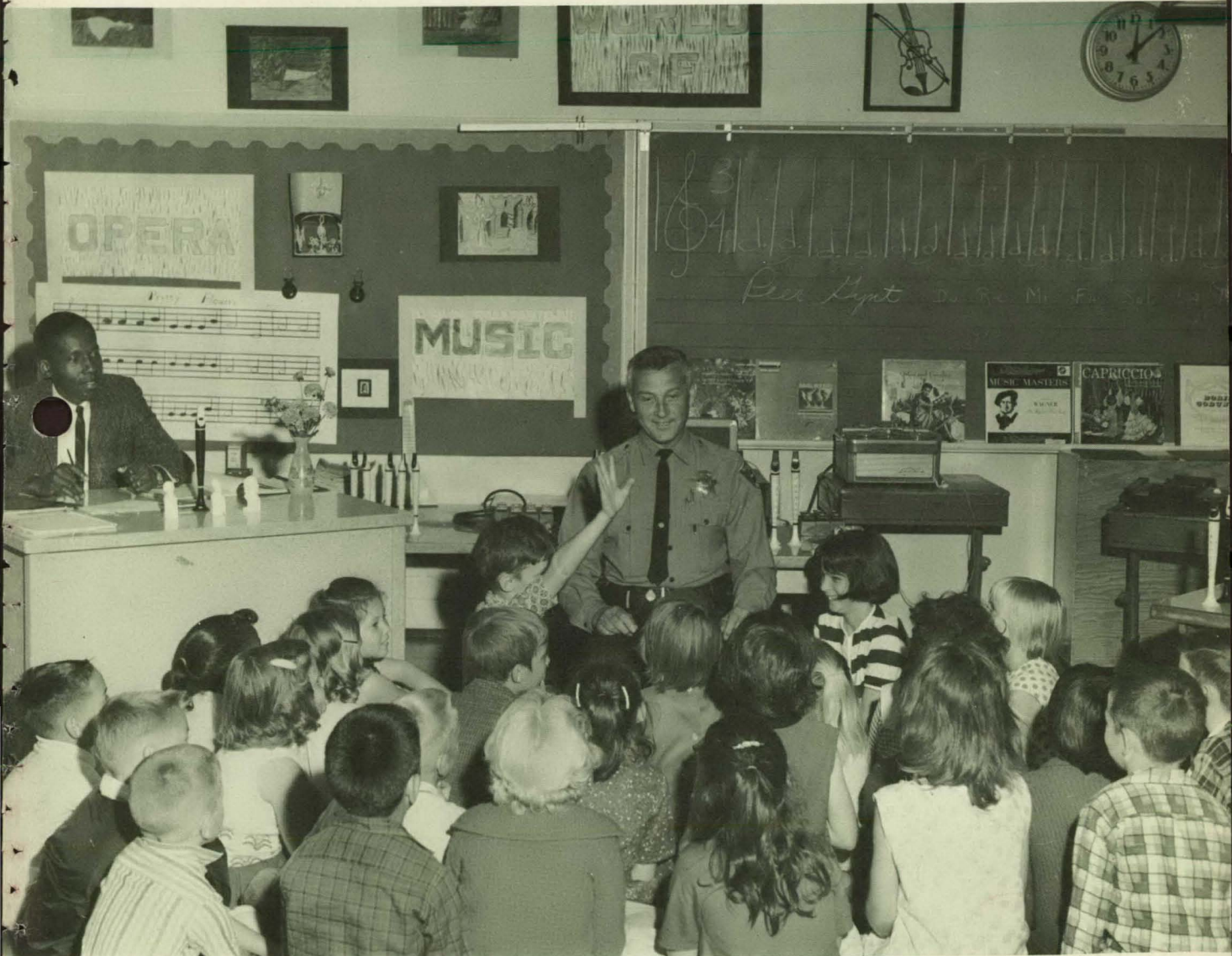




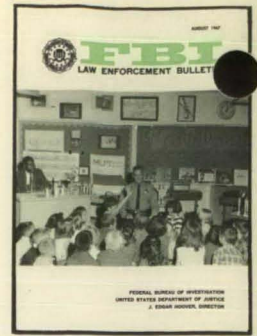
FBI

LAW ENFORCEMENT BULLETIN



FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE
J. EDGAR HOOVER, DIRECTOR

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THE COVER—An officer and his friends. See page 12.

