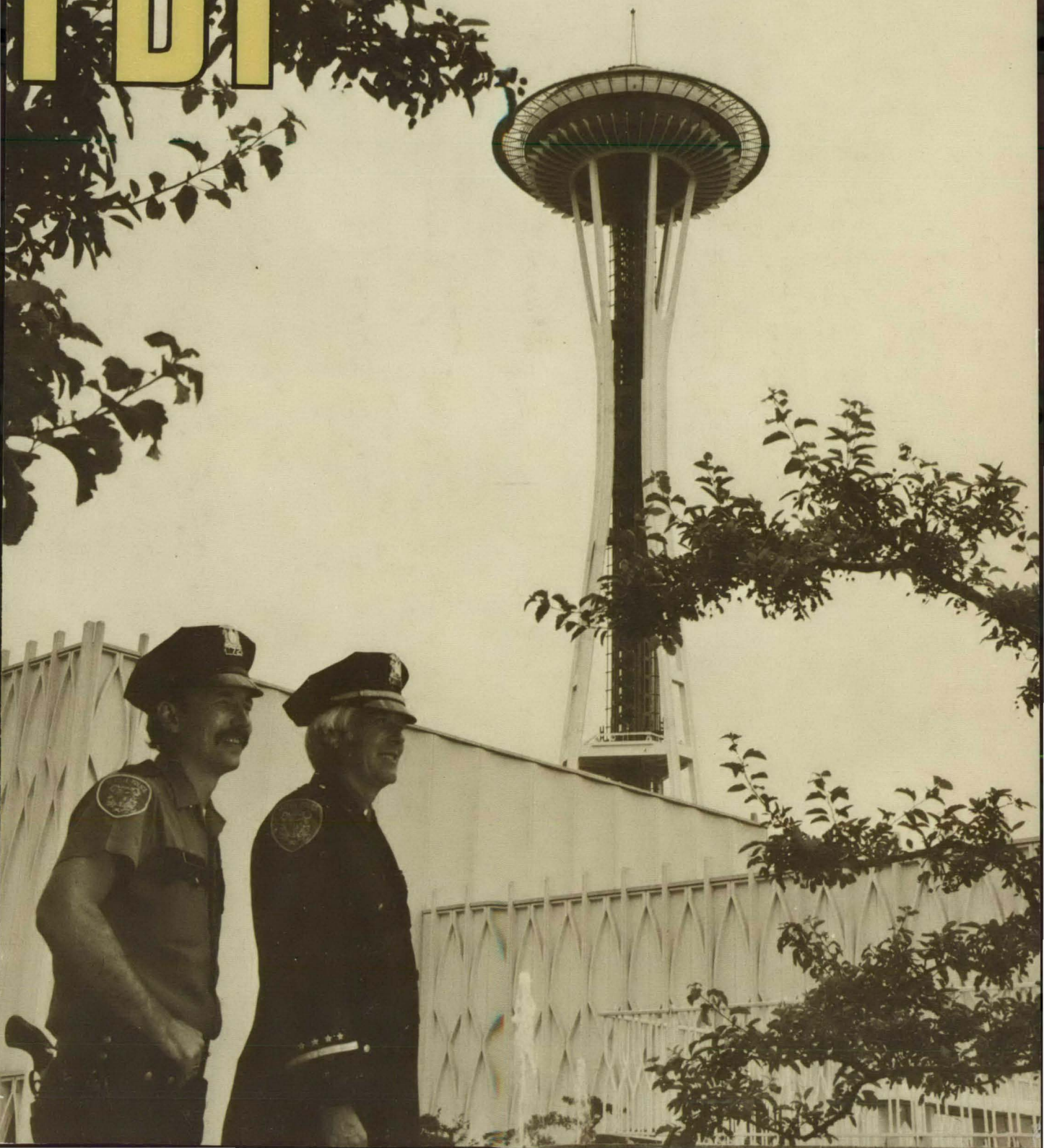


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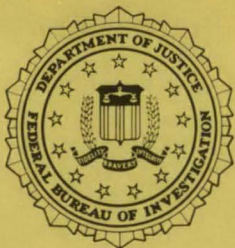
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Editor
Thomas J. Deakin

Associate Editor
William E. Tribble

Staff
Kathryn E. Sulewski
Gino Orsini
Jeffrey L. Summers

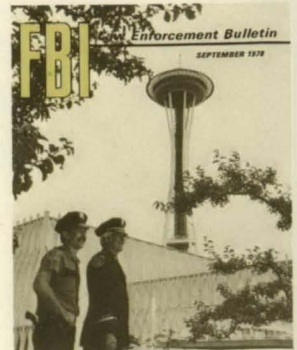
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CONTENTS

- SPORTS BOOKMAKING OPERATIONS, by R. Phillip HARKER, Special Agent, Laboratory Division, Federal Bureau of Investigation, Washington, D.C. 1
- 113TH SESSION OF THE NATIONAL ACADEMY GRADUATES 8
- WANTED BY THE FBI 9
- PRIVATE FINANCING FOR "STING" OPERATIONS, by Sgt. James Mays and Capt. Harold I. Peterson, Youth and Community Services Bureau, Police Department, Rockford, Ill. 12
- THE SEATTLE POLICE SPECIAL ACTIVITIES SECTION: HOW TO PROVIDE MAXIMUM POLICE SERVICE AT MINIMUM COST, by Leon O. Libby, Public Information Officer, Police Department, Seattle, Wash. 16
- MICHIGAN'S SEXUAL ASSAULT EVIDENCE KIT: AN EFFECTIVE TOOL FOR INVESTIGATORS, by David A. Metzger, Crime Laboratory Scientist, Michigan State Police, Scientific Laboratory, Northville, Mich. 22
- SEARCH INCIDENT TO ARREST—NEW RESTRICTIONS ON AN OLD DOCTRINE?, by Larry E. Rissler, Special Agent, Legal Counsel Division, Federal Bureau of Investigation, Washington, D.C. 27

THE COVER

Officers of the Seattle Police Department's Special Operations Bureau at the Seattle Center with the Space Needle in the background. See article on page 16.

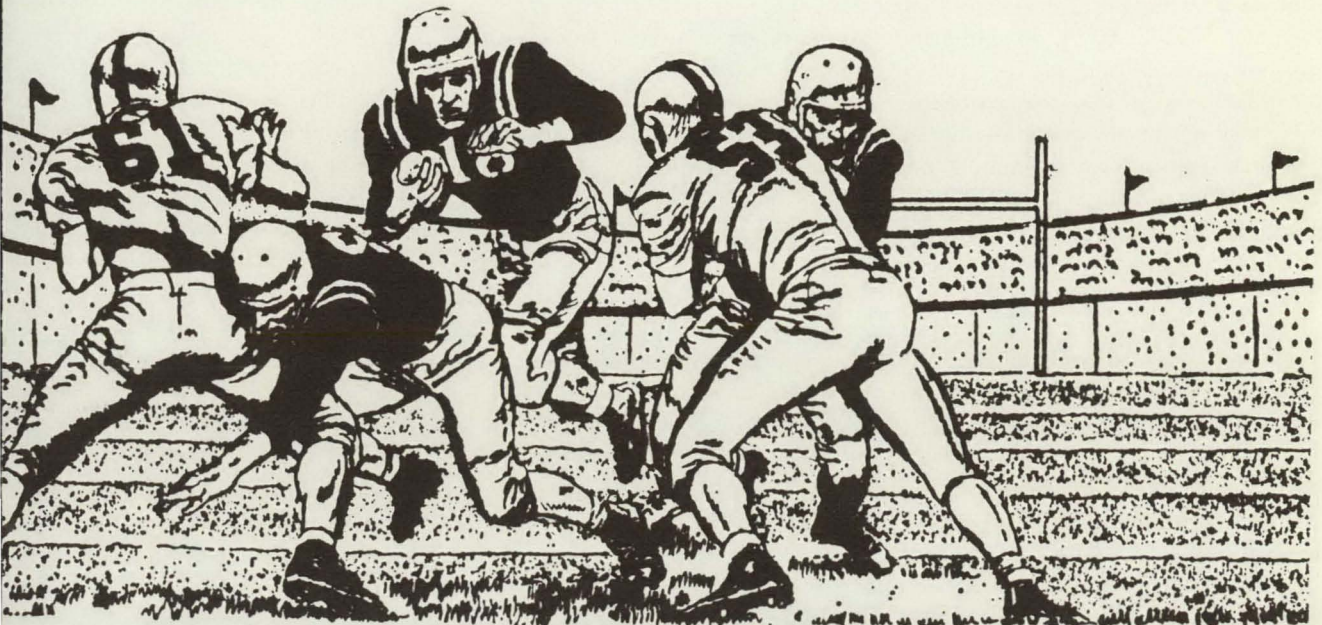


Sports Bookmaking Operations

By
R. PHILLIP HARKER
Special Agent
Laboratory Division
Federal Bureau of Investigation
Washington, D.C.

Bookmaking is a truly unique but also greatly misconceived operation, mainly because of attempts to make it easy for the layman to comprehend. This can be done to some degree; yet a procedure as highly complex and involved as bookmaking cannot be oversimplified. In an attempt to have an understanding of this operation, it is necessary to have some knowledge of the intricacies of sports line development and management.* However, what must be understood is that a bookmaker's main aim is to make money, and all of his bets are in the furtherance of this aim, although for different purposes and to achieve different results. The types of wagering a bookmaker may use in trying to make a profit are discussed below.

*See "Sports Wagering and the 'Line'," *FBI Law Enforcement Bulletin*, Vol. 46, No. 11, November 1977, pp. 3-8.



“[W]hat must be understood is that a bookmaker’s main aim is to make money, and all of his bets are in the furtherance of this aim, although for different purposes and to achieve different results.”

“Layoff” is commonly believed to be a bookmaker’s sole method of wagering. Roughly defined, it is any bet made by one bookmaker with another in an effort to achieve what the bookmaker feels is a desirable balance or ratio of wagering. This should be distinguished from the overly restrictive definition that layoff is merely to achieve an absolute *even* ratio of wagering. To illustrate the classic (and usually oversimplified) type of layoff: If, at game time, the bookmaker finds that he has \$800 in wagers received on Team A and \$600 wagered on Team B, he could then lay off by wagering \$200 on Team A with another bookmaker and be assured of a net profit of \$60, regardless of which team wins. However, this procedure involves several problems. First, the bookmaker must time his layoff so that he does not receive any bets on the game after his layoff, an extremely difficult move. Or suppose he receives a call from one of his good customers after making the above layoff and the customer wants to bet Team B for \$500. He has already laid off \$200 for Team A! What does he do? Does he refuse the bet and risk losing a customer? Does he take the bet and hurriedly try to lay off by betting on the other side? He might, but this reversal may be unacceptable to another bookmaker or may be too late. His last alternative is merely to keep the bet and hope for the best.

Another problem arises in trying to maintain an absolute even ratio of bets. When a bookmaker is experiencing an imbalance on a certain

game, often the other bookies are finding the same imbalance, causing them to alter their line on the game. Thus the bookie, in order to lay off to another one, may be required to bet at an increased line. If he has bets at one line and lays off at as much as one point higher to another bookie, he runs the risk of losing both bets, generally referred to as being “middled.” In the previously mentioned situation, where the bookie had an imbalance on Team A of \$200, assume the bettors gave up $6\frac{1}{2}$ points on Team A. The bookie lays off \$200 on Team A at $-6\frac{1}{2}$, but later receives a bet on Team B at $+6\frac{1}{2}$ for \$500. Should the bookie be required to lay off on Team B at only $+5\frac{1}{2}$ points, and if the final score showed Team A winning by only 6 points, he would then lose a net of \$990. (See fig. 1.) Therefore, laying off to achieve an even balance is often difficult or dangerous to accomplish.

Another type of layoff, termed an “anticipation layoff,” occurs when bookmakers have a good indication of how their customers will bet, especially on such favorites as the hometown team. Often, the bookie will lay off early in the week, perhaps before he has received any bets at all or has bets only on the other side of the game, because he believes he will be eventually overbalanced. By laying off early in the week, before the volume of betting on the home favorite has driven the line upward, he often times obtains the advantage of a better betting line. Even when the bookie is trying simply to reach an even bal-

ance of wagering, it is always to his advantage to make his bets at the best line available.

