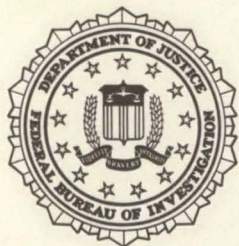


APRIL 1973



# FBI

## LAW ENFORCEMENT BULLETIN

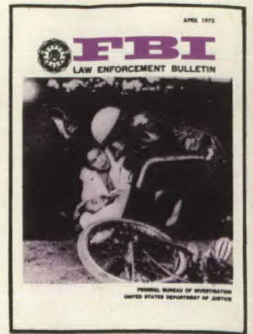


FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE



APRIL 1973

VOL. 42 NO. 4



THE COVER — Albuquerque, N. Mex., police officer helps comfort young cyclist involved in road accident. (Photo courtesy of Norm Bergsma, Staff Photographer, Albuquerque Tribune.)

# FBI

LAW ENFORCEMENT BULLETIN

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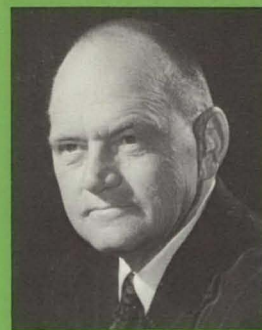
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# MESSAGE FROM THE ACTING DIRECTOR . . .

. . . To All Law Enforcement Officials



ORGANIZED CRIME BOSSES HAVE LOST no opportunity to foster an aura of respectability for themselves among the public at large. They have invested in legitimate enterprises, donated to charitable causes, established their residences in affluent neighborhoods, cultivated the appearance of civic responsibility, and sought dignifying and influential associates.

These efforts have paid off. Regrettably, some organized crime figures have built images as "pillars of the community." For example, one of the participants in the notorious 1957 convention of underworld leaders at Apalachin, N.Y., had been named "Man of the Year" by a local civic group just the year before.

A new opportunity to gain respectability has recently been presented to organized crime. It is the growing usage of the deceptive phrase "victimless crimes." Racketeers can be expected to popularize this phrase in an attempt to lull the public into ignoring the insidious dangers of their operations.

Based on the assumption that the customers in many underworld vice operations—such as gambling and narcotics—are often willing participants, the description of these offenses as "victimless crimes" is an illusion and doubly

misleading. It leaves the impressions that no one is hurt by these activities and that the offenses are not crimes at all but merely social transgressions. Such notions overlook a number of important factors.

To begin with, hoodlums operating gambling and narcotic rings commonly protect their monopolies by barbaric acts of violence against their opponents, as well as their customers. The characteristic ruthlessness of gangland slayings stems from the competition created to control multi-million-dollar profits produced by vice activities. Even if these offenses were no longer considered illegal, the competition for the wealth they produce would remain. And, it is unlikely that organized crime would ever reveal the extent of its profits for public and governmental review.

Secondly, organized racketeering saps the financial resources of the Nation to deal with social problems by concealing vast sums of money from taxation. It also drains the family budgets of many least able to afford anything beyond the necessities of life.

Thirdly, such offenses generate other crimes. Frequently, robberies, burglaries, and murders are committed by those desperately seeking to support their gambling and narcotics habits.

## MESSAGE

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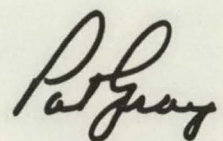
Finally, organized crime vice operations create silent victims who live with the dual fear that cooperation with law enforcement will stop the services and supplies they crave as well as mark them for retaliation from the underworld.

Potential witnesses missing from their ransacked homes, the discovery of the brutalized bodies of suspected police informants, and raging gang wars which terrorize whole communities, are all too common products of organized gang-

sters engaged in "victimless crimes." The struggle against lawlessness is not served by disguising the true nature of organized crime activities behind inoffensive language. Crime in any form must be described for what it is: demeaning and costly to society.

Organized crime is most assuredly not "victimless." Once the public understands that there is no such thing as a crime in which no one gets hurt, its support of law enforcement efforts will be all the more effective.

APRIL 1, 1973

A handwritten signature in cursive script, reading "Pat Gray".

L. PATRICK GRAY, III  
*Acting Director*



# Paint Examination Techniques Utilized in FBI Laboratory

*"Examination," as used in the title of this article, is intended to convey a broader meaning than "analysis," "comparison," or "testing" in the handling of paint specimens in the FBI Laboratory. The techniques and methods of many branches of science are adapted and modified in the FBI Laboratory examinations of evidence to best serve the needs of law enforcement.*

In a Florida city, two sisters who were riding their bicycles became the victims of a hit-and-run driver. One sister died; the surviving sister could furnish only limited information regarding the accident.

FBI Laboratory examination of damaged portions of the two victims' bicycles disclosed that the vehicle involved was a 1969 automobile painted with a yellow acrylic paint. Concurrent investigation by the local police department located a yellow 1969

automobile which bore damage on the front. Subsequent Laboratory examinations revealed that the paint found on the victims' bicycles matched paint from the 1969 automobile. In addition, pieces of glass located at the accident scene were identified as having been part of a broken mirror located inside the automobile.

Although the only witness was the surviving sister, the involvement of this vehicle was clearly shown, and sequent prosecution was successful.

In innumerable cases, paint evidence, properly examined and evaluated, has proved invaluable as circumstantial evidence to show the presence of a suspect car at a hit-and-run accident scene, to link a burglary suspect to a crime scene, or to strengthen and substantiate other types of evidence in a variety of cases.

Significant paint evidence may be found during the course of many types of investigations. Even if present as a minute chip on the cloth-



*"The examination and comparison of paint evidence require many techniques and methods, and the results of the examinations are often very valuable both during the investigation and as evidence if a trial results."*

ing or tools of a suspect, a single paint chip or smear may have sufficient individual and distinct characteristics for significant examination or comparison.

### **Paint Components**

Paint is a liquid which, after application by brushing, spraying, or dipping, hardens by evaporation of solvents, by oxidation, by polymerization, or by a combination of these to form a protective and decorative coating. Paint usually has the following components:

1. *Vehicles.* This term includes drying oils, resins, polymers, or plastics which form the film that binds the pigments together and adheres to the surface. A paint chip is the hardened film or, if more than one coat has been applied, layers of films.

2. *Pigments and Coloring Matter.* Paint is colored with pigments and/or dyes. These may combine with or be dissolved in the vehicle. Pigments are finely ground solid particles that impart the desired color, hiding power, and consistency to the paint. Pigments may include extenders which increase the bulk of the paint or improve its brushing qualities.

3. *Driers.* These are necessary in all paints containing drying oils. They are usually metal-organic compounds containing cobalt, lead, or manganese. The presence of these compounds

usually indicates that a drying oil was used in the paint, and the presence of particular drier metals may be a distinguishing characteristic of a particular dried paint film.

4. *Solvents and Thinners.* These are used to adjust paint consistency so that it can be conveniently applied as a liquid. They evaporate and are not present in dried paint.

Examination of paint in the Laboratory consists generally of determinations and comparisons of individual characteristics such as color, type, texture, layer structure, and composition. Occasionally, the shape of a paint chip is important. The purpose of the examination is, most often, to compare chips or smears of paint from an unknown source with a paint specimen from a known source. The purpose, however, may be to determine the make and model of the car from which paint chips or smears originated, to determine whether the paint is of a type used on metal objects, safes, etc., or to determine whether it can be associated with some particular occupation.

### **Microscopic Examinations**

An examination of paint specimens for comparison begins with general observations using the aid of the microscope to determine color, texture, layer structure, and any unique characteristics which may serve as points of similarity or dissimilarity.

If the specimen of known origin was taken from an area adjacent to the area from which the specimen of unknown origin came, the microscope may enable the examiner to fit some chips from each specimen together like a jigsaw puzzle, leaving no doubt

as to their having come from the same surface coating.

Illustrative of this is the case of a pedestrian in a Virginia city who, while walking along a city street, was struck and killed by a hit-and-run driver. The victim's clothing, paint particles found at the scene, and a fender from a suspect vehicle were brought to the FBI Laboratory. The Laboratory examiner was able to locate the exact place on the fender where some of the paint particles found at the scene originated. These particles could be fitted into the painted portion of the fender. The examiner subsequently testified to his findings in court.

Examinations for color and texture are made with the aid of the microscope. To observe color better when making color comparisons, the specimens are submerged in mineral oil and examined through the microscope. One chip may be placed to overlap the other so that differences in color shades, if any, will be apparent. The light used is varied in intensity as comparisons are made, and the chips may be turned to observe reflection effects. Such direct color comparisons, especially on very small specimens, depend on the skill and experience of the Laboratory examiner. Determination of the texture of paint also requires experience and judgment on the part of the examiner. Texture, a general term, includes characteristics such as glossiness, granularity, hardness, wrinkling, cracking, blistering, and chalking.

In most instances, paint chips examined in the Laboratory consist of two or more layers of paint. The different layers are usually not discernible except through a microscope. The

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*"... paint evidence, properly examined and evaluated, has proved invaluable as circumstantial evidence. . . ."*

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examiner observes and records the layer structure. The thickness, position, and texture of each layer are noted. Often, subsurface layers are exposed by scraping or by the use of solvents so that characteristics of certain layers may be better observed.

In a recent case, eight-layered particles were recovered from the victim vehicle involved in a hit-and-run accident. These particles matched the eight-layered paint particles removed from a suspect vehicle. The pertinence of the Laboratory examiner's testimony regarding these findings is obvious.

In addition to the observations set out above, various tests and analyses must be made on paint chips or on the individual layers of such chips to determine the type of vehicle used and the type of dye or pigment used as a coloring agent.

Since paint specimens submitted to the FBI Laboratory are usually in the form of small chips or smears, established spot tests and identification reactions are carried out under a microscope. For example, lacquers can be distinguished readily from enamels even on specimens as small as the period at the end of this sentence. A single drop of a certain solvent may reveal the presence of dye.

In many instances, the purpose of an examination is to determine the make and model of a car involved in a hit-and-run accident. The examiner may have to work with only a few chips of paint from the clothing of the victim. In these cases, the examiner makes use of the National Automotive Paint File which is maintained in the FBI Laboratory. This file is a collection of panels furnished by auto-

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*“. . . lacquers can be distinguished readily from enamels even on specimens as small as the period at the end of this sentence.”*

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By reference to the panels in the National Automotive Paint File, the Laboratory examiner can often associate a paint chip with a particular make car.

mobile manufacturers. The finish on each panel corresponds to the finish originally used on one or more makes and/or models. By reference to the panels, the examiner can often furnish the investigative lead needed to solve a hit-and-run case. The following illustration will show the effective use which was made of such a lead by a police department in Ohio:

A 10-year-old child was struck and killed by a hit-and-run driver. FBI Laboratory examination of the victim's clothing revealed that the hit-and-run vehicle was one of three makes of 1965 automobiles painted with a gold metallic acrylic paint. Subsequent investigation developed a suspect, who surprisingly lived around the corner from the victim's home. This neighbor drove one of the three makes of 1965 automobiles with a gold metallic acrylic finish and had recently replaced the hood of his car. The original hood was located and delivered to the FBI Laboratory, where examinations revealed that

paint chips from the victim's clothing matched the paint found on the hood. Fibers also found on the hood matched the fibers from the child's jacket. The Laboratory examiners testified to these findings during the suspect's trial, and he was found guilty.

