



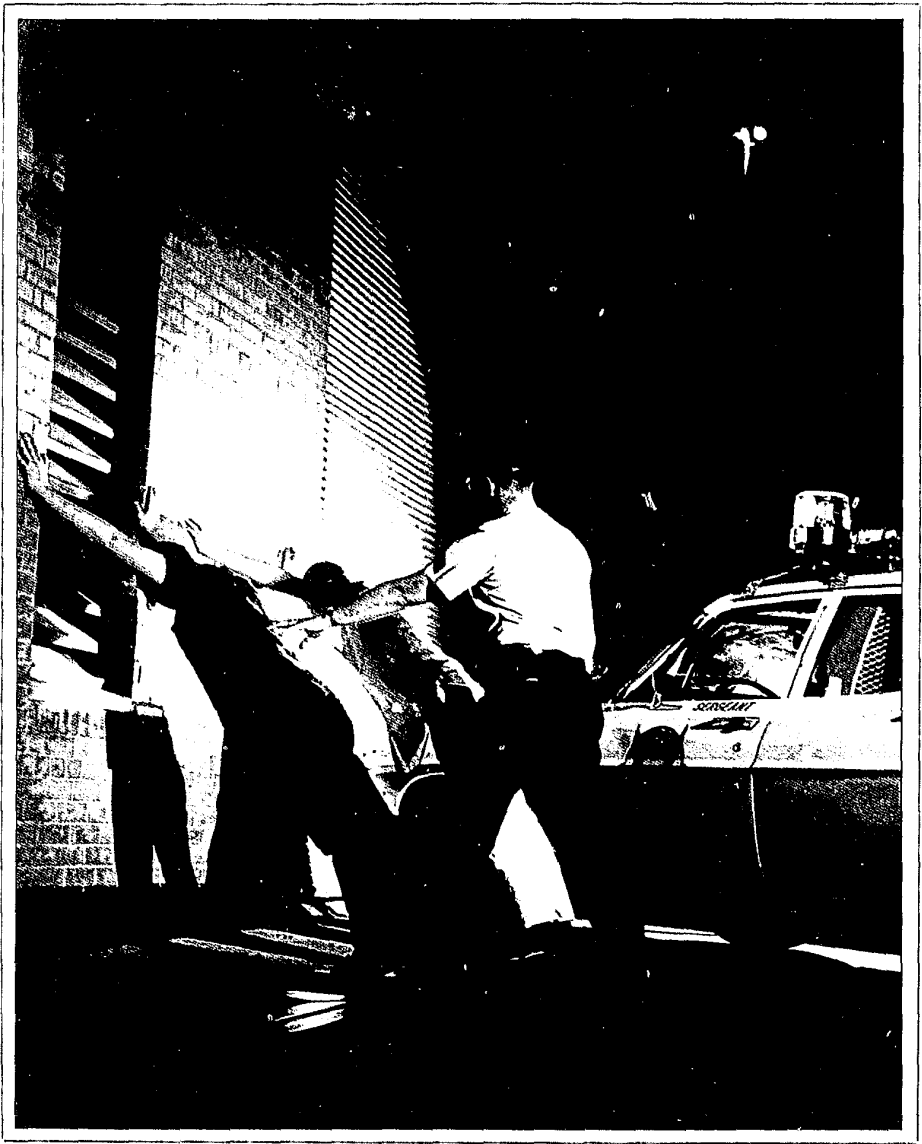
# FBI

November 1986

## Law Enforcement Bulletin

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FUGITIVE FOUNDATION



A Special Report

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#### The Cover:

With the Police Foundation vertical logo, the cover symbolizes the foundation "Crime File" video project.

# FBI

## Law Enforcement Bulletin

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

William H. Webster, Director

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# Urinalysis Drug Testing Programs for Law Enforcement

(Part II)

**"... a law enforcement department could choose to start its urinalysis drug testing program by requiring all applicants for the position of sworn officer to submit to a urinalysis drug test."**

Part I of this article began a discussion of the balancing test required to determine whether mandatory urinalysis drug testing was reasonable under fourth amendment standards. It noted that the right to privacy, protected by the fourth amendment, generally precludes warrantless searches unless the government has superior interests in conducting a search. In terms of drug testing of police, the right of privacy of an individual officer must be outweighed by a legitimate governmental interest(s), if it is to be legal. The right of privacy must be balanced against the need to protect public safety, preserve public trust and integrity, prevent corruption, present credible testimony, insure employee morale and safety, maintain productivity, and forestall civil liability.

