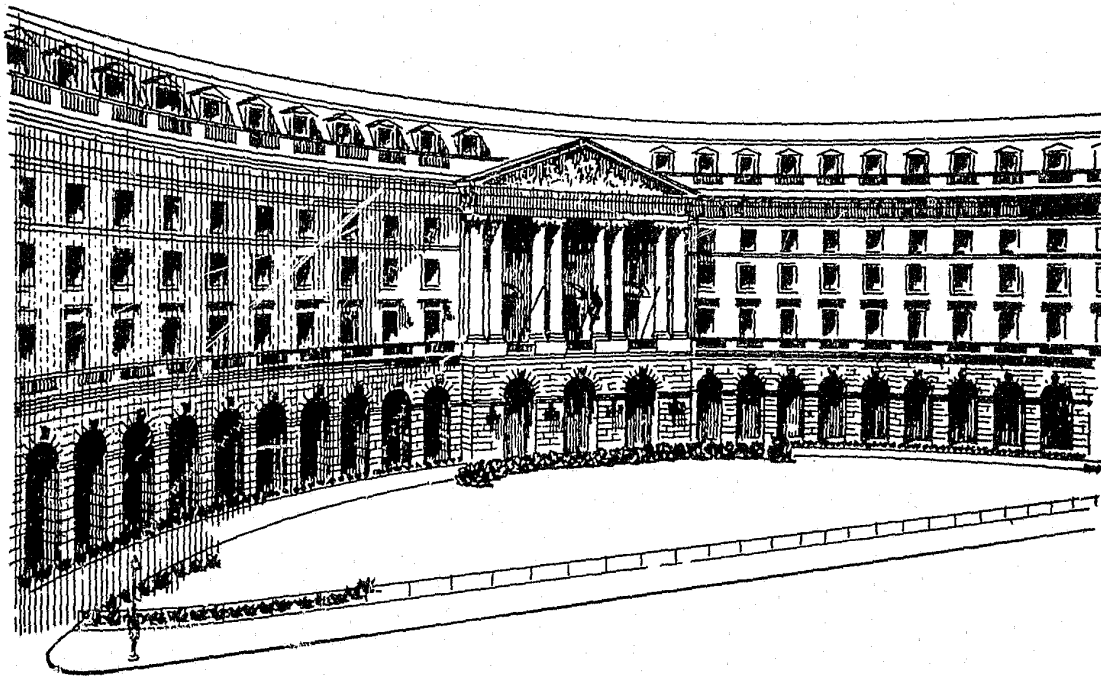




DEPARTMENT OF THE TREASURY
Bureau of Alcohol, Tobacco & Firearms

~~RAIDS AND SEARCHES~~
New Agent Training

60128



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INTRODUCTION

Guidelines to be followed herein are based on the premise that a search warrant or search and arrest warrants are being executed.

The purpose of the text is to inform special agents as to proper procedures in raid planning and execution. The term "raid," for law enforcement purposes, is defined as a sudden appearance by officers for the purpose of arresting suspected law violators and seizing contraband and the means and instruments used in the commission of a crime. An important function of ATF special agents is to conduct raids of illicit distilleries and other violation premises.

As a general rule, a raid should not be attempted until it is known or strongly believed that the person(s) to be arrested or the articles to be seized are on the premises to be raided. When arrests and seizures are anticipated, usually it is more desirable that the violators be captured than it is to seize contraband or other articles. Generally, it is necessary to find both the violator, and, the contraband articles on the premises to be raided in order to prove that he possesses or controls them. If a raid is conducted unsuccessfully, the violator learns that he is under investigation and customarily changes or discontinues his operations until he has eluded the attention of the special agents. Impatient officers tend to act prematurely and jeopardize probabilities of success. Hesitant officers often fail to act when the moment is favorable for a successful raid and thereby forfeit their opportunity for success.

PLANNING RAIDS

Three major objectives to be accomplished in the planning and conducting of raids are the prevention of injury to the raiding officers, the preservation of articles to be seized and the capture of the suspected criminals. The proper planning and execution of raid actions will greatly enhance the achievement of the major objectives in any raid situation. These objectives will be more easily attained if the raid is planned for speed, surprise and simplicity. If the plans should include complicated and delicately timed maneuvers, and there have been no perfecting rehearsals, confusion probably will result.

When an officer plans a raid, he should assume that:

1. The criminals will be alert and armed.
2. The criminals will make strong efforts to escape.

3. Escape routes and actions have been planned and rehearsed.
4. Contraband will be destroyed, if possible.
5. Important articles relating to the crime may be concealed on the premises.

The Raid Leader

One special agent should be designated as leader of the raiding squad with authority to supervise all phases of the operation. He should seek views of other experienced special agents before making final decisions. However, when disagreement arises in regard to the procedure, the leader must be capable of exercising his authority to control and manage the situation and sufficiently tactful to harmonize the divergent opinions of members of the participating group.

Knowledge of the Premises to be Raided

Before a raid, when conditions permit, observations should be made to learn the characteristics of the premises to be raided. When practicable, pictures should be taken. Information regarding terrain, cover, routes of approach and escape, buildings, identity and descriptions of persons expected to be present and if and how each is implicated should be obtained.

When necessary, discreet investigation should be made of the neighbors to determine whether they are friendly or hostile to either the subject or the special agents. This type of investigation must be conducted very carefully or the subjects will learn that a raid is impending. If the special agent knows a trustworthy local officer, the desired information may be obtained from him or he may be able to refer the special agent to some reliable citizen who has neighborhood knowledge. Also, the postal authorities or ministers may be able to advise the special agent about which citizens can be relied upon to furnish information without warning the violators. Before any person is approached, satisfactory knowledge of his reliability should be learned.

A map or sketch or photograph should be prepared showing the location to be raided and the surrounding area. This drawing or picture will include trees, roads, streams, embankments, buildings and all things which might have a bearing on the raid, including avenues of approach and escape. Each raiding officer must understand his exact assignment, his route and positioning, and the various problems anticipated.

Selection of the Raiding Party Personnel

The selection of the raiding party personnel is important. Insofar as possible, members of the group should know each other by sight, and thus be able to avoid taking any detrimental action towards one another by mistake. Only persons who are trained and agile should be chosen for a raiding squad. The group should not be too small to effectively handle the anticipated situation, nor so large that it will be unwieldy.

In many instances where special agents must act, they have no choice as to members of the raiding team. Two or three special agents, assigned to work together, may be the only ones available for a raid; and, although this group is usually capable of conducting the raid, disabilities may affect its members at a time when it is necessary to proceed, regardless of handicaps. Should a situation arise in which the hazards appear formidable, or where several elusive violators are to be captured, an inadequate group of special agents should avoid premature action. In such instances, if possible, they should delay until sufficient special agents are available or cooperative local officers can be recruited.

In planning a raid, an invitation to local officers to participate should be considered. Their cooperation is usually desirable but, occasionally, they should be avoided because of unfavorable existing circumstances. When local officers are not to be invited and it would be detrimental for them to know of the impending action, it should be decided how to intercept them if they appear in the area of the raid.

Timing of the Raid

Under Rule 41 of the F.R.Cr.P., a search warrant is to be executed between the hours of 6 a.m. and 10 p.m. See Rule 41 (c) (1) for warrants to be served at hours other than above.

In formulating plans, the time of a raid is important and usually depends on the habits of the violators. It is essential that the persons or contraband or both sought will be at the place to be raided. If the purpose of the raid is to make arrests at living quarters, dawn may be an ideal time because most persons will be found at home at that time. However, there are no guiding rules as to when contraband or other articles to be seized will be at the suspected premises. If nighttime action is contemplated, provisions should be made for adequate lighting. Besides the usual flashlights, it may be necessary to provide

flood or spot lights, flares, automobile lights, or other sources of illumination.

Equipment for the Raid

The raiding party should be properly equipped for the occasion. Special agents must be armed and carry an adequate reserve supply of ammunition. If there is a probability of gunfire at the officers' approach, they should be provided with bulletproof vests, shields, and other suitable protective devices. When communication between officers is desirable, two-way radios should be supplied. Automobiles should be available for necessary transportation. A first aid kit should be on hand because officers or others may be injured as a result of resistance or by accidents. When it appears that force may be required to effect an entrance, there should be available such equipment as axes, sledges, saws, wrecking or crow bars, ladders, shovels and battering rams. Arrangements must be made for necessary restraining equipment for prisoners.

Avoiding Conflicts With Other Officers

The leader of a raiding party should try to determine if there is any probability of other officers attempting to raid the same premises at the same time and thus be able to avert a tragedy which could occur when one group of officers unintentionally clashes with another at the scene of operation.

Instructions of Raiding Personnel

Each member of a raiding party should be briefed in regard to his specific duties and the overall plan. Whether the raid is a large or small operation, the group is frequently divided into two parts, one of which is assigned the duty of entering the suspected premises, while the members of the other, usually called the covering detail, are directed to position themselves so that escaping subjects may be intercepted and captured and to afford protection for the entering detail. Each member concerned should be instructed not only about his first duty but also his foreseeable, subsequent activities.