FBI

LAW ENFORCEMENT BULLETIN

CONTENTS

<i>Message From Director J. Edgar Hoover</i>	<i>1</i>
<i>FBI National Academy Graduates 79th Session</i>	<i>2</i>
<i>Search of Motor Vehicles (Part VI)</i>	<i>9</i>
<i>Police Applicant Screening, by Capt. C. O. (Jack) Stene, Commander, Detective Division, Sioux Falls, S. Dak., Police Department</i>	<i>9</i>
<i>"Your Friend the Policeman"</i>	<i>12</i>
<i>Does Your City Need a Mobile Field Headquarters?, by Capt. Harry C. Heyen, Investigative Division Commander, Fremont, Calif., Police Department</i>	<i>17</i>
<i>Nationwide Crimescope</i>	<i>23</i>
<i>Do You Know This Man?</i>	<i>24</i>

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MESSAGE FROM THE DIRECTOR

OFTEN WE HEAR THE CHARGE that law enforcement lives in a world of its own, out of touch with reality and the mainstream of our society. This is a baseless charge and should be refuted each time it is heard.

The truth is that law enforcement, by the very nature of its responsibilities, is in much closer touch with the public than are most other professions. The officer on the beat, the patrolman in the cruiser, and the sergeant at the desk know far more about people and what they are thinking than do the sophisticated theorists who issue "authoritative" appraisals of criminality from within ivory-tower offices.

It has also been suggested that law enforcement remains dormant while other professions forge ahead to new realms of achievement and growth. Some critics say that law enforcement is satisfied to mark time, insulate itself from change, and turn its back on progress. They imply that law enforcement is largely responsible for the Nation's crime problem. This may be an easy hypothesis to accept if a person is looking for a scapegoat. However, it is an erroneous conclusion, and it reflects the shallow reasoning of some who have little, if any, practical experience in or knowledge of enforcing the law.

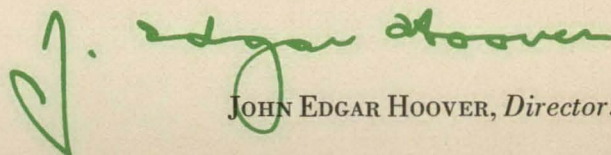
For years, responsible law enforcement leaders have been waging a relentless, although often futile, battle to modernize and professionalize law enforcement. Their pleas, warnings, and exhortations for the most part have fallen on deaf ears.

Only recently has the voice of law enforcement received any appreciable recognition—and this has come about mainly because crime has reached such proportions that it can no longer be ignored if our Nation is to survive.

The annals of law enforcement are replete with examples of achievements which show that progressive, effective enforcement, keyed to human relations, has been a continuing goal of career officials. While struggling without adequate funds and without public support, law enforcement has always been receptive to, and where possible has applied, all scientific developments and technological breakthroughs which would enable it to do a better job and to improve its standards.

Police officials know from experience that crime prevention and enforcement of the law are a bit more complicated than the supervision of a church picnic. Sociological dreamers notwithstanding, crime cannot be explained away. It can be given aliases, but by any other name it is still crime—violations of the laws of our land. And it is still increasing.

It is not surprising, therefore, to note that many who in the past chose to minimize the danger of crime and to ignore police pleas for help now quite charitably choose to place much of the blame for soaring criminality at the door of law enforcement. While law enforcement has its shortcomings, to charge that it is by choice out of step with progress is an admission of ignorance.