However, in determining whether drug testing is legally permitted, those competing interests must be analyzed and weighed in the specific context in which drug testing would be used. This part of the article will examine the legality of a urinalysis drug testing program which might require testing at various events or occasions. The concluding part of the article will discuss the legal issues which must be addressed and resolved once drug testing is implemented and close with a proposed model analysis for law en-

forcement agencies and departments which choose to adopt a urinalysis drug testing program.

## **WHEN A URINALYSIS DRUG TEST MIGHT BE REQUIRED**

The fourth amendment's balancing test for reasonableness in the adoption of a urinalysis drug testing program requires a determination of whether the governmental interests in favor of urinalysis outweigh the privacy interests of the individual in the specific context of the situations which will trigger the demand for urinalysis drug testing. Law enforcement agencies may seek to implement drug testing in a variety of situations. They include:

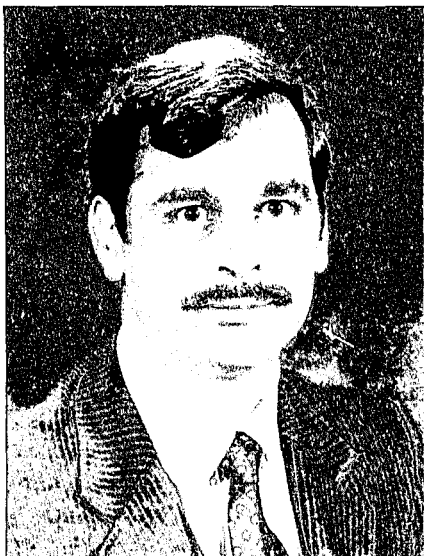
- 1) Application for employment,
- 2) training and probationary status,
- 3) scheduled medical examinations,
- 4) change of assignment, or
- 5) observable conduct or behavior.

In addition, an agency may believe it necessary to engage in drug testing on a completely random, unannounced basis as a safeguard against drug abuse and as a protection of its ability to accomplish its mandated responsibilities. Each of these situations will be analyzed to determine if urinalysis drug testing would lawfully be permitted as a reasonable search under the fourth amendment.

By  
**JEFFREY HIGGINBOTHAM**

*Special Agent  
FBI Academy  
Legal Counsel Division  
Federal Bureau of Investigation  
Quantico, VA*

*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.*



Special Agent Higginbotham

### Testing Applicants

The special role of law enforcement in our society confers enormous powers and responsibilities upon those persons who are chosen to serve as law enforcement officers and officials. The powers to make arrests and conduct searches are, perhaps, the most intrusive of all governmental activities into the private affairs of citizens. But with that enormous power must also come equal responsibility. Law enforcement must carefully select its officers, choosing only those persons who will exercise the powers granted to them with unfailing consistency to standards set forth by the Constitution and the laws of the States. It can be strongly argued that persons who are drug abusers fall outside the category of people to whom we should entrust those powers. For many of the reasons discussed earlier, e.g., public safety, public trust, preventing corruption, presentation of credible testimony, officer safety, and effective police work, drug abusers should be detected and disqualified from entering the field of law enforcement. Urinalysis drug testing of law enforcement applicants is one method of furthering the objective of necessarily selective hiring.

Such a position appears to be legally defensible. Required submission to a urinalysis drug test by a law enforcement applicant would find support in any of three legal theories. First, if urinalysis were made a condition of the employment application process, submission to the testing would become voluntary and consensual. It would force self-selection by causing drug abusers to forego employment application because they would know their

drug abuse would be detected. This would leave only those applicants who voluntarily agree to the testing procedures. Second, most law enforcement agencies require an applicant to submit to a complete medical examination before a final hiring decision is made. Providing a urine sample for routine medical testing and screening is a normal part of such physical examinations. Having provided that urine sample for medical purposes and examination, no privacy interest remains which would preclude analyzing the urine for the presence of illegal drugs as well. Third, it could easily be argued that the government's interests, outlined earlier, in removing candidates from the applicant process who are unqualified by reason of current or recent drug abuse is simply superior to the privacy interest of the individual, particularly where the test is relatively unobtrusive.