Each officer should see the sketch or photograph of the area and understand where each member will be stationed for the initial move into the subject premises. If extreme resistance should be encountered, making it necessary to use firearms for the protection of the lives of the members of the raiding squad, unless each officer knows the exact locations of the others, the danger of accident is substantially increased.

During the instruction period, the method of entering the subject premises should be carefully explained and each participating officer should be furnished the names, descriptions, and, if possible, photographs of each person likely to be encountered, together with available information about his involvement in the violation. The description of vehicles, numbers of license plates and the probable location of traps or other places of concealment of the object of the search should be emphasized during the briefing of the raiding squad.

Each special agent should be instructed about his modes and route of travel to his position. He should be routed so that, if he is delayed, he can be located easily. The point at which his car will be parked should be designated. His car must be secured sufficiently to prevent its seizure by an escaping violator. The schedule must be thoroughly understood. He must know what equipment he is responsible for obtaining and transporting.

In order to brief the entire squad adequately and authoritatively, the raid leader must have complete final plans. Otherwise progress will be slow because of disagreement between special agents with differing views. The purpose of the briefing session is for each special agent to be told what specific duties have been assigned to him, and to be questioned to see if he clearly understands his assignment.

Special agents should realize that the briefings are necessary. Those experienced in raids may feel that they are capable of handling the usual problems without instructions, plans, or advice. They tend to overlook the value of team efforts and should compare raids with athletic contests and military operations. In a baseball game, all players are skilled and well versed in the finer points of the game and know what to do in almost any situation. Yet, before each game the manager will hold a clubhouse meeting and review his strategy for this particular game, including both offensive and defensive maneuvers. Although the players have participated and executed anticipated plays many times, each player's part is again discussed. The military veterans will remember that the same briefing procedure is followed before an air or ground raid. The coordination and cooperation, upon which success depends, cannot be accomplished unless each special agent fully understands and is capable of performing the duties expected of him in the particular activity anticipated. Each undertaking is surrounded with circumstances which vary from every other analogous operation and for these deviations no one can successfully

claim experience. It is imperative that every member of a raiding party will adhere to plans agreed upon and assignments made.

A raider should not alter his assigned duties or leave his post until ordered to do so. Occasionally, criminals have escaped because some officer prematurely revealed his approach or presence, delayed in executing his assignment, or weakened the trap by otherwise varying from orders.

Plans and instructions should provide sufficient elasticity to allow raiding officers some freedom to vary their actions in order to enable them to meet situations which are unknown or may develop unexpectedly. Alternate plans should be drawn up to provide for properly meeting a situation when it is known that such a situation may exist. In some instances, conditions may have failed to develop so that raid action at that time would not be wise and it would be better to provide for withdrawal and to wait for a more desirable time. In such instances, the officer is expected to evaluate the problem properly and extemporize to meet the situation by the application of good judgement and raiding principles.

CONDUCTING BUILDING RAIDS

When approaching a building to be entered, the members of a raiding squad should exercise caution to avoid detection by the violators. The approach to the immediate area usually should be made on foot. Each officer should be at his assigned post before entry is attempted. Usually it is not considered good raiding procedure for the special agent to drive his car to the immediate vicinity of action. However, there are some instances where the officer will be more successful if he drives his vehicle quite near the building; he may thus be able to make a more speedy entrance.

The Entrance

Many things must be considered when it is planned to raid a building premises. The method of entrance will depend on the type of building, the surrounding terrain, and the degree of resistance expected. If the occupants are believed to be dangerous, the approaching officer should take advantage of all natural cover, both to conceal his approach and to afford as much protection as possible. Upon arrival, the officer should not stand directly in front of the door or other entrance and become an easy target for gunfire.

There are many possible ways by which officers may gain entrance to the building to be raided:

1. In most cases it is required to knock on the door and demand entrance. If the door is opened, the officer will identify himself and enter.
2. In some cases, where the destruction of contraband is not involved, the occupants may be called upon either by telephone or loud speakers and will voluntarily come out.
3. In many instances, it may be necessary to use force to break in, especially where contraband or evidence is being destroyed.

In all instances, as soon as the occupants are aware of the presence of the raiding party, the officers should immediately identify themselves to the persons in or near the building, and thus be able to rebut effectively any contention that the officers were thought to be someone else.

Post Entrance Actions

When entrance has been made into the building, the officers should be alert for trouble. They should have their firearms available for instant use, and should be on guard for indications of resistance. They should reach promptly all places in the area where a person might be hiding and, in proceeding from room to room, be alert for surprise attack. If special agents have reason to believe any occupant is armed and dangerous and can later justify his actions, he should conduct a "pat down" or "frisk" for weapons for his safety. After being disarmed, each arrested person should be taken into custody by a reliable officer who should not be charged with any other raid responsibility. The custodian should realize that a maximum trust has been assigned to him.

When it is suspected that persons may be hiding in inaccessible places, the officers should avail themselves of a periscope or similar device. These instruments can be constructed easily and are very valuable in making a preliminary survey of a room before entering. A flare or portable electric light should be tossed into the area, if it is dark. The periscope is also useful for inspecting attics or other places which are difficult to enter but which may not be dark. When considered necessary, the officer should protect himself by using a shield, bulletproof vest, or other protective devices.

When all persons have been discovered and disarmed, the premises and arrested persons should be searched in detail for the means and instruments of

committing the crime, fruits of the crime, and contraband articles; and, reemphasizing, all arrested persons will at all times be kept under close guard by an experienced officer.

Post Raid Actions

When the raid has been completed and there is a probability that absent violators are unaware of the raid, the advisability of leaving officers **NEAR THE SCENE AND OFF THE CURTILAGE** to meet and arrest them upon their return should be considered. be considered.

Duties of the Covering Detail

While the entering detail is effecting an entrance and is concerned with problems in the building, the covering detail will be in position, ready to apprehend persons fleeing from the scene and to join in suppressing resistance as developments may demand. Firearms should not be flourished but used only if life is actually in jeopardy. Officers use firearms at their peril and if they are removed from the holster, the utmost caution must be exercised to prevent accidents. The covering detail may be required to seize or disable vehicles, airplanes or boats to prevent the escape of criminals, but only as a last resort.

It is imperative that members of the covering detail do not leave their assigned duties unless ordered to do so or a compelling emergency arises when they cannot communicate directly with the leader.

THE BARRICADED OR OTHERWISE FORTIFIED ROOM

Purposes of the Barricaded Room

Rooms or buildings are locked, barricaded or fortified for the purpose of:

1. Providing time to destroy or cancel evidence before officers are able to enter.
2. Permitting time for the criminals to flee from the premises by using prepared and concealed escape routes.
3. Preventing theft and robbery of money and goods by highjackers and other criminals.
4. Creating an impotent attitude in officers who have failed to overcome similar obstacles.
5. Providing an excuse for corrupt officers who are really accomplices.

Barricaded rooms may be prepared to protect caches of illicit liquor or firearms, to hide the illegal sale of liquor, and to prevent discovery of unregistered distilleries or raw materials intended for use in the manufacture of nontaxpaid spirits.

Entrance to a Barricaded Room

Entrance to a barricaded room may be gained either by force or strategy.

When possible, force should be avoided but, if entrance to a barricaded room must be forced, the special agent should try to learn how it is constructed and plan to attack the weakest point.

The door is usually strengthened by addition of locks or bars. If it is made of wood of ordinary thickness, it may be opened or broken by well directed kicks applied alongside the lock or at weak panels or facings. It may be practicable to force the door open by charging and ramming it with the shoulder. At times, these tactics result in immediate entrance but at other times may prove ineffective. A well directed blow with a hammer or sledge may smash a padlock or knock it loose but special agents are forbidden to open locks by shooting. If the door is constructed of heavy wood and strongly locked, it probably will yield only to the force of a battering ram which may be propelled by men, tractors, or other automotive equipment. However, some criminals build a door in a narrow corridor with insufficient space for operating a ram. Heavy timber may be used as a ram but in areas where violators customarily fortify rooms, arrangements should be made for a metal headed ram with convenient handles. The head should be blunt because a keen headed ram, which has been smashed through a heavy door, may be difficult to extract.

Any door of wood construction usually can be forced or broken open with axes, sledges, or wrecking bars but, if the door is of metal construction or covering, it likely will be necessary to use cutting implements, such as saws, chisels, or cutting torches to effect an entrance. The battering ram is used successfully to open some metal doors.

When the officer has access to the hinges, the door may be loosened by removing the hinge pins or screws.

If the door appears impregnable, the officer should consider the strength of the building walls. On occasions, criminals have installed highly resistant doors in weak walls which can be penetrated without difficulty.

Should the walls be of concrete and stone and the door seems unassailable, entrance may be gained through windows. Sometimes when the entire first floor is effectively barricaded, windows on the second floor or elsewhere will be left unlocked, unbarred, perhaps open, and the officer can quickly enter by using a ladder. If the building is of the commercial type, there may be vents or ducts on the roof which can be opened easily.

