

FBI

November 1990



126999-
127002

126914

U.S. Department of Justice
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this ~~copyrighted~~ material has been granted by

FBI Law Enforcement Bulletin

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the ~~copyright~~ owner.





Features



Page 14

1
126999

Police and the Homeless

By Barney Melekian

8
127000

A Low-Cost Approach to High Technology

By Mark Clark

14
127001

Washington, D.C.'s Operation "On Target"

By Eric W. Witzig and George R. Wilson

19

Taking the Job Home

By Richard N. Southworth

26
127002

Selected Supreme Court Cases: 1989-1990 Term

By William U. McCormack



Page 26

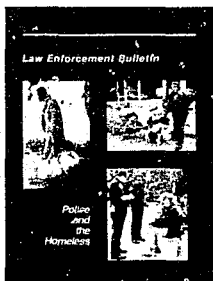
Departments

7 Bulletin Reports

18 Book Review

12 Point of View

24 Police Practices



The Cover: As the number of homeless in this country continues to grow, public policy must address the problems they present to law enforcement. Cover photos courtesy of Victor Alferos, Santa Monica, California, Police Department.

United States Department of Justice
Federal Bureau of Investigation
Washington, DC 20535

William S. Sessions, Director

Contributors' opinions and statements should not be considered as an endorsement for any policy, program, or service by the FBI.

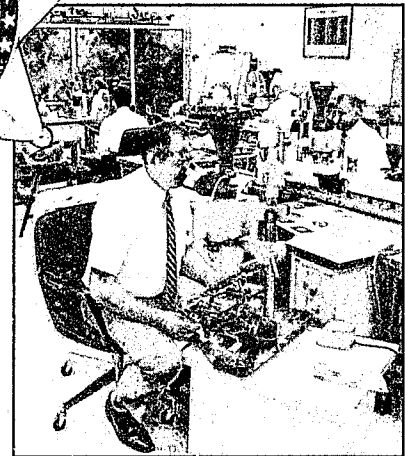
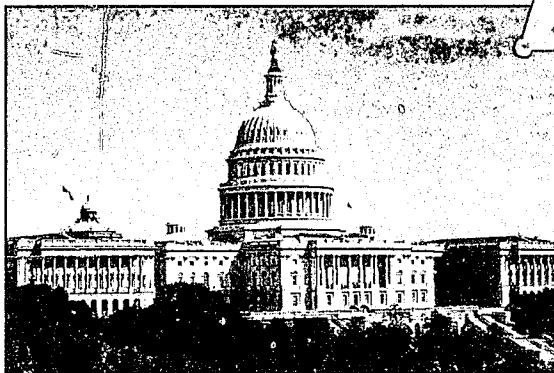
The Attorney General has determined that the publication of this periodical is necessary in the transaction of the public business required by law of the Department of Justice. Use of funds for printing this periodical has been approved by the Director of the Office of Management and Budget.

Editor — Stephen D. Gladis
Managing Editor — Kathryn E. Sulewski
Art Director — John E. Ott
Assistant Editors — Alice S. Cole
Karen F. McCarron
Production Manager — Andrew DiRosa
Staff Assistant — Carolyn F. Thompson

The *FBI Law Enforcement Bulletin* (ISSN-0014-5688) is published monthly by the Federal Bureau of Investigation, 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20535. Second-Class postage paid at Washington, D.C., and additional mailing offices. Postmaster: Send address changes to *FBI Law Enforcement Bulletin*, Federal Bureau of Investigation Washington, D.C. 20535.

Washington, D.C.'s Operation "On Target"

By
ERIC W. WITZIG
and
GEORGE R. WILSON



By March 1989, the mound of evidence in the Firearms Reference Collection Room of the Metropolitan Police Department in Washington, D.C., was 20 feet long and waist high. This hoard of evidence was the result of the upward-spiraling number of unexamined homicide cases in the District of Columbia.¹ It was obvious that something had to be done to reduce this mass of unexamined evidence.

