loitering law violations.....	91,100
Weapons; carrying, possessing, etc	193,500	Runaways	139,400
Prostitution and commercialized vice	121,200		
Sex offenses (except forcible rape and prostitution)	78,800		

¹ Arrest totals based on all reporting agencies and estimates for unreported areas.

² Because of rounding, items may not add to totals.

³ Violent crimes are offenses of murder, forcible rape, robbery, and aggravated assault.

⁴ Property crimes are offenses of burglary, larceny-theft, motor vehicle theft, and arson.

⁵ Includes arson.

forcement agencies providing 6 or more months of arson data in 1981 and 1982, arson trends showed a 12-percent decrease for last year. Independently computed rates based on 12 months of reports for all Crime Index offenses showed 57.3 arson offenses occurring per each 100,000 U.S. inhabitants. However, it is recommended that arson trends and rate information be viewed with caution since the number of reports used in arson tabulations is considerably less than for the data on other Index crimes.

Clearances

Law enforcement agencies cleared 20 percent of all Crime Index offenses reported in 1982. The rates ranged from 22 percent in the Southern States to 18 percent in the Northeastern and North Central States. Twenty-one percent of the clearances nationwide involved only persons under 18 years of age.

Arrests

During 1982, there were an estimated 12.1 million arrests for all offenses other than traffic violations. The arrest rate was 5,366 per 100,000 people. The number of arrests made last year was 2 percent higher than in 1981 and 13 percent above the 1978 level. "Driving under the influence" was the single offense resulting in the highest number of arrests, an estimated 1.8 million or 15 percent of the total volume of arrests.

Last year, the number of arrests of persons under the age of 18 decreased by 6 percent from the 1981 total, while adult arrests rose 4 percent in volume for the same 2-year period. Of all persons arrested in 1982, over half were under the age of 25, 4 of every 5 were male, and 7 of every 10 were white.

FBI



Part of Alaska's 586,000 square miles, as seen from the air.

By
LT. JOHN T. McCONNAUGHEY
*Alaska State Troopers
Anchorage, Alaska*

SEARCH AND RESCUE





Lieutenant McConnaughey

Alaska is not a small State, and help is not always "just around the corner." There are 586,000 square miles of mountains, tundra, river valleys, and plains, ranging from the most beautiful and treacherous mountains in the world to the most docile, rolling hills imaginable. Much of Alaska is a desert that is extremely inhospitable, especially in the winter when the wind-chill temperatures plunge to as much as 100 degrees below zero. The environment is extremely hostile to those who have become lost. Extreme winter temperatures, poor flying conditions, and difficult terrain often make search and rescue (SAR) missions as difficult for the searcher as it has been for the victim. The job requires a tremendous amount of coordination, communication, resources, and cooperation, all geared to a common goal—finding the victim.

Search and rescue missions in Alaska are all well-coordinated through the Alaska Department of Public Safety, the U.S. Air Force, Civil Air Patrol, the U.S. Coast Guard, the U.S. Navy, the Alaska National Guard, the Alaska Air National Guard, the U.S. Army, and the hundreds of volunteers who comprise the many SAR groups that have become a valuable resource. The U.S. Air Force Rescue Coordination Center located at Elmendorf Air Force Base in Anchorage coordinates all inland aircraft SAR missions involving military aircraft, international air carriers, and civilian aircraft. The Air Force Rescue Coordination Center has the support of the Alaska Civil Air Patrol which has three main groups located in Anchorage, Fairbanks, and Juneau, as well as many small units situated throughout Alaska.

The Coast Guard Rescue Coordi-



Another view of Alaska, showing its vastness in comparison with the Trans Alaska Pipeline, as shown on the right of the picture.



Alaska Air National Guard HC-130 Hercules unloading one of the Alaska Civil Air Patrol 12-man track vehicles used in Kotzebue, Alaska.

nation Center, located in Juneau, is primarily responsible for the coastal areas of Alaska, where ships, aircraft, and people are frequently overdue or lost. These Federal agencies use all of the other Federal resources that are available to them through agreements providing for search and rescue throughout Alaska, the Polar Ice Cap, and the waters surrounding Alaska and are also often involved in other types of searches and rescues when called upon to assist by the Alaska Department of Public Safety.

The Alaska Department of Public Safety, which initiates SAR missions within the State, is composed of over 400 commissioned State troopers and personnel from Fish and Wildlife Protection. The department has 2 helicopters, over 30 fixed-winged aircraft, and numerous vessels ranging in length from 19 feet to more than 100 feet. Snowmachines, four-wheel drive

One of the many objects involved in search and rescue in Alaska.