The roof may be of fragile material that can be chopped open by a few blows with an ax.

The special agents should not wait until they arrive at a building, which will probably be barricaded, before deciding how to attempt to force an entrance. The approach should be made with the necessary equipment at hand and ready for instant use in order to deny the violators sufficient time to destroy contraband or execute other defensive plans.

Entrance by Strategy

Although not always possible, the use of strategy may be an effective way to gain speedy access to a locked or barricaded room. A special agent can exercise his ingenuity in developing these situations. A few of the possibilities are discussed in the following paragraphs.

An undercover officer may arrange to be inside the barricaded premises and, at a predetermined time or signal, open the door so that other officers may enter.

Another good method is for the officers to send the occupants a telegram or registered letter. It is usually necessary for the addressee to open the door to sign for such messages and waiting officers may use this opportunity to effect an entrance. Under some circumstances, the cooperation of the messenger or carrier may be secured to make the scheme more workable.

The occupants of a barricaded room may be induced to open the door if the officer announces he is the representative of a utility company and wishes to check or repair equipment. An advance telephone call, purporting to be from the utility company and announcing the pending visit, may add to the authenticity of the officer's representations.

Similarly, the officer may represent himself as the representative of an appropriate company who desires to check or repair the radio, television or

other appliances. Credit investigators, insurance adjustors and like roles may also be utilized to advantage. Of course, the choice of a disguised identity must depend upon the availability of reliable information from an informer, undercover officer or other source.

The officer may pretend to be an apologetic citizen who has just damaged a parked car, and asserts that he has been informed by a neighbor that an occupant owns the car. Another device used to get the door opened is for the officer, representing himself to be a car dealer, an insurance salesman or other tradesman, to call the violator, make an attractive business proposition and arrange to call later in anticipation of being freely admitted.

Another scheme is for officers to arrange for an anonymous call to be made to a violator at a definite time. The caller quite truthfully informs the violator that officers are about to raid his premises. Of course, at the time the call is made, the officers have stationed themselves in a nearby position where they can observe actions at the suspected violation site. If the violator relies on the anonymous call and begins loading cars or otherwise removing the contraband from the suspected premises, the officers will rush in and effect an easy seizure or arrest. When this procedure is used, the special agents may protect the technique to some extent by remarking, while raiding, that they were fortunate to arrive ahead of schedule and catching the occupants in the act of escaping or removing contraband. However, this old trick cannot be used often in the same area and probably will not be successful when the occupants are experienced criminals.

Although not often possible, a simple and effective method of gaining entrance to a locked-door premises is for an officer to hide near the barricaded door. He may use an adjoining room, a nearby hallway, shrubbery, or whatever cover is available. When the door is opened to allow a habitue ingress or egress, the officer will have an opportunity to gain entrance before it can be closed.

Some ruses which may be legal are considered somewhat unethical. An officer should not approach a barricaded room, pretend that he has been involved in a bad car wreck nearby, and request permission to use the telephone inside or seek assistance from the occupants in order to induce them to open the door. Practices which trespass upon humanitarian instincts, emotions and sympathy should be avoided. The judges, juries and general public frown upon such tactics.

Locating or Salvaging Evidence After Entrance

It is often possible to discover or salvage means and instruments of crime and contraband articles, after special agents have been delayed in entering a barricaded room:

1. Prior to attempting entrance, the water supply to the suspected room should be turned off if possible because violators often use toilets, bath tubs, wash basins, or sinks to flush the evidence into sewers. Whether or not the water has been turned off, the officer should immediately examine all traps and water receptacles for contraband.
2. All fires should be extinguished and their ashes sifted for evidence and contraband.
3. Outside of all room openings, including the walls and grounds, should be searched for articles suspended or thrown out.
4. All arrested persons should be searched for contraband, weapons, tools for escape, means of committing the crime and other evidence.
5. The entire building involved should be carefully inspected for traps and special places of concealment.
6. Those present who are not known to be involved in the crime should be carefully questioned. They may be persuaded to absolve themselves by revealing the location of hidden contraband.

SMALL GROUP BUILDING RAIDS

When two special agents plan to raid a building or room, they should evaluate the problem and try to determine if greater difficulty will arise from apprehending fleeing violators or from resistance. If flight is anticipated, one officer will enter, perhaps the front door, and the other will position himself advantageously to gain a view of the rear and the side of the building which appear to offer the best avenue of escape. After the one officer has entered the building, he should signal or call the other when his presence is desired inside. If physical resistance is expected, the officers should enter together. They can protect each other and jointly be better able to overcome resistance.

When three special agents raid a small building, such as a one family residence, one should enter, perhaps at the front door, while another watches the rear and one side. The third officer positions himself to watch the front and the other side until entrance is

gained. When developments do not demand immediate attention, the outside-front man should follow the first man into the building.

Preventing Escapes From Raided Buildings

Since one of the chief purposes of a raid is the capture and arrest of those connected with the crime, all raid plans should include appropriate methods for prevention of escape. The sudden appearance of officers is designed to deny an opportunity for the criminals to execute any defensive and escape plans. Some special agents are experts in anticipating escape efforts for each particular situation and in thwarting them effectively.

The following discussion is offered to acquaint inexperienced officers with customary escape tactics and to suggest counter measures. Criminals are inclined to contrive one or more of the following schemes:

1. Prepare a tunnel having a concealed entrance leading from the violation premises into another building or to an area where the subject's exit from the tunnel will not be noticed.
2. Have available a gang plank for the purpose of providing a crossing from an upper story of the raided building to a nearby adjoining building. After crossing the plank, he draws it into the haven building to prevent its detection. When a subject is observed in the act of walking the plank, he may change clothes quickly and join the occupants of the haven building in order to avoid identification.
3. Provide a rope or a ladder so that he may climb into the attic or onto the roof. After drawing up the rope or ladder, he hides or takes other evasive action.
4. Use rope or ladder for a quick descent from upper stories which may surprise officers because there were no fire escapes to be guarded.
5. Provide more openings for exit than an average group of officers can guard.
6. Plunge headlong through a window, although closely guarded.
7. Employ only fleet operators who are expected to outrun and elude raiding officers.
8. Build hiding places with concealed entrance in closets or other areas to provide a refuge for personnel when officers approach.
9. Station a sentry at an advantageous point for detecting approaching officers and warning the violators in sufficient time to allow planned defensive and escape moves to be initiated.

CONDUCTING OUTDOOR RAIDS

The principles of raiding buildings apply equally to outdoor raids insofar as equipment, planning and briefing are concerned. One difficulty too often encountered by special agents engaged in raids outdoors is lack of sufficient manpower. When two or perhaps three special agents attempt a raid in open fields or woods, they will be unable to block sufficient routes to prevent the escape of several or all violators. A secretive approach to the subject area must be made in order to avoid alerting the violators. The advancing officer may accomplish this by crawling or using any available cover.

Flight of violators is expected in most outdoor raids, and the capture of fugitives presents a paramount problem. Proper distribution of officers along anticipated flight routes tends to minimize exertion required for interception and capture of fleeing violators. The customary procedure is for one officer to approach the violation site from a direction opposite the positions of other officers. The advancing officer attempts to approach, before being detected, close enough to arrest and take custody of as many subjects as possible before they can flee. If he inadvertently flushes the criminals, he will shout, or otherwise signal, preferably in code, the directions of flight. The waiting officers hurriedly reposition themselves if necessary, and are ready to intercept the fugitives.

When the subjects may have an opportunity to flee, the intercepting officers should be stationed some distance away from the raid scene, but in a position where they can observe the flight actions of the suspects. The criminal who sprints away is frightened, inclined to overexert himself and becomes exhausted when he has traveled about 150 yards. An officer positioned at about this distance from where the flight began should be able to apprehend most violators without difficulty. With an abundance of special agents participating, some may be assigned more distant stations to enable them to capture fugitives who have been successful in eluding officers nearer the scene of the raid. Reserve officers in automobiles patrolling the general vicinity can alight at strategic points for the pursuit of fugitives. Two-way radio communication between special agents will enhance probabilities of success.

When the area of operation is extensive, or numerous violators are involved, or where the capture of a certain individual is important, an observer in an airplane may be able to direct ground officers.

Prior to raiding, all places harboring criminal activity should be observed as long as this operation is fruitful. The information thus gained should be of value in planning the raid and later as evidence against those implicated, which may include some who are not present at the time of the raid or who may escape.

When outdoor premises are raided during the nighttime, the officers, covered by darkness, may be able to execute their approach more easily than in daytime. The darkness also tends to conceal the violators and their flight. In the nighttime, the officers should closely surround the violation area and approach simultaneously from different directions in an effort to capture the violators before they recover from the surprise created by the appearance of officers.

Nighttime pursuits in wooded, brushy or weeded areas are quite difficult, but the officer's use of a flashlight to illuminate the path of a fugitive until his eyes become accustomed to it, then directing it away from his route, may result in the escapee's falling or colliding with a tree.