Bookmakers often lay off in an effort to achieve an *imbalance* or uneven ratio of betting, but a balance that the bookie desires. This occurs regularly when the bookie, for many reasons, may decide that a team will beat the point spread. Bookmakers form opinions on games through many sources. Many are excellent handicappers themselves, keeping detailed past performance records and thoroughly analyzing various factors affecting the games. Other book-

Figure 1

Bets

1. Team A (Incoming) $-6\frac{1}{2}$ points \$800
2. Team B (Incoming) $+6\frac{1}{2}$ points \$600
3. Team A (Outgoing Layoff) $-6\frac{1}{2}$ points \$200 (Book now balanced)
4. Team B (Incoming) $+6\frac{1}{2}$ points \$500
5. Team B (Outgoing Layoff) $+5\frac{1}{2}$ points \$500 (Book now balanced)

Final Score: Team A—24
Team B—18

Team A wins by 6 points; results are:

Bet 1. Bookmaker wins__	\$880
Bet. 2. Bookmaker loses__	\$600
Bet. 3. Bookmaker loses__	\$220
Bet 4. Bookmaker loses__	\$500
Bet 5. Bookmaker loses__	\$500

Net loss_____ \$990

makers rely heavily on published handicapping services or on private touting services. Still others have outstanding sources of information close to the teams involved, who may give very accurate tips on the games. All the computerized handicapping in the world may be "out the window" if the bookie can learn of some internal dispute on a team affecting certain players' morale. Moreover, bookies regularly put great reliance on the betting patterns of certain "smart" or "wise" bettors. A bookmaker will always take the bets of the "smart guy," even knowing the bettor

usually wins, for he then takes these bets, lays them off, and adds to the bets substantially, relying on the bettor's ability to pick correctly.

"In making an imbalanced layoff, it must be understood that the bookmaker is taking a risk or gamble, rather than sitting back to collect the vigorish or 'juice' on an evenly balanced book."

In making an imbalanced layoff, it must be understood that the book-

maker is taking a risk or gamble, rather than sitting back to collect the vigorish or "juice" on an evenly balanced book. However, the bookie's gamble is a far more educated one than the gamble of a mere bettor. The bookmaker will mentally make a judgment on the games as to what he desires as a balance or ratio of betting. Sometimes, without any special knowledge of the games or variance of lines, he may merely lay off to reach an even balance. Other times, because of the above factors, he might decide to have a \$500 imbalance or risk; if he does not achieve his desired \$500 imbalance from incoming bets, he may then lay off to reach the ratio he desires. For example, suppose the bookie had \$1,000 on Team A, \$600 on Team B, but would like an imbalance of \$500 on Team A because he thinks Team B will "beat the spread." Suppose also he then gets a bet of \$400 on Team B, leaving him with a balanced book. He will then lay off (in effect) the entire \$400 on Team B plus another \$100 for a total of a \$500 layoff bet on Team B, creating the desired imbalance of \$500 on Team B. If Team B wins, he would collect \$1,100 from Team A bettors and \$500 on his layoff, and pay out \$1,000 to the winning Team B bettors for a net profit of \$600. Should Team A win, he would collect \$1,100 from Team B bettors, but pay out \$1,000 to Team A bettors and \$550 on the losing layoff, for a net loss of \$450 to the book. (See fig. 2.)

Bookmakers also engage in "mid-

Figure 2

Bets (Bookmaker desiring \$500 risk on Team B)

1. Team A (Incoming) ----- \$1,000
2. Team B (Incoming) ----- \$600
3. Team B (Incoming) ----- \$400 (Book now balanced)
4. Team B (Outgoing layoff) - \$500 (All of bet #3 and \$100 of bet #2)

Possibilities (if no ties)

Team A wins:

Bookmaker wins from losing Team B bettors-----	\$1,100
Bookmaker loses to winning Team A bettors-----	\$1,000
Bookmaker loses layoff bet on Team B-----	\$550
Bookmaker's loss-----	\$450

Team B wins:

Bookmaker wins from losing Team A bettors-----	\$1,100
Bookmaker wins from layoff bet on Team B-----	\$500
Bookmaker loses to winning Team B bettors-----	\$1,000
Bookmaker's profit-----	\$600



dling" to make a profit. This involves taking advantage of the fact that two other bookies may have substantially different lines on a game. Thus, if he could wager on Team A at -14 points and Team B at +17 points and Team A won by 15 or 16 points, he would win both bets. Although bettors engage in this same type of middling, bookmakers may have easier access to other lines. For example, if the bookmaker bets \$1,000 each on Team A and Team B, the most he could lose is the \$100 vigorish on the losing bet. But, if the final score fell in the middle of the two lines, he would win both \$1,000 wagers. The risk of \$100 to make \$2,000 is one of the best gambles around. The main problem is to find these varying lines, which bookmakers try to avoid. Ideally, this might be done if one could wager, for instance, on the Dallas-Miami profes-

sional football game by betting on Dallas in Miami and on Miami in Dallas.

A bookmaker can also achieve middling by a combination of booking bets and laying off. Assume he had an imbalance of bets of \$1,000 on Team A at -9½ points. If he could lay off on Team A with another bookmaker at 8½ points for \$1,000 (actually his entire Team A imbalance, leaving him with an evenly balanced book), he could get a middle, winning both amounts (\$2,100) if Team A won by 9 points, with no possibility of loss because his entire book is balanced.

As can be seen, a bookmaker's motives in laying off may be a combination of the above factors—achieving a desirable ratio, taking advantage of how he thinks the game will turn out, and middling.

Organization

Compared to other forms of gambling, a bookmaking operation need not involve a detailed, structured organization. As indicated previously, line information and the availability of layoff are indispensable. Other than that, a bookmaker may function well completely alone.

"Compared to other forms of gambling, a bookmaking operation need not involve a detailed, structured organization."

If the bookmaker does have an organization, the following types of persons may be associated.

Office workers—Since a good portion of sports bookmaking is accomplished by use of the telephone, he

often will have multiple telephone lines. In order to man the lines and to handle the frequently detailed recordkeeping, the bookie often hires one or more salaried office workers. The people working together in the office will generally perform the same duties: Answering telephones, disseminating line information, discussing account balances ("bottom figures"), accepting wagers, giving and receiving game scores, and making layoffs.

Street agents—This type of person may be called one of numerous titles: Street agent, agent, writer, runner, sub book, split book, half book, etc. The general idea is that this person has his own customers and usually functions on foot, although if he is

large enough he may have his own "office." Typical agents may be bartenders, barbers, factory workers, employees of large business offices, or pool hall operators and are often thought by their customers to be the actual bookmaker. The street agent is expected to take bets and to act as a conduit to relay the bets to the office. The most common remuneration for this service is for the office, on a periodic basis such as weekly, to compute the net profit or loss (usually a profit!) on the bets turned in by the agent and to give him a commission, commonly 25 percent of any profit. Occasionally, a volume agent may get a lesser commission on the gross wagers turned in (around 10 percent). Even more rarely, he may

merely be salaried.

This type of employee varies from: (1) The rather casual kind who may have only three or four friends for whom he turns in bets and who may not receive any direct compensation, but rather only such special considerations as extended credit, early line, etc.; (2) to the agent who turns in each and every bet from many customers as he receives it; or (3) the "agent" who is almost like a small bookmaker. This latter type (more properly called a sub book) may take numerous wagers over several days, then retain for himself any balancing wagers and turn in only the excess or imbalance of the bets. For example, assume a bartender takes a bet at one end of the bar on Dallas at -2 for





\$100 and gets the cash bet of \$110 (\$100+\$10 vigorish). He then walks to the other end of the bar and encounters another imbibor who likes the opponent and to prove his opinion wagers \$110 on Washington at +2. The agent bartender would be rather foolish, assuming the big bookie would not find out about it, to turn in these counterbalancing wagers. He might simply keep both bets and be assured of a \$10 profit, whichever team won. Thus, although he may still retain most of the characteristics of a street agent, he may in effect be booking some of the bets himself and in reality only laying off his excess. The line between this type of person—a street agent—and a small bookmaker may be very fine.

Beards—This person is usually a bettor or friend of a bookmaker who functions by placing the bets of a bookmaker with another, without divulging to the other bookmaker the true source of the bets. Frequently, the bookie has bets he wishes to make, but does not or cannot make them in his own name. This may be because

his credit or reputation may be so bad that some or all the local bookies will not take his bets. The bookie may also be trying to middle the other bookmakers and tactically may not wish the others to know it. Or he may have an excellent source of tips on games that he does not wish to divulge. As an example, he could place several large bets by a beard with another bookie, thereby driving the line upward. Later he could bet in his own name on the other side with the same bookie and get his middle, without having to bet with two bookmakers.

The beard usually gets no direct compensation, but has the advantage of knowing what a knowledgeable bookmaker is doing. If the beard knows the bookie is simply a shrewd bettor, he will add his own money to the bookie's when he beards the bet, thereby taking advantage of the "inside" information and making a larger bet than the bookie originally intended.

Collectors and Pickup Men—Depending on the size of the booking operation, the office may have separate collectors who meet periodically

with customers and/or street men to "settle up," and may serve to distribute line sheets to the bettors, so that the bettors and bookie will have the same sheet. As a very broad general rule, extreme force is not employed to collect debts. The bookmaker is essentially a salesman (of bets). To injure or severely threaten a customer may succeed in getting payment, but with the result of losing a big bettor plus good will. The real trick in collecting is to get payment and still keep the bettor hooked. Often collectors try not to settle up an account completely, but try to keep some balance owed to or by the bettor, so that he will keep on betting.

Many bookies settle with all accounts each week, usually on Mondays or Tuesdays at prearranged meeting places. Others settle up only when the debt between the bookie and the account reaches a certain figure, e.g. \$500. In other cases, especially a good, trusted account, he may settle only after the football or basketball season is over.

Although force is rather rare in effecting a settlement, debts often give

“[I]t is of utmost importance when raiding suspected gambling premises to determine whether in fact the book-making operation is physically located within the premises and what warning devices or destructive equipment may be available.”

Electronic Devices

Numerous types of equipment may be used by bookmakers to avoid detection. One type is the “blue box,” which enables the user to simulate a touch-tone signal and use toll-free 800 WATS telephone numbers. Used in

this manner, there is no charge for his call, and more important, no toll record of it.

Other devices function essentially as extension telephones, so that a telephone listed to one apartment may be actually in another as a sort of unauthorized extension telephone.

Another device is similar to call-forwarding equipment or off-premises telephones available through telephone companies, which allow for use of a telephone listed at one location although the user may be miles away and without means of tracing this use.

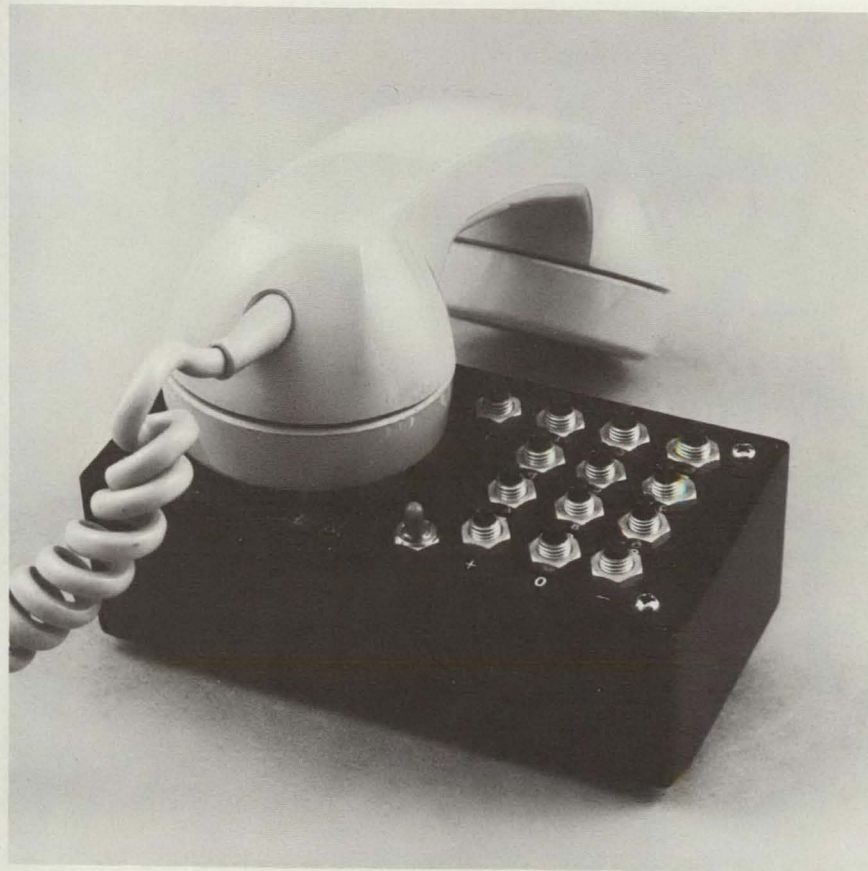
An involved piece of equipment may allow callers to call in and record their messages while the subscriber (bookie) is gone, and for the subscriber to call later into his telephone and have these messages played back to him.

