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SEARCHING AND DISARMING CRIMINALS

L. L. PRIAR AND T. F. MARTIN

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On every occasion where an officer arrests a criminal, either by warrant or on sight, the officer is obligated to properly secure the prisoner, apprehend all the existing evidences, and to disarm any who may possess weapons. The search and seizure must be executed with such thoroughness that nothing is left to chance. The police officer must have full knowledge of the law and procedure relative to making an arrest. Knowledge of the law relative to police power and jurisdiction will instill a disposition of authority, a confident attitude, and thoroughness in operation. He must be completely familiar with the law of arrest on sight; the law relative to service of a warrant; distinction between felonies and misdemeanors; authority to search and seizure; and the laws of self-defense.

Following an arrest of a criminal, he should be guarded carefully, so that the officer will not be surprised by the unexpected. Restrict the freedom of the prisoner by keeping a firm hold or by the application of handcuffs. Dominate every movement of the prisoner. Do not permit the prisoner to place his hands in his pockets, or in any compartment where a gun may be concealed. Search for firearms at once.

There are two methods of searching a prisoner, the superficial or patting method which detects only the obvious, and the disrobing method which permits inspection of the body and clothing. The pat or feel method will achieve partial results for the detection of bulky weapons and objects, but the officer must feel with sensitive fingers every portion of the prisoner's body. A thorough search must be made of the prisoner's arms and armpits, waistline and back, the groin and area about the testicles, and entire surface of the legs down to the feet. The pat or feel method may be employed when the arrest is made outdoors and disrobing is not feasible. In addition to the body inspection, closely examine the clothing, hat, shoes, and any package or object found in possession of the prisoner. When indoors, disrobe the prisoner, inspect the naked body and minutely search the clothing. Clothing should be compressed by the hands and any suspicious oddity within the cloth or lining should be examined, even to the extent of ripping open the seams.

A prisoner should be searched from head to foot, and every article of the clothing

found on the subject should be examined. The hat may have concealed within the sweat band or surface band, files, saws, or criminal evidence. The coat may retain articles within the lining or padding such as files, keys, knives, or matters of evidence. The trousers may contain small articles within the seams, cuffs, secret pockets, and within the lining of the waistband. The shoes may retain files and hack saw blades between the leather of the soles, or small articles in a hollowed heel. There is a case on record where a criminal wore oversized shoes and concealed a small gun and ammunition at the instep area.

If the case warrants, examine the prisoner's mouth and rectum. Small articles have been found in the mouth and matters of criminal evidence have been detected in the rectum. Weapons have been found on prisoners by being tied or taped to the arms, legs, armpits, and groin. A small hacksaw blade, folded banknotes, or other matter may be found taped to the soles of bare feet. The necktie may hide a file, hacksaw, or razor; or a razor may be concealed in a sack and suspended from the neck to the hollow of the back. A double lined leather trouser belt may have articles concealed by being sewed within the double leather. Cigarette packages and match boxes may retain concealed articles. Even a lone cigarette may contain material evidence. Fountain pens, pencils, locket, watches, and various other possessions of the prisoner may secrete police information.

Should the prisoner possess an automobile, search every conceivable portion of the vehicle. Firearms have been found tied to the frame under the vehicle, within the upholstery of the seats, behind the cloth lining of the ceiling and sides, and within secret compartments especially built in the automobile. Search under the hood around the engine. If necessary, deflate the tires and examine the inner surface of tires and inner tubes. If case warrants, examine the hubcaps and the grease at the axle area, as articles can be readily concealed at those points. Search the floor of the automobile, under the rubber or rug covering, and under the seat foundation. Search the area behind the dashboard and dashboard compartments.

When it is necessary to search a prisoner's home, search from roof to foundation. Searching premises for firearms and other physical evidence requires exceptional skill, the skill or instinct of a hunter, the aggressive spirit of a conqueror, and understanding of human nature involving criminals and their cunningness. Further, the officer requires intelligence relative to the laws of nature as they affect plant life, minerals, soils, and matter in general; and finally, keen senses of perception relative to seeing, hearing, smelling, and feeling. The skillful policeman can coordinate the factors involved, detect the inferences they present, and by sound analysis, arrive at a satisfactory conclusion. Skill can be developed by the officer possessing a natural aptitude for the police service. The thrill of the hunt will provide the eagerness, and natural faculties seasoned with experience will develop the skill. The officer imbued with the spirit of the hunt will intelligently apply his knowledge of nature, make a comprehensive estimate of the problem, and apply those forces necessary to circumvent the criminal's intent. By the sense of seeing, he will minutely observe every detail on the premises, and perceive their natural or human intent. Whether it be dust or dirt, marks or imprints, marred or natural, disturbed or orderly, fresh or aged, new or old, every detail will convey a message to the eye and intelligence of true or

false to the mind. By the sense of feeling, the officer will examine every space visible or invisible, every article movable or immovable, and every object inside and out. By the sense of hearing, the officer will test by sounding walls, ceilings, stairways, floors, structures, and various objects, and detect by the resounding noise, the required information. By the sense of smell, the officer will detect the inference of various odors; whether earth has been freshly dug, whether a firearm has been recently fired, whether the prisoner indulged in liquor, whether the victim of murder may have been poisoned, and whether the floor has been freshly scrubbed or the ground recently moistened to obliterate evidence of crime.