The few court cases where this issue has arisen have uniformly concluded that drug testing of law enforcement applicants through urinalysis is lawful. As the trial court in *City of Palm Bay v. Bauman*<sup>39</sup> noted:

"Certainly, municipal police and firefighters must expect to meet required minimum standards of physical condition in order to be hired and retained. Physical examinations conducted to insure that those standards are met are to be reasonably expected even though urine testing is a part of those examinations."<sup>40</sup>

Similarly, the U.S. District Court in Iowa noted that:

"The Fourth Amendment ... does not preclude taking a body fluid specimen as part of a preemployment physical examination..."<sup>41</sup>

Accordingly, it appears a law enforcement department could properly choose to start its urinalysis drug

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**"... a comprehensive urinalysis drug testing policy should provide for mandatory testing when warranted by certain actions, conduct, or behavior observed in a law enforcement officer."**

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testing program by requiring all applicants for the position of sworn officer to submit to a urinalysis drug test.<sup>42</sup>

#### **Testing Trainees and Probationary Officers**

The second situation when drug testing may be considered is during training and/or probationary periods. Though there is no reported case law directly on this issue, the same rationale which has generally supported drug testing of applicants could be advanced to support drug testing of law enforcement trainees and probationary officers. The training and probationary periods of a law enforcement career should be viewed as an extension of the application process. The goal in hiring new law enforcement officers is to select persons who are both qualified and able to perform the duties and responsibilities to which they will be assigned. The application process identifies those persons who are qualified to serve as law enforcement officers. The training and probationary periods identify those individuals who are capable of completely fulfilling those duties and who are deserving of retention as tenured, career officers. Drug testing of urine may be an appropriate way to accomplish that goal.

#### **Testing at Regularly Scheduled Physical Examinations**

A third part of a urinalysis drug testing program could lawfully require a law enforcement officer to submit to drug testing as part of a regularly scheduled physical examination. Drug testing of urine as part of regularly scheduled physical examinations can be viewed as an extension of the urine testing done for other medical purposes. Routine "(p)hysical examinations ... by medical personnel are

common occurrences. We are subjected to them in the armed services, before getting married, and as a requirement to gaining access to many schools and jobs. Sound medical counseling dictates that we voluntarily undergo periodic medical checkups."<sup>43</sup> And, as noted in *McDonnell v. Hunter*:<sup>44</sup>

"One does not reasonably expect to discharge urine under circumstances making it available to others to collect and analyze in order to discover the personal physiological secrets it holds, *except as part of a medical examination*."<sup>45</sup>

Of course, it can readily be seen that drug testing of urine as part of a routine medical examination may not be a particularly effective way of detecting and deterring drug abusers. Notice or knowledge of a regularly scheduled physical examination may allow a drug abuser to refrain from the abuse of drugs for a period of time prior to the examination sufficient to purge his/her system of drug residue, thereby avoiding detection. Nonetheless, drug testing as a part of a medical examination would be legally permissible.

#### **Testing at Change of Assignment**

A fourth instance in which urinalysis drug testing might be considered is in connection with a law enforcement officer's or official's change of assignment.

With regard to a change of assignment not involving a promotion, the critical factor in determining the legality of a mandatory urinalysis drug screen is probably the nature of the new assignment. If the reassignment cannot reasonably be expected to increase the risks or adverse consequences of drug abuse, drug testing based solely

on a change of assignment raises difficult legal issues. However, where the change of assignment requires an officer to become more closely associated with narcotics investigations or criminals associated with illegal drugs, a strong argument can be made that it is imperative the reassigned officer be determined to be free from the abuse and the inclination to abuse drugs, as well as the influence or association with persons known to be criminally involved with drugs. Although there are only a few decided cases supporting this type of drug testing,<sup>46</sup> a forceful legal argument can be made by a law enforcement agency which can articulate the specific need which requires newly reassigned narcotics or vice officers to be and remain drug-free.

A similar argument might be made for testing as a condition of promotion. To the extent that consent might not be viewed as sufficient authority to require drug testing of urine before receipt of a promotion, a law enforcement department could reasonably argue that concomitant with the prestige of promotion is the responsibility to be a model representative of the organization. Damage to public trust, poor policy and decisionmaking, and lower morale are the unfortunate byproducts of drug abuse at high levels of a law enforcement organization.

Accordingly, a department might argue that drug testing is needed to insure that only the most competent law enforcement officers receive positions of greater trust and responsibility, urinalysis drug testing is necessary. Again, there is no reported case law on this type of drug testing,<sup>47</sup> but it is believed a well-reasoned and articulated policy requiring drug testing as a condition of promotion could survive a legal challenge.

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## **"... the drug testing program should clearly state that it is applicable to every officer."**

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### **Testing Warranted by Actions, Conduct, or Behavior**

The discussions thus far of the situations of law enforcement officers which would justify the actual drug testings have focused on specific occasions, unaffected by performance or behavior. However, a comprehensive urinalysis drug testing policy should provide for mandatory testing when warranted by certain actions, conduct, or behavior observed in a law enforcement officer. The analysis of the legality of such behavior-oriented drug testing can be divided into two subcategories: 1) A serious incident of on-duty conduct and 2) observed behavior which has not caused any specific incident but provides some level of suspicion of drug abuse.