### ***Instrumental Analyses***

1. *Visible and Ultraviolet Spectrophotometry.* The spectrophotometer is an instrument used to determine color and to make color comparisons. Many paints contain an organic dye as a coloring agent in addition to, or instead of, a pigment. These dyes may be removed from the paint with solvent to facilitate a study of the color by use of the spectrophotometer. The amount of absorption at each wavelength is recorded on a graph. This graph also serves as a permanent record. By comparison with the graphs of dyes of known chemical formulation, the particular dye in a paint can often be determined. By comparison



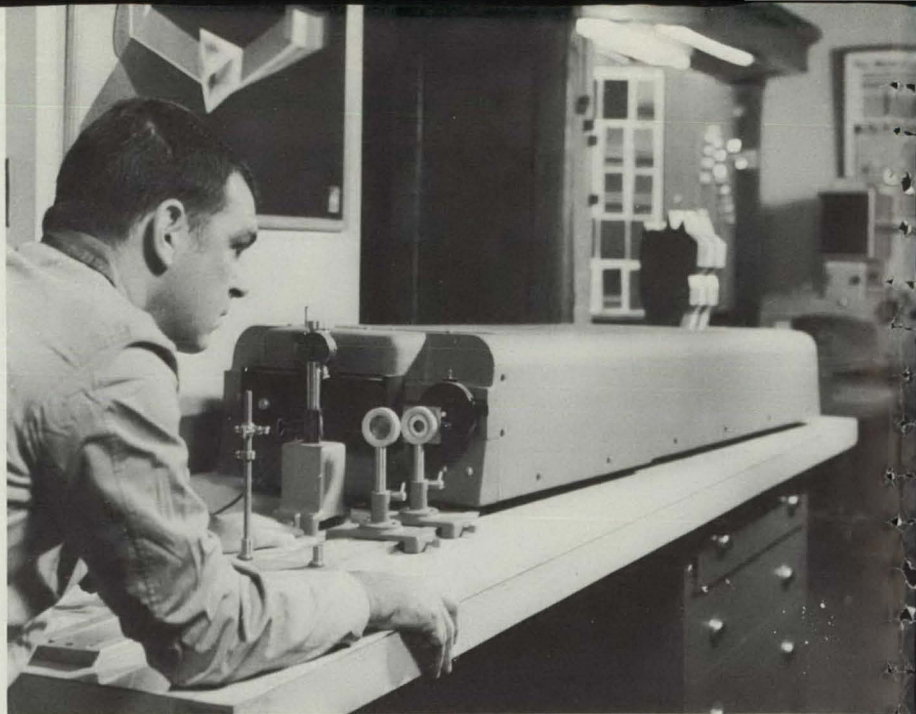
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*"By comparison with the graphs of dyes of known chemical formulation, the particular dye in a paint can often be determined."*

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of the graphs of the dyes from known and unknown sources, similarities or dissimilarities of dye content are readily recognized.

2. *Emission Spectrography.* The spectrograph is used in the FBI Laboratory to analyze many materials for elemental composition. Paint is among these materials. One advantage of this instrument is that a very small specimen is sufficient and even trace amounts of elements will be detected. Thus, mineral or metallic components of paint originally introduced as driers, pigments, or extenders can be determined and compared, and trace impurities, which may be the only distinguishing characteristic of a specimen, may be determined. Another advantage is that the spectrum resulting from burning a small particle between carbon electrodes is recorded



Trace impurities and drier metals in paint specimens may be identified by use of the spectrograph.

on a photographic plate. The photographic plate becomes a permanent record.

Emission spectrography also supplies valuable information to be used in conjunction with other types of

analyses. For example, the emission spectrograph will show the major ingredients which will be reflected in the X-ray diffraction studies. Any such information is, of course, a great advantage and gives intelligible data when studying complex mixtures. If, for example, no barium is found in a paint sample, no barium compounds are considered when studying a complex mixture by X-ray diffraction.

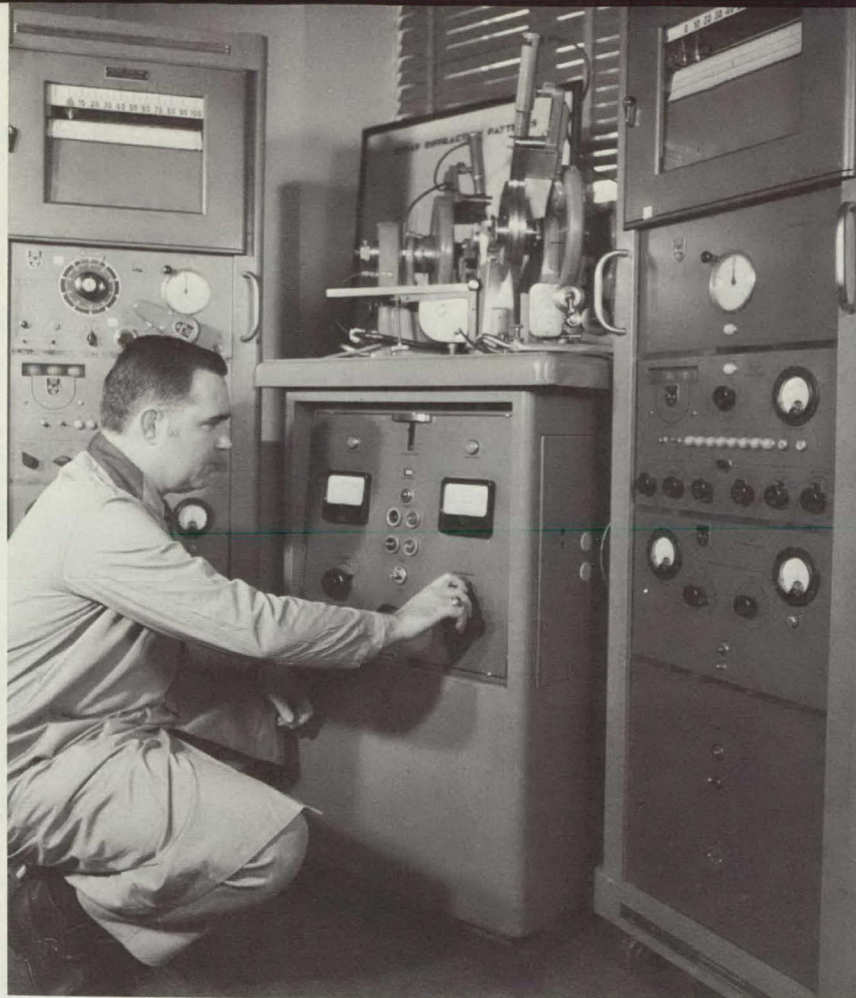
3. *X-ray Diffraction Spectrometry.* The uses of X-rays are varied and essential to work performed in a forensic laboratory. In regard to paint examinations, X-rays are most helpful in the identification of crystalline compounds by X-ray diffraction. Each crystalline compound has its own pattern of X-ray diffraction. By a study of the patterns produced when X-rays are diffracted, titanium dioxide, barium sulfate, talc, and other pigments and extenders can be positively identified. This instrument produces a chart which becomes a permanent record.

In a recent examination, the FBI Laboratory was called upon to ana-

The spectrophotometer, used to identify and compare dyes, measures color and makes a graph.





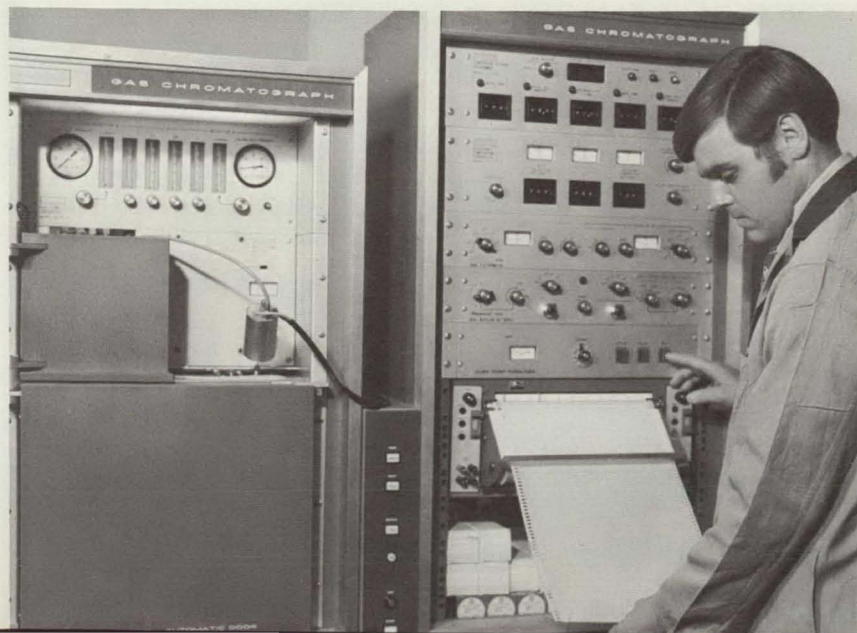


Pigments and extenders in paint may be identified by a study of X-ray diffraction patterns produced by the X-ray diffractometer.

lyze the white pigment in a Renoir painting suspected of not being an original. A very small particle of white paint was carefully and cleanly removed under the microscope, and an X-ray diffraction examination of this small particle was performed. This examination revealed that the white paint was pigmented essentially with titanium dioxide and contained a very small amount of barium sulphate. These findings were reported as being very significant by the art experts. These experts indicated that Renoir used white lead base pigments and that he died before titanium dioxide was used as a paint pigment. A subsequent emission spectrographic examination of the same sample of the white paint confirmed that titanium and barium were the major elements present and further that no lead was present.

4. *Gas Chromatography.* Today's paints contain an almost endless variety of resins, plastics, drying oils, etc., that constitute the vehicle or film binding the pigments together. These are organic materials with complex formulas and varied properties. Paint vehicles may be a mixture of resins, oils, and other materials. The identification of such components is difficult in any dried paint film, and it becomes particularly difficult if the specimen to be examined is limited in amount.

The organic vehicle of a microscopic-size paint particle may be identified and compared by use of the gas chromatograph.



The technique of gas chromatography is especially suitable for the vehicle determination in extremely small dry paint samples. Although no attempts are made to describe the size of the paint chip necessary for analysis, experience has shown that the particle can be analyzed if it can be seen by the naked eye. The FBI Laboratory utilizes a pyrolysis procedure wherein the gases evolved by pyrolyzing the small paint particle are detected and recorded. These gases are a result of the vehicle components. Comparison with known samples pro-



*"The infrared recording spectrophotometer is a most valuable tool for the identification and comparison of paint vehicles."*

vides a method of identifying the vehicle components responsible for the gases formed.

5. *Infrared Spectrophotometry.* Often the known sample of paint submitted for comparison with a questioned smear is adequate for infrared spectrophotometric examinations.

The infrared recording spectrophotometer is a most valuable tool for the identification and comparison of paint vehicles. This instrument passes a narrow beam of infrared energy through a thin film of the substance to be studied. As the wavelengths change, the amount of energy transmitted by the specimen is measured and recorded on a chart. The chart is a "fingerprint" of the organic material being subjected to the study. Again, the chart becomes a permanent record, and the charts obtained from studies of specimens of unknown origin can be compared easily with charts obtained from studies of specimens of known origin.