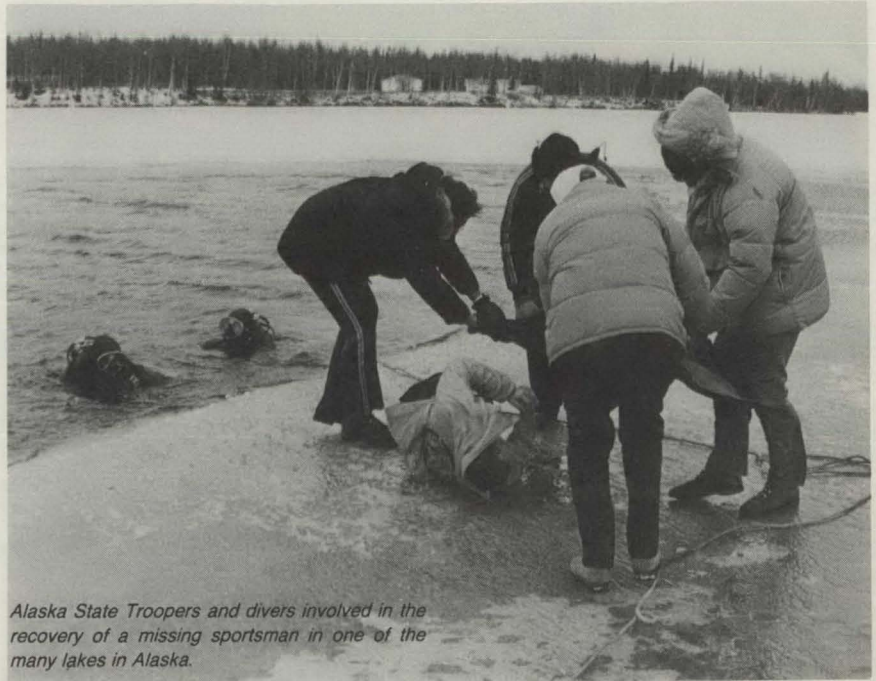


vehicles, motorcycles, all-terrain vehicles, horses, tracking dogs, skiers, snowshoers, satellites, and men on foot are all available resources to be used in SAR missions.

The Alaska State Troopers has a search dog unit known as SEA-DOGS. Close cooperation and coordination provided by other Federal and State agencies throughout the State allow these dogs to be used when the need arises.

The troopers also have a trained tactical dive unit consisting of 15 well-equipped personnel ready to go at a moment's notice on SAR's and other assignments requiring their services.

A number of groups located in the State, the volunteer SAR personnel in Alaska with a wide variety of expertise, volunteer their time for search and rescue missions. One example of these groups is the Anchorage SAR Council, which is a nonprofit rescue group whose membership encom-



Alaska State Troopers and divers involved in the recovery of a missing sportsman in one of the many lakes in Alaska.

passes over 20 resource groups. In Juneau, the volunteer SAR group is composed mainly of skilled mountaineering people familiar with the very mountainous terrain in southeast Alaska. In Sitka, the SAR group consists of numerous small boatowners and operators who are both highly skilled and knowledgeable of the waters surrounding Sitka. This group was specifically formed to assist in

the majority of water rescues.

Because of Alaska's unique size, environment, and geological variances, SAR is varied throughout the State. As a general rule, aircraft and boat searches are conducted primarily by the rescue coordination center at Elmendorf Air Force Base and the Coast Guard Rescue Coordination Center in Juneau, with support from the Civil Air Patrol and other resources. Ground searches involving boats in the inland waters and people who are overdue at their destination are generally considered the responsibility of the Alaska Department of Public Safety.

An SAR scenario usually involves an initial report to the nearest office of the Alaska State Troopers. Troopers receiving the call make a preliminary evaluation of the situation and report to the detachment SAR coordinator, who determines whether the troopers will handle the SAR mission or whether other support groups will be involved. Smaller detachments with lower ranking officers of the Alaska Department of Public Safety, including



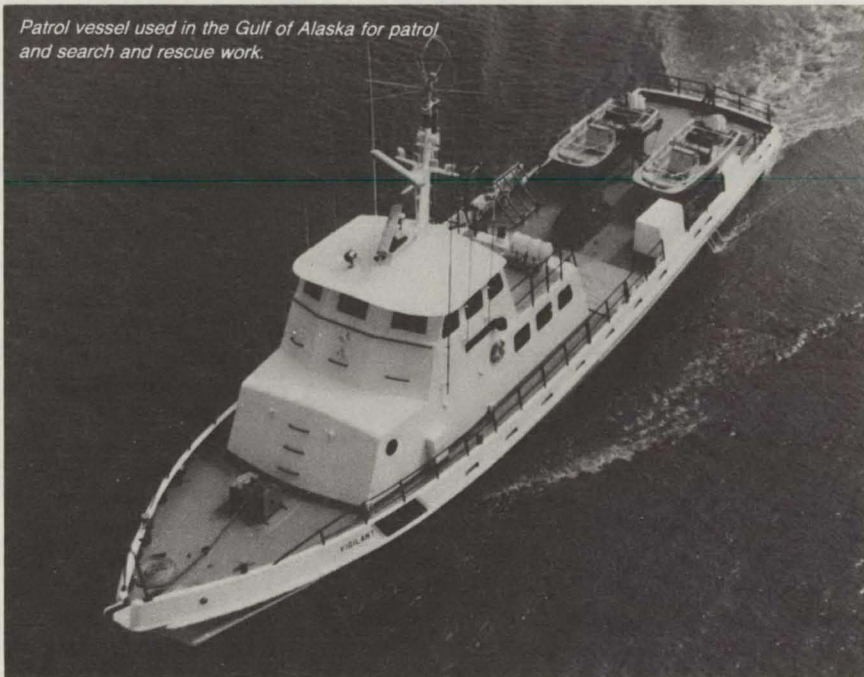
Alaska State Trooper turning keys of Alaska's Civil Air Patrol 12-man track vehicle used in search and rescue over to a Nome Volunteer Search and Rescue Council.