In all raids, whether of a building or an outdoor area, after entrance has been made, the search of the place and the arrest of persons should be conducted in accordance with instructions given on those subjects.

Preventing Escapes From Outdoor Premises

Outdoor premises used for criminal activity may have been selected with a view of providing violators facile observation of persons approaching before they are sufficiently close to apprehend the culprits. It may be difficult or impossible for officers to advance to the scene without their presence being detected. Criminals may devise one or more of the following tactics to create an opportunity for escape:

1. Surround the scene, while inactive, with a thin black thread which scouting officers will break without being aware of doing so. When violators arrive at the scene, the broken thread warns them that someone has entered the area surrounded.
2. Place a sentry at an advantageous position for seeing anyone approaching. The sentry fires a gun or otherwise alerts the violators.
3. Arrange trip wires or ropes along routes of approach. When touched, the wire or rope rings a bell or sounds some alarm at the scene of operations.

4. Install hindering wires or ropes along escape routes. Such a wire or rope might be stretched at about ankle or neck height across the escape route. The escaping criminal knows how to avoid his own devices but the officer may be tripped or injured about the throat.
5. Learn what ground is suitable for running in marshy areas, and thus be able to flee with safety along a predetermined route while the uninformed special agent bogs down in the mire.
6. Dig pits across the escape routes and conceal them by covering them with leaves or brush. The fleeing subject avoids the pitfalls but hopes a pursuing officer will step into one and be stopped.
7. Camouflage the mouth of a convenient cave or dugout which the violators can enter and hide while the puzzled officers ponder the direction of flight.
8. Keep vision barriers between himself and his pursuers to mask his movements once he has gained a lead.
9. Conceal horses or automobiles in a convenient location for use in effecting an escape.
0. Rely on sheer speed and agility to outdistance officers.

Special agents may thwart escape tactics by various methods, the better of which are designed to prevent the opportunity for flight. If an officer is concealed by trees, brush, weeds or embankments, he may be able to approach closely to the subject before his presence is known and prevent flight by taking physical custody of a violator. Some culprits will hesitate to move if an officer is near but will flee if he is some distance away.

When cover is not available, an officer may approach a position near the subject by assuming the appearance and manner of a hunter, fisherman, farmer, or other person whose presence should not alarm the violator. However, many criminals flee when any stranger is discovered near the scene of illicit activities.

Approaching openly may be successful where the method is seldom used. When officers customarily travel to criminal scenes by veiled maneuvers, an upright man on the main avenue of access may be accepted, until identified, as a confederate or friendly visitor.

When the hidden crime scene is encircled by extensive cover, it may be possible to surround the

area with concealed officers. When a violator attempts to flee in any direction, he soon arrives at or near the position of a waiting officer.

The officers may prevent flight by arriving in advance of the criminals and concealing themselves either nearby or among the equipment on the violation site. When a violator arrives, he subjects himself to easy capture.

When officers, operating in an outdoor area, doubt that flight can be prevented, they should study the terrain and other circumstances, including the general tendencies of fugitives, and position officers strategically at the most probable points of interception.

Individual criminals vary greatly in their modus of escaping and the more experienced they are the more apt they are to become experts in executing evasive tactics.

When possible, their escape histories should be considered. The natural inclinations of a person fleeing from officers are to:

1. Run directly away from an observed officer.
2. Run downhill.
3. Avoid travelling toward home.
4. Avoid scaling cliffs or high embankments.
5. Try to reach dense cover.
6. Run initially as rapidly as possible.
7. Cross shallow streams but avoid deep water when closely pursued.
8. Avoid crossing open fields except to gain cover in a forest or brushy area.

CRIME SCENE SEARCHES

Searches of the crime scene almost always occur during the latter part of a raid. Each special agent should therefore become proficient in correct and authorized procedures involved in crime scene searches coming within the jurisdiction of ATF. In other lessons and texts, the legal aspects of searches and seizures have been emphasized and special agents have been advised as to complications arising in the interpretation of the Constitution, various statutes, court decisions and ATF policy as they affect our efforts to make searches and seizures. Seizing officers must know their legal rights and limitations so that what they search for and seize will be admissible as evidence in court actions.

Refer to Rule 41 of the Federal Rules of Criminal Procedure for items that may be searched for and seized.

Many experts have written at length as to proper methods to be used in crime scene searches. However, most of this material has been developed on the assumption that the investigation relates to a grave crime, such as murder, armed robbery, kidnapping, or other crimes of violence, and that there is little or no evidence as to the perpetrator. In such circumstances, even the tiniest clue must be given full attention and consideration. Therefore, most authorities stress the minute clues, such as hair, fibers, faint marks or impressions, etc. While the procedures and methods advocated by criminologists may be applicable in ATF cases, the special agent must determine if they are practical in particular situations.

In other lessons and courses, instructions as to crime scene searches were of a general nature, but in this text the discussion will relate directly to ATF problems. There are variations as to procedures in different sections of the country, usually because the customs of violators vary from place to place. What is appropriate for special agents in one section of the country might seem to be foolish in another.

Good judgment should dictate whether the special agent should pursue each clue to its extreme possibility and whether such tactics would accomplish results commensurate with the time and effort expended. In small cases, particularly where he has already acquired what seems to be sufficient evidence to sustain a conviction of a relatively unimportant violator, the special agent would be very unwise to spend much time in following out trifling clues. Such actions would be foolhardy if there were large cases or important violators to be investigated. However, in important cases, the special agent should not hesitate to make extended and detailed investigation to obtain any evidence which would aid in the conviction of the violators.

PREPARATION FOR SEARCH

In this discussion it is assumed that the special agent knows his legal rights and limitations as to searches and seizures and that he has a legal right to be on the violation premises.

Since searches of crime scenes almost always occur during the latter part of a raid, the instructions and discussion relating to preparation for raid actions will also generally apply as to crime scene searches. This includes the selection of the leader; the choice of the best time for raid and search actions; the plan of approach and entry to the

suspected premises; the prevention of escapes, destruction of contraband and injury to officers; transportation arrangements; and the proper arming of participating officers. Additional instructions should be supplied as to equipment to be used in the ensuing search. In addition to break-in equipment, the officers should have available seizure tags and labels; latent fingerprint equipment and kit for inked prints; evidence or seizure containers, including assorted envelopes for small objects; cellophane envelopes for articles which should be inspected but not touched; bottles for liquids, such as mash, spirits, etc.; specimen jars; brief cases, boxes or other appropriate containers. Other equipment will include such articles as camera, compass, watch, ax, pinch bar, knife, file, string or cord, steel tape or ruler, shovel, probing rods, metal detectors, Williams test set, moulage and plaster for casts, mirrors, flashlights, notebook and other equipment which might be appropriate for a particular search situation.

During raid planning, in providing transportation facilities, the leader should be aware that, due to the arrest of several violators, more cars may be necessary to transport personnel from the raided premises than were needed to transport officers to the crime scene.

During the briefing period preceding the conducting of a raid, the leader should advise what articles relating to the crime may be found on the raided premises and, if known, where they are likely to be discovered. He should discuss the possibility of traps or other special places of concealment being used by the criminals. He may also instruct as to how these places may be located.

ACTIONS AT THE PLACE TO BE SEARCHED

Attitude of the Special Agent

Each special agent should be as well poised during crime scene activities as the attorney in the court or the doctor in the sick room, because he, too, is professional in his line of work. However, composure is sometimes difficult to maintain. During the advance to and entry into the suspected premises, when the officers have met with resistance or escape efforts, excitement and other emotional reactions usually occur.

Voluntary Remarks and Exclamations

On entering a place to be searched, the suspects, violators, or other persons may make spontaneous remarks or exclamations relating to the crime. If the crime is a continuing one and is being currently committed, such spontaneous statements probably come within the Res Gestae Rule and will be admissible as evidence. They should be accurately recorded in the special agent's notebook.

Quick General Survey

After seeing that all persons are accounted for and under control, the leader should determine the extent of the area and what equipment is needed. The idea of this quick survey is to afford the leader an opportunity to develop a good mental picture of the entire problem. After these preliminary observations, the leader will be able to make search or other assignments more intelligently.

Segregation of the Crime Scene

When officers have a legal right to search an area, they will also have the right to control such premises and the persons who may be there. The officers may deny any other persons the right to enter such premises and probably will detain persons present on the premises when the officers arrived. Except for persons known to be implicated in the crime, this detention should be of short duration. The officers may conduct a "pat down" or "frisk" of anyone they have reason to believe is armed and dangerous. The agent must remember he must be able to adequately justify this "pat down" or "frisk" at a later date. The officers may establish the limits of their control by roping off the area, surrounding it with saw horses, chalk lines or men. All persons detained on the premises should be immobilized, or, at least, be confined in a small and unimportant area.

Defendants

All defendants should be placed in the custody of an experienced and reliable special agent. A newly appointed special agent should never be used as the sole custodian of prisoners. The names, addresses, and descriptions of all prisoners should be recorded, with particular emphasis on an accurate description. Should the prisoner escape, this description will be highly valuable in locating him. The custodial officer may (and probably will) question the prisoners, as to the details of the crime. However, interrogation is a different subject from that being considered here.