#### ***Preservation and Shipment of Paint Specimens***

Paint specimens, to be of maximum value, must be carefully obtained and properly packed for shipment to the Laboratory. Paint chips or smears transferred from a car to the clothing of a hit-and-run victim, from an object or building to a tool, or from one car to another are usually small. It is essential that as much as possible of the transferred paint be sent to the Laboratory. If the paint is transferred by impact or pressure to a tool, a removable part of a car, or other object, the item containing the paint smear or particles should be



Using the infrared spectrophotometer, an examiner may identify and compare the organic components in paint.

sent to the Laboratory. Removal of a smear or chip in the field may destroy the layer structure or contaminate the specimen, and the smear or chip may be lost in removal, packing, or shipment. It is a better practice to protect the smear or chip with cellophane, paper, or some other material and send the item itself to the Laboratory. Neither transparent tape nor gummed tape should be placed directly over the smear or chip for the reasons mentioned below.

If the article cannot be sent to the Laboratory, the smears or paint chips should be removed carefully and placed in a leakproof container. The container should be labeled, initialed, and dated for identification.

Accompanying photographs illustrate both satisfactory and unsatisfactory types of containers for small paint specimens.

#### ***Unsatisfactory Containers***

The container labeled "A" is an index card. A paint specimen has

been scraped from a surface onto the card, collected in the center, and secured with transparent tape. This type of container is not satisfactory. Paint samples sent in this manner usually arrive intact, but the small particles are found to be securely stuck to the tape. It is often impossible to remove them from the tape so that they can be examined properly. Container "B" is a capsule box, and container "C" is an envelope. These two types of containers are not recommended for paint chips because it is most difficult to prevent the chips from leaking from the container. It is true that the investigating officer may realize this and seal corners and edges with transparent tape. This leads to the same objection as above. The paint chips stick to the adhesive on the tape, and an adequate analysis may become difficult or impossible.

#### ***Satisfactory Containers***

Containers labeled "D" and "E" have been found to be satisfactory for



the shipment of small fragments of evidence such as paint particles. "D" is a circular pillbox, the cover of which fits snugly over the base. The chips will not leak from this type of container during shipment. "E" is a glass vial with a screw-on composition cap. Since the cap of this container securely seals the vial, the possibility of leakage is minimized. Glass vials should be packed properly to insure they are not broken in transit.

The containers illustrated do not include all types of containers. Any clean container which can be sealed in such a manner that paint chips will not leak out and from which the chips can be easily removed is satisfactory.

It might be added that paint chips are sometimes submitted in containers filled with cotton. This method of packing paint chips is not satisfactory because of the difficulties encountered in separating the minute chips from the cotton.

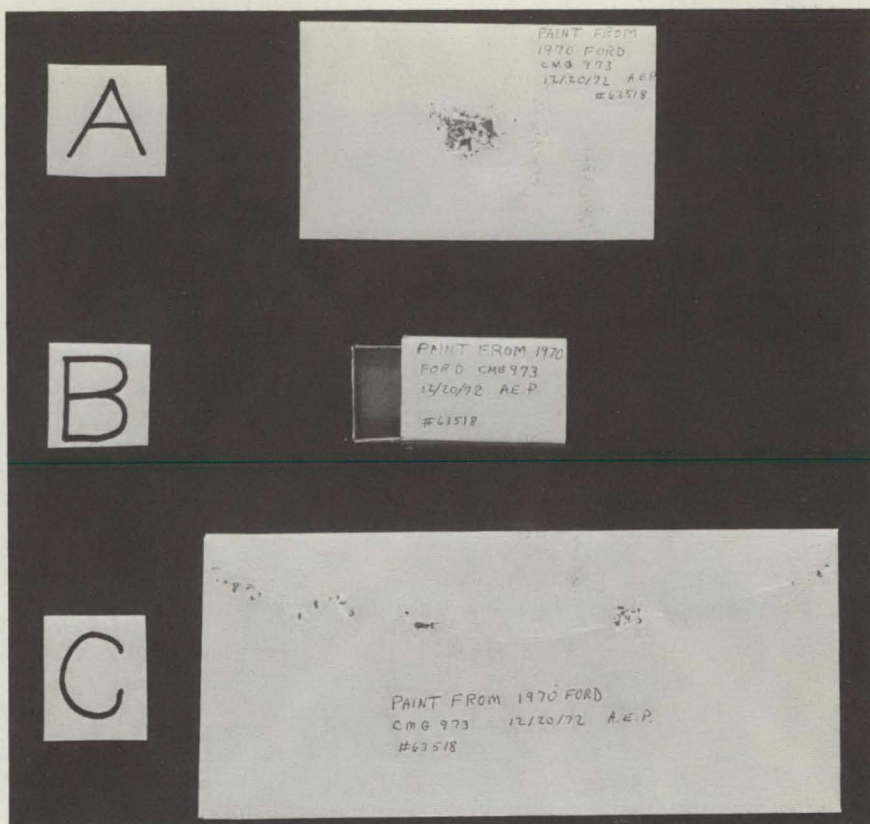
Wet paint samples necessarily must be handled by the investigator in a different manner from dried samples. Small cans which can be sealed easily or glass vials such as container "E" in the illustration have been found satisfactory for the shipment of wet paint samples to the Laboratory.

### Obtaining Known Specimens

Specimens of known paint must often be obtained for comparison purposes. If, for example, safe paint is smeared on the painted surface of an automobile, paint specimens representing the paint on the automobile should also be obtained. Furthermore, if a suspect suggests a source of the paint to substantiate an alibi, paint should be obtained from this source for elimination purposes.

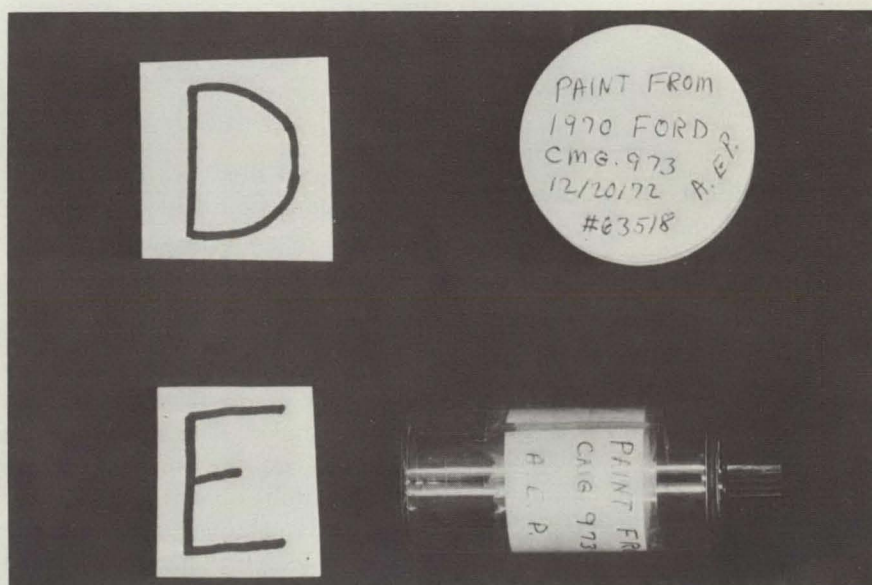
In obtaining known paint specimens, the investigator should attempt to get adequate and representative specimens. Let us suppose that a safe

(Continued on page 26)



Paint chips should not be sent to the Laboratory on a card (A), in a capsule box (B), or in an envelope (C).

Pillboxes with tight covers (D) and containers with screw caps (E) are satisfactory for the shipment of paint chips.





*"Miranda requirements are not applied to interrogations conducted by foreign officers outside the United States, and confessions secured without the necessary warnings and waiver may be admissible in American courts."*

*The  
Legal*



*Digest*

# *Interrogation by Foreign Officers: An Embargo on Miranda*

By

DONALD J. McLAUGHLIN

Special Agent,  
Federal Bureau of Investigation,  
Washington, D.C.

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

The initial shock waves caused by the Supreme Court's decision in *Miranda v. Arizona*<sup>1</sup> have abated. Law enforcement officers are so accustomed to procedures required by the decision that many no longer carry laminated cards containing necessary instructions. And yet some *Miranda* problems linger. The purpose of this article is to explore one narrow aspect of *Miranda's* application, whether confessions obtained by foreign officers through interrogation on foreign soil are admissible in American

courts without adherence to police procedures required by *Miranda*.

## ***I. Background***

The *Miranda* decision followed a period of many years during which the Supreme Court searched unsuccessfully for a general objective standard of confession admissibility.<sup>2</sup> In the Federal system, the Court in an early case held that the fifth amendment privilege against self-incrimination was the controlling principle governing the admissibility of extra-



*"In 1936, the Supreme Court made a radical departure from . . . [tradition] . . . and held that limitations on the admissibility of confessions derived from a constitutional source."*

judicial confessions in Federal courts.<sup>3</sup> Moreover, the Court made plain that it could and would exercise its supervisory powers over lower Federal courts.<sup>4</sup> In State proceedings prior to 1936, confessions were tested against a standard of reliability. The concern of the courts was directed to the trustworthiness of a confession. Accordingly, where a confession was obtained by threat or promise of reward or improper inducement it was deemed unreliable for use in a criminal trial.<sup>5</sup> In 1936, the Supreme Court made a radical departure from this traditional approach and held that limitations on the admissibility of confessions derived from a constitutional source. In *Brown v. Mississippi*,<sup>6</sup> the Court adopted what came to be known as the "voluntariness" test, that is, whether under all the circumstances the confession could be found the result of a free and unconstrained choice of the defendant. What is more, the Court held that "voluntariness" is a requirement of due process of law, protected against State infringement by the fourteenth amendment,<sup>7</sup> and thereafter control over admissibility of confessions in State courts was exercised within the framework of that constitutional imperative. Thus was the "due process-voluntariness" test born. The test necessitated a case-by-case approach by the Supreme Court in reviewing State decisions, and needless to say, application proved exceedingly difficult.

In 1964, the Court took another significant step which affected its later decisions in State confession cases. It decided in *Malloy v. Hogan*<sup>8</sup> that the guarantee of the fifth amendment right against compulsory self-incrimination is embodied in the due process

clause of the fourteenth amendment and is applicable to State proceedings. The Court thereby asserted its authority to control State law enforcement officers in the interrogation process by Federal constitutional standards.

## **II. *Miranda v. Arizona***

Having established its authority over State proceedings by extension of Federal constitutional standards, the Court immediately began to fashion interrogation guidelines which reached into the station house itself. The first effort was made in *Escobedo v. Illinois*.<sup>9</sup> Although *Escobedo* was grounded on the right to counsel guaranteed by the sixth amendment,<sup>10</sup> previously made applicable to the States through the fourteenth amendment, the decision made clear that the Court meant to impose specific restrictions on State officers in conducting custodial interrogation. This first step in *Escobedo* caused considerable uncertainty among courts as well as police, and within 2 years, the Court found it necessary to clarify its meaning and application.<sup>11</sup> In 1966, the Court announced that the fifth amendment right against self-incrimination requires that officers, both State and Federal, provide a subject in custody certain procedural safeguards to protect this interest. It held that a person in custody or otherwise deprived of his freedom in a significant way and who is to be interrogated must be warned that he may remain

silent, that anything said by him may be used against him in court, that he has the right to counsel before and during questioning, and that he has the right to appointed counsel if indigent. The defendant is free to waive these rights, but absent an effective waiver, no confession thereafter obtained is admissible.<sup>12</sup> The Court thus sought to protect the fifth amendment right against self-incrimination in the interrogation process by means of the guarantee of counsel provided for in the sixth amendment.<sup>13</sup>

## **III. *Interrogation by Foreign Officers***

*Miranda* is clearly aimed at controlling the conduct of Federal and State officers in the interrogation process. But suppose the questioning is conducted by law enforcement officers of and in a different country. And further assume that such interrogation elicits a confession or incriminating statement which later proves highly relevant in a criminal proceeding within the United States, either in Federal or State courts. If the foreign officers have not afforded the defendant the *Miranda* warnings or a substantial equivalent, will the confession be rendered thereby inadmissible? Or stated differently, do the protections provided under the fifth and sixth amendments have extraterritorial effect where the questioning is conducted by officers of a foreign jurisdiction? The question has been

*"The Court thus sought to protect the fifth amendment right against self-incrimination in the interrogation process by means of the guarantee of counsel provided for in the sixth amendment."*



decided by both State and Federal appellate courts.