State troopers and Fish and Wildlife Protection officers, are trained to aid the SAR coordinator, who generally takes command of the search effort immediately. The State SAR coordinator is thoroughly familiar with all areas of responsibility and available resource groups, and by tradition, maintains liaison with the private sector, rescue groups, and military and municipal resources available throughout the State. The military sector may be asked to assist the search team if the SAR coordinator within the specified area deems it necessary.

The Alaska Department of Public Safety's budget exceeds \$250,000 annually, some of which is used for emergency purchases relative to SAR operations throughout the State. The funds are also used to feed and transport volunteer personnel; replace lost, destroyed, or damaged equipment; and to pay for the contract cost of aircraft, vehicles, vessels, and any other types of equipment used in an SAR operation. Federal agencies who participate in SAR's in cooperation with the State usually bear their own operational expenses.

The military sector is of great assistance to the Department of Public Safety in many SAR operations. In the case of a civil air crash, when the aircraft has been located and it has been determined that the persons on board are deceased, the military group usually withdraws from the mission. The public safety department then has the responsibility of recovering the bodies and property and of conducting a limited investigation to determine the cause of the crash. This investigation is conducted in close cooperation with Federal agencies such as the National Transportation Safety Board (NTSB) and the Federal Aviation Administration (FAA).

Patrol vessel used in the Gulf of Alaska for patrol and search and rescue work.



When a military aircraft crashes, the investigation usually falls under the jurisdiction of the military, NTSB, and the FAA.

J. Edgar Hoover, former Director of the FBI, once said, "Cooperation is the backbone of law enforcement." This holds true in all SAR operations, particularly in Alaska. There is not one agency or group of agencies within Alaska that can individually handle all types of SAR missions. When specialized aircraft are needed, the Air Force, Coast Guard, Army, Army National Guard, and Alaska Air National Guard must become involved. When knowledge of the terrain, population, special conditions, and communications capabilities are critical, the Alaska State Troopers and Fish and Wildlife Pro-

tection officers have no equal. When other expertise, such as mountain climbing experience is needed, no organization can compare to the Alaska Mountain Rescue group and other highly trained and specially equipped mountain rescue groups in Alaska. When the need arises for expertise in the areas of avalanche identification, control, warning, and search, a local specialist on avalanches is contacted. Other unique problems, such as special tide and icepack conditions, require the expertise of knowledgeable professionals found in the private, Federal, and educational sectors. The role of the Alaska Department of Public Safety is coordination with all of the resource groups associated with SAR operations. It is the coordinator who generates cooperation between all the various agencies, individuals, and groups.



Vessel used for patrol, search and rescue, fire fighting and floating command-post in all waters adjacent to Alaska.

The Alaska State Troopers act as a host agency for the Anchorage SAR Council, providing meeting space, an operational plan, and other resources. The troopers offer their facilities, office space, printing, and other resources that can assist all participants in SAR missions.

Communications is a vital link to effective cooperation. The policy of the Alaska State Troopers requires detachment SAR coordinators and operational personnel to maintain liaison with volunteers, professional organizations, military, and private sector personnel. This "meet and greet" approach helps develop the personal relationships that are so essential to receiving extra effort from agencies, individual volunteer rescue groups, and individual volunteers.

During the late 1960's and early 1970's, the world's largest construction project was both started and completed in Alaska—the 800-mile

Trans Alaska Pipeline. The consortium of companies involved in this project formed Alyeska Pipeline Service Company, which built the pipeline. During construction of the pipeline, numerous SAR operations occurred and Alyeska was always available with equipment, manpower, and aircraft to assist troopers in successfully handling SAR operations along the pipeline corridor. The same "meet and greet" approach with the private sector can reap tremendous benefits for any State, Federal, county, or municipal agency.

During the late 1970's under the Alaska Statehood Act and the Alaska Native Land Claims Act, Congress set aside certain land for various Federal use. Millions of acres of land were set aside for national parks, wildlife reserves, and wilderness areas in Alaska. Since that time, there has been an air of cooperation and coordination among the Alaska Department of Public Safety and the involved Federal agencies. We continue to adhere to the belief that regardless of who is responsible for the SAR on these lands, the ultimate goal is to find the victim in the most rapid, efficient, and economical way. All SAR missions involving law enforcement agencies in Alaska or nationwide must have these two valuable ingredients—cooperation and coordination. **FBI**

SEARCH AND SEIZURE OF OBSCENE MATERIALS

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.