A different type of device concerns the warning of the occupant that someone is approaching or entering the premises. Equipment for destroying papers, or water-soluble paper and flash paper, can then be used.

A full consideration of all the various devices and equipment is not within the purview of this article. However, suffice it to say, that it is of utmost importance when raiding suspected gambling premises to determine whether in fact the bookmaking operation is physically located within the premises and what warning devices or destructive equipment may be available.



rise to the “friendly loanshark.” If the bookie can shift the debtor to the shylock (with whom the bookie may have a working arrangement), he may get his money, keep the bettor’s good will, but leave the “rough stuff” to the loanshark and his exorbitant rates of interest.



This “blue box” enables the user to simulate a touch-tone signal and use toll-free 800 WATS telephone numbers.

113th SESSION OF THE NATIONAL ACADEMY GRADUATES

Director William H. Webster and CIA Director Stansfield Turner, principal speaker at the June 11th ceremony, are shown with the section leaders of the 113th session.



Left to right are: William Randolph Probstfield, Washington County Department of Public Safety, Hillsboro, Oreg.; Michael J. LaMonica, Akron, Ohio, Police Department; Joe A. Fenley, Houston, Tex., Arson Bureau; Admiral Turner; Director Webster; Daniel L. Simpson, Delaware State Police; Reginald Maurice Turner, Detroit, Mich., Police Department; and SA Jack Stewart, Training Division.

WANTED BY THE FBI



CHARLES LEE HERRON, also known as Larry Brown, James Larry Butler, Lee Jones, "Kimathi," D. A. Kimathi, Milo Ramsey, Bennie Leroy Smith, "Blood," "George," "Larry," "Shorty."

Interstate Flight—Murder; Assault to Commit Murder

Herron, along with William Garrin Allen II, Stephen Cornelius Parker, and Ralph Canady, is being sought for the 1968 slaying of two Nashville, Tenn., police officers. Allen, Parker, and Canady were captured, tried, and sentenced to 99 years each for the crime. However, the trio escaped from the Tennessee State Prison.

Background

The four fugitives were last known to be living in Atlanta,

Ga., during 1974–1976. Subsequent investigation determined a highly visible lifestyle in the community. They were working together on home fix-ups and repairs and odd jobs, as well as reportedly selling high-quality marihuana.

The group is involved in African culture / politics / attire, maintaining friendships with a select group of Africans, particularly Gambians. They were associated with individuals known to be involved in black mili-

tancy.

Due to their highly visible profile, a strong possibility exists that they may have been arrested on minor charges, such as traffic violations. Receiving agencies are requested to check the subjects' fingerprint classifications through their identification files. Additional identifying information and photographs regarding these fugitives have previously been distributed in FBI Identification Orders.

WANTED BY THE FBI



William Garrin Allen, II

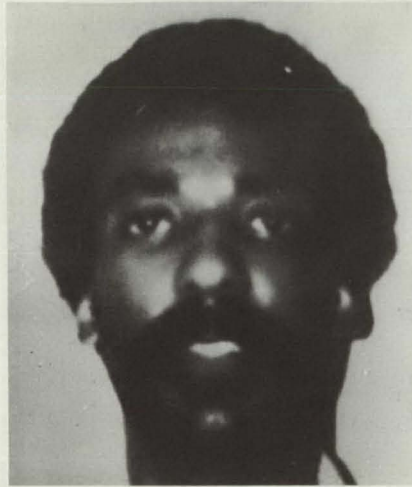
Name ----- William Garrin
Allen, II.
Aliases ----- "Naji."
Louis Williams.
Sex ----- Male.
Race ----- Negro.
Date of
birth ----- September 18, 1945.
Place of
birth ----- Nashville, Tenn.
Height ----- 6 feet 2 inches.
Weight ----- 185 pounds.
Hair ----- Black, medium Afro.
Complexion ----- Medium light.
Facial hair-- Light facial hair on
chin, possible thin
mustache.
FBI No.----- 200,035 G.

Fingerprint Classification:
6 S 1 U 111 6 Ref: T
S 1 R 111 R

NCIC Classification:
060408I0060454051105



Left thumbprint.



Stephen Correlus Parker

Name ----- Stephen Correlus
Parker.
Alias ----- "Damel."
Sex ----- Male.
Race ----- Negro.
Date of
birth ----- April 5, 1944.
Place of
birth ----- Indianapolis, Ind.
Height ----- 6 feet 2 inches.
Weight ----- 160 pounds.
Complexion ----- Light.
FBI No.----- 321,502 G.
Fingerprint Classification:
15 0 13 U 000 21
1 17 U 000

NCIC Classification:
PO1517PO21DI17142016



Left thumbprint.



Ralph Canady

Name ----- Ralph Canady.
Alias ----- "Amadu."
Sex ----- Male.
Race ----- Negro.
Date of
birth ----- December 9, 1942.
Place of
birth ----- Cincinnati, Ohio.
Height ----- 6 feet 1 inch.
Weight ----- 175 pounds.
Hair ----- Black, short Afro.
Complexion ----- Dark.
Facial hair-- Known to wear full
beard.
Character-
istic ----- Crooked front teeth.
FBI No.----- 310,918 G.

Fingerprint Classification:
12 0 25 W 000 15
M 17 U 000
NCIC Classification:
DOP012PO151410151915



Left thumbprint.

WANTED BY THE FBI



Eyes ----- Brown.
 Complexion - Dark mahogany hue.
 Character-
 istics ----- Wears metal wire-rim
 eyeglasses, always
 wears sunglasses
 outside, exagger-
 ated walk de-
 scribed as a
 "strut," may even
 effect a limp, has
 high degree of in-
 terest in pickup
 basketball and
 plays 4 to 5 times
 a week at school-
 yards and public
 courts, very ag-
 gressive player, en-
 joys sports cars,
 and has record of
 ignored speeding
 violations.

FBI No.----- 313,926 G.
 Fingerprint Classification:
 13 O 29 W 000 10
 I 18 U 001

NCIC Classification:
 DOP013PO10DI1214PI14

Name ----- Charles Lee Herron.
 Known
 aliases --- Larry Brown.
 James Larry Butler.
 Lee Jones.
 "Kimathi."
 D. A. Kimathi.
 Milo Ramsey.
 Bennie Leroy Smith.
 "Blood."
 "George."
 "Larry."
 "Shorty."

Sex ----- Male.
 Race ----- Negro.
 Age ----- 41.
 Date of
 birth ---- April 21, 1937.
 Place of
 birth ---- Covington, Ky.
 Height ---- 5 feet 7 inches.
 Weight ---- 140 to 150 pounds.
 Hair ----- Dark black, usually
 worn medium to
 short Afro style,
 may have shaved
 head.



Left thumbprint.

Notify the FBI

Any person having information which might assist in locating these fugitives is requested to notify immediately the Director of the Federal Bureau of In-

vestigation, 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.

Caution

All four fugitives are wanted in connection with the murder of two police officers and should be considered armed and extremely dangerous.

Private Financing for “Sting” Operations

By
SGT. JAMES MAYS
and
CAPT. HAROLD I. PETERSON
Youth and Community Services
Bureau
Police Department
Rockford, Ill.



Captain Peterson



Sergeant Mays

"Over the years, the Rockford Police Department has spent considerable time developing trust between business, industry, and the total community. It is imperative that this trust exist for a venture of this type to succeed."

Federal monies for special fencing operations ("sting" programs) are being phased out. Therefore, it is imperative that police agencies seek other sources for these projects, such as private organizations.

The Rockford Police Department secured funds from a civic group to open the first privately financed fencing operation in the country. In the past, the practice was to obtain money for fencing operations from the Federal Government, i.e., the Law Enforcement Assistance Administration. The opening of the fencing store in Rockford, Ill., known as the New Avon Swap Shop, eliminated a lot of "red tape," and just as important, fostered a spirit of citizen-police cooperation.

A study conducted in Rockford by the police department's Intelligence Division determined that there was a considerable amount of stolen property being sold within the city. During the study, arrests were being made as cases could be proved against persons in possession of stolen property. However, investigations of stolen property cases were limited due to the city's financial plight.

The Youth and Community Services Bureau decided to contact a private organization with the idea of setting up an "operation." However, it was realized that if the nature of the program were known by all the club members, there could be a possibility of compromising the program.

Contact was made with officers of the three local Kiwanis Clubs, who agreed to ask the club membership for funds. But all the club officers would explain to the members was a police need for an antiburglary program.

The Kiwanis officers went back to their respective clubs and within 2 months had a total pledge of \$7,900. The trust relationship shown by the Kiwanis for the Rockford Police Department was enormous. Also important was the fact that the money came from a pri-

ivate organization to the police with very little evidence of its purpose. Over the years, the Rockford Police Department has spent considerable time developing trust between business, industry, and the total community. It is imperative that this trust exist for a venture of this type to succeed.

Two months were devoted to plans setting up the operation. Personnel and equipment were selected and obtained. After deciding that the location for the operation should be in an area with a relatively high crime rate, an area in the old downtown section was selected, also desirable because of the high rate of local traffic passing through.

Once selected, the store had to be remodeled before opening for business, a task assigned to police officers in order to keep costs down and ensure the security of the operation. Personnel chosen for the operation were a State police detective and one of the police department's intelligence detectives. The State officer was to work behind the counter, as he wouldn't be readily identified by local criminals; the intelligence officer remained concealed in a back room to act as backup and to photograph the customers for later identification.

The swap shop was officially opened for business on February 18, 1977, with the first "customer" arriving 3 days later. Business was very slow for the first 4½ weeks, so slow that terminating the operation was discussed. In time, however, business did pick up considerably, and 2 months after its opening, the swap shop was closed, as all the funds given the department had been spent.

During the fencing operation, it was found that stolen property was often brought in before the burglary had even been reported to the police. Not having reports of stolen property, the officers had a difficult time determining what to buy.

During the first 2 weeks, the operation was checked

"An important aspect of the program was police and civic leaders' cooperation for the improvement of the community."

out by other "fences." One of the fences came in and accused the officers of being the police. After he finished bluffing, he explained just how to set up a good fencing operation. Once a burglar attempted to sell a stolen clock radio, and a uniformed police officer walked into the store. Needless to say, the "business transaction" was halted.

In early May, officers testified before the grand jury, and 27 indictments, ranging from burglary to possession of stolen property, were handed down on identified suspects. The following day, beginning at 5 a.m., arrest teams were organized, briefed, and sent out to

make the apprehensions; by 4 p.m., all but one suspect were in custody.

As a result of the project, over \$50,000 worth of property was recovered—television sets, radios, cameras, and even a couple of sawed-off shotguns.