### A. State Cases

One of the first post-*Miranda* foreign interrogation cases came before the Supreme Court of Massachusetts in 1969. In *Commonwealth v. Wallace*,<sup>14</sup> the defendant was arrested by local police in Montreal, Canada, and taken to a police station, where he was advised by a Montreal officer that he did not have to say anything, and that anything he said could be used against him. He was not informed that he had a right to counsel, and in fact was denied the opportunity to call an attorney. He was questioned concerning a jewelry store theft in Greenfield, Mass., and made incriminating admissions. The following day a Greenfield police officer and a Massachusetts State Police detective went to Canada and interrogated the defendant without having first advised him of all the warnings required by *Miranda*. They likewise obtained incriminating statements.

Prior to defendant's subsequent trial in Massachusetts, he moved to suppress statements made to both Canadian and American police. The trial court excluded the evidence obtained through questioning by the American officers on grounds that the *Miranda* requirements were violated. But testimony by a Montreal officer was admitted, and the defendant was convicted. On appeal, he contended that the statements made to Canadian police should have been suppressed for their failure to comply fully with *Miranda*.

In affirming the conviction, the court held that one of the major pur-

poses of *Miranda* warnings is to set guidelines to control domestic police, and extension of the rule to foreign officers will not affect their conduct. It further declared that "... statements voluntarily made to foreign police, like such statements made to private citizens in this country are admissible even if *Miranda* warnings [are] not given."<sup>15</sup> The court admitted the obvious. An American court cannot effectively control police interrogation practices in a foreign jurisdiction, and *Miranda* is not so intended.<sup>16</sup> At the same time, the decision recognized that an American court is not without power to regulate the admissibility of confessions in cases before it. Even though *Miranda* standards are inapplicable to foreign officers, confessions determined "not voluntary" can nevertheless be excluded. Hence in a foreign interrogation case the Massachusetts court in effect returned to the pre-*Miranda* "due process voluntariness" test for deciding the admissibility of a confession. The same approach has been taken in later State and Federal decisions.

Not long after the *Wallace* case, a California appellate court confronted with the same issue reached a like result, and further explained why the "voluntariness" test and not *Miranda* standards must be applied in such cases. The defendant in *People v. Helfend*<sup>17</sup> drove an automobile into Mexico with the body of a murder victim in the trunk. Mexican border inspectors detained the defendant at the border, forcibly opened the trunk, and discovered the body. He was arrested and interrogated by Mexican police and a Mexican district attorney. He was advised that Mexican law al-

lowed him to answer or refuse to answer questions. He was not told he could have a lawyer, but requested one and was informed he would first have to see the district attorney. He was advised that he need not make a statement but could meet with the U.S. consul the following day. The defendant thereafter made incriminating statements to Mexican officials. The trial court found his statements voluntary, testimony by a Mexican officer was admitted, and he was convicted. On appeal, he contended that such statements should have been suppressed because he was not accorded *Miranda* rights. The California court stated:

"When an American citizen leaves the territorial jurisdiction of his country for the purpose of disposing of the body of a murder victim he assumes a risk, that if apprehended by the authorities of the foreign jurisdiction, the customary legal, investigative and interrogative procedures in such foreign jurisdiction may not conform to those of his native land. Whether the fruits of such a foreign investigation and interrogation may be received in the courts of this state should depend upon whether the methods adopted in the foreign jurisdiction so violate fundamental due process as to undermine the truth of the evidence acquired and used as distinguished from prophylactic measures to prevent unlawful use of police authority. . . . There is no evidence nor is there any suggestion of threat, coercion, or promise of immunity or reward, and there is no evidence that any of the interrogations were con-

*"... the court held that one of the major purposes of Miranda warnings is to set guidelines to control domestic police, and extension of the rule to foreign officers will not affect their conduct."*



*"Where the interrogation is by officers of a foreign jurisdiction, the exclusionary rule has little or no effect on the conduct of foreign police."*<sup>18</sup>

ducted under such circumstances or in such places as to suggest that any of the statements made to any of the Mexican officials were made under any physical or mental discomfort or that any of the statements made were in any respect involuntary."<sup>18</sup>

The court was also careful to point out that there was no indication that "any cooperation of the Mexican officials was enlisted, even remotely, by any law enforcement authorities within the United States to obtain evidence in respect of a possible crime committed in the United States."<sup>19</sup>

#### **B. Federal Courts**


Federal appellate courts in the Ninth and Second Circuits have held that the *Miranda* requirements do not apply to foreign officers. In *United States v. Chavarria*,<sup>20</sup> a defendant in custody was questioned by Mexican police regarding a car theft. He confessed. No *Miranda* warnings had been given. The defendant's conviction was affirmed, the court holding that: "*Miranda* warnings do not in themselves define the right against self-incrimination, and their absence does not preclude the use of the resulting confession under all circumstances. . . . *Miranda* was intended as a deterrent to unlawful police interrogations. Where the interrogation is by officers of a foreign jurisdiction, the exclusionary rule has little or no effect on the conduct of foreign police. Therefore, so long as the trustworthiness of the confession satisfies legal standards, the fact that defendant is not given *Miranda* warnings . . . will

not by itself render his confession inadmissible."<sup>21</sup> Thus absent a showing that the confession is the product of a due process violation (e.g., coercion), the evidence may be admissible in American courts notwithstanding a failure to afford the *Miranda* protection.

The most recent foreign interrogation case was decided by the U.S. Court of Appeals for the Second Circuit in 1972.<sup>22</sup> The defendant was arrested at a bank in Nassau, Bahamas, where he was attempting to deposit a \$1 million U.S. Treasury bill which had been stolen in New York. The arrest was made by a Bahamian police officer who was accompanied by an Agent of the FBI. While in custody, the Bahamian officer warned him only of his right to remain silent and then through interrogation in the presence of the FBI Agent obtained an incriminating admission. Immediately thereafter, the FBI Agent gave the full *Miranda* warnings, and secured additional incriminating statements. The defendant, later convicted in Federal court for unlawfully possessing and transporting the stolen security in foreign commerce, appealed on grounds that his rights were violated by the foreign officer's failure to give the full *Miranda* warnings. In affirming the lower court, it was held that: ". . . the *Miranda* warnings should not serve as the sine qua non of admissibility . . . whenever a court is asked to rule on the admissibility of a statement made to a foreign police officer, the court must consider the totality of the circumstances to determine whether the statement was voluntary. If the court finds the statement involuntary, it must exclude this because of its inherent unreliability."<sup>23</sup> Federal and State courts are in accord. Though *Miranda* has no extraterritorial effect, American courts may still bar the use of confessions on due process grounds.

#### **IV. Conclusion**

A limited number of cases dealing with *Miranda* and foreign interrogation have been decided since 1966. Judicial response in both Federal and State courts has been consistent. *Miranda* requirements are not applied to interrogations conducted by foreign officers outside the United States, and confessions secured without the necessary warnings and waiver may be admissible in American courts. Domestic courts however may still proscribe their use as evidence on due process grounds, i.e., where techniques of interrogation are shown to have given rise to an involuntary confession or admission.

From the perspective of the police officer, several points merit attention. First, American officers cannot employ foreign police to accomplish what they themselves are constitutionally prohibited from doing. Thus foreign officers may not be "recruited" to conduct an interrogation without warnings and waiver.<sup>24</sup> Second, officers should avoid joint interrogations with foreign officers unless and until the *Miranda* requirements are complied with.<sup>25</sup> Third, whenever custody of a subject is transferred from foreign to American officers, whether in the foreign country or in the United States, he should be fully warned of his rights and a waiver obtained prior to interrogation. Finally, where it is clear that questioning by foreign officers without *Miranda* protection has occurred before transfer of custody to American officers, whether or not productive of a confession, American officers should: (1) interrogate the subject at a time and place removed from that of the first interrogation; and (2) warn the subject before any further questioning.<sup>26</sup> 

#### **FOOTNOTES**

<sup>1</sup> 384 U.S. 436 (1966).

(Continued on page 26)



*"Although great strides have been made in combatting crime, fear and terror still exist among us."*

Crime brings fear.  
Fear breeds terror.

And with terror comes the destruction of the spirit and the freedom of a people.

Although great strides have been made in combatting crime, fear and terror still exist among us. More hard work lies ahead.

This is what this national conference on criminal justice is all about.

This is why former Attorney General Mitchell took the initiative in February 1971 in proposing that Federal, State and local governments join to establish national standards and goals for our criminal justice system.

From the size of a certain loose leaf binder and its contents . . . the working papers of the National Advisory Commission on Criminal Justice Standards and Goals . . . it is obvious that quite a few people have done a powerful amount of thinking and writing.

We in the FBI have not had the working papers long enough to study and analyze them. I expect that we shall have some differences of opinion, just as I am sure that the drafters of these papers had differences. So also there are probably going to be differences among those attending this conference.

Remo  
The Honorable D  
Acting  
Federal Bureau  
Befo  
National Conference  
Washington, D.C.

*"The objective of the  
is the protection of  
tion of the rights of the*

But the fact remains that a very important and much needed first step has been taken. And decisions of considerable importance to each and every American may be reached at this conference.

Although the primary responsibility for criminal law enforcement rests with the States, this does not mean that the Federal forces have a free ride.

Let's take a look from the Federal perspective.

The plain and very obvious fact of life is that our forces are thin indeed and we could not discharge our responsibilities at the Federal level with



ks by  
Patrick Gray, III  
Director  
of Investigation  
the  
on Criminal Justice  
January 25, 1973

riminal justice system  
y, not just the protec-  
seused."

*"The sniper and the  
terrorist appear to be a  
part of the criminal  
scene today and for the  
foreseeable future."*

ut the cooperation of the forces at  
ae. State and local level.

There is just no "Big Daddy" in  
law enforcement, unless it be LEAA  
with all those dollars that we all need  
o badly.

The criminal laws are written by  
thers, but peace officers have to  
reathe life in them by enforcement.  
his is where the action begins and  
ery often ends.

As strange as it may seem to some,  
ve believe that the needs of our so-  
iety in crime control are the same as  
he needs of the members of the law  
enforcement profession. What are  
hese needs?

I

*First*, neither our society nor the  
law enforcement profession requires  
more enlightenment or more rhe-  
toric . . . support is what we need.  
Our people need support and our po-  
lice need support.

Our police need support from those  
whom we serve as we take the steps  
necessary to purge our ranks of those  
who would and do dishonor our  
profession.

We need the support of our fellow  
citizens as we take the steps necessary  
to improve our performance in their  
behalf. New concepts, new techniques,  
and new equipment are needed if we

are to continue our forward mo-  
mentum.

The record of support when viewed  
from the Federal perspective is a  
pretty good one, and we intend to  
better it each day, if we can.