Because of both the warrant requirement of the fourth amendment¹ and the freedom of speech and press guarantees of the first amendment² the seizure of films, pictures, books, and other writings based on their content has received close scrutiny by the Supreme Court. The Court has afforded broad constitutional protection in this area because of the realization that legitimate expression may be easily suppressed, at least for a period of time, pursuant to an exercise of Government power to seize items based on probable cause to believe that they offend the law. This article concerns the criteria used to test the constitutionality of searches and seizures of obscene materials.

Marcus v. Search Warrant

The Supreme Court began delineating standards for the search and seizure of materials alleged to violate obscenity laws in the 1961 case of *Marcus v. Search Warrant*.³ A search warrant was issued for the seizure of obscene materials, namely, magazines, based upon an officer's affidavit stating that the materials were "obscene." Neither the magazines themselves nor a description of their con-

tents was ever presented to the issuing magistrate. Pursuant to the warrant, approximately 11,000 copies of 280 publications were seized. Two months after seizure, an adversary hearing was held to determine the obscenity of the publications. Following the hearing, the court found 100 of the publications to be obscene and ordered them and all copies thereof to be destroyed. On appeal, the Supreme Court found the procedure for the seizure of these materials constitutionally defective in three respects. First, the determination as to whether the materials were obscene was in effect made by the police officer rather than the magistrate. The magistrate never in any manner examined the contents of the materials in question before their seizure; he simply relied upon the officer's conclusion that "obscene publications" existed at certain locations. Thus, the warrant application failed to demonstrate probable cause for the search and seizure. Second, the description of the items to be seized in the warrant, namely, "obscene publications," was so broad as to give the officers executing the warrant unfettered discretion in determining what was to be seized. This violated the particularity requirement of the fourth amendment. Third, the seizure removed a large number of publications from circulation before they were found to be obscene in an adversarial hearing, thus operating as a "prior restraint" on freedom of expression guaranteed by the first amendment.

By

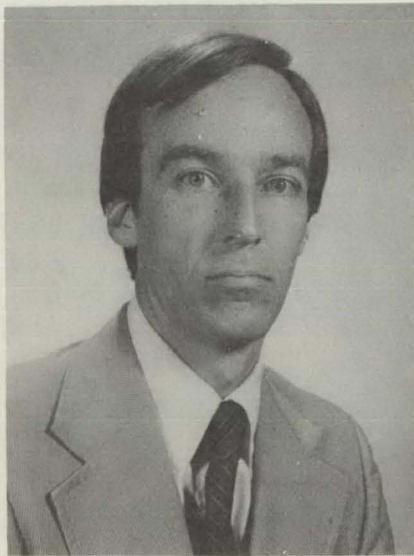
ROBERT L. McGUINNESS

Special Agent

FBI Academy

Legal Counsel Division

*Federal Bureau of Investigation
Quantico, Va.*



Special Agent McGuinness

The doctrine of prior restraint deserves mention at this point. It presumes that expression of ideas, views, and opinions is protected by the first amendment and that no restraints may be placed upon their publication, distribution, or sale prior to an adversarial judicial determination that such material offends the law and may be curtailed.⁴ This is a doctrine unique to matters protected by the first amendment, and as *Marcus* indicates, must be considered in any seizure of such materials.

Although the *Marcus* case was the first search and seizure case dealing with the obscenity issue, it sets out in essence all of the standards necessary for judging whether a search warrant complies with the fourth and first amendments; subsequent cases in the Supreme Court have been concerned merely with applying the standards of *Marcus*.

Thus, to summarize the teachings of *Marcus*:

- 1) The affidavit filed for a search warrant should permit the magistrate to "focus searchingly" on the issue of obscenity. Either a copy of the publication in question should be attached and incorporated by reference in the affidavit or a detailed description of the information in the publication should be set out in the affidavit.
- 2) The warrant itself should describe the items to be seized in such detail that it removes from the officers executing the warrant discretion as to what is to be taken. Thus, a warrant to seize books and magazines should contain the names of the publications to be seized or other specific identifying information, where appropriate.
- 3) The seizure should not constitute a prior restraint on expression. As evident in *Marcus*, seizure of all copies of a publication prior to an adversary hearing is not permissible.

A Quantity of Books

In the 1964 case of *A Quantity of Books v. Kansas*,⁵ law enforcement authorities sought to overcome the problems identified by the Court in *Marcus* by listing the titles of the 31 "obscene" novels for which seizure was sought and furnishing the magistrate with 7 of the novels themselves for his review, marking pertinent passages therein. All of the books were of a particular series, each being identified on the cover as "This is an original Nightstand Book." After reviewing the materials, the magistrate issued a warrant calling for the seizure of all copies of the 31 novels, specifically finding the 7 he reviewed to be obscene and inferring that the others

“‘[i]f . . . a warrant for seizing allegedly obscene material may not issue on the mere conclusory allegations of an officer . . . the officer may not make such a seizure with no warrant at all.’”

bearing the “Nightstand Book” logo would also be obscene. Pursuant to the warrant, 1,715 copies of the 31 novels were seized. Although the procedures employed in this case did not suffer from the lack of judicial scrutiny of the materials to be seized (at least with respect to the 7 novels presented to the magistrate) and did not grant the officers executing the warrant discretion as to what was to be seized, the procedures nevertheless removed 31 books from circulation in Kansas on an *ex parte* (one-sided) showing of probable cause. On appeal, the Supreme Court held that this, like the *Marcus* seizure, constituted a prior restraint on first amendment expression. The fact that an adversary hearing on the issue of obscenity had been set for 10 days after the date that the warrant was issued did not persuade the Court to find otherwise.