In addition to the property recovered, 36 burglaries and thefts were solved immediately. Later, another defendant cleared 37 burglaries. For an initial investment of \$7,900, the arrests and property recovered could be considered to be a good investment. Also, some of the unclaimed property was sold at public auction authorized by the Rockford City Council, and approximately




**Interior of the New Avon Swap Shop.
Suspects were photographed through
openings in the paneling.**



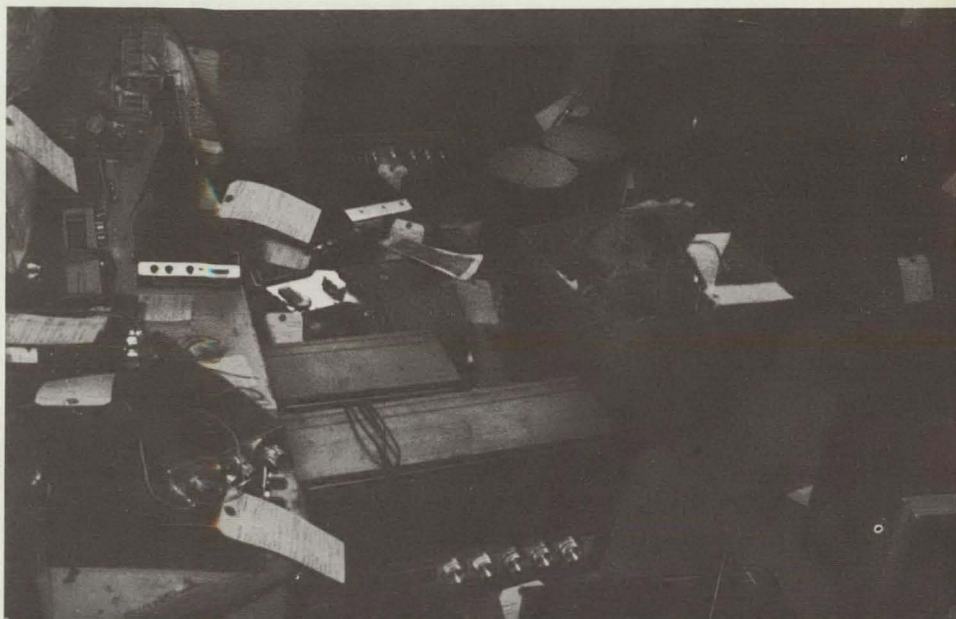
Chief Delbert E. Peterson

\$3,000 was returned to the Kiwanis Clubs!

An important aspect of the program was police and civic leaders' cooperation for the improvement of the community. Such cooperation has to be a distinct deterrent to criminal activity. Locally, it was thought that when using Federal funds, a department may become overly dependent on the Federal Government and not involve local civic leaders in special police projects. When a person is involved in a project or problem, he lends more support toward its solution. Consequently, the police and the individuals within the community benefit by having private agencies finance fencing operations; it sets the stage for further cooperation.

What happened to those arrested? Most chose to plead guilty, even though it meant prison time. Those choosing to go to trial have been found guilty. One of the suspects complained to the front man on the day of his arrest, "Man, what did you do to me? I brought you my whole gang, man, my whole gang." 

Stolen items recovered during the fencing operation.



OPERATIONS

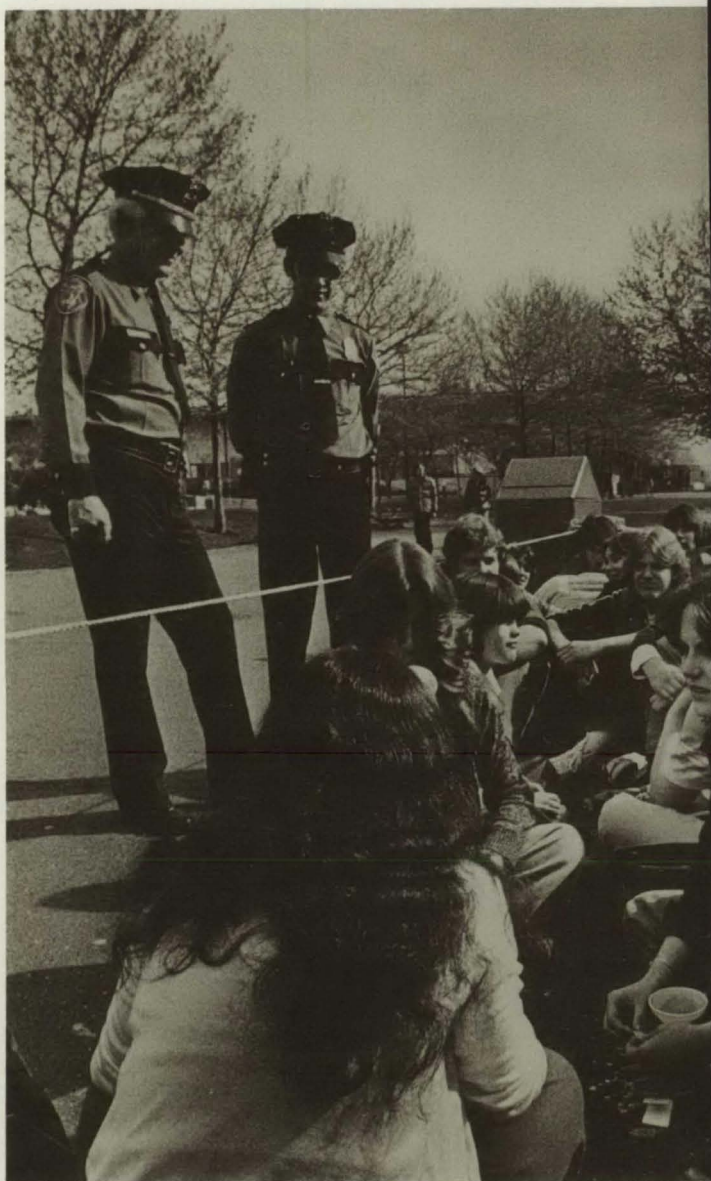
The Seattle Police Special Activities Section:

How to Provide Maximum Police Service at Minimum Cost

By
LEON O. LIBBY
Public Information Officer
Police Department
Seattle, Wash.

Police departments across the country are faced with increased budgetary restrictions that not only prohibit them from increasing the size of their departments, but stretch existing manpower and resources to the breaking point. In metropolitan areas, this situation is resulting in the increased use of one-man patrol cars to compensate for the lack of personnel. When this problem is combined with an inadequate number of police officers in a given city, then unique solutions must be found.

Photos pages 16, 17, 19 by Jerry Gay



"Police departments across the country are faced with increased budgetary restrictions that not only prohibit them from increasing the size of their departments, but stretch existing manpower and resources to the breaking point."

The Seattle Police Department's Special Activities Section (SAS) must often provide in excess of 250 police officers to make up a security force for everything from rock concerts to professional sporting events. The department consists of approximately 1,000 sworn officers. Six hundred and fifty of them are assigned to the uniformed Patrol Bureau and Traffic Division to cover the entire 84-square miles of Seattle for a 24-hour period. There are not 250 officers to spare for such security forces.

The SAS is headquartered at Seattle Center, a complex of cultural, entertainment, and convention facilities covering 74 acres—1 mile by monorail from the heart of the central business district. The complex consists of many facilities but of foremost importance is the metropolitan stadium and 3 auditorium-type facilities which can accommodate from 3,000 to 15,000 patrons. It is in these facilities that the biggest events are held which require the heaviest police coverage.

The Center is the reason for the unit's existence, having been originally built on the site of the 1962 World's Fair. Realizing the potential benefit of maintaining such a complex in the downtown area, city government decided to retain it as a permanent site.

While the Center was being converted to a permanent fixture, it was policed by the occasional patrolling of units assigned to the adjacent area. But patronage of the completed facility would depend, to a large extent, on a feeling of security by people who used the complex or attended events presented there. Periodic patrol and policing on a "call-for-service" basis would be inadequate.

The first regular assignment of police personnel to the Center was made in 1965. One result was that more promoters and sponsors became interested in holding events there, with the subsequent attraction of large numbers of people. This large concentration of people in such a relatively small area made it obvious that the detachment at the Center should be made permanent. The end result, after 13 years of changing needs and manpower requirements, is the present SAS consisting of 13 sworn officers (15 in the summer), 2 sergeants, and a lieutenant. These officers operate on 2 shifts; one from 1000 to 1800 hours and the other from 1800 to 0200 hours.

SAS's responsibilities are many and varied but one of their most important functions, from a police point of view, is providing security at the Center's events. Obviously, 13 officers cannot provide this security at an



"The reserve unit is a volunteer, nonpaid service organization whose officers, when on duty, work under the direct supervision of a regular sworn officer."

event with an attendance of 15,000, particularly if that event is an extremely popular rock group whose patrons bring with them the inherent problem of liquor and drugs in addition to the sheer weight of numbers.

How then does such a small unit perform the job that is expected of it? The unit commander maintains an accurate, up-to-date list of all officers interested in off-duty employment and provides the necessary security with those men. It sometimes requires a great deal of manipulation to provide enough officers.

Whenever a promoter has a show scheduled, he contacts SAS with the particular requirements for security and crowd control for the event. Together they discuss the particular characteristics of the event and determine how many officers will be needed. From the off-duty roster the SAS lieutenant assigns the necessary manpower, computes the cost, and bills the promoter. The promoter makes direct payment for services to a private C.P.A. firm, including an additional fee the firm charges for its service. The C.P.A. firm, in turn, makes payment of wages to the officers. In this way the police department avoids the questionable practice of becoming involved in handling monies paid to off-duty officers working for someone other than the police department.

The important point is that most events require a police presence, a fact acknowledged by everyone from the police to promoters; but no matter how police coverage is provided the event will probably be staged. By using this method just described, more than one objective is accomplished. The

event proceeds smoothly because police are present to maintain order; the promoter is favorably impressed and uses the facility again, thereby contributing to the Center's financial stability; but, most important, a necessary function has been fulfilled by official police department authorities at relatively low cost to the city. When one considers that SAS repeats this procedure 35 to 40 times a year for rock concerts alone, the impact on the police budget would be tremendous if the city had to pay overtime to these extra officers.

The savings to the department created by SAS does not stop here, for the unit has complete administrative responsibility for recruitment, training, appointment, and assignment of the members of the Seattle Police Reserve Unit and the Seattle Police Explorer Post.

The reserve unit is a volunteer, nonpaid service organization whose officers, when on duty, work under the direct supervision of a regular sworn officer. Reserve officers are chosen carefully and must attend the Seattle Police Academy for 120 hours of classroom training covering most areas of police work. Once they receive their full police commissions, the same as sworn officers, they are required to work a minimum of two 8-hour shifts every month. This 70-member force provides an invaluable service to the department in general and SAS specifically. The only cost incurred by the department is the issuance of uniforms and equipment.

These reserve officers facilitate an orderly ingress and egress to and from the immediate Seattle Center area. Their acquaintance with this

duty and familiarity with the many events and attendant problems enables them to perform this function efficiently, thus relieving the department's Traffic Division of this burdensome task.

They fulfill the SAS's responsibility for moving traffic through the main Seattle Center parking garage, and after years of practice can usually accomplish this task in a little over 30 minutes. During rock concerts and other major events, they patrol the garage continually and normally write 15 to 20 citations for minor infractions of the law. This constant surveillance prevents minor thefts and acts of vandalism and ensures the place does not become, essentially, the site of a large party. Furthermore, the officers use the citation in lieu of arrest, whenever possible, because of the great number of juveniles and minors involved in this activity.

Reserve officers' duties are not limited solely to traffic control at the Center. SAS schedules these officers to augment the regular patrol force, driving the paddy wagon, filling in for vacationing officers to create two-man cars, etc. They act in these capacities as sworn officers, again at no cost to the city.

