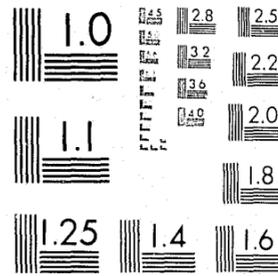


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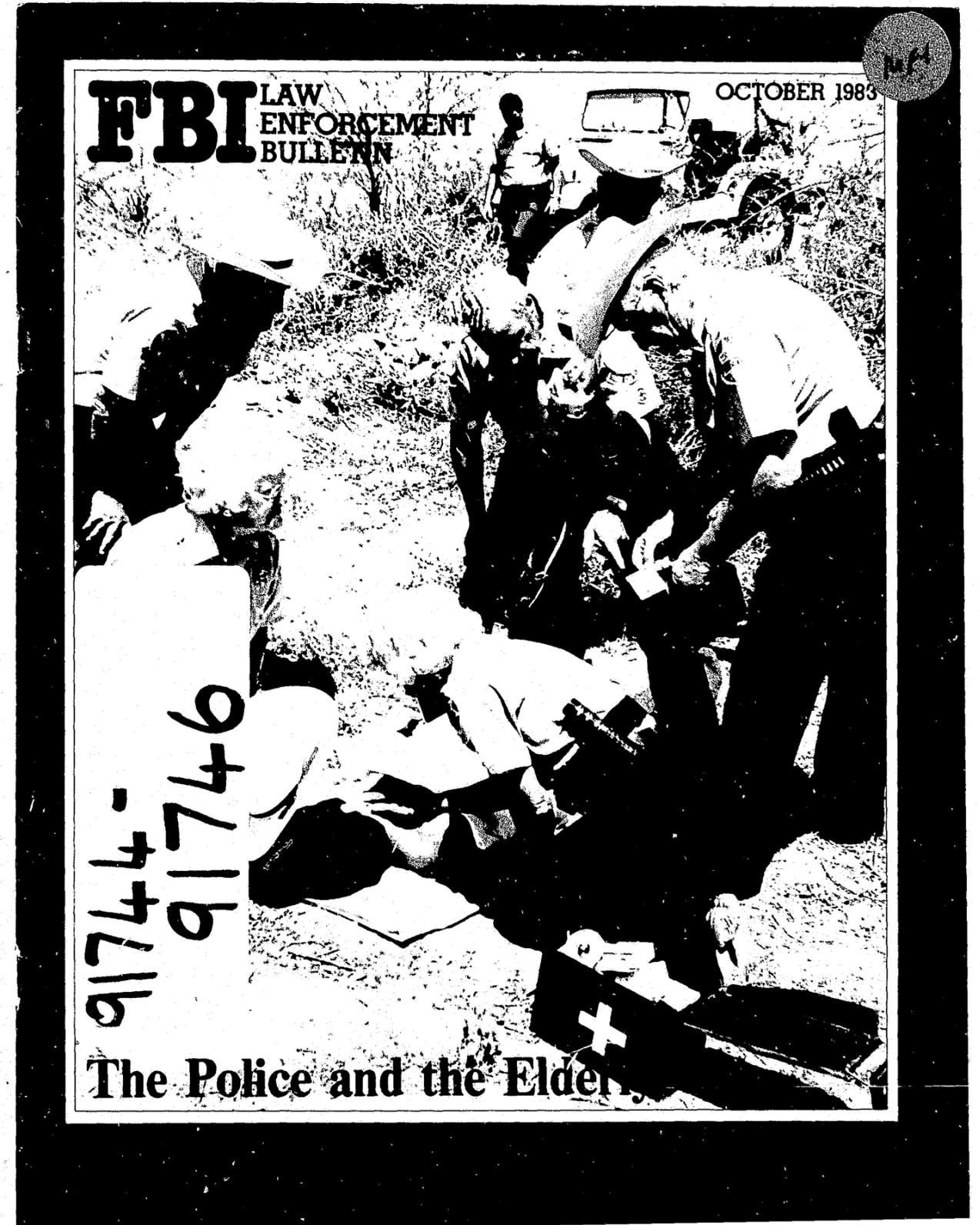
MICROCOPY RESOLUTION TEST CHART  
NATIONAL BUREAU OF STANDARDS-1963-A