Suspects

A suspect is a person whose status is undetermined as to relationship with a crime. Some facts may tend to implicate him in the crime, while others may indicate his innocence, and further investigation will be required to determine his true status. He should not be arrested until sufficient evidence has been collected to constitute probable cause. Most suspects will obey, if requested to remain. However, those who will not cooperate with the officer's request that they remain, may be persuaded into doing so. Usually the tactful and clever, special agent will show the subject that compliance with the request that he remain will be advantageous to him. Such remarks as, "If you stick around for a while, we may be able to wash you out of this case," are appropriate. The officer should obtain the suspect's name, address, and description, if possible.

Spectators

If spectators or "kibitzers" congregate beyond the limits of the segregated area, the special agent has little or no right to order them to move on. However, if they assemble within the segregation limits, the special agent may tactfully but firmly request that they leave the immediate scene, and usually onlookers comply with that request. If some of them are stubborn or hesitant in complying, the special agent should use more forceful language and order them to leave the premises. Should a few remain adamant and not obey the "move-on" order, the officer should, if deemed necessary, arrest them for interfering with Federal officers in the performance of their duties. If such an arrest is made and the arrested spectator seemingly becomes penitent and apologizes for his misconduct, the officer may not excuse him, but must take him before the U.S. Magistrate and file a formal charge of interference with him. At the preliminary hearing, the officer may inform the Magistrate of the spectator's changed attitude and suggest or recommend, if appropriate, that the charges be dismissed.

The officer should not touch or use physical force to eject a hesitant or stubborn spectator from the segregated area. An officer who uses physical force to clear the area places himself in a highly vulnerable position. Such actions may result in damage suits being filed against him and he will have difficulty defending such suits. The complainant may advance such argument as, "If the officer was justified in using physical force to remove me, why didn't he arrest me?"

If it becomes necessary for a special agent to arrest a spectator allegedly guilty of interference, he will be justified in using reasonable and necessary physical force to subdue the subject, if he does not voluntarily submit to the arrest.

Witnesses

If persons, known to be uninvolved witnesses, are in the area, a special agent should obtain their names and addresses and arrange for an interview and then request them to depart.

Newspaper Reporters and Photographers

These persons are spectators with added incentive. The special agent should be courteous to them and refer them to his superior. To say the wrong thing, be misquoted critically, and be subjected to a bad press is detrimental to the officer and his service. If the photographer stands off the scene in a public place and takes photographs, usually there is nothing the special agent can or should do about it. Of course, in cases in which security is in any way involved, the photographer could be arrested and his camera seized but ordinarily national security is not involved in ATF cases. It is customary for news photographers to agree not to publish any photograph that would be detrimental to the prosecution. The special agent should be as cooperative with reporters as policy and good judgement allow. The officer should furnish the reporter with the name, address, and telephone number of his special agent in charge for details of the crime. A recent Policy Statement of the Service encouraged cooperation with mass news media to obtain favorable news coverage of enforcement activities as a deterrent to law violations. Some districts have implemented this to the extent of authorizing the person in charge of a raid to release factual data, such as names of persons arrested, quantities of articles seized and the like, to reporters.

The special agent should refuse to permit the inside details of the crime scene, defendants, or live evidence to be photographed by the press if there is any jeopardy to the case. However, there are times when the photographer's camera will be found to be very convenient and most press photographers are glad to cooperate.

The hearings before the Magistrate are public, and the special agent has no control over them. The Magistrate talks with the reporters and permits photographs to be taken as he sees fit, or according to the rules of the court to which he is accountable.

Surplus of Visiting Officers

The special agent should be courteous but should not permit visiting officers to interfere with his work. A tactful way of handling local officers who are not needed is to suggest that the place being searched is being processed for fingerprints, as it should be, and that no one should enter until the work is completed. This is a convincing explanation that all officers understand. However, if there are chores that visiting officers could do that might prove beneficial, conditions and good judgement should govern.

If local officers are denied entrance to a crime scene, they can be informed that surplus Federal officers are not being permitted to enter, either. Federal officers should be relieved as soon as they become surplus in order that they may proceed to other duties.

Photographing the Crime Scene

While the adage "One picture is worth a thousand words," may be an exaggeration, it contains considerable truth, and photography is an effective way of depicting or describing a crime scene, generally and in detail.

Photographs of the entire immediate scene of the crime, taken at the time the crime was being committed and before anything has been removed, added or changed, likely will be admissible as evidence under the Res Gestae Rule. Therefore, as soon as the premises have been properly segregated, the entire immediate scene should be photographed before anything has been changed.

Later, photographs should be taken of portions of the area, of large objects, and particularly of evidentiary articles in their original location. Good pictures will impress members of the jury during a court trial, in that they will supply a strong visual portrayal of the entire scene, and will closely approximate taking the jury to the actual scene.

The officer should use care in the selection of photographs to be displayed in court actions. Such photographs must support and corroborate the testimony of the officers. Should an officer testify quite truthfully as to the location and discovery of an evidentiary article, and a picture carelessly taken or taken with a badly positioned camera, fails to show the article, such a picture has failed not only to corroborate the testimony of the special agent but

has furnished the defense attorney heavy ammunition with which to attack the officer's credibility or powers of observation.

The Search for Fingerprints

The premises should be searched for fingerprints of possible violators and suspects as soon as the scene has been properly segregated and violators and other personnel have been brought under control and when initial photographs have been taken. This early action will prevent officers and others from inadvertently leaving their own prints, thus causing unneeded work for the fingerprint technician. The search for fingerprints may be assigned to a fingerprint expert, if available, or to an individual or crew of special agents who are skilled in this type of work. In the absence of the expert or officers skilled in fingerprint work, other special agents will be given the task of locating and processing suspected prints.

The general rule as to where searchers should look for fingerprints is: Examine every smooth object and surface which the criminal may have had opportunity to touch. This would include such articles as desk and table tops, door facings, china and glassware, etc. To aid the technician in his examination of discovered fingerprints, the officer should take the inked impression of all persons present, including their own, and submit them to the expert along with the questioned prints.

Detailed instructions are contained in other texts in this course as to appropriate techniques to be used in locating, processing and caring for suspected fingerprints.

Proper Note Keeping

Each special agent, participating in a crime search, will keep adequate notes or contemporaneous memoranda. To do this properly, he must always have available a notebook and writing implement. Notebook entries will vary, depending on the circumstances in each case. Investigators too frequently fail to record data which will be valuable at a later time in the preparation of reports and testimony for direct and searching cross-examination. The entries should reflect anything observed which might be related to the crime. Experienced special agents would record most of the following items:

1. Time of departure from office.
2. Names of officers in the departing group.

3. Method of travel to the crime scene. If by automobile, whose? Its license number and identification number, if Government-owned.
4. Time of arrival at scene to be searched.
5. Other persons present at the scene.
6. Descriptions of arrested or suspected persons.
7. Voluntary remarks or exclamations of violators, exact time of utterance and the exact words of the subject.
8. Description and location of physical articles seized.
9. Weather conditions.
10. Time of departure from raid scene.
11. Disposition of prisoners.
12. Disposition of seized articles.
13. Rough sketch and word description of scene.

Assignment of Search Duties

The leader will assign to each special agent a definite area to search. When a special agent has completed the search of one area, he should be assigned another. This rotation will continue until each searcher has examined the entire premises. This method should provide for an orderly and careful search of all relevant areas. Some authorities prefer that the officers be assigned in pairs to conduct the search. With the officers working side by side, immediate corroboration is provided when suspected articles are discovered. The assignment of areas, either to individual or paired officers, will prevent a mass search of seemingly important areas and the lack of careful search in less promising places.

Definite Plan of Search

Each searcher should survey his assigned area to determine his plan of search and procedure. His plan should guarantee adequate coverage of all articles and areas. When the search has been completed in accordance with his plans, the officer should feel assured that nothing remains undiscovered which would be worthy of further consideration. Many trite expressions are overworked in describing how to proceed in searching an area. These include such cliches as: "Begin at a central point and search in ever widening circles until the whole area is covered" or "Begin at a door or point of entrance and search clockwise in diminishing circles until the whole area has been searched," etc. If these hackneyed methods are appropriate, the officer certainly should use them. However, if other plans of action seem better, the officer should follow them.

Discovery of Relevant Physical Objects

When a searching officer finds an article which appears to be related to the case, in order for it to be of maximum value, the finder should not move or disturb it, until it has been viewed in its original location and condition by corroborating officers and has been photographed. This rule is of particular importance when proof is scarce in regard to the person(s) to be implicated by the evidence found, such as when a laundry mark on a mash-soiled garment tends to involve a new suspect. Only part of the rule may be practical for a particular discovery. For instance, the laundry mark might not be subject to discovery until the garment has been moved, etc. On such occasions, corroborating circumstances may partially substitute for the omissions, such as seeing the finder pick up the garment, or testifying to his location at the time he called for corroboration, or the fact that he did not carry the shirt into the place with him. Necessity for complete corroboration varies with witnesses, attitudes of courts, juries and defense attorneys, but the most important consideration is the weight of the particular evidence in determining the guilt or innocence of a defendant. If a defendant denies the inference to be drawn from a certain bit of physical evidence, or even the existence of such evidence, the stronger the corroboration the more certain will be the establishment of the truth.