Lee Art Theatre

Four years later, in *Lee Art Theatre v. Virginia*,⁶ the Supreme Court considered the question of whether an affidavit for a search warrant seeking the seizure of a film would be sufficient if it named the film sought to be seized and included a statement that the officer found the film from personal observation to be obscene.

While recognizing that it is more difficult to arrange for a magistrate to review a film as opposed to a book, the Court nevertheless held that an affidavit which merely sets out the officer’s conclusions as to the nature of a film is constitutionally deficient. The magistrate must make such decision based upon facts presented to him. In this case the Court stopped short of saying that the magistrate must actually view the film. However, this is probably the best method for insuring that the magistrate has “focused searchingly” on the issue of obscenity. The only other alternative is for the officer to describe in his affidavit what takes place in the film, a difficult course considering the nature of the material involved.

Roaden v. Kentucky

Can the problems of particularity be avoided by simply relying upon an exception to the warrant requirement? The Supreme Court addressed this question in *Roaden v. Kentucky*.⁷ A law enforcement officer viewed a film at a theater and concluded that it was obscene. He then proceeded to the projection booth where he arrested the manager of the theater on charges of exhibiting an obscene film. As an incident to the arrest, the officer seized the film from the booth. The defendant was convicted and on appeal challenged the propriety of the seizure of the film without a warrant. The Court found the seizure to violate constitutional safeguards. The Court reasoned that “[i]f, as *Marcus* and *Lee Art Theatre* held, a warrant for seizing allegedly obscene material may not issue on the mere conclusory allegations of an officer, a fortiori, the officer may not make such a seizure with no warrant at all.”

Emergency Seizures

While the Court in *Roaden* declared that films may not be seized as an incident of arrest without a determination of probable cause for the seizure by a magistrate, the Court left open the possibility that if a true emergency were present, a seizure without a warrant may be permissible. However, the Court noted that in *Roaden*, a “now or never” situation was not present.

The case of *United States v. Gilman*,⁸ decided by the U.S. Court of Appeals for the Ninth Circuit, presented a “now or never” situation of sorts and suggested the proper way in which it should be handled. Officers seized magazines pursuant to a valid search warrant. While searching for those described in the warrant, they discovered other suspected obscene magazines in plain view. They seized those as well and brought them to a magistrate seeking a warrant justifying their seizure. Responding to the defendant’s challenge of this seizure, the court answered that since the officers promptly sought a warrant after seizing the materials, presenting such to the magistrate for his review, the seizure was proper. The court found this procedure preferable to the officers merely detaining the publications at the site where found and attempting to describe them in an affidavit. The action of the officers allowed the “magistrate to make his decision of probable cause on the basis of direct evidence.”

“ . . . publications cannot be entirely removed from circulation by seizing all copies without a prior adversary hearing. . . . ”

Since *Marcus and A Quantity of Books* tell us that publications cannot be entirely removed from circulation by seizing all copies without a prior adversary hearing, the simplest course to follow in obtaining a copy of the item for the hearing or for a prosecution is to purchase one. This is not always feasible, however, where a retailer has hundreds or perhaps thousands of different publications and films. The problem also arises with respect to films which are only exhibited in theaters.

Heller v. New York

Would *Marcus and A Quantity of Books* prohibit even a single copy of a film being seized on an *ex parte* showing of probable cause? In *Heller v. New York*,⁹ the Supreme Court answered this question. A magistrate was requested to accompany an officer to view a film at a movie theater as a paying customer. On the basis of the viewing, the magistrate signed a search warrant for the seizure of the film, as well as arrest warrants for the arrest of the theater manager, projectionist, and ticket taker. Pursuant to the search warrant, a single copy of the film was seized. The defense contended that the film should not have been seized without a prior adversary hearing. The State courts in New York upheld this seizure, and on appeal, the Supreme Court affirmed the lower courts' decisions. The Court reasoned that the seizure of one copy of a film was not equivalent to the prior restraint on expression condemned by

the Court in *Marcus and A Quantity of Books*. The Court declared that a seizure of a single copy of a film does not constitute a prior restraint on first amendment freedom, so long as:

- 1) The film is seized for "the *bona fide* purpose of preserving it for evidence";
- 2) Upon a showing by the exhibitor of the film that other copies are not available to him, he is permitted to make a copy of the seized film;
- 3) "a prompt ('the shortest period compatible with sound judicial resolution') judicial determination on the obscenity issue in a adversary proceeding is available at the request of any interested party."¹⁰

Permitting a film to be seized on an *ex parte* showing of probable cause insures that the film will not be destroyed, or critical scenes in the film altered by cutting and splicing, while an adversary hearing is taking place.

