

Bonus Chapter 1A

During my rookie year as a uniform police officer on the Bensalem PD, that would be 1977, I learned an early lesson regarding the back seat of the patrol car. An officer has to check it out before and after every shift. He or she never knows what will be found underneath of it. You see, some just-arrested people have these funny habits...

The rear seat-checking protocol hit home on multiple levels later in my rookie year when I responded to a late-night burglar alarm at a beer store on Bristol Pike in the Cornwells section of Bensalem. I responded and arrived at the scene before any other patrol cars. After immediately circling the perimeter of the property I noticed in the rear area of it there was a hole cut into the chain-link fence. It was clearly big enough for one or more adults to have climbed through. There were even some freshly cut metal fence clippings on the ground directly below the hole. Since I assumed that this was the point of ingress for the burglar or burglars, I pulled the marked car right up to the newly fashioned hole and in effect blocked it from anyone attempting to egress the property via the same seemingly just-snipped portal.

When the backup cars and the business owner finally arrived at the scene, and after leaving my car exactly where it was by the hole in the fence, we entered the building. I immediately noticed a large, newly broken window, on the side door. This is clearly how the person(s) entered. We searched the building and it was obvious to the owner right away that several cases of beer had been stolen. Some beer had even dropped in the lot on the way back toward the hole in the fence. In other words, we knew that the burglars had already left the

premises and property with booty in hand, egressing at the same place as their ingress, the hole in the fence.

As the register, safe, and office were seemingly untouched, and the M.O. used to enter the place was rather unsophisticated, not to mention what was stolen, I assumed that we may have a couple of youthful offenders involved in this caper. In view of that, I radioed to the other cars to check the surrounding neighborhoods for one or more people, possibly juvenile males, who may still be carrying the freshly stolen beer.

As luck would have it, within a minute or two of my radio broadcast, another patrol car pulled up on two male teenagers only about three blocks away from the beer store in a residential area. They were each observed to be carrying a case of beer. Once they saw the police car, they dropped the beer and ran but were eventually apprehended by other responding officers.

With the owner safely re-securing his property for the night (he backed a large delivery truck by the hole in the fence and re-set the alarm), I responded to where the two kids were now in custody. When I pulled up, they were on the ground in the prone position in between a few patrol cars. I frisked and searched one of them, handcuffed him behind his back, and for whatever logistical reason put him into the rear of one of the nearby backup officer's patrol cars. Another officer frisked and searched and handcuffed the other teenager and walked him over and put him into the rear of my car.

As it was my original call, this was my arrest and off to BPD HQ the two us independently drove.

(Obviously, separating newly arrested individuals as soon as safely possible is another smart protocol to follow at a crime scene, to include their individual transportations back to police HQ. That way, it's more difficult for them to pre-plan any false defenses and/or alibis.

Also, without the opportunity to “prep” each another, one arrestee can later be played against the other when being questioned in separate interview rooms.)

The now-dropped and mostly smashed bottles in their respective beer cases were found and identified as being the same brand having been stolen from the beer store. Each was missing a few bottles, which happened to correspond with the number of bottles found on the lot, near the hole in the fence. Everything was collected and retained as potential evidence. The outside cardboard box was specifically retained for fingerprint purposes, although as it was cold out that night, it was noticed that both boys were wearing gloves. Perhaps attaining fingerprint evidence would be difficult as their fingers weren’t directly exposed to the beer case.

I learned on the way back to the police station that both young men were only 17 years of age. They were juvies, and had to be handled differently than adults.

Along with the detective now assigned to the case, we had to await the two teenagers’ parents to show up to conduct an interview of them as that was (and still is) the law concerning juvenile subject interviews in Pennsylvania. Those under 18 need their parents, a lawyer, or a responsible adult custodian with them before any police interview can be conducted. Most U.S. states have laws with similar restrictions.

Frustratingly, when their parents did eventually show up, and the detective and I interviewed the two kids separately (naturally, after reading them their Miranda warnings and with their respective parents present), both denied breaking into the distributorship and stealing the beer. They claimed they just happened to be walking down the street, at almost 2:00AM, and found two cases of beer just sitting on someone’s lawn. They each picked one up and their supposed plan was to come home and turn the beer over to their parents. At least that’s what they claimed to the detective and me as well as to mom and dad too. And, they insisted they

only ran from the cops at first because they were scared as they were carrying beer and knew they were under 21 years of age.

Hmmmm...this case may not be as lock-solid as I at first thought. I suppose it is plausible that they really did just happen upon the beer along the street and picked it up. But, with nothing linking them directly to the scene of the burglary itself, a juvenile judge may lean toward an acquittal of them for anything other than Underage Possession of an Alcoholic Beverage. Even if they weren't wearing gloves, if their fingerprints were found on the beer bottles or beer cases on the street they would have negligible evidentiary value as the kids already admitted to picking them up and carrying them for a short distance. However, if their prints could be found on the bottles inside the beer store fence, or anywhere on or in the building itself, that would be different.

The detective and I took the teenagers' statements (with them denying the burglary the whole time), and based on the fact that it wasn't a violent crime, they were local kids with no previous criminal records, and the parents relatively cooperative, we released them that night to their respective folks. We told them all that we would discuss this matter with the Bucks County District Attorney's Office and we would advise them accordingly of any charges pending against the two boys.