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National Institute of Justice  
United States Department of Justice  
Washington, D. C. 20531

3/7/84



Total Estimated Arrests, <sup>1</sup> United States, 1982			
TOTAL <sup>2</sup>	12,136,400	Drug abuse violations	676,000
Murder and nonnegligent manslaughter	21,810	Opium or cocaine and their derivatives	112,900
Forcible rape	33,600	Marijuana	455,600
Robbery	157,630	Synthetic or manufactured drugs	24,800
Aggravated assault	313,150	Other dangerous nonnarcotic drugs	82,900
Burglary	527,100	Gambling	41,200
Larceny-theft	1,368,100	Bookmaking	3,400
Motor vehicle theft	129,100	Numbers and lottery	7,100
Arson	20,500	All other gambling	30,600
Violent crime <sup>3</sup>	526,200	Offenses against family and children	58,700
Property crime <sup>4</sup>	2,044,800	Driving under the influence	1,776,400
Crime Index total <sup>5</sup>	2,571,000	Liquor laws	501,200
Other assaults	543,400	Drunkenness	1,262,100
Forgery and counterfeiting	97,300	Disorderly conduct	895,500
Fraud	334,400	Vagrancy	36,800
Embezzlement	9,000	All other offenses (except traffic)	2,324,100
Stolen property; buying, receiving, possessing	137,500	Suspicion (not included in totals)	11,200
Vandalism	245,700	Curfew and loitering law violations	91,100
Weapons, carrying, possessing, etc.	193,500	Runaways	139,400
Prostitution and commercialized vice	121,200		
Sex offenses (except forcible rape and prostitution)	78,800		

<sup>1</sup> Arrest totals based on all reporting agencies and estimates for unreported areas  
<sup>2</sup> Because of rounding, items may not add to totals  
<sup>3</sup> Violent crimes are offenses of murder, forcible rape, robbery, and aggravated assault  
<sup>4</sup> Property crimes are offenses of burglary, larceny-theft, motor vehicle theft, and arson  
<sup>5</sup> Includes arson

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

#### Clearances

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

#### Arrests

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

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

FBI

#### Operations



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

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

SEARCH  
 AND  
 RESCUE



Lieutenant McConnaughey

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

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

The Coast Guard Rescue Coordi-



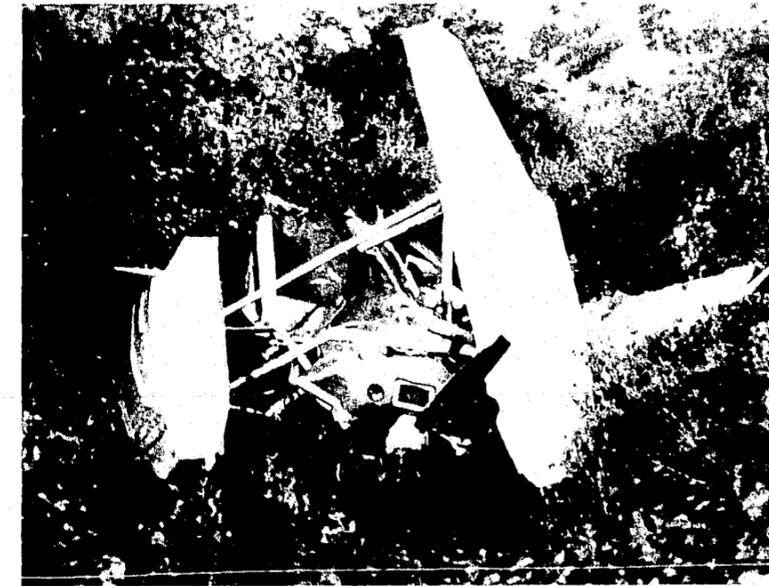
Alaska Air National Guard HC-130 Hercules unloading one of the Alaska Civil Air Patrol 12-man track vehicles used in Kotzebue, Alaska.