Recent events occurring in the per-  
iod of the last 12 months or so indi-  
cate all too clearly that our police  
forces have some new missions—one  
is the assault on entrenched and dug-  
in criminals.

The sniper and the terrorist appear  
to be a part of the criminal scene  
today and for the foreseeable future.

No other forces are volunteering to  
handle such situations and I don't ex-



pect to see any volunteers. This appears to be another tough job that will have to be handled by the police.

And to do the job will require more than just more of the same.

## II

*Second*, our society and our police forces need prosecutors that prosecute and prosecute well . . . and rapidly too so that quick-draw artists are not back through the turnstiles and shooting at our friends and neighbors . . . and at our police forces, even before we have time to reload.

## III

*Third*, our society and our police forces need judges that judge with fairness, impartiality, and compassion . . . compassion for the person on trial, yes . . . but also compassion for all the people. The accused on trial is not the only person whose unalienable rights are on the line in a criminal case. The people in whose name the prosecution is brought have a rather substantial set of rights on the line, too. They too are parties to the trial and are also entitled to receive due process.

## IV

*Fourth*, our society and our police forces need judges who know how to sentence . . . and whom to sentence . . . and to what type of correctional institution. Not every convicted felon is a hardened criminal or a sociopath, but those that are ought not to be permitted to return so easily to prey again and again upon society. Rehabilitation is fine for those convicted felons who show signs of being

able to profit from such measures . . . it is a useless gesture for those who resist every such effort, or take advantage of such efforts to gain early release and do it all over again.

The real purpose of incarceration is to protect society . . . and if rehabilitation is going to contribute to the protection of society in a given case—let's rehabilitate. If not, let's incarcerate and protect society.

The objective of the criminal justice system is the protection of society, not just the protection of the rights of the accused.

In concluding these remarks, I just want to say that I am honored to be with you this morning. Actually the honor really belongs to the dedicated men and women of the FBI. I bring to you their warm greetings.

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*"The people in whose name the prosecution is brought . . . are also entitled to receive due process."*

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So also I want you to know that we in the FBI are well aware that cooperation . . . a will to work together to achieve a common goal . . . must exist if we are to achieve the objectives of this conference. We have cooperated in the past, and we will in the future.

The National Advisory Commission and the task forces have taken one giant step forward, and this conference will, I am sure, prove to be of lasting benefit to the people of the United States.

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## ADDENDUM

*Following his address, Mr. Gray entertained a number of questions which the available time did not permit his answering. These, and the answers to them, are set forth below.*

*Question:* Why does the FBI withhold the results of their investigations of civil rights complaints against law enforcement officers when the officers are cleared?

*Answer:* The FBI is strictly an investigative agency. In connection with civil rights allegations, the function of the FBI is to determine, through investigation, the facts as they occurred and furnish the results to the Civil Rights Division of the Department of Justice for its determination as to whether the facts developed constitute a violation as well as whether they warrant prosecutive action. This determination is made solely by the Civil Rights Division of the Department.

The Civil Rights Division has had inquiries regarding its policy of notifying complainants, victims of the alleged violations, subjects of investigations, and interested agencies of the disposition of complaints. As a matter of economy, the Civil Rights Division does not routinely send notices to these individuals and groups. However, the Division will respond to inquiries from all responsible sources as to the status or disposition of any civil rights matter which has been investigated. Inquiries should be addressed to: U.S. Department of Justice, Civil Rights Division, Criminal Section, Washington, D.C. 20530. The inquiry should identify the matter

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*"The criminal laws are written by others, but peace officers have to breathe life in them by enforcement."*

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to the extent possible by place, date, and names of persons allegedly involved.

*Question:* Why doesn't the Department of Justice prosecute those who falsify civil rights complaints?

*Answer:* The Justice Department continues to reserve the prerogative of proceeding in prosecution under Title 18, Section 1001, U.S. Code, False Statements.

The Department has advised that prosecution will be authorized under Section 1001 in any case in which it can be clearly shown and proven that the complainant willfully and intentionally made a false report regarding the incident.

*Question:* What can be done to stop federally funded agencies from going to police stations and going through police arrest books trying to build up cases against policemen? The cases don't hold up, but the only one who is faced with a loss of income is the policeman who made the arrest.

*Answer:* Fortunately, law enforcement officers also enjoy the first amendment guarantee of freedom of speech. Officers are entitled to voice their concern over such practices by writing to the heads of such agencies, their superiors in the government, and to those representing the officers in Congress.

*Question:* Most felons can outrun a policeman in uniform. State law may provide that a policeman can use his gun to prevent the escape of a felon, even if it takes a life. State government calls this justifiable homicide. A year later, the policeman may find himself in Federal court for violating the felon's civil rights by not giving him his day in court. How can we do our job to take felons off the streets without having to hire a lawyer to defend our police action? You can't raise a family and pay a lawyer out of a policeman's pay.

*Answer:* Law enforcement officers, like everyone else, should be respon-

sible for their conduct. However, unlike most other members of the community, officers are frequently called upon to act in dangerous circumstances where the facts are not sharply defined. The result often is a question whether the officer's action (or inaction) was in accordance with the requirements of the law, his sworn duty, and his own conscience.

There is a need here not only for greater community support of the officer, but also for greater self-preparation by the officer to enable him to discharge his responsibilities with confidence. We in the law enforcement community cannot prevent the filing of claims of improper police performance, whether they are false or valid, but we can and we must be prepared to prove claims are unjustified whenever possible.

*Question:* Many communities don't have enough money to pay prosecutors to try cases. Result: criminals go free to recommit crime over and over. Part-time prosecutors can't keep up with the case load. What can be done to help?

*Answer:* Prompt and effective administration of justice requires a staff of capable prosecutors. Communities which fail to meet this essential need practice a highly dangerous type of false economy. It is the duty of all responsible citizens—including law enforcement officers—to demand of their public officials that fair and speedy trials be granted the accused. Our Constitution prescribes this right, and we can do no less than insist upon its enforcement.

One answer may be public service as prosecutors on a voluntary basis by members of the bar. There are programs providing voluntary services of attorneys in the community to assist defendants otherwise unable to obtain counsel. Perhaps a similar program could be instituted to assist the community as a whole where it is otherwise unable to obtain counsel.

*Question:* What trends at the Federal level are visible in regard to *sensible* gun controls, i.e., controls that do not restrain or inhibit private ownership of handguns and shoulder arms by the law-abiding public?

*Answer:* Unquestionably, gun control, both in terms of legislation and enforcement, needs further attention. While it is not within the province of the FBI to recommend gun control legislation, I personally favor effective regulatory measures directed toward keeping firearms—and particularly handguns—out of improper and irresponsible hands. I do not view this as a violation of the constitutional right of our citizens to keep and bear arms. It is a way of regulating the keeping and bearing of arms.

A number of bills have been introduced in Congress which would restrict the flow of handguns in interstate or foreign commerce. The so-called "Saturday Night Specials," or cheap handguns, are also the targets of proposed new Federal legislation. I strongly believe, however, that sensible control lies in the licensing and registering of handguns at a State and local level. This was the late Mr. Hoover's position as well.

*Question:* You mentioned the "new mission" of the assault on the sniper and terrorist; that this is the trend of the future. Do you see terrorism such as the recent sniper incident in New Orleans as a "national conspiracy," or the trend of future terrorism more as isolated events?

*Answer:* There is no evidence that recent killings of police officers are the result of a national conspiracy, in the legal definition of the word. ■

## LAW DAY

"Help Your Courts—Assure Justice" has been selected as the theme for Law Day, May 1, 1973.

(Letter sent by ABA President Meserve for Law Day 1973 (Feb. 1973 issue of the ABA Journal).)



**Detering Bank Robberies—**

# **REWARD PROGRAM PAYS OFF**

By  
**JOHN F. LEE**

Executive Vice President,  
The New York Clearing House Association,  
New York, N.Y.



**T**he New York Clearing House Association is offering rewards for information leading to the arrest and conviction of bank robbers. The program, which is gaining acceptance elsewhere, has produced encouraging results.

In a style reminiscent of the Old West, The New York Clearing House, an association of 11 commercial banks in New York City, has declared its resolve to help bring bank robbers to justice. With the close cooperation of the New York Office of the FBI, and



**"In a style reminiscent of the Old West, The New York Clearing House . . . has declared its resolve to help bring bank robbers to justice."**

local law enforcement agencies, it has been remarkably successful in doing just that. By now, its posters of wanted suspects are familiar sights at banking offices in New York City. Every suspect who was pictured on a series of posters put out between November 1970 and July 1972 was taken into custody, indicted, and either convicted or held for trial. A new poster was distributed during July 1972 and, within 5 months, two persons pictured on it had been apprehended.

Even more heartening has been the deterrent effect that the reward program has had on the incidence of robberies in New York City banks since the program started. Among the approximately 900 branches of the New York clearing banks, robberies were down 30 percent in 1971 as compared with 1970, and they stayed down during the calendar year 1972. No claim is made that the reward program was the sole reason for the decrease in incidents, of course, but everyone connected with the program believes that it is having a deterrent effect. In fact, it is reported that the word is out in the underworld—avoid the banks displaying the Clearing House reward poster.

The New York banks inaugurated the reward program in response to a dramatic increase in robberies suffered by the banking community during the late spring and early summer of 1970. Some attribute this substantial surge of activity to the publicity surrounding one suspect, who was charged with the robbery of approximately 20 banks within the space of several months. The press dubbed him variously as a dashing and dapper bandit, and his robbery

exploits were reported widely. This publicity, unfortunately, left the impression that bank robbery was not difficult and that tellers were easy prey. Comparable press coverage was not given to the fact that he *was* captured and that a large part of the money which he stole was recovered. The reported robbery exploits of this suspect seemed to accelerate the rate of bank robberies in New York. In fact, during the month of July 1970, 77 banks were robbed in New York City for an alltime high.

More or less in self-defense, the New York clearing banks began the reward program on November 17, 1970. Working from photographs taken by surveillance cameras, James T. Kelly of the Clearing House with the aid of FBI personnel selected photos of persons who had robbed banks in New York and who were still at large. An effort was made to use photographs of suspects who had participated in especially brutal attacks or who had been repeated offenders. Occasionally, by comparison with "mug shots," faces could be identified. Usually, however, pictures of the suspects were unidentified on the posters except by the location and time of the robbery for which they were wanted.

A great deal of care was given to the style of the reward poster and the media used to display it. The first poster was displayed in full-page ads

in three New York City daily newspapers and in subways by use of placards in the cars and wall posters in the stations. "Standup" size posters were produced to supply every branch of every clearing bank with at least two displays. As the suspects pictured were picked up, "Apprehended" stickers were distributed and pasted across their photographs on the poster. In this way, an added deterrent effect was sought by demonstrating the accomplishments of the program.

The reward was deliberately put very high for two reasons. A message was intended to signal loud and clear to those planning robberies that surveillance cameras would photograph them and a wide cross section of the population, including their friends and associates, would be tempted to supply information about them. Also, because production costs for the ads and posters were very high, it was concluded that the response had to be sufficiently large to justify the cost. From the time that the first ad appeared, there was never any doubt that the \$10,000 reward was money well spent.