Unfortunately, a reduction of personnel in the Firearms Identification Section exacerbated this backlog. In 1987, the unit had three qualified firearms examiners. A year later, there were only two. By spring 1989, only one examiner was on staff to handle all of the cases. And, even though vacancies were advertised, there were no applicants. This article will discuss how the Metropolitan Police Department dealt with this problem

and effectively concluded many of its unexamined homicide cases.

A SOLUTION TO THE PROBLEM

Acquiring Qualified Examiners

One long-range answer to the department's lack of examiners was to double its efforts to recruit individuals to become trained, qualified firearms examiners. To meet this goal, five persons were

hired and were in training by spring 1989 to become qualified examiners; however, none would complete their course of study before 1990. In addition, this option would only yield a gradual reduction of the backlog, considering the rate at which it was growing.

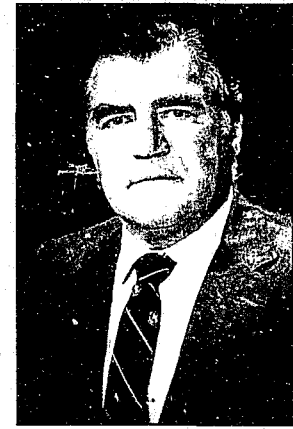
Another possible solution was to hire several experienced examiners. This option was much more viable because if experienced examiners could be quickly found, the backlog could be reduced or even eliminated. After studying the problem, it was determined that 6 qualified examiners handling 30 cases per week could examine 360 cases in 12 weeks. But, this would mean that each examiner would have to complete examination of one case during each working day. Yet, despite the tremendous amount of work this would involve, the department decided to proceed with hiring experienced examiners.

First, the Association of Firearms and Toolmark Examiners (AFTE) was contacted and asked to provide a list of available, qualified members. There were certain stipulations attached, however. Each examiner had to be:

- Qualified as an expert witness in the court system where employed;
- Free of obligations and able to work in residence with the program for a period of 90 days; and
- Willing to return to the District of Columbia for court testimony, if necessary.



Mr. Witzig



Mr. Wilson

Mr. Witzig is a retired detective of the Washington, D.C., Metropolitan Police Department. Mr. Wilson is a firearms examiner with the Washington, D.C., Metropolitan Police Department.

From the list provided by the AFTE, the department selected six qualified examiners from across the country for the project.

Laboratory Facilities

Now, with an available examination staff, additional laboratory facilities and equipment were sought. Contact with the Forensic Science Research and Training Center at the FBI Academy in Quantico, Virginia, proved very helpful. In fact, the Academy's microscopic classroom held much of the same equipment used by firearms examiners and could be easily converted to a firearms laboratory.

Therefore, arrangements were made with the FBI for the examiners to reside at the Academy for the duration of the 90-day project. The FBI would be reimbursed on a per diem basis for room and board.

This allowed the examiners to remain close to their workplace, eliminated commuting time, and enhanced camaraderie. The net result was an increase in effective working time from 8 hours to between 10 and 12 hours per day.

Funding

Another hurdle was funding. A proposed budget for the project provided:

- \$60,000 for salaries;
- \$3,000 for travel; and
- \$10,000 for room and board.

The only problem was that the Metropolitan Police Department did not have such a significant amount of money available. Therefore, another approach was used to fund the project—federally forfeited property. This money, seized during

drug operations in the District of Columbia, was returned to the District on an accelerated basis. This creative approach solved the budgetary roadblock and paved the way for immediate funding of the project.

However, since the project's examiners were from various States, more money would be necessary for transportation and fees for expert witness testimony when they were called to testify. To solve this problem, the U.S. Attorney for the District of Columbia was contacted and subsequently agreed to provide transportation and expert witness fees.