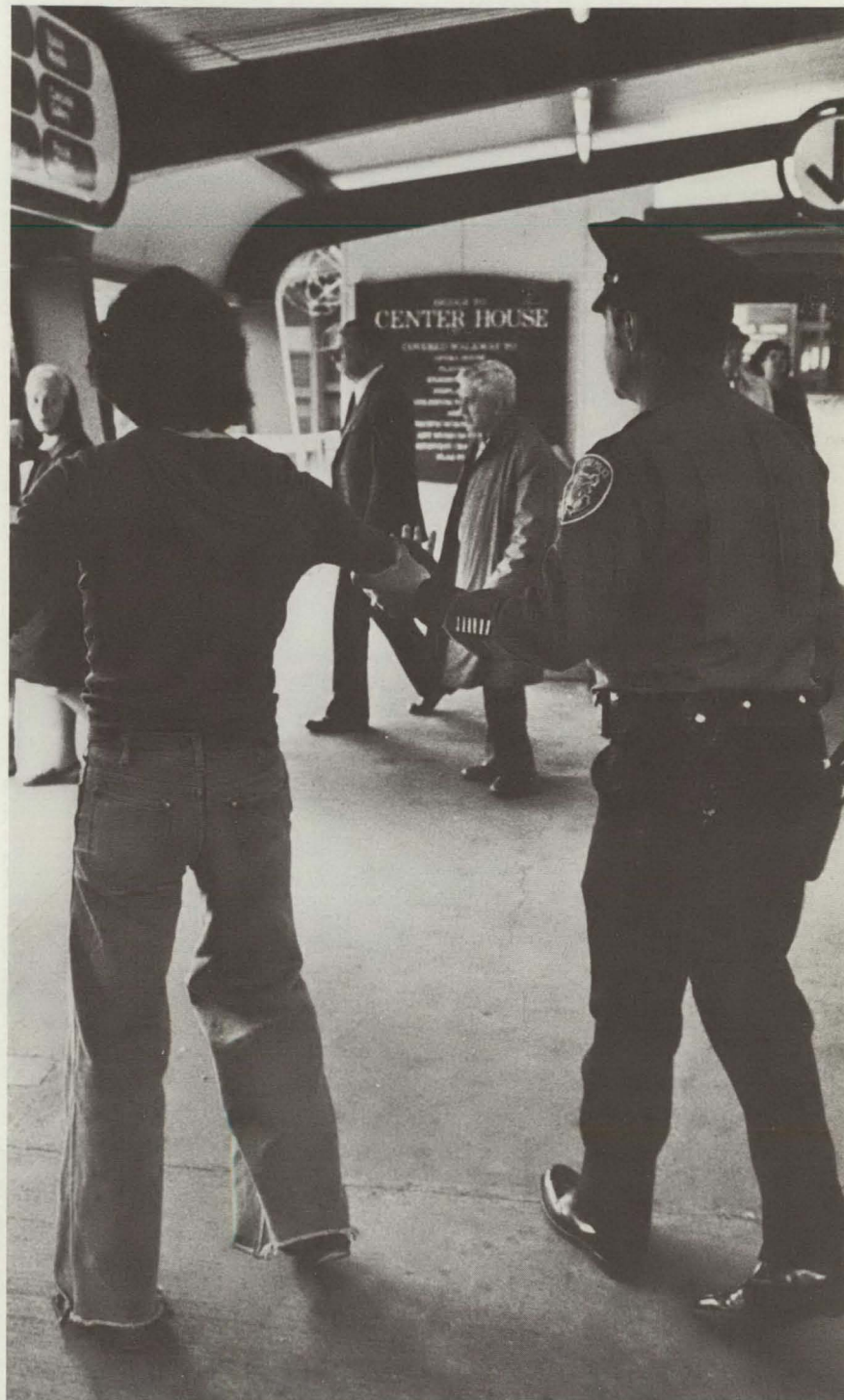
The Explorer Scouts, consisting of young men and women between the ages of 15 and 20, also attend the police academy for 8 hours every Saturday for 13 weeks. They are assigned by SAS to deal with crowd control at various Center events, most parades, and at the annual July Seafair celebration. They also perform these services without pay.

During the school year thousands of students from schools throughout

"SAS's responsibilities are many and varied but one of their most important functions, from a police point of view, is providing security at the Center's events."

the greater Seattle area are brought to the Center to attend such events as the symphony and opera as part of cultural enrichment programs. This often results in the arrival of as many as 60 loaded school buses in as little as an hour. The buses have to be accommodated and directed to parking and the students safely directed across adjacent streets. Daytime activities of this nature occur approximately 400 times a year. In addition, evening events are held, ranging from opera to professional sports, which are attended by thousands. With this impact of pedestrian and vehicular traffic compressed into short time spans, the presence of SAS officers is absolutely necessary to eliminate potential chaos.

The SAS also performs all other regularly accepted police functions in the immediate area of the Center. With large numbers of people so greatly concentrated, it would be foolish to presume that problems at the relatively crime-free Center are non-existent. Recently there was a serious car-prowl problem on the streets and in the parking lots adjacent to the Center grounds. By utilizing additional reserve officers and employing



stake-out tactics, it wasn't long before the problem had been reduced by 50 percent. The unit maintains its own crime analysis function, using pin maps to target potential trouble spots.

Juvenile strong-arm artists are always a matter of concern for SAS officers, who must also contend with counterfeit tickets presented at events, ticket scalpers, panhandlers, liquor violators, marihuana peddlers, lost property, runaways, and lost children. These are problems for which these officers are particularly suited because of their intimate and daily acquaintance with the buildings, the people, and the 74 acres comprising the Seattle Center.

For the past 2 years the Special Activities Section has also been responsible for security at the 65,000-seat Kingdome stadium and this has posed additional staffing problems. The covered, multi-use facility is home to three professional sports franchises and hosts every type of event from recreational vehicle shows to indoor motocross.

The different kinds of events and the size of the crowds at this facility pose problems that SAS does not encounter at the Center grounds, but the unit's experience over the years with the latter has contributed to successful handling of this new challenge.

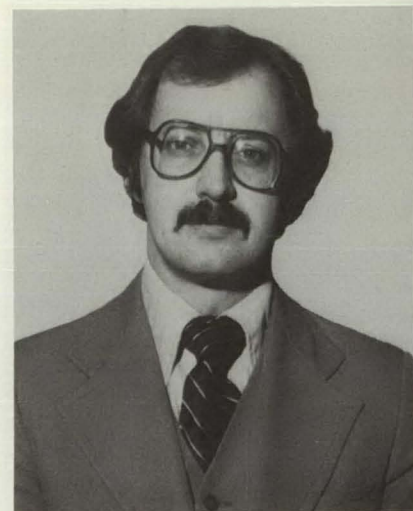
A baseball game with an attendance nearing 35,000, for example, requires about 20 officers, 3 sergeants, and a lieutenant. A soccer match requires 23 officers and 4 supervisors, while a professional football game with an attendance in excess of 50,000 requires over 50 officers and more than a half-dozen sergeants. An extremely

popular rock group, however, presents problems that require 250 or more officers and a dozen supervisors.

In addition to having to schedule this many men, the SAS lieutenant is faced with another problem. The Kingdome is a county-operated facility located within the city limits of Seattle, and to avoid the potential conflict in this situation and any accusations of favoritism, the lieutenant schedules a force of one-half county police personnel and one-half city police department personnel for all events requiring security. This method has worked out well during the Dome's relatively brief history. The spinoff effect of this use of officers from the city and county has been the fostering of good will between the two departments whose officers seldom had the opportunity before to meet in an official capacity.

In 1977, the Kingdome hosted a nationally known rock group in a sold-out concert. Customers camped out at the facility beginning 2 days in advance. SAS scheduled personnel to provide 48-hour security for the event and utilized over 260 officers and supervisors during that period. Although both sworn and reserved officers are used at the Center, only sworn officers are used at the Kingdome. When it became obvious that sufficient off-duty city and county personnel were not available, other agencies within the county were contacted and officers were successfully recruited to augment available personnel.

This past summer, SAS was confronted with the challenge of providing security for the priceless Treasures of Tutankhamen exhibit currently touring the United States. In order to



Leon O. Libby

safely house the exhibit, the Flag Plaza Pavilion on the Center grounds underwent extensive renovation. SAS had primary and complete responsibility for security which was provided on a 24-hour basis, primarily through the use of off-duty personnel.

During the 14- to 16-hours a day that the exhibit was open to the public, the treasures were guarded by a crew of 12 officers and a sergeant assigned by SAS. The security measures taken in Chicago and New Orleans to protect the exhibit were examined to assure adequate public exposure to the treasures and to insure protection at the same time. The length of the display, from July 15th through November 15th, made it in effect a small rock concert 7 days a week for 4 months in terms of manpower needs.

The normal budget of the unit, though inflated in 1978 by the addition of the Tutankhamen exhibit, is usually about \$275,000 per year, with about \$265,000 of that in personnel services. After examining what the unit accomplishes in terms of crowd control, traffic control, and security

"Use of on-duty personnel, paid overtime, would be an awesome financial burden on the budget, plus there would be a diversion of manpower and resources."

at events ranging in size from 3,000 to 60,000 people, with a permanent contingent of only 13 officers, it is obvious that the overall cost to the department budget would be far higher if SAS had to address the problem differently.

Use of on-duty personnel, paid overtime, would be an awesome financial burden on the budget, plus there would be a diversion of manpower and resources. By relying almost exclusively on off-duty personnel whose services are paid for by private firms, these problems are avoided. By using the services of dedicated volunteers to perform routine police functions at the Seattle Center grounds, the same cost factor is overcome in an area of such heavy use that police presence is a necessity. An example, however, might serve to indicate the magnitude of the savings. Assume that a rock concert requires 20 officers, paid at the rate of a first-grade officer's salary at \$9.00 per hour for approximately 3 hours. This situation, magnified by 40 concerts a year, comes to almost \$22,000 alone. Imagine the cost when the event requires more than 250 officers!

One additional factor in the success the SAS enjoys is the close co-

operation of the Crimes Specific Section (See *FBI Law Enforcement Bulletin*, Vol. 47, No. 2, February 1978) and the neighboring patrol units. They provide the backup which is vitally important to the effectiveness of the unit.

The Crimes Specific officers come and go freely at the Center, working the crowds for scalpers, purse snatchers, car prowlers, liquor violators, and drug offenders. They work in plain clothes as opposed to SAS officers who are basically a uniform force unless necessity dictates otherwise. They also augment SAS personnel inside at some of the potential trouble spots, such as rock concerts, hockey games, boxing and wrestling matches, etc.

The neighboring patrol units assist by making frequent transportation runs so that SAS officers need not leave the grounds when making arrests. This is in addition to overlapping patrol of the immediate area.

One measure of the unit's success is the continued use of the Center by local residents, tourists, and promoters. According to the unit's leader, "The Center is a place to which a person can feel comfortable about

sending his children and their grandmother. That feeling exists because people can take advantage of the wide range of activities in an area of relatively low crime occurrence with the presence of trained police officers always ready to assist."

The general manager of the Seattle Center has nothing but praise for the Special Activities Section and the service it provides at the Center:

"This detachment of officers, in my opinion, provides the greatest service and assistance to the Center of any department in the city. Their assistance in crowd control for the hundreds of events held at the Center from festivals to rock concerts is second to none in the Nation. Their model has been used by many of my manager counterparts to establish new or revamp existing programs.

"The attitude of the officers is reflected in the public's feeling of safety while enjoying the Center, and this has been translated into part of our ongoing healthy financial picture. The officers have become an integral part of our total community. They have a special appreciation for the Center while never neglecting their primary responsibility—the police department."



Michigan's Sexual Assault Evidence Kit: *An Effective Tool for Investigators*

By

DAVID A. METZGER
Crime Laboratory Scientist
Michigan State Police
Scientific Laboratory
Northville, Mich.

The 1970's will most certainly be recorded as a time of active growth for the women's movement. One of the social issues raised by women around the country was the problem of rape and criminal sexual assaults. Extensive news coverage by the media made the American people aware that a problem did indeed exist and that a concerted effort would be required to combat it. Rape counseling centers and victim assistance programs became useful community resources for information on the subject of rape. Task forces to combat the problem of rape were formed to study methods of prevention, effective investigation, and prosecution techniques. Law enforcement officers were trained in methods of compassionately dealing with rape victims, while at the same time obtaining necessary investigative in-

formation. It was in this environment that the concept of a sexual assault evidence kit was formed.

By the late spring of 1975, it became increasingly apparent that one major area of potential investigative value had been neglected—physical evidence. This observation was made by the serology unit of the Michigan State Police Scientific Laboratory located in Northville, Mich. The primary function of a crime laboratory is the examination and comparison of physical evidence submitted by law enforcement agencies; no other segment of the criminal justice system deals more closely with

physical evidence than the crime laboratory.