The posters and advertisements request that all information be channeled directly to either the FBI or the local police. Clearing House personnel and bank personnel were deliberately excluded from the communication channel. Only law enforcement officers can act quickly and expertly evaluate "tips" received. Moreover, for purposes of determining who merits rewards, it is important to have a clear record of when information was received and how it was acted upon. The Clearing House relies heavily upon these records in deter-

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**"The New York banks inaugurated the reward program in response to a dramatic increase in robberies suffered by the banking community. . . ."**

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# WANTED FOR BANK ROBBERY! \$10,000 REWARD



## NO LONGER WANTED



The New York Clearing House Association will pay \$10,000 for information which it determines leads to the arrest and conviction of any of the four persons shown above. (The 17 persons also shown have already been apprehended.) It will also pay rewards for information which determines leads to the arrest and conviction of the person

or persons guilty of any other robberies, larcenies or burglaries of any of its member banks in New York.

If you have seen or know the whereabouts of any of these individuals, take no direct action yourself. Simply contact your local FBI office or local police office immediately.

### THE NEW YORK CLEARING HOUSE ASSOCIATION

Typical Reward Poster.

*"The posters and advertisements request that all information be channeled directly to either the FBI or the local police."*

mining the payment of rewards. As of this writing, eight rewards have been paid, and nine are now pending.

Response to the reward offer was encouraging from the very start of the program. The FBI switchboard was deluged with calls when the first ad appeared.

Many of the first calls concerned a man who had robbed a New York City branch bank in the fall of 1970. The surveillance camera snapped a photograph of him with a shotgun. Plainly visible in the picture was a unique piece of jewelry worn by the suspect. Tips which identified the suspect by name and gave information that he was employed locally were received. When FBI Agents went to his place of employment the suspect had not yet arrived, but they determined where he lived.

Agents knocked at his door with the newspaper advertisement in their hands. A lady and man answered. Noticing the picture of the suspect in the newspaper, the astonished woman turned to the man and asked if that was he in the photograph. The man conceded the photograph looked like him but denied any involvement in the robbery. He did agree to accompany the Agents to the New York FBI Office for additional questioning. The man had jewelry like that pictured on the suspect, and he led Agents to a .32 caliber automatic which was concealed inside his apartment. Subsequently, after development of further evidence, he was charged with the bank robbery, convicted, and sentenced to a Federal penitentiary.

Several bank robbers have been taken into custody, when their trail had grown cold, on information gen-



erated by the poster displays. One of the more gratifying cases of this kind involved a man who was captured in a neighboring city in December 1970. He was the alleged ringleader of several loosely organized gangs engaged in robbing banks in and around New York City.

Shortly before Christmas, a caller, who stated that he had been pondering his decision for some weeks, said he needed the reward and knew exactly where the suspect was hiding. He gave the FBI the street address in the nearby city and the number of the room in the building where the suspect was staying. Agents immediately paid the suspect a visit and took him into custody without a struggle. He was convicted on two counts of bank robbery and is now serving 25 years.

Grim as these situations generally are, there have been some humorous moments. One bandit who had robbed a Queens branch bank spotted his picture on the second poster put out in March 1971. He repeatedly told family and friends that he was tired of running and wanted to give up. He never could quite bring himself to do it, but he nonetheless left an unmistakable trail with acquaintances that led quickly to his apprehension.

Another wry incident that demonstrated the drawing power of the \$10,000 occurred when one of the rewards was paid. The person who delivered the reward was curious to know firsthand how the young man who claimed it knew where the fugitive bank robber had been hiding. The young man's answer was very revealing. For the first time, he acknowledged, reluctantly, that the fugitive

*"It does not seem probable that the reward program will lose its allure in the near future."*

was a member of his immediate family.

The reward program will continue indefinitely or at least until it is demonstrated that it has lost its deterrent effect. That time has not arrived yet. The posters have been responsible for apprehensions as far away as Florida on information received from places as far removed as Vietnam. It does not seem probable that the reward program will lose its allure in the near future.

## LAW ENFORCEMENT CONFERENCES

The subject of the 1973 FBI-sponsored law enforcement conferences to be held throughout the country during April and May will be "Extremists and Terrorism." The sessions will inform law enforcement officers of matters concerning international terrorism, aircraft hijacker-extortionists, antisniper and survival techniques, the FBI's role in the protection of foreign officials and official guests of the United States, and related topics.

Panel discussions by FBI police instructors and Federal, State, and local law enforcement representatives knowledgeable in the subject matter will be featured at the conferences.

Full-time, duly constituted law enforcement personnel, prosecutors, and

(Jenkins to Felt memo, 3-31-73, captioned "Law

Enforcement Conferences, 1973, Extremists & Terrorism

*"Agents knocked at . . . [the suspect's] door with the newspaper advertisement in their hands. . . . The man conceded the photograph looked like him. . . ."*

members of the judiciary will be invited to the conferences, which will be conducted in closed sessions.

## BOMBING INCIDENTS—1972

During calendar year 1972, a total of 1,962 bombing incidents were reported throughout the Nation, Puerto Rico, and the Virgin Islands. Of the 1,962 incidents, 951 involved the use of explosive bombs while 1,011 were incendiary attacks. A total of 2,613 devices were used in connection with the bombing situations. One thousand seventy-five of the devices used were explosive in nature and 1,538 incendiary. During this period, a total of 174 persons were injured and 25 deaths were reported in connection with these bombing attacks.

Geographically, the Western States reported 776 bomb incidents during 1972, the North Central States 481, the Southern States 442, the Northeastern States 228, Puerto Rico 31, and the Virgin Islands 4.

The leading targets during the year were residences with 573 attacks. Commercial operations and office buildings were victims of 511 bombing attacks. Motor vehicles and aircraft were targets of 240 reported incidents. One hundred eighty-eight attacks were directed at school facilities and 63 against military facilities and equipment. Fifty-six attacks were against law enforcement personnel, buildings, and equipment. The remaining incidents involved other miscellaneous targets.

(Press Release 1-18-73)

April - May 1973)



# The Role of Identification in Law Enforcement:

(This is the conclusion  
of a two-part article. Part I  
appeared in the March issue.)

## An Historical Adventure

### PART II

By

JOHN EDGAR HOOVER

Former Director,  
Federal Bureau of Investigation,  
United States Department  
of Justice,  
Washington, D.C.

**EDITOR'S NOTE:** Many law enforcement officers are unaware of the rich history behind their profession and its skills. This article, one of the last prepared by Mr. Hoover before his death, uniquely brings to life many dramatic events that have contributed to modern law enforcement identification procedures, without which the profession would be severely handicapped to fulfill its responsibilities. It is reprinted with the permission of the "St. John's Law Review," in which it first appeared in the May 1972 issue. Certain statistical data and the outcome of proposed legislation have been updated in the interest of currency.

### The Future

Law enforcement is entering a new era in which the computer offers breathtaking accomplishments in the identification and detection of criminal offenders. This new and developing capability comes none too soon. Opportunities for crime abound in our modern society, and the effortless mobility available to the lawless has permitted their growing ranks<sup>28</sup> that necessary step ahead to escape detection and apprehension.

It is not enough in this modern age to learn the true identities of suspected offenders days or even hours following a confrontation by arrest, interrogation, or their association with evi-



dence of a crime. The easy flight of felons to distant sanctuaries and the ever-present possibility of their destruction and concealment of vital evidence, at the first sign of suspicion, have made imperative the need for vital on-the-scene crime and criminal identifying data. Frequently these are essential when an officer is walking his beat, patrolling a highway, or examining a crime scene. To reduce the time between confrontation with the criminal suspect and discovery of his background will enable law enforcement to discharge its duties with swift decisiveness—which, of course, may exonerate the innocent as well as implicate the guilty. The occurrence of serious crime demands this capability on the part of law enforcement, and the public has every right to expect it.

To bridge this gap between the occurrence of crime and the identification of its perpetrators, the FBI has initiated two far-reaching programs which should prove to be major milestones in the annals of modern law enforcement.

The first of these, the National Crime Information Center (NCIC), grew out of the recognition that dissemination among law enforcement agencies of definitive identifying data on crimes and criminals lagged far behind the discovery of most crimes. The NCIC, which became operational in 1967, is a high-speed information exchange system that has a computerized central index of vital, nationwide law enforcement data. The NCIC computer, located at FBI Headquarters in Washington, D.C., is electronically linked with control terminals covering all 50 States, the District of Columbia, and Canada, and will be connected soon to Puerto Rico. Utilizing the immense capacity of the computer to store vast quantities of index-type records and instantly retrieve and transmit relevant data from them, the NCIC was developed with the concept that each State will establish a computer

control terminal which will serve as a direct tie-in to the NCIC central index, as well as itself serve as a computerized communications and exchange point for all duly constituted law enforcement agencies in the State. The NCIC central computer facility contains an index of documented law enforcement data only. Generally, this data consists of identifying information concerning fugitives on whom a warrant has been issued; descriptions of certain serially identifiable property which has been reported stolen, lost, embezzled, or counterfeited; and items, such as the license number of a getaway car, identified with a crime or a felon's flight to avoid apprehension. This central index can be interrogated within a few minutes by any officer, regardless of location, who has a means of communication with his

*"The NCIC central computer facility contains an index of documented law enforcement data only."*

headquarters. Replies to inquiries are usually received in seconds.

Since November 1971, the NCIC has also been able to furnish the criminal histories of certain arrested persons who have been fingerprinted previously within the Nation's criminal justice system. The Criminal History Program of the NCIC is limited to a relatively small number of criminal histories at present but will provide a substantial identification reservoir as cooperating law enforcement agencies in the NCIC network complete their conversion of criminal histories of active offenders to computer storage. Similar data are available from the FBI Identification Division's criminal fingerprint files, but NCIC is shrinking from days to minutes the time required to obtain this essential information.

Six years after beginning operation, the NCIC central computer now stores more than 4 million records and has handled as many as 113,000 transactions in a single day. Within minutes and usually seconds, the NCIC is bringing vital law enforcement information to the officer on the street, enabling him to make quick determinations leading to the apprehension of dangerous fugitives, the solution of concealed crimes, and the recovery of valuable stolen property.

The second program of the FBI to improve law enforcement identification procedures is the complete computerization of its massive criminal fingerprint file. The system envisaged will have the capability to electronically scan, read, and classify questioned fingerprints and retrieve any previously entered record of them. A major step toward achievement of such a system has been made with the development of computerized fingerprint reader equipment which automatically reads and records identifying characteristics found in fingerprints. A prototype of this equipment, known as FINDER (a contraction of the words "fingerprint" and "reader"), is now undergoing extensive testing and evaluation. Notable progress has also been made in the development of computer programs which will automatically classify and match fingerprints that have been "computerized" by the FINDER equipment.

With the lightning-fast communications capacity already available in the nationwide NCIC network, the criminal fingerprint records of the FBI will be swiftly available to far-flung law enforcement agencies. No longer will a dangerous wanted criminal be able to continue his flight after having been arrested on a minor criminal charge under an assumed identity and then released while his fingerprint record is being determined. Neither will a clever suspect's



*"It is hoped that the entire file of computerized criminal fingerprints stored at FBI Headquarters will one day have the capability of being selectively scanned for comparison with a single latent print found at the scene of a crime."*

protestations during interview serve to conceal his true identity or prevent his immediate association with fingerprint evidence found at a distant crime scene.

It is hoped that the entire file of computerized criminal fingerprints stored at FBI Headquarters will one day have the capability of being selectively scanned for comparison with a single latent print found at the scene of a crime. It is also probable that electronic scanners may someday read and classify finger and palmprints directly from the surface of the human hand. With these exciting possibilities, an incriminating latent fingerprint could be, after appropriate classification, transmitted directly from a crime scene to the FBI Identification Division for matching or elimination against each fingerprint of all criminals on file. Correspondingly, with future equipment improvements, it is conceivable that a criminal suspect's identity may be instantly determined by simply placing his hand on an electronic scanner at police headquarters—or even one mounted in a patrol car!