Further Depiction of the Crime Scene

In addition to photography, there are two other methods of depicting or describing the crime scene, namely, by sketches and by written work descriptions.

The three general types of sketches, probably necessary in fully describing a crime scene, are sketches showing:

1. The general location of the entire scene in relation to surrounding places.
2. The particular scene, including entrances and exits, other openings, all large objects, and everything related to the crime.
3. Details of the particular scene, particular objects, and locations.

The special agent should make rough or free-hand sketches in his notebook, indicating location of objects and directions, as well as distances. Later he should prepare more carefully made sketches in his office. Even these sketches need not be drawn to scale. Some officers seem reluctant to make sketches because they have not studied draftsmanship,

mechanical drawing, etc., and do not have the usual equipment a draftsman would use. However, white sheets of paper, a pencil or pen, and a ruler will suffice for him to make neat and acceptable sketches. The special agent should arrange so that the top of the paper will represent the direction of North, and include a symbol indicating N, S, E, and W to indicate directions. These directions should be determined by using a compass.

Word descriptions of a crime scene usually are too brief. The special agent should include in his notes an adequate word description of the crime scene.

Measurements

If there is any possibility of a later reference to any distances involved in the crime scene, the special agent will accurately measure and record such measurements, using a steel tape or other appropriate measuring device. The special agent should avoid estimating distances, as he may be sharply cross-examined as to his fallibility in that area. If two or more special agents guess at distances, there may be, and often is, considerable difference in their opinions. This, too, will afford the defense attorney an excellent opportunity to question the accuracy of the special agents powers of observation. If the defense attorney learns that the distances referred to have actually been measured, he likely will not pursue that subject further.

Entrances, Exits and Tool Marks

Entrances and exits often provide clues as to the identity of the violator. The special agent should study entrances and exits for the purpose of locating fingerprints; footprints immediately outside the entrance; and tool marks, if entrances have been forced. Tools used by criminals are frequently identified by the impressions they leave just as a firearm is identified by the markings on bullets fired from it. Also the cartridge case may bear marks which may connect it with a particular gun. A series of crimes was solved by the Boston Police Department after the arrest of known criminals. One of these culprits had a pair of pliers in his possession. Enlarged photographs of wires cut by these pliers disclosed similar and almost identical markings as those of telephone wires cut in previous crimes. This modus operandi enabled the officers to connect the violators with the previously unsolved crimes. In illegal liquor or still cases, axes and other tools and equipment have been identified by this technique.

Prisoners Should be Observed

Arrested persons who are guilty find it difficult to maintain their composure during the searches of the scenes of their crimes. When searching officers appear to be on the verge of discovering concealed contraband, the criminal is apt to display visible manifestations of his discomfort. If the custodian watches his prisoner closely, he may be able to deduce from his reactions the location of the cache and direct the searchers accordingly.

In an experimental case, an informer had accurately described the location of a moonshine whisky cache as being in a well. In order to protect the informer, it was necessary to sham an extensive search before making the "discovery" in the well. A custodian was assigned to watch and report every visible effect the searching party made on the prisoner. The prisoner had witnessed many unsuccessful searches on his premises and he bolstered his confidence by displaying a gay and garrulous disposition until a searcher would advance toward the well. Then he changed his casual watchfulness to an intent gaze, stopped talking, turned pale, trembled noticeably, and beads of perspiration appeared on his brow. As the searcher left the vicinity of the well without "finding" the cache, the prisoner would relax and resume his jollity. Many officers experienced in finding caches are keen observers and employ this method of locating them. Few of them are secretive about it and most of them explain it fully to their coworkers, but it seems to be only the exceptional man who actually employs it.

Neighbors May be Questioned

If expected objects are not found, especially when such objects are large, the advisability of questioning neighbors should not be overlooked. Many neighbors do not talk unless asked.

Missing Object and Negative Facts

The evidentiary value of a missing object depends on the nature of the case and the proof needed. A clean spot on the wall from which a picture has been removed may indicate that the violator has removed identification evidence, which could have some probative value. In murder cases, a kitchen without a butcher knife might be a clue to the murder weapon. The evidence may have been removed with the missing article.

Incongruous Articles

At times, something entirely out of place will be discovered in a place being searched, and, occasionally, study and deduction will convert it into evidence. In one case, a closet in a home was found to contain a large quantity of candy bars of various kinds and without cartons. Although the officers were searching for illegal liquor, they apprehended the passer of counterfeit money whose modus operandi was to buy a bar of candy, pay for it with a counterfeit bill, and obtain good money in change. Anything that is unusual or peculiar at a place habituated by criminals should be studied.

Objects Removed from their Usual Position

If traces on the floor indicate that a table has been removed from its usual position, there may be a trapped access to the attic above it, or incriminating objects may be in the chandelier. Overturned chairs and other furniture may indicate a struggle, etc.

Other Relevant Articles

During the course of the search, the special agent may encounter many articles which should be of investigative interest and to which he must give consideration.

It is difficult to find general categories in which these objects may be placed, and they will be discussed item by item. They include:

1. Stains—mash, blood, ink, etc.
2. Dust in clothing has been analyzed to determine certain facts about the wearer, where he has been, what his occupation is, bits of evidence, etc.
3. Laundry marks.
4. Glass fragment. An expert can reconstruct broken glass and determine the direction of the breaking force. Usually when glass has not been moved, the direction of the breaking force may be deducted from its position.
5. Automobiles, stains, traces, odors, scuffs and scars. There is not as much variation in tire treads today as when tire tread catalogs were published by criminal investigation experts a few years ago but combinations of treads, wear, damaged areas and other peculiarities may afford a positive means of identifying tires by the tracks they have made.
6. Shipping tags bearing identification numbers, etc.
7. Numbers on any manufactured articles which

bear numbers: Meters, motors, watches, guns, typewriters, pumps, boilers. By the number, it may be possible to trace the owner.

8. Medical prescriptions.
9. Names on magazines and letters.
10. Keys.
11. Cigarette butts. Some may bear lipstick that can be traced. Saliva has been identified. On occasion, the brands have proved significant.
12. Hairs for microscopic examination to identify the person may be found in hats, caps, on clothes, or in beds. This list could be endless, as there is no way of predicting all possible articles.

Common Places of Concealment in Living Quarters

Unless contraband is hurriedly hidden to avoid imminent discovery, the violator expects to recover it conveniently from the place of concealment. By finding the devices of recovery which may point to the evidence, the searcher may be able to avoid unnecessary damage to the property being searched and difficult dismantling and reassembly. The string in the cold air duct may have secreted objects at its lower end which can be drawn back up through the duct by the string.

In the following list of places to search, it is assumed that the objects sought may be of any and all sizes, from microscopic articles to a substantial distillery.

1. Underside of tables and chairs.
2. Hollow table and chair legs.
3. Behind picture moldings.
4. Behind, beside, and under drawers,—false bottoms, compartments, etc.
5. In mattresses and bedding. This is one of the most frequently used places. Bedding can be cut and repaired very cleverly. If there is a female in bed in the daytime, it is sufficient to arouse suspicion. If she contends that she is sick, she may not be feigning. A doctor should be called, if necessary. Such conditions present a critical problem. If hands must be placed on her in order to execute the search, a matron should be called.
6. Behind loose bricks and boards.
7. Compartments and cabinets. A favorite location for a trap door is behind cabinets.
8. Behind sections of mantles.
9. On top of sills under the house.
10. Under stairs. A check should be made for removable steps and risers.

11. In the trash and in discard, in stoves which are not in use.
12. Furnaces: In hoods. Sand on top of a hot furnace may have asbestos container imbedded in it. Cold and hot air ducts. Chimney. Fireplace. Fuel bins. Ashes.
13. Waste baskets and all places of waste disposal.
14. Garbage pails
15. Behind and under plumbing fixtures. Everywhere about tub, commode, reservoir.

Places of Concealment in Automobiles

Usually, special agents search automobiles for raw materials, quantities of liquor, firearms which are seizable under the National Firearms Act, or parts of an illicit distillery. Any of those objects are so large that a special agent should have little difficulty in finding them in an automobile if he makes a reasonably careful search. Should his search be for small or minute articles, the special agent should examine the following places in an automobile:

1. In or behind cushions and upholstery.
2. Under floor boards and mat.
3. In radio speakers and sets.
4. In heaters and heat ducts.
5. Inside top lining.
6. Behind rear view mirrors and the probability of a right thumb print on the face of a center rear view mirror should not be overlooked.
7. In and behind dash or glove compartments.
8. Behind shells or reflectors in lights.
9. In hub caps.
10. Behind door and panel fittings.
11. In ash trays. Keys to fixed caches are often found in automobile ash trays.
12. In air cleaners and blocked-out oil filters.
13. In and around radiator.
14. Recesses in and around motor.
15. In concave side of bumpers.
16. In underbody recesses.
17. In U-shaped or hollow frames.
18. In battery. Dead cells in battery cases have been used as caching place.
19. In and around gasoline tanks. Gasoline proof aluminum containers have been used in tank.
20. In a duplicate gasoline tank.
21. Inside of tires—usually the spare and inside of repaired tubes.
22. Under trunk mats.
23. In floor and tire wells.
24. Behind fiberboard lining of trunks.
25. In and around mufflers and exhaust pipes.