So it was logical that serologists from the laboratory would best be able to observe deficiencies in the quality of physical evidence submitted for their examination. Three recurring deficiencies were noted:

1. An insufficient amount of evidence was collected. This amounted to a single vaginal swab being submitted, or many times, a pair of woman's panties which bore a suspected seminal stain in the crotch area. Because of the potential quantity of material available which could have had evidentiary value, the submission of a single item of evidence for examination was simply not enough.
2. No standard comparison sam-

ples from the victim were submitted. Known hairs and blood or saliva from the victim would have been needed for comparison in the event that a hair or seminal stain of unknown origin were located. While it is true that these samples could have been obtained at a later time, an unnecessary delay in analysis could have been avoided by submitting known victim standards along with the questioned evidence of unknown origin.

3. In many cases, the evidence submitted was improperly packaged and preserved. A pair of panties with a moist stain in the crotch would have been submitted to the laboratory in a plastic bag. By the time the bag was opened, bacteria and mold would have destroyed all the biological materials of evidentiary im-

portance. Items of evidence were also submitted without being properly marked for later identification in court.

Sexual assault cases are unique in that the police investigator and crime laboratory scientist must rely on a third party, the examining physician, to collect and package the best evidence in the case, the evidence from the body of the victim herself.

The majority of evidence problems were attributable to medical personnel untrained in forensic science. The solution to the problem became obvious: Train the primary health professionals in the types of evidence to collect and provide them with all the materials to properly collect and preserve the evidence. This led to the design of the sexual assault evidence kit.

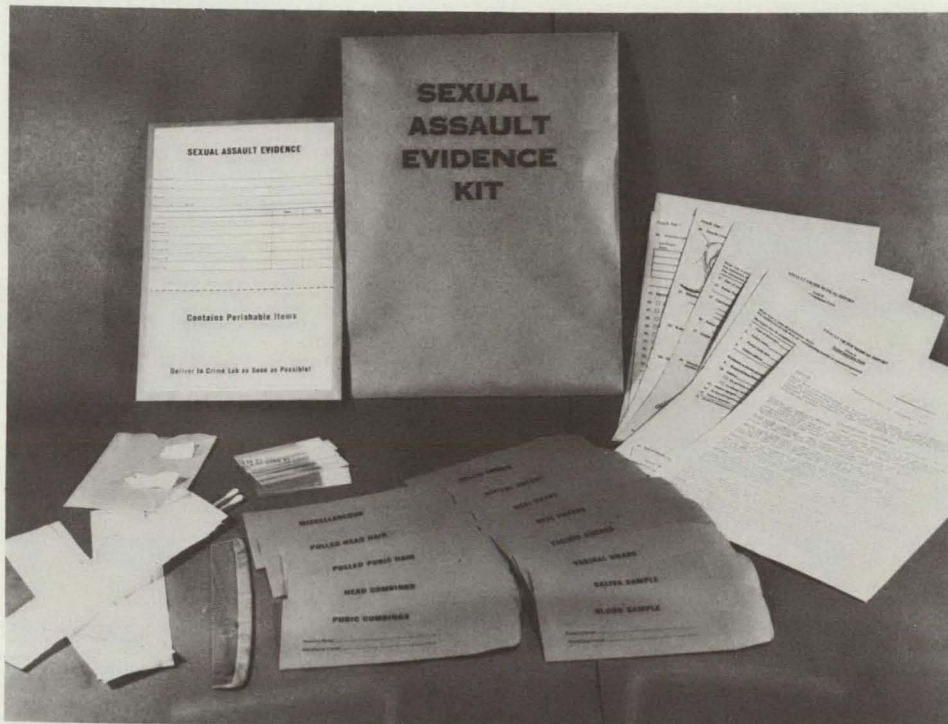
The Sexual Assault Evidence Kit

In designing the evidence kit, a number of factors were considered.

First, the kit should contain a simple set of instructions which the doctor could read and understand quickly. The instructions should include a list of items to collect and explanations of how to collect and preserve the evidence. In addition, a brief indication of what the crime laboratory could determine from the evidence is necessary. Second, the kit should contain all the items necessary for collection and preservation of evidence—envelopes, swabs, microscope slides, and other items. The hospital need only provide a collection tube for a whole blood sample and a bag for the victim's clothing, when appropriate. Third, the evidence kit should be cost-efficient. Since the kit is to be provided free of charge to hospitals, it is necessary to provide the most complete, practical kit for the least expenditure of limited funds.

With these considerations in mind, a prototype kit was produced and field tested at the University of Michigan

The sexual assault evidence kit



"All the items in the sexual assault evidence kit were available through departmental or commercial supply channels, with the exception of the assault victim medical report which is enclosed in each kit."

Medical Center and Wayne County General Hospital. After approximately 8 months of testing, the contents of the kit were improved, based on advice from the medical personnel who used the kit and forensic serologists who analyzed the evidence in the test kits. The final production model of the kit contains the following items (see photograph):

1. One large paper envelope which forms the outer container for the kit.
2. One instruction sheet for the examining physician.
3. One set of multiple copy forms, composed of six different pages which become part of the hospital's medical records. Copies are also provided for the patient, the police, and the prosecutor.
4. One plastic comb for hair combings.
5. Eight glass microscope slides, frosted on one end.
6. Three packages of sterile cotton swabs, two per package.
7. Thirteen small preprinted envelopes, labeled with the type of evidence each contains. Also on these envelopes is a space for identifying initials of the doctor or nurse.
8. Two swatches of 100-percent cotton cloth, one for a blood stain and one for a saliva stain from the victim.

9. One lock-seal evidence envelope into which all the small, preprinted envelopes containing evidence will be placed. This envelope has a metal clasp lock in addition to the adhesive on the flap. Once closed properly, the envelope is secure against tampering.

Since the evidence received in the Northville Laboratory was usually hand-delivered, there was no need to make the kit mailable. However, to speed delivery of the evidence to the crime laboratory, the label on the lock-seal envelope warns the investigator that the kit "contains perishable items" that should be delivered to the crime laboratory as soon as possible.

All the items in the sexual assault evidence kit were available through departmental or commercial supply channels, with the exception of the assault victim medical report which is enclosed in each kit. The three-part, six-page form was designed by the staff of what is now the Assault Crisis Center of Washtenaw County, located in Ypsilanti, Mich. Development of this form was aided by suggestions from numerous law enforcement and medical personnel. The center has assisted in the successful spread of the evidence kits from the prototype stage and the education phases to the statewide distribution of the kits.

The financing of the sexual assault

evidence kit indicates the type of community support this kind of project can receive. In the early stages of the prototype period, the laboratory absorbed the cost of component parts of the kits, since most of the items were already on hand or readily available. However, as demand increased, it became apparent that the Northville Laboratory could no longer finance the program. This unfortunate fact was communicated to rape crisis centers and law enforcement associations during discussions about the fledgling program. The response was enthusiastic. The Wayne County Detective Association provided a donation of \$1,000 to supply kits for the county. The Detroit Rape Counseling Center budgeted for 2,500 kits. Civic groups and individuals contributed. A special account was set up in the State police headquarters, specifically to receive and disburse funds for the project. In early 1977, the assault crisis center included a special \$9,000 grant in their budget, specifically to finance the statewide distribution of sexual assault evidence kits. The program, which had originally begun as a means of improving the quality of evidence at a regional laboratory, was growing into a much larger project than anticipated.

Assembly of the Sexual Assault Evidence Kit

One aspect, which had yet to be considered, was the construction of

the kit. (It is one thing to compose a list of component items for a kit and another thing entirely to produce thousands.) The prototype kits were assembled by the author and staff members of the assault crisis center, at a private residence one afternoon. A total of 270 kits were assembled. As the prototype kits were depleted, a more efficient means of production was found. A policewoman from Dearborn Heights, Mich., offered the services of the Police Youth Organization. This group of youngsters from 12 to 15 years of age enthusiastically assembled about 1,000 kits in 2 evenings. Volunteer efforts of local groups can be used effectively on a project of this type. In order to actually assemble the kits, a number of subassemblies were required:

1. The various pages of the medical report form had to be collated.
2. The small preprinted envelopes had to be grouped in bundles of 13 envelopes.
3. The microscope slides had to be counted out.
4. A self-adhesive label was required for the evidence envelope.

These subassemblies were fed into a production line which added the remaining components and from which came completed evidence kits. The kits were then packaged in the various

cardboard boxes from which the components had come.

Distribution of the Sexual Assault Evidence Kit

Any program which has limited resources must plan for the most ef-

"Any program which has limited resources must plan for the most effective use of those resources."

fective use of those resources. The limiting factors for the Northville Laboratory were finances and manpower. Another limitation which was self-imposed was a basic part of the distribution strategy: No hospital would receive any kits until the staff of their emergency room had been trained by a member of the crime laboratory's serology unit. This was to guarantee effective use of the kits.

Since the original concept of the entire program was a regional one, it was necessary to identify the hospitals in the laboratory's area of operation. A total of 45 hospitals were found in the area served by the laboratory, with an additional 30 hospitals in the city of Detroit. It was decided to concentrate on key hospitals, and train their emergency room nursing staffs, since nurses were more receptive to the program and more often available. This strategy worked well until demand for kits exceeded the manpower

limitations. Requests for kits grew out of training seminars, basic police academies, and in response to new releases concerning the program. Requests were received from all areas of the State of Michigan and from out-of-State as well. Sample kits have been sent by request to 20 different States and 2 Canadian Provinces. Since this indicated a high level of interest, it was decided to propose a statewide distribution of sexual assault evidence kits to the headquarters staff of the department of State police. After some modifications, a plan was developed by the department to make use of local State police post community service officers. These post community service officers were trained in district training sessions concerning all aspects of the evidence kit program. They, in turn, trained the emergency room nursing staffs of their local hospitals in the correct use of the kit. The officer then was responsible for supplying the hospitals with evidence kits by ob-

"Since the original concept of the entire program was a regional one, it was necessary to identify the hospitals in the laboratory's area of operation."

taining stocks of kits from his district community service coordinator, who in turn acquired the kits from stockpiles at headquarters.



**Col. Gerald L. Hough,
Director of the Michigan
State Police**

The post community service officers received training in October 1977, and are presently training personnel and supplying their local hospitals.

Conclusion

The sexual assault evidence kit program in Michigan began as an idea



Mr. David A. Metzger

in a regional crime laboratory serology unit. The civilian laboratory scientists of this unit conceived, designed, and produced a kit which has helped members of the law enforcement community throughout the State.

Through the correct usage of the evidence kit, examining physicians can now gather all the available evi-

dence and preserve it properly for crime laboratory examination. Correct use of the assault victim medical report form also provides the physician with the best possible notes to refresh his memory at a court trial.

Crime laboratory personnel can thus examine evidence in an orderly manner, doing the most complete analysis possible. Since the evidence has been preserved correctly, delays due to caseloads do not impair the quality of analysis.

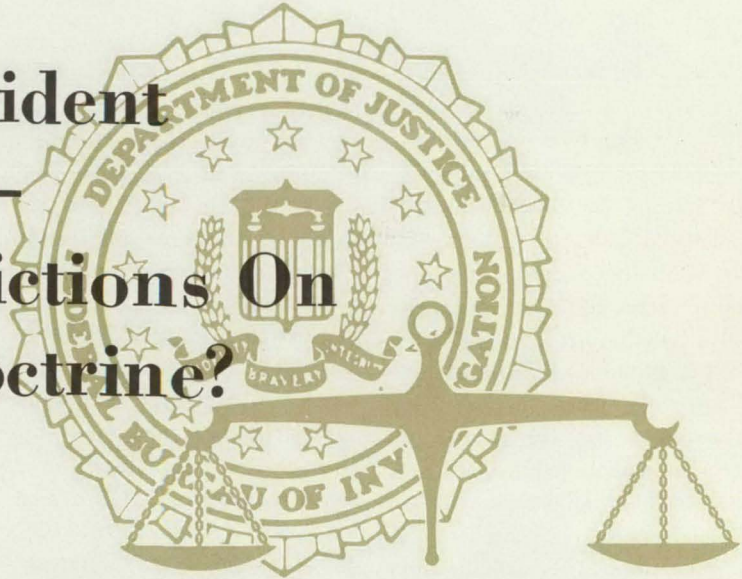
Prosecutors have used the evidence kit effectively in court, presenting their physical evidence in a neat, easily understood manner. The lock-seal evidence envelope has tightened the chain of custody considerably.