As noted at the outset of this article, in excess of 50 railroad accidents have been attributed to drug or alcohol impairment. Is there a parallel to law enforcement situations? May urinalysis drug testing be ordered in any instance in which a law enforcement officer was involved in a serious automobile accident, shooting incident, or similar mishap? One case, though not a law enforcement case, suggests that the answer is yes.

In *Division 241 Amalgamated Transit Union (AFL-CIO) v. Suscy*,<sup>49</sup> the Chicago Transit Authority required submission to a urinalysis drug screen for all employees involved in serious accidents. In upholding the legality of that "serious accident" policy, the court stated:

"... the Chicago Transit Authority has a paramount interest in protecting the public by insuring that bus and train operators are fit to perform their jobs. In view of this interest, members of plaintiff Union can have no reasonable expectation of privacy with regard to submitting to blood and urine tests.

"Certainly the public interest in the safety of mass transit riders outweighs any individual interest in refusing to disclose physical evidence of intoxication or drug abuse..."<sup>50</sup>

There is little, if any, difference between a court's concern for the safety of mass transit riders and the physical safety of persons in the community served by law enforcement officers. In both cases, drug abuse poses a real and measurable threat to the safety of those persons sufficient to warrant urinalysis drug testing following involvement in a serious accident or incident. If drug abuse by a law enforcement officer causes or contributes to a serious incident or accident, it must be detected to prevent its recurrence. Therefore, a department may wish to consider including a "serious incident" provision as part of a comprehensive drug testing program.

Situations may also arise where no serious accident or mishap has occurred, but a law enforcement officer exhibits certain behavior which is suspicious or indicative of drug abuse. When such behavior can be articulated and reaches the level of "reasonable suspicion," courts will permit a law enforcement agency to require participation in urinalysis drug testing. In three law enforcement cases decided to date, the courts have upheld the right of the law enforcement agency to engage in urinalysis drug testing based on reasonable suspicion.<sup>51</sup> In this context, reasonable suspicion requires that the testing must be predicated "only on the basis of ... objective facts and the reasonable inference drawn from those facts..."<sup>52</sup> Based on reasonable suspicion, urinalysis drug testing is lawful "(b)ecause of the clear

public interest ensuring that the police force operates free of narcotics..."<sup>53</sup>

Certain limitations on "reasonable suspicion" drug testing of urine, should be considered, however. For example, in *McDonnell v. Hunter*,<sup>54</sup> the court held that reasonable suspicion testing would be lawful only if: 1) The articulable facts constituting reasonable suspicion were reduced to writing and made a part of an official record, 2) the facts were disclosed to the employee at the time of testing, and 3) the decision to require submission to drug testing were made by a high-level law enforcement official within the department. These limitations were designed to minimize the chance for arbitrary or capricious selection of persons to be tested, and a department should be well-advised to consider these or similar safeguards.

### **Unannounced Random Testing**

The situations discussed thus far, under which a law enforcement agency might seek to engage in drug testing, have all been based on certain occasions, occurrences, or behavior. Yet, if the purpose of a urinalysis drug testing program is to both detect and deter drug abuse in law enforcement, testing only at application, during training or probation, at medical examinations, upon change of assignment, or as a result of some type of conduct may not be completely adequate. If an officer stays drug-free through application, training, probationary and medical examination periods; does not seek reassignment or promotion; does not become involved in any serious incidents; or does not exhibit behavior creating a reasonable suspicion of drug abuse, that officer's drug abuse could go undetected and largely undeterred. The solution to that possibility and probably the most effective

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method to deter and detect drug abuse is through unannounced random testing.

The legal problem posed by unannounced random testing is that it conceivable permits arbitrary "searches," which the courts have long disdained. In *Delaware v. Prouse*,<sup>55</sup> the Supreme Court ruled that stopping motorists for driver's license inspections, without any factual indication the person was improperly licensed, and without any standard or safeguard against an arbitrary exercise of discretion, is an unconstitutional practice. The analogy to unannounced drug testing is obvious.

Are drug testing policies which permit mandatory urinalysis not based on any specific event or factual basis constitutional? This is clearly the most controversial aspect of urinalysis drug testing. It evokes strong sentiments from officers who often view it as management's belief that they are guilty of illegal drug abuse until they prove themselves innocent through urinalysis drug testing. Predictably, unannounced random drug testing has spawned much litigation and poses some very difficult and close legal issues.

Three law enforcement agency cases have been decided where policies which included unannounced random testing were involved.<sup>56</sup> In all three cases, the courts have found the policies, as drafted, were unconstitutional. The court's difficulty with such testing was summarized by the trial court in *City of Palm Bay v. Bauman*:

"Without a scintilla of suspicion directed toward them, many dedicated firefighters and police officers are told, in effect, to submit to such testing and prove themselves innocent, or suffer disciplinary action.