Transporting Evidence

Arrangements for the program also had to include the transportation of evidence. Therefore, a Metropolitan Police Department officer was selected to transport all evidence in a departmental vehicle and was responsible for maintaining a log detailing its chain of custody. The fact that the evidence officer was a sworn member of the police department also provided a measure of physical security for the evidence transported.

Information Management

A final detail of the planning included the use of a computer equipped with a word processing program and a data base management system in order to provide faster turn-around time for paperwork and laboratory reports. A detective from the homicide branch operated the computer system. This officer also served as a liaison be-

tween the project and the homicide branch. He provided details about all of the cases under examination and was responsible for quickly communicating significant examination results to investigating detectives.

The plan was now complete. A staff of qualified firearms examiners had been found, laboratory space and equipment had been located, the project had been funded, and transportation of evidence and

was provided for the hundreds of items of evidence.

Each examiner was equipped with an evidence locker, a work bench and hand tools, a low-power microscope, and a comparison microscope fitted with photographic equipment that produced Polaroid black and white prints. Additional equipment included a Unitron MP-6A measuring projector, an electronic balance, and an ultrasonic cleaning bath. The laboratory was also furnished with natural gas, a hood, and compressed air.

Standard FBI and AFTE case number nomenclature was followed, but with a minor modification. Cases worked in the Metropolitan Police Department's Firearms Identification Section (FIS) received a case number, such as FIS #89-9999/GRW. This case number shows where and when the case was worked, the order in which the case was received, and the initials of the examiner. For this project, the case number was changed, adding the letter "Q" after the letters "FIS" signifying that the case

was worked at Quantico.

A data base program tracked the cases. In the beginning of the project, 360 cases were entered into the computer by the FISQ number and assigned to an examiner. This data base proved invaluable because it could automatically provide reports on the number of cases assigned and unassigned, to whom they were assigned, and when they were completed.

During the course of the project, the examiners provided the following services:

**“
As a result of
Operation 'On-Target,'
3,988 pieces of
evidence were examined
and 7,195 separate
examinations were
performed.
”**

an information management system had been arranged. Now, all that was needed was a name for the project. Since the project would target a number of drug-related murders, the project received the moniker Operation "On-Target."

IMPLEMENTING THE PLAN

On June 5, 1989, phase one of the project began at the Forensic Science Research and Training Center in Quantico, Virginia. Standard laboratory procedures were observed and tight security

- Test firing of recovered firearms;
- Microscopic examination of recovered bullets and garments;
- Microscopic examination and photography of recovered cartridge cases;
- Comparison of test-fired bullets with evidence bullets;
- Muzzle-to-garment distance determination; and
- Serial number restorations.

When the examiners finished a case, they prepared hand-written examination reports, which were later typed in the Metropolitan Police Department's format. These reports were then proofread and corrected within 1 day.

On August 14, 1989, the last of the assigned cases was examined. The frantic pace set by the examiners resulted in the examination of 375 firearms cases. The goal of one case per examiner per day had been achieved.

The last 2 weeks of the laboratory phase were used to compare all of the test-fired cartridge cases and evidence cartridge cases recovered at homicide scenes. To accomplish this, black-and-white photographs were taken of the heads of all examined cartridge cases, and each photograph was inscribed with the FISQ number and grouped according to caliber. The various

calibers were placed around the walls of the laboratory on large pieces of exhibit board.

Additionally, all of the evidence cartridge cases were placed in labeled, clear plastic boxes, and each examiner was assigned a certain caliber. For 2 weeks, the examiners painstakingly compared all of the cartridge cases. When a positive comparison was made, evidence bullets from those cases were re-examined and com-

“
...any State or local jurisdiction can replicate this program where there exists a backlog of unexamined firearms evidence.
 ”

pared. This effort was aided by the computer program that tracked the location of various items of evidence. For example, cases involving multiple calibers were easily accessed through the search feature of the word processing program.