The victims of sexual assaults have benefited by not being constantly asked for additional hair, blood, or saliva specimens by the investigator. But most important, the people of Michigan have benefited by the intelligent use of resources available in most communities to combat a community problem.

"Through the correct usage of the evidence kit, examining physicians can now gather all the available evidence and preserve it properly for crime laboratory examination."

Search Incident To Arrest— New Restrictions On An Old Doctrine?

By
LARRY E. RISSLER
Special Agent
Legal Counsel Division
Federal Bureau of Investigation
Washington, D.C.



A fundamental principle of search and seizure law which has been emphasized frequently in decisions of the U.S. Supreme Court is that police must, whenever practicable, obtain advance judicial approval of searches and seizures through the warrant procedure.¹ Although adherence to this principle has been strictly enforced, "it is well settled that a search incident to a lawful arrest is a traditional exception to the warrant requirement of the Fourth Amendment."² The rea-

sons for this exception are quite basic and were identified by the Supreme Court in its landmark decision of *Chimel v. California*.³

"When an arrest is made, it is reasonable for the arresting officer to . . . [conduct a search] . . . in order to remove any weapons that the . . . [arrestee] . . . might seek to use in order to resist arrest or effect his escape. Otherwise, the officer's safety might well be endangered, and

the arrest itself frustrated. In addition, it is entirely reasonable for the arresting officer to search for and seize any evidence in order to prevent its concealment or destruction."⁴

The permissible scope of searches incident to arrest has been recognized to involve two distinct levels of intrusion. One is a search of the actual person of the arrestee; the other, a search of possessions within the area of the arrestee's immediate control.⁵ There has been little judicial disagreement about the limits of the search of the arrestee's person. It may extend to his body,⁶ his clothing,⁷ and personal items located on or in his clothing, such as wallets⁸ and cigarette packages.⁹ Because of the reduced expectation of privacy resulting from a custodial arrest, it has even been held that a search of personal effects which "could be made at the time of arrest may be legally conducted later when the accused arrives at the place of detention."¹⁰

But the limits of the area search—the permissible area beyond the person of the arrestee which the search may cover—has been subject to different interpretations, and early decisions bearing on it were inconsistent.¹¹ Since *Chimel*, however, it has generally been understood that an officer may search the "area 'within [the] immediate control' [of the arrestee]—construing that phrase to mean the area from which he might

gain possession of a weapon or destructible evidence."¹² As the *Chimel* opinion noted, "[a] gun on a table or in a drawer in front of one who is arrested can be as dangerous to the arresting officer as one concealed in the clothing of the person arrested."¹³ The boundary of the area to which this search may extend has been characterized as the "grabbing distance,"¹⁴ and some courts have permitted its search even after the arrestee was handcuffed and thus no longer able to "grab," so long as the search was substantially contemporaneous with the arrest.¹⁵

Recently, the Supreme Court added another chapter to the continuing

guage which once again may require officers and departments to reexamine

"United States v. Chadwick, decided by the Court on June 21, 1977, contains language which once again may require officers and departments to reexamine existing policies concerning searches incidental to arrest."

existing policies concerning searches incidental to arrest.

The Chadwick Case

In *Chadwick*, Federal narcotics agents in Boston had probable cause to believe that a 200-pound, double-locked footlocker, which had just arrived by rail from San Diego, contained marihuana. They observed Chadwick (and others) remove the footlocker from the train depot and place it in the trunk of the defendants' awaiting auto. While the trunk lid was still open, Chadwick was arrested and the footlocker and its keys seized. The defendant and the footlocker were then transported to the Boston Federal building where, an hour and a half later, the footlocker was searched and large amounts of marihuana located. Chadwick was charged in Federal court with possession of marihuana and conspiracy.

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.

problem of defining the permissible limits of a search, incident to arrest, of possessions within the area of an arrestee's immediate control. *United States v. Chadwick*,¹⁶ decided by the Court on June 21, 1977, contains lan-

“Once law enforcement officers have reduced luggage or other personal property not immediately associated with the person of the arrestee to their exclusive control, and there is no longer any danger that the arrestee might gain access to the property to seize a weapon or destroy evidence, a search of that property is no longer an incident of the arrest’.”

Before trial, the U.S. district judge suppressed the marihuana on the ground a search warrant should have been obtained to search the footlocker. The Court of Appeals for the First Circuit affirmed and the Supreme Court granted *certiorari*.

One of the arguments advanced by the Government to sustain the warrantless search was that it was incidental to a lawful arrest.¹⁷ Mr. Chief Justice Burger, writing for the Court, rejected this argument. In so doing, he acknowledged that searches incident to arrest involve two spheres of intrusion—the search of the actual person of the arrestee, and the search of possessions within his immediate control.¹⁸

The opinion noted that searches of the “person,” and items immediately associated with the person, are justified by a reduced expectation of privacy caused by the arrest. (A decision of the Court 3 years earlier had upheld a warrantless seizure and search of an arrestee’s clothing 10 hours after his arrest, partially using this rationale.¹⁹) However, an arrestee does not suffer a reduction of his expectation of privacy in those items not immediately associated with his person, but which are within the “area” of his immediate control. Their search can be justified only by the immediate need to safeguard the arresting officer and prevent the loss of evidence. This justification disappears when the “search is remote in time or place from the arrest,”²⁰ and the property

searched is no longer accessible to the arrestee. Thus:

“Once law enforcement officers have reduced luggage or other personal property *not immediately associated with the person* of the arrestee to their exclusive control, and there is no longer any danger that the arrestee might gain access to the property to seize a weapon or destroy evidence, a search of that property is no longer an incident of the arrest.”²¹

Because the footlocker could not be characterized as property immediately associated with Chadwick’s person (thus permitting a delayed search), and because the arresting agents had reduced it to their exclusive dominion (thus making it inaccessible to Chadwick), its search could not be justified as being incidental to the arrest.²²

Chadwick, of course, has direct application to large, closed objects, such as footlockers, found in the immediate vicinity of an arrestee. But what effect does it have on searches of other personal property? A literal reading of the above-quoted passage from *Chadwick* could be interpreted as saying that now searches of any item found in the immediate “area” of the arrestee will be sustained only if the item searched is one in which there is a “danger that the arrestee might gain access to the property to seize a weapon or destroy evidence.”²³ Carried to its extreme, this might even

mean that the scope of post-*Chadwick* searches incident to arrest will be restricted to the person of the arrestee only, and will not be extended automatically to the surrounding area. This is possible because in the typical arrest situation, the arresting officer’s first and primary concern is to handcuff and secure the arrestee. The search of the immediate area for weapons and evidence, although “substantially contemporaneous” with the arrest, usually follows the arrest and takes place at a time when the arrestee is subdued and no longer a threat to grab a weapon or destroy evidence.

Because *Chadwick* was decided shortly over a year ago, only a few courts have had the opportunity to address the issue it posed. One case which did is *United States v. Ester*.²⁴

In *Ester*, the defendant was arrested at an airport while standing near his luggage. The luggage was seized and the defendant handcuffed and placed in a government vehicle. His suitcase was searched immediately and heroin located. Later, the defendant moved to suppress the contraband on the theory that the arresting agents had taken “exclusive possession” of his luggage, and under *Chadwick*, the search could be conducted only under the authority of a valid warrant. The Government contended the search was valid incident to arrest and attempted to distinguish *Chadwick* on the basis that *Chadwick* applies only to very large pieces of luggage, and searches

which are remote in time and place from the arrest.

The Court disagreed and ruled that the size of the object searched has little to do with *Chadwick's* applica-

"A warrantless search is invalid once the arresting officers have gained complete control over the item and it is inaccessible to the arrestee."

tion. A warrantless search is invalid once the arresting officers have gained complete control over the item and it is inaccessible to the arrestee. Ester was handcuffed and his suitcase was in the hands of the arresting officers when it was searched. Therefore, the search could not be justified as incident to arrest.²⁵

Nor did the Court see any significance in the fact that the search in *Chadwick* occurred 1½ hours after the arrest, and the arrest and search in *Ester* were substantially contemporaneous. "*Chadwick's* requirement of a warrant does not depend on the amount of time or space between the arrest and the search but on the extent to which the property is within the control of the police."²⁶ The motion to suppress was granted.²⁷

Hand-held Items

Chadwick also has the potential for altering the police approach to the search of portable, hand-held items carried by a person at the time of arrest, such as briefcases, purses, and shopping bags. Little doubt existed in

the past that such parcels could be searched immediately after arrest.²⁸ But often an arresting officer would desire to seize the item and search it later, at the station house, to avoid the inconvenience, difficulty, and delay caused by conducting the search at the arrest scene.

Prior to *Chadwick*, most courts which had considered delayed searches had allowed them as incident to arrest. Some justified the searches by characterizing small, portable objects as personal effects, indistinguishable in a constitutional sense, from an arrestee's "suit pockets, or hatband,"²⁹ which the Supreme Court, in an earlier case, had said could be searched "at the station house after the arrest has occurred at another place."³⁰ Other courts justified delayed searches on grounds ranging from the expediency of not requiring arresting officers "to stand in a public place examining papers or other evidence on the person of the defendant,"³¹ to a characterization of a delayed search as a continuation of the search initiated at the arrest scene.³² Other decisions appeared to hinge on a flat reliance on language from the Court's earlier decision in *United States v. Edwards*:

"Once an accused has been lawfully arrested and is in custody, the effects in his possession at the place of detention that were subject to search at the time and place of arrest may lawfully be searched and seized without a warrant even after a substantial time lapse between the arrest and later administrative processing,

on the other hand, and the taking of the property for use as evidence, on the other."³³

But since *Chadwick*, the limited number of courts which have addressed the issue have spoken in language which indicates that *Chadwick* has imposed a new standard. For example, in *United States v. Berry*,³⁴ Federal agents arrested a bank robbery suspect who was carrying an attache case he had just removed from the trunk of a car. The suspect was searched, handcuffed, and removed from the arrest scene. Eight minutes later another agent searched the attache case and located evidence. Later, Berry was convicted of bank robbery.

In considering the subsequent appeal, the court of appeals noted that although other courts previously had approved similar searches, *Chadwick* teaches that once arresting officers "have reduced luggage or other personal property not immediately associated with the person of the arrestee to their exclusive control, and there is no longer any danger that the arrestee might gain access to the property to seize a weapon or destroy evidence,"³⁵ a search cannot be justified as being incident to arrest. Here, the attache case was exclusively controlled by the agents at the time of the search, and was inaccessible to the defendant. Consequently, the search could be sustained as incident to arrest only if the attache case could be characterized as being "immediately associated with the person of the arrestee." "If it [could], the later search could be justified as a search

"To date, the few post-*Chadwick* decisions on point indicate that the 'area' search may no longer be conducted once officers have reduced possessions located in the immediate vicinity of the arrestee to their exclusive control and they no longer are accessible to the arrestee."

of the arrestee's person, which need not be undertaken contemporaneous with the arrest."³⁶

The Court, however, ruled that the attache case was not a personal item, but rather a possession within the arrestee's immediate control. In so doing, the opinion contrasted briefcases from other hand-held items, such as purses, which might be considered personal items because they are carried with the person at all times. Berry's attache case was more akin to the footlocker in *Chadwick*, in that the defendant had a high degree of privacy interest in its contents.³⁷ The warrantless search was, therefore, unreasonable.³⁸

Two recent State cases also have rejected searches based on *Chadwick*.

"[A] Missouri Court of Appeals held that a warrantless station house search of an arrestee's triple-locked suitcase, after the defendant had been secured, was invalid under the 'new principle' announced in *Chadwick*."