When the immediate end sought is weighed against the private right affected, the proposed search and seizure is constitutionally unreasonable."<sup>57</sup>

Can unannounced random testing be legal? One cannot accurately predict whether future litigation will be more successful if a law enforcement agency desires to include unannounced random testing as part of its urinalysis drug testing program. However, there are certain features which, if included in the program, will at least increase the likelihood of success.

First, the drug testing program should clearly state that it is applicable to every officer. A court must be convinced that the drug testing program will either test all officers or subject all officers to an equal risk of drug testing. It is, in essence, a universal testing program designed to deter drug use generally and not aimed at any specific individual or group of officers.

The second feature essential to a legally defensible unannounced testing program requires the removal of the "unconstrained exercise of discretion"<sup>58</sup> from the selection process. It would do no good to adopt a universal testing policy only to have it undermined by arbitrary selection of persons to be tested. Truly random selection models can be done mathematically or be generated by computer. Regardless of the method chosen to randomly select officers to be tested, it must "not grant the Department carte blanche to order testing on a purely subjective basis."<sup>59</sup>

The third suggested feature, though not imperative, as a constraint on the universal testing-random selection drug testing program is a limit on the number of times that any individual officer can be selected for testing over

a given period of time. Though no court has directly required such a limit, mandatory submission to urinalysis drug testing, even randomly, several times within a short period of time increases the risk that a court could find the testing program to be overly intrusive or unfair.<sup>60</sup> The negative aspect of this feature is the loss of deterrent value. An officer who is tested the maximum number of times early in the given time period then knows he/she will not be tested again for a considerable period of time.

The fourth suggested feature for an unannounced random drug testing program is to establish the need. A department which has a known problem of drug abuse and can document the adverse impact it has brought upon the department can offer a strong argument that unannounced random drug testing is needed to halt existing drug abuse and deter further illegal drug use by its officers. But a department should not be required to allow drug abuse to plague its operations before it acts to prevent its adverse consequences. Even in the absence of a known or widespread problem of drug abuse, a law enforcement agency can make a strong argument that the deterrent benefits of a drug testing program in terms of integrity and public trust and effective law enforcement operations are sufficient to make the drug testing program legal. This would appear to be particularly true of agencies with unique missions and responsibilities, such as narcotics law enforcement or national security. Where drug abuse can be shown to be totally inimical to the specifically mandated or statutory responsibilities of an agency, unannounced random testing is an arguably appropriate agency response.

**"... a universal pool of potential officers subject to testing and selected by a purely random method ... could convince a court that such testing procedures for law enforcement are reasonable and lawful."**

There is only one case in which a universal testing-random selection model was upheld. In *Shoemaker v. Handel*,<sup>61</sup> the New Jersey State Racing Commission required that all jockeys participating in horse races would be tested for drug abuse through urinalysis based on a random selection. Each day, the names of all the jockeys racing were placed in an envelope. Three to five names of jockeys were drawn on a purely random basis and those jockeys were then required to provide a urine sample at the conclusion of the race day. In upholding that policy, the court stated:

"The fair characterization of those tests is that they were administered neutrally, with procedural safeguards substituting for the lack of any individualized suspicion ... Further, every jockey participating in racing on a given evening has an equal chance of being selected to give a urine sample under the name drawing system.

"There is considerable evidence that a testing approach which requires some element of individualized suspicion would actually *increase* the ability of a steward to act in an arbitrary and unreasonable manner..."<sup>62</sup>

The governmental interests in regulating the horse racing industry and the governmental interests in regulating law enforcement officers' conduct are certainly not identical, and therefore, *Shoemaker* cannot be read as absolute authority to conduct universal testing-random selection programs. However, it highlights the point made by the Supreme Court in *Delaware v. Prouse*,<sup>63</sup> that certain

searches and seizures may be reasonable even in the absence of individualized suspicion if "other safeguards ... assure that the individual's reasonable expectation of privacy is not subject to the discretion of the official in the field."<sup>64</sup> The safeguards discussed above, a universal pool of potential officers subject to testing, selection by a purely random method and protection against overly frequent urinalysis, coupled with a specialized need to combat drug abuse within a department, could convince a court that such testing procedures for law enforcement are reasonable and lawful.