Lo-Ji Sales, Inc. v. New York

Seizing magazines, books, and films from a retailer poses more difficult problems. In the 1979 case of *Lo-Ji Sales, Inc. v. New York*,¹¹ the officers sought to employ a novel procedure to deal with this problem, but to no avail. Prior to the search and seizure, one copy of each of two films was purchased at a retail establishment, a so-called "adult" bookstore, by officers for examination by the magistrate. The affidavit for the search warrant indicated that other similar materials were at the bookstore and requested the magistrate to accompany the officers during the execution of the warrant so that he could review the materials on the scene and pass judgment on their obscenity. The magistrate agreed, and to that end, the warrant contained the

following open-ended statement as to the items to be seized: "the following items that the court independently [on examination] has determined to be possessed in violation of Article 235 of the Penal Law:" The magistrate then accompanied 11 law enforcement officers to the bookstore to execute the warrant. The search involved three distinct phases:

- 1) The viewing of silent films which were shown through coin-operated projectors;
- 2) The examination of magazines in the store; and
- 3) The examination of films being offered for sale.

Based on the magistrate's examination, a total of 397 magazines and 454 reels of film were seized. Following the seizure, the warrant was completed by listing thereon the items seized. The search and seizure was challenged by the defendant, and on review, the Supreme Court struck down the procedure employed. The State argued that since the store was open to the public, no search within the meaning of the fourth amendment took place. The Court answered this contention by stating that the magistrate did not examine the materials in the same manner as would a member of the public. He viewed the films through the coin-operated projector without payment of the charge required. He also reviewed the magazines and the films for sale in a manner the public would not ordinarily use, by removing plastic wrappings

from the magazines and removing the films from a glass case. Proceeding to the validity of the warrant, the Court found it defective on two bases:

- 1) "The Fourth Amendment [does not] countenance open-ended warrants, to be completed while a search is being conducted"
- 2) "The Town Justice did not manifest that neutrality and detachment demanded of a judicial officer when presented with a warrant application for a search and seizure He allowed himself to become a member, if not the leader, of the search party which was essentially a public operation."¹²

Thus, if a copy of a large number of films and publications is sought, the magistrate should view the materials as a member of the public would (as in *Heller*), and the officers should then obtain a particularized warrant to authorize the seizure.

Dealing With The Prior Restraint Doctrine

The problem of the prior restraint doctrine still remains if numerous copies of the same film or publication are sought on an *ex parte* showing of probable cause. If notice of a hearing is given, there is the danger that all copies may be sold, hidden, or transferred to another jurisdiction pending the outcome of the hearing. Moreover, this dilemma cannot be solved by arguing that the copies are needed

for evidence in a prosecution, as opposed to seizing them for purposes of destruction. The Court in *Heller v. New York*,¹³ in upholding the seizure of one copy of a film, stated:

"This is not to say that multiple copies of a single film may be seized as purely cumulative evidence, or that the State may circumvent *Marcus* or *A Quantity of Books* by incorporating, as an element of a criminal offense, the number of copies of the obscene materials involved."

The Supreme Court more recently indicated its adherence to the prior restraint doctrine in *Cinema Classics, Ltd. v. Busch*.¹⁴ Officers armed with a search warrant issued upon an *ex parte* showing of probable cause seized approximately 17,000 reels of motion picture film, including 500 copies of one film alone. The district court held that without a prior adversary hearing, the seizure of such materials "constitutes a prior restraint on the circulation of presumptively protected material" On appeal, the Supreme Court affirmed the decision without opinion.

Thus, to overcome the problem of the prior restraint doctrine, a novel approach must be taken. This has been observed in lower court cases and perhaps suggested in some Supreme Court decisions as well. For example, in *Sooner State News Agency, Inc. v. Falls*,¹⁵ the U.S. District Court for the Northern District of Oklahoma suggested a procedure which would enable a showing at trial that the defendant was in possession of large quantities of a publication, without actually seizing the materials and invoking a prior restraint on expression. In this case, a search warrant was issued for the seizure of "materials depicting sexual inter-

course and/or unnatural copulation." The officers were desirous of seizing all copies of any obscene publication found on the premises. To that end, in an effort to afford a prior adversary hearing to the defendant, the magistrate accompanied the officers during the execution of the warrant and notice was given to defendant's attorney. At the place searched, the magistrate held a hearing concerning the obscenity of each publication to be seized and permitted defense counsel to raise objections. Multiple copies of films, books, and newspapers were seized. The court found that this seizure constituted an impermissible prior restraint without an adversary hearing. To the argument that defendant was afforded such a hearing, the court responded that the lack of sufficient notice and the "hurried proceeding at the warehouse" hardly constituted the type of hearing contemplated by *Marcus* and *A Quantity of Books*.¹⁶ In answer to the State's contention that all of the copies were needed to show that defendants were trafficking in obscene materials, the court observed:

"The proof of the size of the operation involved need not require the introduction of all these materials in evidence and it is wholly unrealistic to suggest that they would be offered at trial. It

“. . . the warrant should describe the materials to be seized in such detail that the officer executing the warrant is not exercising his discretion in determining what should be taken.”

would be sufficient for testimony to be given as to the number of identified items that were available for distribution. Proper provision for retention of copies needed for evidence and for the making of inventories of the returned copies can be made, without permitting such a seizure of large quantities of materials.”¹⁶

The court allowed three copies to be retained as evidence, ordering the remainder to be returned. While a procedure such as this might take care of the evidentiary problem in a prosecution, it still runs the substantial risk that if the publication is declared obscene after the adversary hearing, there will be no copies around to destroy.

Nonpublic Circulation Theory

In the case of *Smith v. United States*,¹⁷ the U.S. Court of Appeals for the Sixth Circuit upheld the seizure of multiple copies of films over claims that the action constituted a prior restraint. An FBI Agent acting in an undercover capacity made arrangements to purchase a quantity of sexually explicit films from defendant Smith at his motel room. After verifying the presence of 2,000 reels of sexually explicit films at the motel room, the Agent seized them. In answer to the argument that a prior adversary hearing was required before such a large-scale seizure was permissible, the court held that the prior restraint doctrine does not apply where materials are being surreptitiously sold. In other words, if the materials are not being removed from public circulation, the prior restraint doctrine is not a consideration.¹⁸

Temporary Detention Pending Adversary Hearing

Another solution to the problem appears in the case of *G. I. Distributors, Inc. v. Murphy*,¹⁹ decided by the U.S. Courts of Appeals for the Second Circuit. Pursuant to search warrants authorizing seizure of 6 copies each of 56 magazines, law enforcement officers proceeded to the premises to be searched and discovered 19,000 copies of the publications. Fearing that the copies would be moved, an officer was stationed at the premises to guard the suspected contraband while seeking authority to seize it. The next morning an adversary hearing was held regarding the alleged obscenity of the publications. After again finding probable cause to believe the magazines obscene, the magistrate issued a warrant calling for all copies of the publications to be seized. On appeal, the defendant argued that the seizure constituted an impermissible prior restraint of his first amendment freedoms. However, the court found no violation. It held that the overnight seizure of the magazines pending a hearing “was such a temporary restraint that no real injury was done First Amendment rights.” The court then very briefly indicated that the adversary hearing in this case satisfied the dictates of *Marcus* and *A Quantity of Books*: “[N]o extended interruption in the public’s access to the magazines nor long term suppression of possibly nonobscene literature was threatened here.”

Wholesale seizure of publications or films is a sensitive matter, and there are relatively few court decisions on the subject. In order to insure that a different reviewing court does not find the procedure upheld in *G. I. Distributors* constitutionally defective, it would seem advantageous to offer the defendant a subsequent, additional hearing so that he would have the opportunity to confront the Government’s case in a more meaningful way. This would give the defense time to more fully prepare its case and assemble witnesses. Moreover, it would seem wise to hold this second hearing within a time frame requested by the defendant and for the court to render its decision promptly. Lastly, it might be advisable to provide for an immediate appeal from the trial court’s ruling.

Three Supreme Court cases, while not directly on point, suggest that the procedure followed in *G. I. Distributors*, and supplemented by the above recommendations, does not suffer any constitutional infirmity. In *Kingsley Books, Inc. v. Brown*,²⁰ the Court upheld a New York statute which provided for an injunction procedure against the sale of obscene books. The statute entitled defendant to a prompt adversary hearing on the issue of obscenity—1 day after the

defendant's denial of the plaintiff's pleadings—and a prompt judicial determination of obscenity within 2 days after termination of the hearing.

In *United States v. Thirty-Seven Photographs*,²¹ decided in 1971 by the Supreme Court, U.S. Customs agents seized 37 photographs from the defendant's luggage as he entered the country from Europe. The seizure was made on the basis of a Federal statute authorizing the seizure by customs agents of obscene materials. Thirteen days later, a U.S. attorney instituted proceedings in Federal court seeking forfeiture of the materials. The defendant challenged the procedure on grounds the statute did not specify time limits within which the forfeiture proceedings had to be instituted and adjudicated, with the possibility that legitimate expression could be suppressed for a considerable period of time. The Supreme Court upheld the application of the statute, since forfeiture proceedings were in fact promptly instituted and the matter was promptly adjudicated in the court.²²

Finally, in the 1965 case of *Freedman v. Maryland*,²³ the Court struck down a motion picture censorship statute, but nevertheless indicated that exhibition of a motion picture could be prohibited by a censor, provided the censor institutes judicial proceedings (to restrain showing of the film) within a "brief period," and a "prompt final judicial decision" is rendered.