By noting matters created by nature and affected by the elements, certain inferences may be received. For example, where criminals secreted firearms by burying the weapons in a field, which had been previously cut, and conditioned the spot to appear similar to the surrounding earth, but the upright hay stubble was missing; this gave the officers the desired inference. Where cobwebs existed in a passageway, and the complainant indicated that direction as being the burglar's route of flight, the cobwebs disputed the complainant's contentions and revealed the complainant as the thief.

Criminal cunningness is too varied and unpredictable for a condensed review. A general knowledge of criminals and their habits is usually acquired by the alert policeman through practical experience. However, the prime motive of a criminal is to profit by his crime, to conceal the evidence, and to avoid detection. The predominating tendency among criminals is to conceal physical evidence of their crime on premises familiar to them or their associates. Therefore, the officer should leave no stone unturned in his effort to find the implements of crime within the resorts of the criminal. The crime, the premises, and the criminal present the important factors of the problem. It is the duty of the officer to apprehend all evidence presented by each factor, and by analysis, coordinate all facts to a proper solution. The police officer should consider each crime problem a contest challenging his intelligence. Therefore, he should strive to predominate in the contest against the criminal's cunningness.

Searching outdoor areas involves a wider scope of operation and a greater problem, but since it is within the range of human activity, satisfactory results can be obtained by intelligent approach. Firearms have been found when concealed in a haystack, manure pile, oatsbin, privy, buried in ground, chicken pen, in a water well, submerged in a river, under brush, under lumber and refuse, within a drain pipe, sewer, and various other places too numerous to mention. Police should learn to detect evidence of changes made in earth, objects, places, and things. Time, weather, and the elements leave a natural pattern, and any alteration should be detected. For instance, where bandits excavated earth in a chicken pen to conceal their firearms, then re-filled the hole, and covered the surface with residue of the chicken pen to give the spot a natural appearance, the remaining pattern did not convey an expression of truth. It was observed that the color of the earth differed from the surrounding earth, and the earth was uneven and did not harmonize with the surrounding, and the surface covering of chicken manure was loose and dry, giving indication of having been disturbed at that spot. In another instance, a criminal removed a floor board in his stable to conceal a firearm, but the result did not present a condition of naturalness.

The board showed minute scratch marks; the dirt in the floor crack differed from the adjoining cracks, and the nails gave evidence of new rust and of being recently hammered.

Along with observing the effects of nature, the particular criminal's personality should be considered and reasonable deductions made. Police should not be over sensitive when confronted with repulsive matter. Valuable evidence may be neglected when police officers hesitate to delve into outdoor privies, manure piles, or filthy sewage. An officer should not hesitate to search human deposit to find a murder gun, nor to search a rotted corpse to detect identity. Doctors and nurses do not hesitate to handle repulsive matters, therefore, any police officer who is retarded by squeemish sensibilities should leave the service.

Success in searches can only be achieved by an intelligent survey, by precise application, and by patience and persistence. Police should search packages, handbags, suitcases, trunks, or any containers found in possession of a criminal. An automatic pistol may be secreted in a false bottom of a trunk or suitcase. A gun may be concealed in a woman's handbag. Material evidence such as letters, money, and small objects may be hidden within the lining or seams. If suspicion warrants, do not hesitate to open the seams of containers such as suitcases, for criminals have been known to hide objects behind the lining and then resew the seam. However, do not rip promiscuously, but open with care, for if an error is made the seams can be repaired at little cost.

When a woman is arrested in connection with a major crime, she should be searched in the same manner as the male criminal. Discretion should be exercised, but a woman involved in crime or associated with vicious criminals loses the status of a lady and the ethical consideration afforded a woman of good standing. If a woman is not searched properly, important evidence may be neglected. If the arresting officer neglects to search a woman, he is not competent to testify as to the articles of evidence found in her possession. Female criminals have been known to kill police; they must be searched as they may be armed or conveyors of weapons for their male companions. If circumstances warrant, defer the search while in a public place, but keep close supervision over the prisoner. It is preferable to secure the aid of a matron or dependable woman to conduct the physical search. If necessary, have the woman assistant cause the criminal to disrobe and present the clothing to the officers for inspection. If the police are compelled to search a female criminal in public, they should endeavor to have witnesses present to offset any charge of improper conduct. No physical search should be made of a female offender unless the suspicion or crime is of sufficient importance.

Should a lone officer be required to search and disarm two or more suspects, he should require the prisoners to raise their hands, stand in column and facing away from the officer with feet well spread. The officer should search the rear prisoner first and on completion direct him to proceed to the head of the column, then search the next prisoner, etc. This method places the prisoners at a disadvantage and in such position that they cannot observe the officer, but the officer can view the entire column, keep the suspects in one line of fire and at the same time conduct the search.

This outline on searching and disarming criminals is not proposed as a complete

authority on the subject, as many other practical methods may be worthy of adoption. However, the suggested procedure has been applied by members of the Pennsylvania State Police in many instances and has achieved results under the test of practical experience. The review is intended to stimulate thought on the importance of this problem, and to emphasize thoroughness as it relates to searching dangerous criminals. By adopting the technique suggested, police can readily apply themselves on assignment to duty and avoid the distressing experience which result from lack of system. Experience has taught that lack of systematic police application, along with carelessness and negligence, has been the cause of police being killed, vicious prisoners escaping, important evidence neglected, and simple police cases bungled all due to inefficient methods of search and seizure.