(To be continued)

[FBI]

#### Footnotes

<sup>42</sup>The discussion in this article of fourth amendment reasonableness as it governs urinalysis drug testing is confined to drug testing for sworn personnel. This is not to suggest that civilian or support law enforcement employees could not or should not be similarly tested. However, the balancing test for reasonableness involves somewhat different factors for nonsworn personnel who, for example, do not generally carry weapons or testify in court. In addition, the paucity of case law, coupled with the many varied duties to which nonsworn personnel are assigned, makes even broad generalizations regarding the legality of such drug testing virtually impossible. The few court decisions regarding urinalysis drug testing outside the law enforcement arena highlight the point that the balancing test for fourth amendment legality is markedly different. See, e.g., *Jones v. McKenzie*, 628 F.Supp. 1500 (D.D.C. 1986) (urinalysis drug testing of school bus attendant permitted only on probable cause).

<sup>43</sup>*U.S. ex rel Guy v. McCauley*, 385 F.Supp. 193, 199 (E.D. Wisconsin 1974).

<sup>44</sup>*Supra* note 41. See also, *City of Palm Bay v. Bauman*, 475 So. 2d 1322, 1323 (Fla. App. 5th Dist. 1985) (dictum).

<sup>45</sup>612 F.Supp. at 1127 (emphasis added).

<sup>46</sup>There are no reported decisions on this point. However, Mr. Richard J. Koehler, Chief of Personnel, New York City Police Department, in his abstract, "Drug and Narcotic Screening of Police Personnel," October 1985, quotes an unreported decision of the Seventh Circuit Court of Appeals, *Harris v. Washington*, No. 84C 8812, which upheld such testing, as follows: "... drug screening appears to be part of the department's method for ensuring that officers who have been temporarily away from active service or who are about to undertake new duties are fit to perform their jobs." See also, *Caruso v. Ward*, N.Y. Sup. Ct., N.Y. Cty. No. 12632-86, July 1, 1986, where a trial court enjoined the New York City Police Department's policy requiring surprise testing of the 1,200 officers assigned to the Organized Crime Control Bureau,

whose duties include undercover narcotics enforcement, but sustained the use of drug testing as a prerequisite to assignment to that bureau.

<sup>47</sup>The language quoted from *Harris v. Washington* in note 46, *supra*, would also support promotion-based drug testing. But compare, *Application of Patchogue-Medford Congress of Teachers v. Board of Education of Patchogue-Medford Union Free School District*, reported in the January/February 1986, newsletter, "Of Substance," Legal Action Center of the City of New York, Inc., New York, NY. (Urine drug testing as requirement of promotion to tenured teaching position violates fourth amendment).

<sup>48</sup>See note 2.

<sup>49</sup>538 F.2d 1264 (7th Cir.), cert. denied, 429 U.S. 1029 (1976).

<sup>50</sup>*Id.* at 1267.

<sup>51</sup>*Turner v. Fraternal Order of Police*, 500 A.2d 1005 (D.C. App. 1985); *City of Palm Bay v. Bauman*, 475 So.2d 1322 (Fla. App. 5th Dist. 1985); *McDonell v. Hunter*, 612 F.Supp. 1122 (D. Iowa 1985).

<sup>52</sup>*McDonell v. Hunter*, *supra* note 51, at 1130.

<sup>53</sup>*Turner v. Fraternal Order of Police*, *supra* note 51, at 1009.

<sup>54</sup>*Supra* note 51. See also, *Division 241 Amalgamated Transit Union (AFL-CIO) v. Suscy*, 538 F.2d 1264, 1267 (7th Cir. 1976).

<sup>55</sup>440 U.S. 648 (1979).

<sup>56</sup>*City of Palm Bay v. Bauman*, 475 So. 2d 1322 (Fla. App. 5th Dist. 1983); *McDonell v. Hunter*, 612 F. Supp. 1122 (D. Iowa 1985); *Caruso v. Ward*, *supra* note 46.

<sup>57</sup>475 So. 2d at 1325. (Appellate court's quote of trial court's ruling.)

<sup>58</sup>*Delaware v. Prouse*, *supra* note 55 at 663.

<sup>59</sup>*Turner v. Fraternal Order of Police*, *supra* note 55, at 1008.

<sup>60</sup>For example, in *Shoemaker v. Handel*, 619 F. Supp. 1089 (D. New Jersey 1985), *aff'd* — F.2d — (3d Cir. 1986), the trial court noted that the drug testing program required that if a horse racing jockey were randomly selected for drug testing more than three times within 7 days, the selection was to be disregarded. That finding apparently contributed to the court's ultimate ruling that the testing procedures employed there were not unconstitutional.

<sup>61</sup>*Supra* note 60.

<sup>62</sup>*Id.* at 1103.

<sup>63</sup>*Supra* note 55.

<sup>64</sup>440 U.S. at 655.

<sup>65</sup>*Caruso v. Ward*, *supra* note 46, slip op. at 6.