Conclusion

An officer contemplating seizure of materials believed obscene should insure that he has adequately presented this matter to a magistrate. The materials sought should be described in such a way that it is the magistrate who concludes from the information presented to him that the materials to be seized are in fact obscene. Once the magistrate makes this determination, the warrant should describe the materials to be seized in such detail that the officer executing the warrant is not exercising his discretion in determining what should be taken. Lastly, if a mass seizure of a publication of publications is desired, further problems will be encountered. The safest course would seem to be a temporary detention of the materials while a prompt adversary hearing is held.

FBI

¹⁸ The same analysis was adopted by the second circuit in *United States v. Cangiano*, 491 F.2d 906 (2d Cir.), cert. denied, 419 U.S. 904 (1974).

¹⁹ 490 F.2d 1167 (2d Cir. 1973), cert. denied, 416 U.S. 939 (1974).

²⁰ 354 U.S. 436 (1957).

²¹ 402 U.S. 363 (1971).

²² Interestingly, in this case, the issues were never raised in the Supreme Court as to the validity of the officer seizing the photographs without a warrant (an emergency seizure could be argued) and whether such constituted an impermissible prior restraint on expression.

²³ 380 U.S. 51 (1965).

Footnotes

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

² U.S. Const. amend. I provides in pertinent part as follows: "Congress shall make no law . . . abridging the freedom of speech, or of the press. . . ."

³ 367 U.S. 717 (1961).

⁴ This doctrine, which has its origin in the common law, was first dealt with by the Supreme Court in the case of *Near v. Minnesota*, 283 U.S. 697 (1931). The history of the doctrine can be found in Emerson, *The Doctrine of Prior Restraint*, 20 Law & Contemp. Prob. 648 (1955).

⁵ 378 U.S. 205 (1964).

⁶ 392 U.S. 636 (1968).

⁷ 413 U.S. 496 (1973).

⁸ 684 F.2d 616 (9th Cir. 1982).

⁹ 413 U.S. 483 (1973).

¹⁰ *Id.* at 492-93.

¹¹ 442 U.S. 319 (1979).

¹² *Id.* at 325-26.

¹³ *Supra* note 9 at 492, n. 8.

¹⁴ 414 U.S. 946 (1973) (mem.), *aff'd*, 339 F. Supp. 43 (C.D. Calif. 1972) (per curiam).

¹⁵ 367 F. Supp. 523 (N.D. Okla. 1973).

¹⁶ *Id.* at 529.

¹⁷ 505 F.2d 824 (6th Cir. 1974).

WANTED BY THE FBI



Photographs taken 1976

George Clarence Bridgette

George Clarence Bridgette, also known as George Bridgett, Clarence Bridgette, George Bridgette, George Flap, George Wilkinson, and "Flap"

Wanted for:

Interstate Flight—Murder, Assault with a Deadly Weapon

The Crime

Bridgette is being sought in connection with a multiple homicide in which three adults and one child were shot to death and another victim was wounded. He is also wanted by local authorities for violation of his parole.

A Federal warrant was issued on September 23, 1982, in Tustin, Calif.

Description

Age..... 37, born July 1, 1946, Long Beach, Calif.
 Height..... 5'10".
 Weight..... 180 to 200 pounds.
 Build Large.
 Hair..... Black.
 Eyes Brown.
 Complexion Dark.
 Race..... Black.
 Nationality..... American.
 Occupations Baker, laborer, maintenance man.
 Scars and Marks Blemishes on forehead.
 Social Security No.
 Used..... 567-62-6678.
 FBI No. 818 441 F.

Caution

Bridgette has previously been convicted of armed robbery, forgery, auto theft, and parole violation. He 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.

Classification Data:

NCIC Classification:

DO10040206DICI05PIPO

Fingerprint Classification:

10 O 6 U OII 6 Ref: 14

I 20 W III 20

I.O. 4922



Right ring fingerprint

Change of Address

Not an order form

FBI LAW ENFORCEMENT BULLETIN

Complete this form and return to:

Director
Federal Bureau of
Investigation
Washington, D.C. 20535

Name

Title

Address

City

State

Zip

Interesting Pattern

The pattern for this month has the general appearance of a double loop-type whorl. However, upon closer scrutiny, it can be seen that there is only one delta. Therefore, this impression is a combination of two different pattern types (loop and tented arch) and is classified as an accidental whorl with a meet tracing.





Washington, D.C. 20535

The Bulletin Notes

that Sgt. Jack Shepherd, Michigan State Police, has been recognized for his efforts and contributions in combating child abuse and neglect.

Currently assigned to the East Lansing Headquarters Office, Sergeant Shepherd devotes the majority of his working hours to the training of others in the area of child abuse. During the past 18 months, over 5,000 interdisciplinary professionals throughout the State of Michigan and the Nation have benefited from his instruction on the history of child abuse, wound identification, investigative techniques, and burns and soft tissue injuries.

Along with the Director of the Department of State Police, the Bulletin commends Sergeant Shepherd for his outstanding achievement in helping juveniles.