### ***Identification and the Law***

The law influencing law enforcement identification procedures is as varied as are the methods of identification. But, on the issue of positive identification, such as fingerprinting, the law seems clear: that under reasonable and compelling circumstances

law enforcement has the right to demand it.

There is no dispute over the authority of law enforcement to require positive identification from an offender in its lawful custody.<sup>29</sup> His entry into the criminal justice system, as the U.S. Supreme Court has observed, carries with it an obligation by the arresting law enforcement agency to know exactly who it is it holds and must produce at subsequent proceedings.<sup>30</sup> Submission to fingerprinting in such circumstances may be compelled of the offender should he refuse or resist compliance. The Supreme Court has noted in such a case the accuracy of fingerprinting as a positive means of identification is not impaired by an offender's unwillingness to cooperate.<sup>31</sup>

As law enforcement reaches out with new technology and proficiency, its attempts to identify suspects not in custody increasingly have become an issue—particularly in the focused light of Supreme Court decisions of recent years which have required it to be more responsive to constitutional limitations prescribed in the Bill of Rights. On this issue the fourth, fifth, and sixth amendments converge.

Most perplexing is the problem posed in fingerprinting a suspect not in custody for comparison of his prints with unidentified ones found, for example, at the scene of a murder under circumstances that strongly suggest they are those of the killer.

In the absence of a clear consent, to fingerprint the unwilling suspect would require a degree of detention and compulsion (however brief) which would cut across the reasonableness standard of the fourth amendment. If probable cause for the suspect's arrest were present, there would be no conflict. He would be arrested, fingerprinted, and the comparison made with the crime scene latent prints. This of course could, by the stigma of arrest, lead to an even greater injustice to the suspect than illegal detention if his prints are found not to match with those at the crime scene. Therefore there are two compelling reasons for law enforcement to seek identification by fingerprinting of logical suspects of crimes in which incriminating latent fingerprints are found: to solve the crime by identifying the latent, crime-scene fingerprints and to eliminate from further suspicion those logical suspects whose fingerprints do not match this evidence. The answer to this dilemma may be in obtaining a court order based on cause, but less than that required for arrest, which would command a suspect to submit to fingerprinting for comparison with those found at a crime scene. The Supreme Court has suggested such a procedure in *Davis v. Mississippi*,<sup>32</sup> in which it reversed the conviction for rape of the defendant whose fingerprints were found on a window used by an attacker to enter the home of a

*"There is no dispute over the authority of law enforcement to require positive identification from an offender in its lawful custody."*



*"... there are two compelling reasons for law enforcement to seek identification by fingerprinting of logical suspects of crimes in which incriminating latent fingerprints are found: to solve the crime . . . and to eliminate from further suspicion . . . suspects whose fingerprints do not match this evidence."*

woman whom he brutally raped. The reversal was based on the illegal detention of the suspect to obtain his fingerprints for comparison with those at the crime scene.

Two bills<sup>33</sup> were introduced in the 92nd Congress which would have provided for the issuance of judicial orders requiring a person to submit to nontestimonial identification procedures, including fingerprinting, as may be justified. No action was taken on either, however, and both died with the adjournment of Congress. Both Colorado<sup>34</sup> and Arizona<sup>35</sup> have adopted similar measures which, following the filing of an appropriate affidavit setting forth justification for the request, may enable a law enforcement officer to obtain court authority to temporarily detain an individual for fingerprinting or examination of other identifying physical characteristics that could be instrumental in the solution of a crime.


As far back as 1910, the Supreme Court has held that the fifth amendment injunction that "no persons . . . shall be compelled in any criminal case to be a witness against himself . . .," is not violated by using a person's body as evidence.<sup>36</sup> In *Schmerber v. California*,<sup>37</sup> a 1966 decision which involved a blood sample taken from defendant against his will, the Supreme Court noted that "compulsion . . . which makes a suspect or accused the source of 'real or physical evidence' does not violate . . ." the

fifth amendment, including ". . . compulsion to submit to fingerprinting. . . ."

As for the sixth amendment rights to counsel for an accused, the Fifth Circuit Court of Appeals has decided a case in point on the issue of fingerprinting. In *Pearson v. United States*,<sup>38</sup> the defendant was convicted based on a comparison of his fingerprints—which were taken without the presence of counsel following his arrest—with a latent fingerprint impression found on a stolen Government check he was alleged to have cashed. Denying defendant's contention that the identification was tainted since he was not represented by a lawyer at the time his fingerprints were taken, the court affirmed his conviction on the grounds that neither his fifth nor sixth amendment rights had been derogated by the absence of counsel. It would follow, providing reasonable and lawful means were utilized to obtain the fingerprints of a suspect not in custody, that his sixth amendment right to counsel would not be prejudiced in this identification process.

### Conclusion

The role of identification is as important to law enforcement as is its authority. Without a certain means to establish human identity, law enforcement performance would at best be slipshod and at worst cause grievous

injustices to innocent citizens. Identification of criminals stepped from the darkness of uncertainty nearly a century ago into the clear light of scientific procedures. This began the saga of modern law enforcement. Today, law enforcement, with the remarkable capability of computer technology, is entering a new era in which its performance promises to far outrival its most notable accomplishments of the past. The concealment of crime and guilt is considerable, but the margin of time that often shields the criminal from discovery is narrowing. In this, all of law enforcement can take heart. 

### FOOTNOTES

<sup>28</sup> Serious crime in the United States during the previous 5-year period rose 83 percent while the population increased only 5 percent. 1971 FBI Uniform Crime Report 2.

<sup>29</sup> *United States v. Smith*, 393 F. 2d 687 (6th Cir.), cert. denied, 393 U.S. 885 (1968); *Pearson v. United States*, 389 F. 2d 684 (5th Cir. 1968); *United States v. Kelly*, 55 F. 2d 67 (2d Cir. 1932).

<sup>30</sup> *United States v. Krapf*, 285 F. 2d 647 (2d Cir. 1961); *United States v. Kelly*, 55 F. 2d 67 (2d Cir. 1932); *United States v. Laub Baking Co.*, 283 F. Supp. 217 (D. Ohio 1968).

<sup>31</sup> *Schmerber v. California*, 384 U.S. 757, 764 (1966).

<sup>32</sup> 394 U.S. 721 (1969).

<sup>33</sup> H.R. 2329 & S. 430, 92nd Cong., 1st Sess. (1971).

<sup>34</sup> Colo. R. Crim. P. 41.1 (1970).

<sup>35</sup> Ariz. Rev. Stat. § 13-1424 (1971).

<sup>36</sup> *Holt v. United States*, 218 U.S. 245 (1910).

<sup>37</sup> 384 U.S. at 764.

<sup>38</sup> 389 F. 2d 684 (5th Cir. 1968).

*"Without a certain means to establish human identity, law enforcement performance would at best be slipshod and at worst cause grievous injustices to innocent citizens."*



# INTERROGATION BY FOREIGN OFFICERS

(Continued from page 13)

<sup>2</sup> See generally McCormick, Evidence § 147-150 (2d ed. 1972); Inbau and Reed, Criminal Interrogation and Confessions 143-63 (2d ed. 1967), both of which trace the development of confession law prior to *Miranda* and demonstrate the difficulty confronting the Supreme Court in deciding the numerous confession cases in the three decades preceding *Miranda*.

<sup>3</sup> *Bram v. United States*, 168 U.S. 532 (1897). U.S. Const. amend. V reads in part: ". . . nor shall any person . . . be compelled in any criminal case to be a witness against himself. . . ."

<sup>4</sup> *McNabb v. United States*, 318 U.S. 332 (1943); *Mallory v. United States*, 354 U.S. 449 (1957).

<sup>5</sup> See generally "Developments in the Law—Confessions," 79 Harv. L. Rev. 935, 954-1030 (1966). McCormick, op. cit. *supra* footnote 2, § 147.

<sup>6</sup> 297 U.S. 278 (1936).

<sup>7</sup> U.S. Const. amend. XIV provides in part: ". . . nor shall any State deprive any person of life, liberty, or property, without due process of law. . . ."

<sup>8</sup> 378 U.S. 1 (1964).

<sup>9</sup> 378 U.S. 478 (1964). The Court held in *Escobedo* that ". . . where . . . the investigation is no longer a general inquiry into an unsolved crime but has begun to focus on a particular suspect, the suspect has been taken into police custody, the police carry out a process of interrogations that lends itself to eliciting incriminating statements, the suspect has requested and been denied an opportunity to consult with his lawyer, and the police have not effectively warned him of his absolute constitutional right to remain silent, the accused has been denied 'the Assistance of Counsel' in violation of the Sixth Amendment to the Constitution as 'made obligatory upon the States by the Fourteenth Amendment,' . . . and that no statement elicited by the police during the interrogation may be used against him at a criminal trial." Id. at 490-91.

<sup>10</sup> U.S. Const. amend. VI provides in part: "In all criminal prosecutions the accused shall enjoy the right . . . to have the Assistance of Counsel for his defence."

<sup>11</sup> See generally George, Constitutional Limitations on Evidence in Criminal Cases 265-69 (1969).

<sup>12</sup> *Miranda v. Arizona*, 384 U.S. at 444-45. In 1968, legislation was enacted which lessens the effect of the *Miranda* decision in Federal criminal prosecutions. The statute provides in part that a confession is admissible if voluntarily given, and makes the warnings and waiver simply one of several factors to be weighed in a determination of voluntariness. 18 U.S.C. 3501 (1968). Constitutionality of the statute has not yet been tested in the Supreme Court.

<sup>13</sup> *Miranda v. Arizona*, 384 U.S. at 469-70.

<sup>14</sup> 356 Mass. 92, 248 N.E. 2d 246 (1969). A year earlier, the Oklahoma Court of Criminal Appeals considered an appellant's contention that evidence derived through questioning at a Mexican police station without *Miranda* warnings should have been suppressed. The opinion of the court does not make clear the nature and circumstances of interrogation by Mexican officers. However, the court stated that ". . . when the defendant placed himself voluntarily within the jurisdiction of Mexico . . . he became subject to Mexico's methods of interrogation, not those discussed in *Miranda* . . . we do not feel obligated to extend the interrogation limits (of

*Miranda*) to include another country." *Johnson v. State*, 448 P. 2d 266 (Okla. Crim. App. 1968), cert. denied, 397 U.S. 941 (1970).

<sup>15</sup> *Commonwealth v. Wallace*, 248 N.E. 2d at 248.

<sup>16</sup> Some have contended that *Miranda* was not solely or primarily intended to control police conduct but rather to guarantee full effectuation of the fifth amendment privilege against self-incrimination at trial. This view would exclude testimony extracted from an accused without benefit of the *Miranda* warnings as a means of insuring the availability of the privilege at trial. It would extend the *Miranda* requirements to extraterritorial interrogation. See 56 Va. L. Rev. 335 at 343-44 (1970). See also Note, Foreign Interrogations and *Miranda*: A New Twist?, 6 Calif. West. L. Rev. 326 (1970).

<sup>17</sup> 1 Cal. App. 3d 873, 82 Cal. Rptr. 295 (Ct. App. 1969), cert. denied, 398 U.S. 967 (1970).

<sup>18</sup> Id. at 890, 82 Cal. Rptr. at 307.

<sup>19</sup> Id. at 889, 82 Cal. Rptr. at 307.