<sup>66</sup>See *I.N.S. v. Delgado*, 104 S.Ct. 1758, 1763 (1984) ("[o]rdinarily, when people are at work their freedom to move about has been restricted, not by the actions of law enforcement officials, but by the workers' voluntary obligations to their employers").



# WANTED BY THE FBI

Any person having information which might assist in locating these fugitives is requested to notify immediately the Director of the Federal Bureau of Investigation, U.S. Department of Justice, Washington, DC 20535, or the Special Agent in Charge of the nearest FBI field office, the telephone number of which appears on the first page of most local directories.

Because of the time factor in printing the FBI Law Enforcement Bulletin, there is the possibility that these fugitives have already been apprehended. The nearest office of the FBI will have current information on these fugitives' status.



Photograph taken 1975

## Willie Joe Daniel,

also known as Joe Daniel, W.J. Daniel, William Joe Daniell, Joe Daniels, Willie Joe Daniels.

N; born 2-9-33, Kerens, TX (not supported by birth records); 5'9" to 5'10"; 180-191 lbs; med bld; blk hair; brn eyes; drk comp; occ-butcher, laborer, meat packer, mechanic, musician, packing room foreman; scars and marks: scar on forehead, surgical scar on inner right wrist, two hernia scars; removable lower left tooth; remarks: plays guitar and saxophone. Wanted by FBI for INTERSTATE FLIGHT-MURDER, ATTEMPTED MURDER.

NCIC Classification:

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Fingerprint Classification:

20 M 31 W O MO  
O 31 W I MO 17

I.O. 4889

Social Security

Number Used: 464-40-8165

FBI No. 583 718 B

## Caution

Daniel, a reported drug user, is being sought in connection with the shooting murders of two of his children and the attempted murder of two others. Consider Daniel armed and dangerous.



Right little fingerprint



Photographs taken 1977

## Bill Clara Killingsworth,

also known as Bill Killingsworth, Bill Clare Killingsworth, Billy Clair Killingsworth. W; born 10-18-34, San Perlita, TX; 5'9"; 155 lbs; med bld; brn hair; bl eyes; fair comp; occ-buyer, clerk, material investigator, production controller, storekeeper, superintendent of retirement home; scars and marks: scar on chin. Wanted by FBI for INTERSTATE FLIGHT-KIDNAPING, SEXUAL ASSAULT, ESCAPE.

NCIC Classification:

PO0914PO17161216DI16

Fingerprint Classification:

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M 18 U OOI 17 17 18

I.O. 4890

Social Security

Numbers Used: 490-32-8849; 490-32-8949

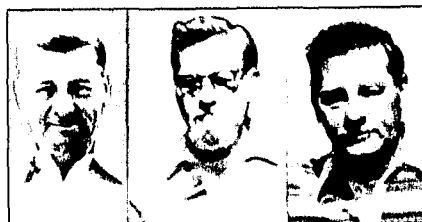
FBI No. 819 043 P5

## Caution

Killingsworth is being sought as an escapee from the New Mexico State Penitentiary where he was serving a life sentence for kidnaping and sexual assault. Killingsworth, a reported narcotics user, should be considered armed, dangerous, and an escape risk.



Right thumbprint



Photographs taken 1979

## Joseph Michael Florczak,

also known as Jim Domin, Joe M. Domin, Harvey Emerson, Raul Ozuna Gil, Raul O. Gill, C. Harker, J. Harker, David Lee Harris, Daniel Higdon, Joe Jimenez, Joe Jiminez, Reyes J. Jimenez, Reyes J. Jiminez, Henry Warren Johnson, Craig S. Ronson. W; born 4-7-26; New Britain, CT; 5'10"; 165 lbs; med bld; brn hair (known to wear beard and/or mustache); blue eyes; ruddy comp; remarks: prefers rural areas. Wanted by FBI for INTERSTATE FLIGHT-MURDER.

NCIC Classification:

AA71AA1903AAAA041607

Fingerprint Classification

21 1 aRa 3  
1 aA

I.O. 4901

Social Security

Number Used: 049-16-3947

FBI No. 651 259 L5

## Caution

Florczak is being sought in connection with the stabbing death of his ex-wife. He is also wanted by local authorities for armed robbery with a handgun. Consider Florczak armed and dangerous.



Left thumbprint

# WANTED BY THE FBI



Photographs taken 1979, Retouched



Photographs taken 1979



Photograph taken 1979

## Alphonse Carmine Persico,

also known as A. Persico, Alphonse Persico, Alphonso Persico, Alley Boy Persico, Alley Boy, Allie Boy Persico, Allie Boy, Al, Ally Boy.