After the burglary suspects and their parents left the BPD HQ that night, the detective and I discussed our dilemma. We had a known trespassing and burglary of a local beer store, first through a cut fence then a smashed window of the building; two cases of stolen beer of a certain specific brand, with several bottles missing from each case and found inside the enclosed property of the beer store; and within ten or so minutes of the time of the alarm, these two kids

are found walking away from the general vicinity of the beer store carrying a case each of the exact same brand of beer, with the same number of bottles missing that were found in the beer store lot.

Is there probable cause for arrest for burglary...?

Is a conviction (even in juvenile court) guaranteed here?

The detective and I agreed “yes” to the former question, but only a “maybe” to the latter.

It was clearly not the strongest of cases (criminal, not beer). If at a future juvenile hearing a defense attorney compels me under cross-examination to admit that there is no evidence linking the two teenagers to the scene of the burglary itself, then there’s presently not much more I could add to my testimony to put them there.

The senior detective that night simply told me there’s nothing more we can do at this point in time. We planned to discuss it further the next day when we were both working again. Plus, I still had about two hours of patrol left on my shift. So, after all the evidence was submitted and I typed my incident and arrest report, I headed out back out to finish my night. I made some routine patrol rounds at various commercial businesses, making sure I didn’t miss any other burglaries, and eventually came back to HQ to log out and go home.

After I gassed my car, I collected all my belongings from the front seat and decided to do what I had been taught to do from my very first night on the job. That is, to open the rear door, pull up the back seat, and make sure there was no contraband, weapons, or other evidence of any kind there as, after all, I did have a prisoner back there earlier in the shift. I wouldn’t want the next officer using this car to later find anything back there. That’s never a good thing, no matter how innocuous the item may be. So, I undertook this action almost casually, as I was tired and

just wanted to get home and go to sleep. But, that comfort was to elude me for about another forty-five minutes or so, as I found something very interesting under the back seat of the car once I removed it from its normal position.

There, in plain view under the removable back bench seat, with my eyes aided by my trusty flashlight, (as it was still dark out), was an item of potential evidence which could change the legalistic direction of my little beer store burglary from just a few hours ago. At the furthest rear portion of the passenger section of the car, directly beneath where a person would generally be seated or, in this case, specifically where my prisoner HAD been seated, was a glistening metallic item. Upon closer look, it was seen to be a tool. To be precise, upon even closer examination, it was determined to be a pair of wire cutters. They were just the exact type which one would use to cut open a hole in a chain-link fence.

As I had checked under the same back seat before my shift started earlier in the night, I knew at the time the wire cutters were not there. That could only mean one thing. The teenage beer thief that I transported back to police HQ from the scene of their arrest had them hidden on his person and when he had the opportunity en route while in the darkened back of the police car, he secreted them out of wherever on his person he had hidden them, and placed them under the seat.

Damn! How did I miss this tool on him? It was not only an implement that was most likely used to cut the fence that surrounded the beer store, but it also could have been used as a weapon against me, handcuffed in the rear or not.

Wait a minute though! This wasn't the kid I had searched earlier that night while they were both being held prone on the street. I fully searched and frisked the one kid but then took him to another patrol car, the one closest to us. Another officer then put his arrested kid into the

back of my car, as it was closer to him. A bit unusual, I know, but it just worked out that way under the circumstances. The other officer is the one who missed the wire cutters, hidden somewhere on the kid I transported in my car. Maybe they were in his crotch, stuck into his socks, or wherever, but missed nonetheless. Very sloppy on the part of the other officer, I must say.

But, besides that, why didn't I check under the seat right before I brought him inside the police station. Then we could have used that evidence against him right there, in the interview room with his parents present, and most likely then he, of not both of them, would have confessed and admitted to his crime.

It would have to be handled differently now.

When I came back into work the following night, I met up with the detective again. I told him about the found wire cutters. He confirmed with me that I had, in fact, checked the back seat area BEFORE the start of my shift and I assured him that I did. He asked me if I had also collected the wire clippings that were beneath the hole in the fence. I told him I did and they were already logged into evidence. He then suggested that I send both the clippings and the wire cutters to the Bucks County Crime Lab and ask them to microscopically compare the cuttings with the sharp edges of the tool. He reminded me that what we lacked in any viable fingerprint evidence, we may now have in tool marking evidence. So, I wrote up the lab exam request form and submitted the evidence.

Within two weeks, the lab report came back to me. The tech there wrote that there was a positive match between the clippings and the wire cutters. One (the wire cutters) was used to

cause the other (the hole in the fence). I shared it with the detective and he told me, “You just made your case.”

Bottom-line here, the two teenagers were petitioned to juvenile court, our lab report turned over to their lawyers, and they ultimately pleaded guilty to the burglary of the beer store. They were put on probation, given some community service to do, and that is the last I heard of them. No doubt, the wire-cutters made the difference.

What I learned here very early in my career in this admittedly minor beer store burglary arrest of mine was threefold.

Firstly, check under the patrol car back seats before every shift and after every shift, to include anytime (safely) a prisoner is removed from the car.

Secondly, collect and preserve all evidence which may be associated to a crime, even something as seemingly minor as chain-link fence clippings. Once an item can be forensically connected to another item(s), as in the above case the wire cutters to the metallic clippings, the value of this evidence in court may make the difference between a conviction and an acquittal.

Thirdly, and without a doubt most importantly, even if another officer says he/she searched and frisked a prisoner/arrestee/subject you’re now going to transfer in your car, **YOU STILL RE-SEARCH AND RE-FRISK HIM AGAIN!** While finding evidence on the person would be nice, finding a weapon on him is the most critical aspect of this necessary action.

These are just a few of the lessons I would carry with me through the rest of my law enforcement career, to include into my FBI years, when they were reinforced even more so.