Watch especially for twin mufflers with one dead.

26. In or behind sun visors.

Reproduction of Objects

Casts of plaster or moulage may be made of impressions on any article difficult to move. Accurate reproductions may sometimes be used in evidence, and they can also be used in lieu of originals during investigations in order to maintain security of the original.

Perishable articles, such as an apple bearing tooth marks, may be reproduced and thus preserved in original form. The reproduction can be used to identify the teeth of the person who bit the apple.

When a surreptitious observation is made (it is assumed, under legal circumstances), physical evidence may be located before open investigation is made, the removal of which would arouse suspicion in the minds of the violators about being observed. It may be practical, in some instances, to reproduce the article and leave the original at the scene.

The making of reproductions is a special study. The simpler casts are easily constructed and the making of them can be mastered by anyone who cares to make the effort. The more complicated the subject is, the more difficult its reproduction becomes.

Use of Undercover Man

When the search is being conducted, particularly when the seizure is sizable, spectators will gather around the place being searched and talk. During the removal of seized articles in a major case, at times it has proved profitable to assign an undercover special agent to mingle with the crowd and listen to the comments. It may be possible for him to stimulate conversation in regard to articles not found, identities or habits of the violators, or other desired information. Such undercover officer should be careful to get, and not give, information. His comments should generally be about things that are obvious.

Suppose it is apparent from circumstances that one of four stills has recently been removed from a basement, the undercover officer might say, "I hardly see how they got those three big stills into that little basement and worked them there." A neighbor who is a spectator might be stimulated to comment, "Why, the XYZ Transfer Company hauled a bigger

one than any of those out of there last week." "I wonder why they took it out?" "Oh, John Doe had them to take it down to the PDQ sheet metal shop to be repaired." Of course, this would be somewhat unusually short and fruitful, but it is illustrative of the general nature of such promptings by skilled undercover operators.

The Crime Should Not be Discussed

This admonition which is repeated in various instructions is relative because it is impossible to interview a witness without discussing the crime with him and to it should be added the words "without due circumspection." The rule really means that the searching or investigating officers should not inform the violators of the nature of the case against them by permitting the secrets of the investigation to be overheard by unauthorized persons. Cases are solved by considered and directed conversation. When violators learn what the officers know, they will have an opportunity to fabricate a defense on the limits of the official knowledge without regard to the merits of the entire case. Unguarded talk circulates rapidly and soon finds its way to the violator.

PLACES OF CONCEALMENT—Traps, Drops or Caches

Many criminals are ingenious in contriving places of concealment for contraband or other means and instruments used in the commission of crime. Such incriminating articles are not usually left out in the open in plain view, but this possibility should not be overlooked. In one case, a bootlegger kept his stocks in a big refrigerator in the kitchen and although the police searched his home many times for a trap, they failed to look in the refrigerator.

Traps tend to vary in accordance with the area, the nature of the violators, and things to be hidden. Only a representative few of them can be mentioned here.

The most prevalent cache is the trap door in the floor, ceiling or walls which looks like any of the other sections of the surface into which it is installed. Many such traps are named in the vernacular in accordance with the locking device, or the location.

Basement and subbasement traps under ordinary dwelling houses have been used to conceal unregistered distilleries which produced hundreds of gallons of spirits daily. To illustrate: One such subbasement distillery was reached by a trap door in

a closet, up a ladder to the attic, across the attic to a thick wall down which there was a vertical shaft three stories deep. Another ladder was in the shaft. A system of air ducts and fans was used for ventilation. And in another case, a moonshiner built a house with a spacious basement which extended far beyond the limits of the house. The outside top of the underground chamber was covered by soil and grass. A normal basement was used for ordinary domestic purposes. A concrete wall separated the two compartments of the basement. The house was searched again and again until a special agent happened to shake a shelf and a big wrench fell down it. The shelf was removed and behind it there was a 2 inch nut on a bolt that protruded from the concrete. The wrench fitted the nut and was used to remove it. Pressure on the bolt resulted in the opening of a massive concrete door, the outside contour of which followed the interstices which were irregularly distributed between rough particles of aggregate in the walls. The opening led to a complete distillery, including an office in which there were routine course-of-business records extending back to the inception of the illegal business.

Electrically controlled lock traps have been used many times. The most common type is one in which the electric terminals through which the current passes to control the lock consists of the heads of two nails among many nail heads, such as are found in some cedar closets. An insulated wire, usually with metal plug tips and called a "key" is used to make the contact. The heads of finishing nails used as terminals may be beneath the surface of the wood into which they have been driven and the metal tips are plugged in. Extreme care is exercised by the violators to avoid marring the surface around the two terminal nails but they may leave enough sign to detect. The finding of a "key" is a clue that such a trap exists.

In some cities, "hat-pin" traps have been used extensively. A house will be wired in such a way that three electrical contacts will operate a trap lock. There could be any number but three has been the custom. Each contact is made by inserting a hat pin into a tiny aperture and exerting pressure inward. Each aperture is concealed at a separate secret location and if one is found the other two should be searched for. When the three contacts are made in proper order, the trap is unlocked. Then it may be necessary to find the door but some of them open automatically.

Air pressure controlled trap locks are activated

either by exhausting a tank of pressurized air or by turning on an electrical (or other) air pump to raise the pressure in a tank. The most commonly used air valve is the conventional one, as used in automobile tire tubes. Carbon dioxide cartridges could be used to operate this type of lock, without the necessity of pumping up. The use of these cartridges is becoming prevalent to operate many gadgets activated by gas or air pressure.

Because of the construction of ships and boats, they offer many problems to the searcher and the special agent schooled in land searches is usually baffled. The most practical procedure for the searching of vessels is to request the aid of a Customs search party. These men are apt to be interested officially in the violation. They are experts and are cooperative and available around the waterfronts. Their problems are too intricate to discuss here.

SPECIAL SEARCH TECHNIQUES

Use flashlight to maximum extent. Flashlights should be checked, batteries installed, and extra bulbs available. They are needed for any shaded place. Oblique light makes many traces, scuffs and scars visible.

In connection with the flashlight, mirrors should be used to see around corners or on top of darkened sills, etc.; a mirror can be held in the hand or installed on a pole. The larger the mirror that can be placed in position, the more perfect will be the view. A striking test of the value of this combination can be made by using it to look behind the instrument panel of an automobile. The light can be flashed directly on the object in the mirror just as though the view were straight. This is emphasized because it is so important and so frequently neglected.

Bedding, cushions, rugs, etc., can be checked to some extent by probing deeply with fingertips, crushing and feeling. They may also be pierced through with a needle probe without damaging them.

Any area that appears to have been recently disturbed should be examined. New nails or screws where ordinarily they would be rusty or painted, patches in plaster or cement, and different colored paint in a small area, deserve notice.

Buildings and equipment may be dismantled or broken into to the extent necessary to assure the discovery of all things legally searched for. To

reemphasize: Any damage must be reasonable and necessary and the officer must be able to defend his actions if he is sued or accused.

One effective measure of finding hidden compartments is to measure buildings outside and inside, checking the volumes and accounting for each cubic foot of space. This requires some careful measurements with steel tape combined with careful calculations. In one case, a cache of several cubic feet capacity was located by this method after all other efforts had failed. After finding the space under some stairs, the electrically controlled lock was operated by making proper contacts and a stair riser opened. This permitted removal of steps.

When the surface of a grassy area is to be searched for small objects such as bullets, hulls, keys, etc., the search can be made thoroughly by dividing up the area with strings stretched parallel to each other and relatively close together. Then the searchers can each search minutely, strip by strip, until the plot is covered.

LABELING AND MARKING SEIZED ARTICLES

When an agent seizes an article which is to be retained for forfeiture of evidentiary purposes, he should immediately properly label and mark it for later identification. If applicable, ATFF 3400.11, Evidence Identification Tag, should be used. The label or tag should contain at least this information:

1. From whom seized (full name).
2. Where seized (address: street, number, RFD, city, county, state, and anything else to definitely identify the location).
3. When seized (date and preferably, time of day).
4. Description of article tagged or labelled (numbers, monograms, laundry marks, color, model, type, weight, etc., according to its nature).
5. Signatures (or initials) of seizing officers.
6. Names of witnesses, officers or others, may be included.

In addition to the label or tag, the special agent may place his personal mark on the object. This mark should be something of significance to the special agent, such as his badge number, commission number, age, etc. It should not cover or damage anything of an evidentiary nature. If the object to be marked is a document consisting of several pages,

the officer may place his mark on selected pages, and record in his notes what pages were so marked.