In *State v. Dudley*,³⁹ a Missouri Court of Appeals held that a warrantless station house search of an arrestee's triple-locked suitcase, after the defendant had been secured, was invalid under the "new principle" announced in *Chadwick*. The opinion noted that searches incident to arrest of the person may be delayed to a subsequent time and place, "but searches of other possessions . . . can no longer be conducted after the point

when the officers have reduced those possessions to their exclusive control."⁴⁰

And in *State v. Dean*,⁴¹ a Court of Appeals of Kansas ruled that evidence found in the search of defendant's overnight case should have been suppressed. The defendant had been arrested in his car after a high-speed chase. Shortly thereafter, he was placed in the custody of another officer and the overnight case was seized from the car, opened, and marihuana located. The Court reasoned that under *Chadwick*, the search could not be sustained because the officers had reduced the case to their exclusive control, and there was no longer a danger of the arrestee gaining access to it to secure a gun or evidence.⁴²

Conclusion

The full impact of *Chadwick* will not be known until other courts have had an opportunity to interpret its language. At this juncture, however, it would seem accurate to summarize the scope of searches incident to arrest as follows:

When an individual is arrested, his person and that personal property immediately associated with his person can be searched completely. Because the arrestee retains no significant expectation of privacy in his person or personal effects, the search may be delayed and completed later, at the place of detention. "Were this not to be so, every person arrested for a serious crime would be subjected to a thorough and possibly

humiliating search where and when apprehended."⁴³

Traditionally, the search also has extended to possessions located in the area immediately surrounding the arrestee. But because an arrest does not lessen an arrestee's expectations of privacy in those possessions, the courts have required that this aspect of the search be carried out contemporaneously with the arrest, inasmuch as its only justification is the immediate need to secure weapons and destructible evidence. In practice, however, most courts have permitted this aspect of the search even after the arrestee was handcuffed and secured, so long as the search was "substantially contemporaneous" with the arrest.

To date, the few post-*Chadwick* decisions on point indicate that the "area" search may no longer be conducted once officers have reduced possessions located in the immediate vicinity of the arrestee to their exclusive control and they no longer are accessible to the arrestee.

Whether small, hand-held items will be characterized as "personal items," or as items located within the "area" of the arrestee's immediate control, is an issue which, apparently, must be decided on the basis of the facts of each case. It can be anticipated, however, that courts will vary greatly in their views on that issue. Thus, officers should consult with their legal advisers or district attorneys for guidance on the treatment of the searches of these articles.

Any luggage or other object of personal property (not immediately asso-

ciated with the person) located in the area of the arrest which is not, or cannot, be searched incident to arrest, may be seized without a warrant if the arresting officers have probable cause to believe that the item contains evidence. However, before a search of the interior or contents is permissible, a search warrant must be obtained. The only exception would be if an exigency exists. Examples might be if the officers had reason to believe that the item seized contained a dangerous instrumentality, such as explosives,⁴⁴ or perhaps if the evidence would be destroyed or altered by the passage of time required to obtain a warrant.⁴⁵

White observed that the search of the closet after the removal of the defendant posed "a substantial issue of compliance with *Chimel*."

¹⁶ 53 L. Ed. 2d 538 (1977).

¹⁷ The prosecution also contended that the validity of searches of personal effects seized outside the home should depend on whether probable cause exists, not whether a warrant has been obtained. The Court rejected this argument as being without historical basis and noted that the warrant clause of the fourth amendment safeguards an individual's expectation of privacy, inside and outside the four walls of a residence. By placing personal effects in a double-locked footlocker, Chadwick manifested an expectation of privacy, thus making a warrantless search (absent an exigency) unreasonable. See *Id.* at 548. Next, the Government asserted that the "automobile exception," first articulated in *Carroll v. United States*, 267 U.S. 132 (1925), justified the warrantless intrusion into the footlocker. Although it conceded some similarities between vehicles and footlockers (both are "effects" and both are mobile), the Court distinguished the two on the basis of the diminished expectation of privacy which surrounds the automobile. A vehicle differs greatly from luggage in that a vehicle's interior usually is exposed to public view, its purpose is transportation, not the repository of personal effects, and it is subject to numerous State licensing and inspection requirements. These factors greatly reduce an owner's expectation of privacy in his vehicle. Thus once an automobile has been seized on probable cause, an immediate search is no greater intrusion on the rights of the owner than the indefinite immobilization required to obtain a warrant. But because of the high expectation of privacy Chadwick maintained in the footlocker, a search of its interior could be reasonable only under the authority of a search warrant. *Chadwick*, *supra* at 549, 550.

¹⁸ See *Chadwick*, *supra* at 551 n. 10.

¹⁹ See *United States v. Edwards*, 415 U.S. 800, 808-809, in which Mr. Justice White, quoting *United States v. DeLeo*, 422 F.2d 487, 493 (1st Cir. 1970), *cert. denied*, 397 U.S. 1037 (1970) stated: "... while the legal arrest of a person should not destroy the privacy of his premises, it does—for at least a reasonable time and to a reasonable extent—take his own privacy out of the realm of protection from police interest in weapons, means of escape, and evidence." See also *United States v. Robinson*, 414 U.S. 218, 237-238 (1973) (Powell, J., concurring).

²⁰ *Chadwick*, *supra* at 550, 553, quoting *Preston v. United States*, 376 U.S. 364, 367 (1964).

²¹ *Chadwick*, *supra* at 551 (emphasis added).

²² There is some doubt as to whether the search would have been permissible even if conducted at the time and place of the arrest. Because the footlocker was heavy and securely locked, it might be argued that it was not immediately accessible to Chadwick. See *Chadwick*, *supra* at 552 n.2 (Brennan, J., concurring).

²³ *Id.*, at 551.

²⁴ 442 F.Supp. 736 (S.D.N.Y. 1977).

²⁵ The Court did concede that smaller possessions, simply because of their size, might be more accessible to a defendant, even after arrest, and thus may be subject to warrantless searches. *Id.* at 739.

²⁶ *Id.*

²⁷ On a motion to reargue, the Court ruled that *Chadwick*, "which narrowed the scope of the search incident-to-arrest exception," *id.* at 741, should not be applied retroactively. The search was then held invalid on other grounds.

²⁸ See *United States v. Santana*, 427 U.S. 38 (1976) (narcotics found in paper bag); *Draper v. United States*, 358 U.S. 307 (1959) (narcotics paraphernalia located in zipper bag); *Fisher, Search and Seizure*, sec. 107 (1970).

²⁹ *United States ex rel. Muhammad v. Mancusi*, 432 F.2d 1046, 1048 (2d Cir. 1970), *cert. denied*, 402 U.S. 911 (1971) (upholding warrantless search of briefcase at FBI office incident to earlier arrest).

³⁰ *United States v. Edwards*, 415 U.S. 800, 803 (1974).

³¹ *United States v. Gonzalez-Perez*, 426 F.2d 1283, 1287 (5th Cir. 1970).

³² See *People v. Campbell*, 367 N.E. 2d 949 (Ill. 1977).

³³ *United States v. Battle*, 510 F.2d 776, 779 (D.C. Cir. 1975) (station house search of shopping bag seized from defendant at arrest), quoting *United States v. Edwards*, 415 U.S. 800, 807 (1974).

³⁴ 560 F.2d 861 (7th Cir. 1977).

³⁵ *Chadwick*, *supra* at 551 (emphasis added).

³⁶ *Berry*, *supra* at 863.

³⁷ It might be argued that briefcases are distinguishable from suitcases and other larger items or baggage. As noted in *Chadwick*, important fourth amendment privacy interests are implicated when personal effects are placed inside locked luggage. People have a reasonable "expectation that the contents [will] remain free from public examination." *Chadwick*, *supra* at 549. Hand-held items such as briefcases, however, might not implicate the same degree of privacy expectation because their contents may be exposed to public view. For example, the interior of one's briefcase might be viewed by coworkers at a business office, or fellow travelers on a bus or plane. Additionally, hand-held items are subject to routine inspections when carried into court rooms and certain government buildings, and when boarding commercial aircraft.

³⁸ The Court later vacated its judgment and affirmed *Berry*'s conviction on the ground that *Chadwick* should not be given retroactive effect. *United States v. Berry*, 571 F.2d 2 (7th Cir. 1978). (The *Berry* search occurred prior to the Supreme Court's decision in *Chadwick*.) Interestingly, the fact the court of appeals sustained the search on this ground lends support to the belief that *Chadwick* articulated a new standard. At least two other Federal courts of appeal have ruled that *Chadwick* is not retroactive. See *United States v. Reda*, 563 F.2d 510 (2d Cir. 1977); *United States v. Montgomery*, 558 F.2d 311 (5th Cir. 1977).

³⁹ 561 S.W.2d 403 (Mo. Ct. App. 1978).

⁴⁰ *Id.* at 406.

⁴¹ 574 P.2d 572 (Kans. Ct. App. 1978).

⁴² Another Federal case in point is *United States v. Schleis*, 543 F.2d 59 (8th Cir. 1976), in which the Court of Appeals for the Eighth Circuit upheld a warrantless station house search of an arrestee's locked briefcase, after the arrestee had been placed in custody. The defendant appealed this ruling and the Supreme Court granted *certiorari*. However, on June 27, 1977, 6 days after its decision in *Chadwick*, the Court vacated the judgment of the court of appeals and remanded the case for further consideration in light of *Chadwick*. 53 L.Ed.2d 1089 (1977).

⁴³ *United States v. DeLeo*, 422 F.2d 487 (1st Cir. 1970), *cert. denied*, 397 U.S. 1037 (1970).

⁴⁴ *Chadwick*, *supra* at 551 n.9.

⁴⁵ See *Schmerber v. California*, 384 U.S. 757 (1966). Another possibility which had received some judicial support prior to *Chadwick*, is an inventory theory similar to that applied by the Court to vehicles in *South Dakota v. Opperman*, 428 U.S. 364 (1976). See *United States v. Friesen*, 545 F.2d 672 (9th Cir. 1976) (inventory of suitcases), and *United States v. Giles*, 536 F.2d 136 (6th Cir. 1976) (inventory of baggage). However, the fact that this rationale was not used by the Court to justify the search of the footlocker, and the fact that luggage can be safeguarded more easily than impounded vehicles, militates against use of this theory.

FOOTNOTES

¹ *Terry v. Ohio*, 392 U.S. 1 (1968).

² *United States v. Robinson*, 414 U.S. 218, 224 (1973).

³ 395 U.S. 752 (1969).

⁴ *Id.* at 762, 763.

⁵ See *United States v. Robinson*, 414 U.S. 218 (1973); *Chimel v. California*, 395 U.S. 752 (1969).

⁶ *Cupp v. Murphy*, 412 U.S. 291 (1973) (fingernail scrapings); *Schmerber v. California*, 384 U.S. 757 (1966) (blood sample); *State v. Riley*, 226 N.W. 2d 907 (Minn. 1975) (postarrest station house inspection of rape suspect's penis).

⁷ *United States v. Edwards*, 415 U.S. 800 (1974).

⁸ *United States v. Swofford*, 529 F.2d 119 (8th Cir. 1976).

⁹ *United States v. Robinson*, 414 U.S. 218 (1973); *Gustafson v. Florida*, 414 U.S. 260 (1973).

¹⁰ *United States v. Edwards*, 415 U.S. 800, 803 (1974).

¹¹ Compare *Go-Bart Importing Co. v. United States*, 282 U.S. 344 (1931) (suppressing papers taken from desk and safe), *United States v. Lefkowitz*, 285 U.S. 452 (1932) (suppressing items located in desk drawers and cabinet) and *Trupiano v. United States*, 334 U.S. 699 (1948) (suppressing illicit distillery seized contemporaneously with defendant's arrest), with *Marron v. United States*, 275 U.S. 192 (1927) (allowing incriminating ledger located in closet), *Harris v. United States*, 331 U.S. 145 (1947) (admitting items seized in sealed envelope found in desk drawer), and *United States v. Rabinowitz*, 339 U.S. 56 (1950) (permitting items found in desk, safe, and file cabinets).

¹² *Chimel v. California*, 395 U.S. 753, 763 (1969).

¹³ *Id.*

¹⁴ *People v. Floyd*, 26 N.Y. 2d 558, 563, 260 N.E. 2d 815, 817 (1970).

¹⁵ See *United States v. Dixon*, 558 F.2d 919 (9th Cir. 1977) (paper bag found in defendant's car); *United States v. Kave*, 492 F.2d 744 (6th Cir. 1974) (suitcase); *State v. Shane*, 255 N.W. 2d 324 (Ia. 1977) (search of bed 2 minutes after arrestee handcuffed); *People v. Fitzpatrick*, 32 N.Y. 2d 499, 300 N.E. 2d 139 (1973), *cert. denied*, 414 U.S. 1050 (1973) (search of closet after defendant removed from room. In his dissent from the denial of *certiorari*, Mr. Justice

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