Phase two of operation began on August 28, 1989. This phase dealt with handling all of the paperwork for the project. The examination reports stored in the computer

were printed. These reports were then formulated into the project's final product, the *After Action Report of Operation "On-Target."* Twenty copies of this 1,000-page report were distributed to the U.S. Attorney for the District of Columbia and to the firearms examiners.

This report summarized the accomplishments of "Operation On-Target" as follows:

"In ninety calendar days... the temporary unit examined firearms evidence in a total of three hundred seventy-five cases. Three hundred and sixty-two of those cases involved the offense of homicide."²

This report also proved invaluable as cases were later prepared for prosecution.

As a result of Operation "On-Target," 3,988 pieces of evidence were examined and 7,195 separate examinations were performed. And, all of the 375 cases were cross-checked against 10,640 pieces of test fire evidence.

CONCLUSION

Operation "On-Target" proved that by using innovative management techniques, seemingly insurmountable problems can be solved. "Operation On-Target" also showed that:

- Federal and local governments can, indeed, work together to help solve acute local law enforcement problems;

Book Review

- Creative funding through asset forfeiture can cover the out-of-budget expenses associated with drug-related special projects; and
- Even lack of personnel in critical areas of expertise, such as firearms examination, can be solved by hiring on a temporary basis, full-time experts in the field.

Any State or local jurisdiction can replicate this project where there exists a backlog of unexamined firearms evidence. In an open letter to the participants of Operation "On-Target," the Chief of the Metropolitan Police Department wrote:

"Operation 'On-Target' is the type of innovative program that targeted a specific problem in law enforcement, proposed a valid and workable solution, and then brought that solution to life. This program is a model for all law enforcement agencies...."³

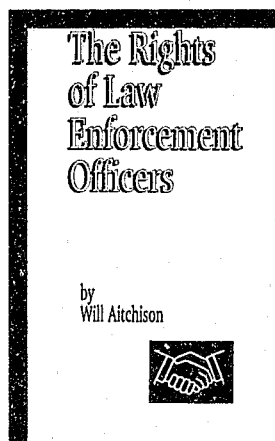
LEB

Footnotes

¹ Two hundred twenty-seven homicides were recorded in 1987; 372 occurred in 1988. A monthly record of 52 homicides were recorded in January 1989; 1989s total was 436.

² *After Action Report of Operation "On-Target,"* Metropolitan Police Department, Washington, D.C., 1989.

³ Isaac Fulwood, Jr., Metropolitan Police Department, Washington, D.C., October 2, 1989.



The Rights of Law Enforcement Officers, by Will Aitchison, *The Labor Relations Information System, Portland, Oregon, 1989.*

The Rights of Law Enforcement Officers offers a comprehensive study and analysis of police officers' rights. In it, the author correctly identifies employment rights as an issue of growing concern to the law enforcement community. An officer's employment rights, as shaped by constitutional and legislative demands, has become increasingly integral to the public safety officer's functions.

As the importance of this issue has grown, however, so too has its complexity. The book covers many important topics related to officers' rights, including individual chapters devoted to collective bargaining, disciplinary

standards and procedures, employment discrimination, worker's compensation, the Fair Labor Standards Act, and officers' rights of privacy, free speech, and association.

Despite the enormous difficulty of assembling a work on such far-ranging and involved subjects, the author succeeds in presenting a wealth of information in a manageable, easy-to-follow, form. Complex legal matters are explained, and examples are supplemented with citations from numerous recent court decisions. The book is complete with tables for referencing the laws of the various States, making it a valuable resource for State and local law enforcement officers.

These attributes alone make *The Rights of Law Enforcement Officers* a valuable addition to any law enforcement library. However, the book also features a complete index and exceptionally well-organized table of contents, making it a very handy desk-top reference. For all these reasons, law enforcement managers can use this resource in a wide range of personnel matters.

Reviewed by
SA Robert A. Fiatal, J.D.
Legal Instruction Unit
FBI Academy
Quantico, Virginia