<sup>20</sup> 443 F. 2d 904 (9th Cir. 1971). In 1967, the same court decided a case in which admissibility of incriminating statements taken by Mexican police in Tijuana, Mexico, was in issue. The trial preceded the effective date of *Miranda*, and *Escobedo* was found inapplicable. The court held that voluntariness was the proper test of admissibility. *Brulay v. United States*, 383 F. 2d 345 (9th Cir. 1967), cert. denied, 389 U.S. 986 (1967).

<sup>21</sup> *United States v. Chavarria*, 443 F. 2d at 905. Earlier in 1971, the Supreme Court held that a statement inadmissible in a State's direct case against defendant because of failure to prove *Miranda* procedural safeguards may nevertheless be admissible to impeach defendant's trial testimony, so long as the statement satisfies legal standards of trustworthiness. *Harris v. New York*, 401 U.S. 222 (1971).

<sup>22</sup> *United States v. Welch*, 455 F. 2d 211 (2d Cir. 1972).

<sup>23</sup> Id. at 213. Also see *United States v. Nagelberg*, 434 F. 2d 585 (2d Cir. 1970), cert. denied, 401 U.S. 939 (1971), in which the court held the *Miranda* rule inapplicable where the arrest and interrogation were by Canadian officers interested in Canadian offenses under their investigation. The court noted that there was "no showing that the statement was coerced or taken in violation of the laws of Canada . . . (and) no claim of . . . shocking conduct. The presence of an American officer should not destroy the usefulness of evidence legally obtained on the ground that methods of interrogation of another country . . . may vary from ours." Id. at 587, n. 1.

<sup>24</sup> See *People v. Neustice*, 24 Cal. App. 3d 178, 100 Cal. Rptr. 783 (Ct. App. 1972), where an American citizen in custody in Mexico was interrogated by Mexican officials without *Miranda* warnings and a confession obtained. The court held that statements taken without benefit of *Miranda* safeguards were admissible where the Mexican officials were acting in the discharge of their duties and not "on behalf of the deputy sheriffs from Tulare County (California)."

<sup>25</sup> Though this is precisely what occurred in *United States v. Welch*, *supra* footnote 22, and *United States v. Nagelberg*, *supra* footnote 23, it would seem the better practice to preface any joint interrogation with warnings and waiver.

<sup>26</sup> In a companion case to *Miranda v. Arizona*, *supra* footnote 1 (*Westover v. United States*), FBI Agents took custody of Westover after he had been arrested, held for 14 hours and interrogated at length by local officers without any warnings and waiver. The Federal agents warned Westover of his right to remain silent and his right to counsel, and immediately began an interrogation which produced a confession. The Court stated that this procedure had the impact of a continuous period of questioning with the warnings coming at the conclusion rather than the

beginning of interrogation. It also pointed out that: ". . . law enforcement authorities are (not) precluded from questioning any individual who has been held for a period of time by other authorities and interrogated by them without appropriate warnings. A different case would be presented if an accused were taken into custody by the second authority, removed both in time and place from his original surroundings, and then adequately advised of his rights and given an opportunity to exercise them." Id. at 496. (Emphasis added.) Though *Westover* involves transfer of custody from local to Federal officers, the analogy to foreign-domestic custody and interrogation is apparent.

## PAINT EXAMINATION

(Continued from page 9)

is stolen and forced open with a sledgehammer and a pry bar. A sledgehammer and a pry bar are found in a suspect's possession and are seen to be smeared with paint which is similar in appearance to the safe paint. To supplement and substantiate the comparison made with the naked eye, it is desirable that the tools and a sample of paint from the safe be sent to the Laboratory. The paint samples should be taken from the area on the safe where the toolmarks are most pronounced without mutilating the toolmark evidence. If the paint on the surface of the safe varies, it is possible that the paint on other areas of the safe may be different from that near the toolmarks. Known specimens about the size of a 50-cent coin are considered adequate.

### Illustration

The importance of securing paint specimens from the point of contact can be illustrated by the following case from Virginia. This case concerned a burglary and grand larceny wherein a safe was removed from a farm exchange, carried to an isolated area, and forcibly opened. As a result of investigation, the local police department developed a suspect who had access to a pickup truck. The officer ob-



*"... if a suspect suggests a source of . . . paint to substantiate an alibi, paint should be obtained from this source for elimination purposes."*

tained foreign paint samples from the truck and submitted these samples along with other related items of evidence from the truck. He also submitted paint from the safe and the damaged safe door.

Laboratory examinations were conducted on these paint samples. These examinations disclosed that the foreign paint removed from the truck was slightly different from paint removed from one area of the safe. However, the officer had the foresight to submit paint from other areas of the safe and the safe door. Comparison of these additional specimens with the foreign paint from the truck disclosed that four-layered paint particles from the truck matched four-layered paint particles from the safe.

### **Maintaining Layer Sequence**

In obtaining paint specimens from known sources for comparison, it should be borne in mind that the prime consideration is to obtain all the paint layers in their proper sequence. This is best accomplished by chipping the paint from the surface. If the paint film is too pliable to be chipped, it should be cut off down to the surface; if the paint film is on wood, the cutting should include some of the wood. Paint should never be scraped or shaved from a surface since this may partially destroy layer structure or remove only the top layers.

*"In obtaining paint specimens from known sources for comparison, it should be borne in mind that the prime consideration is to obtain all the paint layers in their proper sequence."*

### **The Examiner's Conclusion**

The examination and comparison of paint evidence require many techniques and methods, and the results of the examinations are often very valuable both during the investigation and as evidence if a trial results.

*"There is no set pattern for drawing a conclusion from a paint examination."*

There is no set pattern for drawing a conclusion from a paint examination. A single layer of black paint when compared with another black paint affords little basis for a strong conclusion, even though examination shows the composition of the comparison specimens to be the same. The conclusion in this instance may be that the paint could have come from the same source. If, however, as in the example set out earlier, the paint is a chip that fits together with chips of paint from a known source, then a positive identification can be made. If there are numerous layers arranged in the same sequence in both comparison specimens, the conclusion may be that the specimens could have originated from the same painted surface and the possibility of their originating from different surfaces is remote. Thus, it is an accumulation of facts obtained from the examination which governs the conclusion. ®

## **LABORATORY BOOKLET**

The history, services, and operating techniques of the FBI Laboratory are briefly explained in a booklet, "The FBI Laboratory," which may be obtained free of charge by interested individuals.

Requests for a copy of this booklet should be submitted to the Acting Director, Federal Bureau of Investigation, Washington, D.C. 20535.

## **NATIONAL SYMPOSIA**

During 1972, two National Symposia devoted to major police concerns were undertaken at the FBI Academy. One of these, held in September, dealt with police-community relations and included 124 leading law enforcement administrators representing major metropolitan agencies. The other, conducted in November, considered urban police patrol practices and was attended by 115 law enforcement officials and officers of the 91st Session of the FBI National Academy.

(Jenkins to Felt 1-17-73, captioned "Summary of Accomplishments," Training Division, Calendar Year 1972)

## **LAW ENFORCEMENT TRAINING SCHOOLS**

During the 12-month period ending December 31, 1972, the FBI afforded assistance in 9,717 law enforcement training schools attended by 302,010 criminal justice personnel.

Augmenting the FBI's field police training program were a number of specialized schools conducted throughout the country on such subjects as police-community relations, criminology, police management, and police training.

(Jenkins to Felt 1-17-73 Captioned "Summary of Accomplishments, Training Division (Calendar Year 1972)" 27)



# WANTED BY THE FBI



**ANDREW JACKSON**, also known as: Henry Clark, Kenneth Haynes, Harvey Mitchell, Edward W. Pitts.  
**Bank Robbery; Interstate Flight—Murder and Arson**

Andrew Jackson is being sought by the FBI for bank robbery and unlawful interstate flight to avoid prosecution for murder and arson. Federal warrants for his arrest were issued on July 29, 1971, and on November 29, 1971, at New York, N.Y.

In July 1971, the Queens County, N.Y., grand jury returned indictments charging Jackson and six other individuals with first degree murder and first degree arson in connection with the April 1971 slaying of a member of the Black Panther Party newspaper staff. The victim was bound with a venetian blind cord and shot, after which the Queens, N.Y., Black Panther Party headquarters was burned.

On August 23, 1971, Andrew Jackson and five accomplices allegedly robbed at gunpoint the Bankers Trust Co., Queens, N.Y., of over \$7,600. The bandits reportedly entered the bank and stationed themselves at different positions on the bank floor. One bandit allegedly placed a gun at a customer's head before leaping over

the tellers' counter to assist in gathering the money. After obtaining the loot, the bandits reportedly escaped in a car and a pickup truck.

## Caution

Jackson is being sought in connection with a murder in which the victim was shot and a bank robbery in which guns were used. He has escaped from custody and should be considered extremely dangerous.

## Description

Age	26, born January 18, 1947, Montgomery, Ala. (not supported by birth records).
Height	6 feet 2 inches.
Weight	160 to 165 pounds.
Build	Slender.
Hair	Black.
Eyes	Brown.
Complexion	Medium.
Race	Negro.
Nationality	American.
Occupation	Clerk.
Scars and marks	Scar right elbow.

FBI No.----- 543,561 G.

Fingerprint classification:

14 M 6 U I I O 6  
I I U O I O

Ref: 6  
9

Left thumb print.



## Notify the FBI

Any person having information which might assist in locating this fugitive is requested to notify immediately the Acting Director of the Federal Bureau of Investigation, U.S. Department of Justice, Washington, D.C. 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.



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Complete this form and return to:

ACTING DIRECTOR  
FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D.C. 20535

(Name)

(Title)

(Address)

(City)

(State)

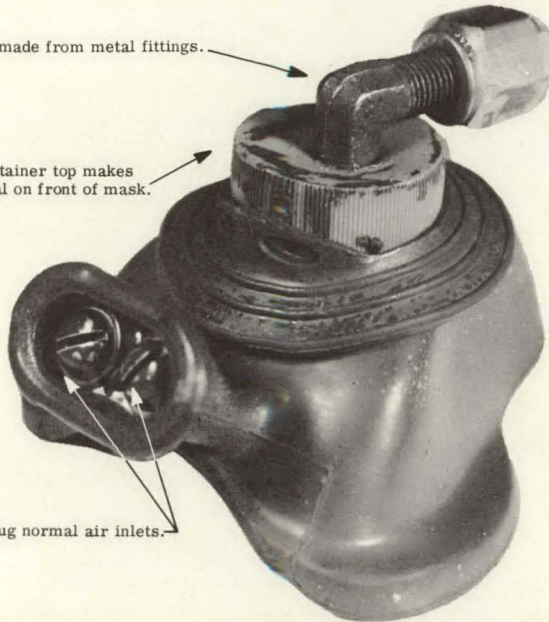
(Zip Code)

### POT SMOKER

Pipe bowl made from metal fittings.

Plastic container top makes  
airtight seal on front of mask.

Screws plug normal air inlets.



During a recent investigation, police officers of Parma Heights, Ohio, confiscated this oxygen mask which had been converted to smoke marijuana. It probably would have provided a heady and very harmful whiff of smoke for any user.

(Sent to us by Richard L. Rob, Detective, Police Department,  
6184 Pearl Road, Parma Heights, Ohio 44130 - 5/5/73.)



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D.C. 20535

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## INTERESTING PATTERN



The interesting pattern reproduced here is classified as a double loop-type whorl with an inner tracing. It is of particular interest because of the position of the two loop formations.