W; born 12-6-29, Brooklyn, NY; 6'-6'2"; 215 lbs; hvy bld; blk-gray hair; brn eyes; olive comp; occ-carpet layer, legal clerk, president of carpet installation firm, security consultant;

scars and marks: burn scar on left cheek; tattoo: "AL" on right hand between thumb and forefinger; remarks: allegedly wears his hair short with a permanent and may be wearing full beard and mustache.

Wanted by FBI for EXTORTIONATE CREDIT TRANSACTIONS-BOND DEFAULT.

NCIC Classification:

166313CO05PI61141613

Fingerprint Classification:

16 M 13 R 000 5 Ref: 13  
1 1 R 000 2

I.O. 4875

Social Security

Number Used: 072-22-1415

FBI No. 263 729 A

## Caution

Persico, a convicted murderer and reputed underboss of an organized crime family in Brooklyn, NY, is being sought for failure to appear after being convicted on multicounts of an indictment charging violation of the extortionate credit transaction law. Persico has been known to carry a weapon in the past and should be considered armed and dangerous.



Right index fingerprint

## Donald Eugene Webb,

also known as A.D. Baker, Donald Eugene Perkins (True Name), Donald Eugene Pierce, Stanley J. Pierce, John S. Portas, Stanley John Portas, Donald E. Webb, Eugene Donald Webb, Stanley Webb, Wilfred Y. Reams, and others.

W; born 7-14-31, Oklahoma City, OK; 5'9", 165 lbs; med bld; gray-brn hair; brn eyes; med comp; occ-butcher, car salesman, jewelry salesman, real estate salesman, restaurant manager, vending machine repairman;

scars and marks: small scar on right cheek and right forearm; tattoos: "DON" on web of right hand, "ANN" on chest;

remarks: Webb, who is considered a career criminal and master of assumed identities, specializes in the burglary of jewelry stores. Reportedly allergic to penicillin, loves dogs, is a flashy dresser, and big tipper. He may be accompanied by Frank Joseph Lach, white male, born 11-23-40, Providence, RI, 6', 270 lbs, brn hair, brn eyes, whose apprehension is also being sought by the FBI. Wanted by FBI for INTERSTATE FLIGHT-MURDER; ATTEMPTED BURGLARY.

NCIC Classification:

080406130804TT020906

Fingerprint Classification:

8 S 1 U III 8 Ref: T T U  
S 1 T II T R R

I.O. 4873

Social Security

Number Used: 462-48-0452

FBI No. 4 513 086

## Caution

Webb is being sought in connection with the murder of a police chief who was shot twice at close range after being brutally beaten about the head and face with a blunt instrument. Consider Webb and Lach armed and extremely dangerous. Consider Webb an escape risk. FBI TOP TEN FUGITIVE



Left thumbprint

## Neville McBean,

also known as Mack Bean, Tom Bean, Frank Davis, Mack Davis, Cephas Alexander McBean, Cephus Alexander McBean, Nevelle McBean, Nevill McBean, Neville McBean.

N; born 1-4-30; Higgin Town, St. Ann, Jamaica (not supported by birth records); 6'0"-6'1"; 190-220 lbs; med bld; blk hair; brn eyes; drk comp; occ-farm laborer, house painter, scrap metal dealer, truck driver; scars and marks: scar left finger; knife scars on abdomen; gunshot wound scar right side of spine; pock marks on left side of face; remarks: speaks with British accent; illiterate.

Wanted by FBI for INTERSTATE FLIGHT-MURDER.

NCIC Classification:

PI1862CIP11716PMPOCI

Fingerprint Classification:

18 I 12 Ur Ref: 11  
L 22 U 22

I.O. 4904

Social Security

Numbers Used: 244-18-8835;

494-42-1188

FBI No. 193 336 D

## Caution

McBean is being sought for the murder of a female victim, whom he shot in the face with a .38-caliber handgun. McBean is known to possess dangerous weapons and should be considered armed, dangerous, and an escape risk.



Right middle fingerprint

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## Questionable Pattern

This pattern consists of two separate loop formations, with two separate and distinct sets of shoulders and two deltas, and is classified as a double loop whorl. The tracing is meeting. We have referenced this pattern to a loop of three ridge counts, inasmuch as the upper looping ridge is slightly pointed.



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### Change of Address

Not an order form

# FBI

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## ***The Bulletin Notes***

Patrolman Jeff Everetts, Brinkley, AR, Police Department, responded to a bus accident on July 14, 1986, and according to doctors, saved the lives of at least three injured victims by applying tourniquets and rendering others first aid. The Bulletin is very pleased to join Patrolman Everetts' chief in recognizing this public service.



*Patrolman Everetts*