When an officer adds his mark to an object, he must be alert to certain cross-examination questions, when testifying about the object. The cross-examiner may ask "Is this object now exactly like it was when you first saw or seized it? Answer 'Yes' or 'No'." If the officer does answer with a direct "Yes" or "No," he probably is in some difficulty. If he answers "No," the examining attorney will request that the object not be admitted into evidence, since it has been altered. If the special agent answers "Yes," the attorney will point out the identification mark or writing, and ask if it was on the object when the officer saw or seized it. The attorney will capitalize on the officer's admission that the marking was not on the document when first seized. The correct answer to such a question would be "Other than identification marks which were added after its seizure, the object is in the same condition as it was when it was seized."

RECEIPTS FOR ACCOUNTABILITY

One officer, usually the leader or some person designated by him, should take possession of all physical evidence. The statements of each officer and the report should indicate the person who accepted possession of the seizure. This accountability becomes of utmost importance when evidence is lost or upon its presentation in court. The chain of custody is established by a system of receipts. Each person taking possession of evidence must give a receipt to the person from whom he takes it. The chain of custody should be kept as short as feasible.

STORAGE FACILITIES

An officer taking possession of physical evidence should have or arrange for proper storage facilities. Many articles may be properly preserved in most any safeguarded storage but some materials require special equipment which may provide cold, warm, light, dark, moist or dry conditions. An illustration of the necessity for proper storage is afforded by a burglary case. The burglars entered a store through a hole they had cut in the tar covered roof. A perfect fingerprint was found molded in the roof tar. The section of roofing was cut away and the tar bearing the print was placed in a saucer on top of a filing cabinet in the attic, which became heated by the morning sun before the fingerprint expert arrived. Upon his arrival he found a saucer of smooth tar bearing no semblance of a fingerprint. If the print

had been placed in a refrigerator, it would have been preserved for processing.

PROCEDURAL ROUTINES IN STILL SITE SEARCHES AND CASE DEVELOPMENT

Inexperienced special agents are often puzzled as to proper routine procedures in still site searches and followup investigations in the development of a criminal case. It should be almost impossible to prescribe an order of action which would be appropriate in all situations.

Beginning with the raid on a still premises, the following list of procedural actions, with reasonable variations, may be of value to the new special agents.

1. At the still site:

- a. Arrest violators, properly secure them, put them in the custody of an experienced officer. Question each prisoner briefly as to his part in the crime, before he has time to fabricate an untrue story.
- b. Shut down boiler, extinguish fires, turn off water, etc., for self-protection.
- c. Make a quick general survey.
- d. Photograph the entire scene, before anything is moved.
- f. Process the premises and equipment for fingerprints and footprints. Obtain inked fingerprint impressions from all present who may have had opportunity to be on the scene.
- g. Conduct an orderly search of the entire premises for contraband and objects used in the commission of the crime or which will furnish investigative leads as to the identity of the violators.
 - (1) The Still—Type, column, pot, or other, size and shape. Materials used in construction; how constructed; built on premises or elsewhere; peculiarities in shape or construction, etc.
 - (2) Mash—Ingredients, such as cane sugar, corn sugar, molasses, blackstrap, etc., what kind of yeast, and where obtained, quantity; fermentation booster, kind, etc.; type of fermenting vats, such as barrels, hogsheads, concrete vat, wooden vats, etc.; and materials used in construction of the fermenters.
 - (3) Distilled Sprints—Type, such as whisky, brandy, alcohol, etc., proof of sprints; how packaged, such as in 50-gallon barrels, 5 gallon tins, 1/2-gallon fruit jars, etc.; quantity

when and how removed, etc.

(4) Other Still Equipment—Buckets; hose; hydrometer; shovels, mash stirrers, tools, such as wrenches, hammers, etc.; pumps, writing equipment, records, etc.

(5) Motors—Check make and identification numbers and plates.

(6) Boilers—Size, make, etc.

(7) If pot-type still, type of burner, or heater, such as natural gas, butane or propane gas, coke, wood, etc.

(8) Serial Numbers—Serial numbers of all equipment should be noted. If such numbers have been obliterated, retain portion of object where serial number should be for laboratory investigation.

(9) Other Identification Plates and Data—Letters, monograms, insignia, etc. If not available, take object to dealer or manufacturer for investigative assistance.

(10) Vehicles—Truck or car, make, year made, and full description.

(11) Construction Materials—Lumber, flooring, nails, hinges, fire bricks, concrete or cinder blocks, etc.

(12) Electrical Equipment—Wiring, switches, light, meters, etc.

(13) Wearing Apparel—Clothing, hats, gloves, etc. Particular attention given to laundry and dry cleaning marks.

(14) Raw Materials—Sugar, grain, yeast, fermentation boosters, etc., submit samples for analysis. Identifiable marks on containers of raw materials.

(15) Surfaces of Buildings—Writing that may be reminders or instructions for operation of stills, etc.; names, telephone numbers, etc.

(16) Refrigerators—Refrigerators used for storage of yeast, etc.

(17) Jugs, etc.—Jugs, thermos bottles, glasses used for drinking water.

(18) Garbage and Disposals—Receipts, match-overs, cigarette packs, discarded identification plates, lunch bags, etc.

(19) Source of Water—Water for still and mash use, how obtained. Plumbing and pipes.

(20) Disposal of Spent Mash—Sewage system, sumps, streams, stockfeed, etc.

(21) Elimination of Odors—Fans, ducts, flues, deodorants, such as creosote, tars, etc.

(22) Documents and Writings—Invoices, sales slips, business cards, utility bills, receipts, newspapers, letters, etc.

(23) In Case of Outdoor Stills—In addition to the above leads, consider: Footprints, trails,

paths, workways, etc.

(24) Boxes and Cartons—Various uses; many contain name of person who sold box contents or name of person for whom package is intended.

(25) Miscellaneous Items—It is impossible to list every article of investigative interest which might be found at still sites. The special agent should study each article found at a still site to determine if it is related to the violation and if it is traceable.

(26) Modus Operandi—Experienced special agents often are able to quickly determine the probable ownership of a still operation by some peculiarity of the operations. They have seized stills from the same individual or group on previous occasions, and recognize their methods and peculiarities. When a still has been seized, the special agent should study the details of the particular operation and try to determine if the method of operation is similar or almost identical to other cases. When such similarities are recognized, the investigation can be directed toward known operators, etc.

- h. Make an accurate inventory in notebook of articles observed at scene. Prepare inventory of seizure warrant and leave copy with owner, or in a conspicuous place at the scene.
- i. Determine what articles will be retained for the purpose of forfeiture, or use as evidence or investigative possibility. If impracticable to remove (and it usually is), destroy the remainder of the seizure, after taking necessary samples of illicit distilled spirits and mash.
- j. Properly label and mark for identification all objects retained.
- k. Description of crime scene—photographs.

2. At the office:

- a. Take prisoners and retained articles to your office.
- b. Fingerprint, photograph, and further question prisoners, if necessary. Then take prisoners before U.S. Magistrate or other proper committing magistrate for filing of charges and other commissioner proceedings.

If the Magistrate is not available, lodge prisoners in an approved jail. Furnish person who owned property seized for forfeiture with name, address and telephone number of the special agent in charge so that the violator or his attorney may contact him.

- c. Store seized articles, other than automobiles, in a safe and proper place. Place seized

automobiles and trucks in a Government contract storage garage within the judicial district where the seizure occurred. Execute ATF F3400.18, Inventory Record of Seized Vehicle, Vessel or Aircraft, and have vehicle appraised on ATFF 3400.15, Forfeited Property Appraisal Report, if valued at less than \$2,500.

d. Make proper notification. Notify the special agent in charge of whatever he requires relating to the arrests and seizures. Also, see that the probation officer or United States attorney is advised of the arrest of any juvenile.

3. Followup investigations:

- a. Determine ownership of violation premises.
- b. Resolves all clues and investigative leads obtained.
- c. Report to special agent in charge within the time limitation he establishes.
- d. Submit supplemental statements or reports as they become available.

CONCLUSION

In conclusion, a raid should be successful when:

Sufficient observations are made to furnish complete intelligence pertaining to the area and persons involved; respective circumstances are thoroughly studied and properly evaluated; proper equipment is provided for the impending action; a briefing period is conducted where each special agent is instructed in detail with regard to his specific duties; and each special agent executes his assignments to the best of his ability.

When searching a crime scene, the special agent should allow himself plenty of time to make a thorough search. He should be inquisitive and consider each article as to its possible relation to or connection with the crime. However, good judgment should dictate which objects need further consideration at the crime scene, which objects should be seized or recognized because they are so obviously connected to the crime, and which objects patently have no relation whatever to the crime. Generally an object at the crime scene should not be discarded as long as its presence there cannot be explained without some reference to the crime. The key to success in searching a crime scene is good planning and the adherence to procedures mentioned in this text.

END