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

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

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



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

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

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

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

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



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

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

the majority of water rescues.

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

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

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

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

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



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

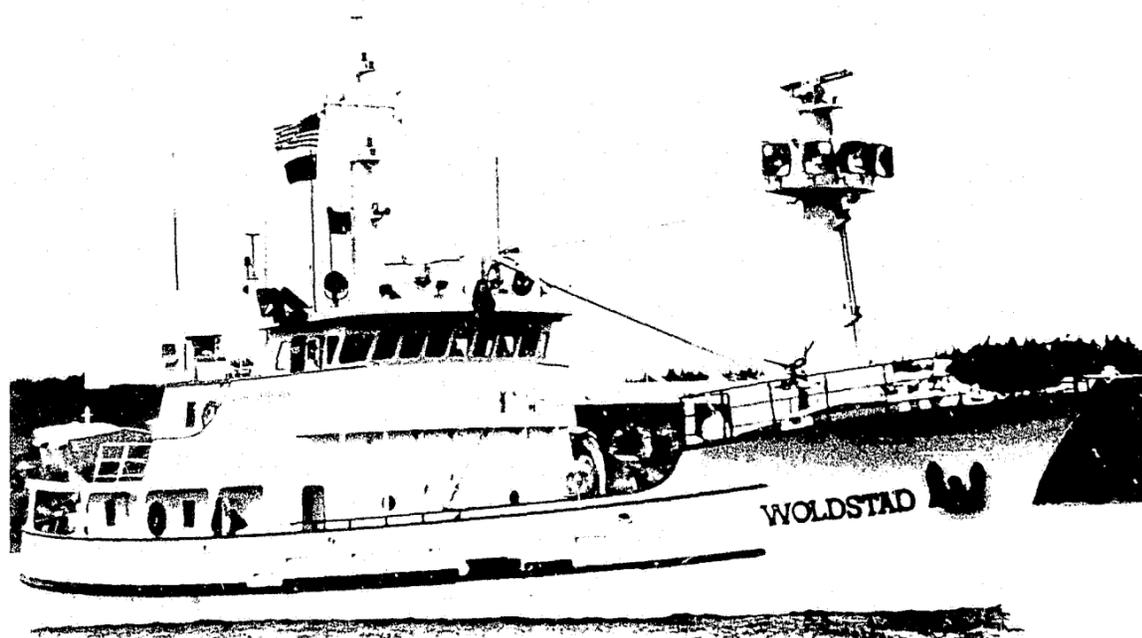
When a military aircraft crashes, the investigation usually falls under the jurisdiction of the military, NTSB, and the FAA.

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

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



Alaska State Trooper turning keys of Alaska's Civil Air Patrol 12-man track vehicle used in search and rescue work.



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

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

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

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

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

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

## SEARCH AND SEIZURE OF OBSCENE MATERIALS

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

Because of both the warrant requirement of the fourth amendment<sup>1</sup> and the freedom of speech and press guarantees of the first amendment,<sup>2</sup> the seizure of films, pictures, books, and other writings based on their content has received close scrutiny by the Supreme Court. The Court has afforded broad constitutional protection in this area because of the realization that legitimate expression may be easily suppressed, at least for a period of time, pursuant to an exercise of Government power to seize items based on probable cause to believe that they offend the law. This article concerns the criteria used to test the constitutionality of searches and seizures of obscene materials.

### *Marcus v. Search Warrant*

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

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

By  
**ROBERT L. MCGUINNESS**  
*Special Agent  
 FBI Academy  
 Legal Counsel Division  
 Federal Bureau of Investigation  
 Quantico, Va.*

**END**