JOHN EDGAR HOOVER, *Director.*



On June 7, 1967, FBI Director J. Edgar Hoover; Hon. James S. Copley, Chairman of the Corporation, The Copley Press, Inc., La Jolla, Calif.; Hon. James B. Parsons, Judge, U.S. District Court, Northern District of Illinois, Chicago, Ill.; Hon. Harold Barefoot Sanders, Jr., Legislative Counsel to the President; Dr. Edward Bradley Lewis, Capitol Hill Methodist Church, Washington, D.C.; and Mr. William K. Hanger, Chief of Police, Pontiac, Mich., President of the 79th Session of the FBI National Academy, were photographed following graduation exercises of the 79th Session of the FBI National Academy in Washington, D.C. Shown, left to right, are: Dr. Lewis, Mr. Hanger, Mr. Copley, Mr. Hoover, Judge Parsons, and Mr. Sanders.

FBI National Academy Graduates 79th Session

HON. James B. Parsons, U.S. District Judge, Chicago, Ill., and Hon. James S. Copley, chairman of the corporation, The Copley Press, Inc., La Jolla, Calif., addressed the graduates at ceremonies of the FBI National Academy, on June 7, 1967, in Washington, D.C.

Judge Parsons spoke of the tremendous need for more respect for, more belief in, and more pride about government on the part of the American people. "I am deeply concerned about

what I have observed over the last several years to be growing disenchantment with America and its agencies of governing, particularly among our younger people," he remarked. "I attribute much of it to patriotic apathy among our adults.

"Of all representatives of all governments, doubtless the metropolitan police officer has the highest rate of person-to-person contacts day after day," the Judge explained. "To great masses of our people, he is the per-

sonification of all government about us, Federal as well as State and local. To the extent to which he, individually, dislikes people, has no faith in people, has no pride in an American being an American, he, to that extent, makes government the people's enemy, and governing a universal irritant."

The judge further stated that it is the officer's duty to make the concept of the equality of all men a living reality—"not only for ourselves, but for all the world and all the ages."

Mr. Copley in his address stated that the more important aspects of this less era are "the public's freedom from fear, freedom from danger in the streets, and freedom from threats of violence and anarchy."

In pledging the support of the Copley newspapers to law enforcement officers—"The Thin Blue Line—whom we trust for our protection," Mr. Copley declared, "we will not give up or retreat in this war against crime any more than in the war against the Communists in Vietnam."

The class of 100 members was the 79th session of the FBI National Academy. The graduates represented 45 States and Puerto Rico, the District of Columbia, the U.S. Park Police, the White House Police, the Bureau of Indian Affairs, the U.S. Army, and the U.S. Air Force. Foreign representatives were from Australia, Canada, Colombia, Malaysia, and Thailand.

Diplomas were presented by Hon. Harold Barefoot Sanders, Jr., Legislative Counsel to the President, and Mr. Hoover.

Dr. Edward Bradley Lewis, Capitol Hill Methodist Church, Washington, D.C., delivered the invocation and benediction for the exercises. The U.S. Marine Band, conducted by Capt. Dale Harpham, provided a musical program.

Chief William K. Hanger, Pontiac, Mich., Police Department, president of the graduating class, spoke on behalf of his fellow officers, expressing their appreciation for the opportunity of attending the Academy and receiving valuable training.

In ceremonies prior to the graduation exercises, Rex P. Armistead, criminal investigator for the Mississippi Highway Safety Patrol, was presented the American Legion National Academy Firearms Proficiency Award. Sgt. Ernest B. Smith, Oakland, Calif., Police Department, was awarded the John Edgar Hoover Med-

al for Excellence in the Study of Law Enforcement.

Following is the address given by Judge Parsons:

Director Hoover, distinguished guests, members of the graduating class and their friends, fellow Americans. Thank you, Director Hoover, for that full and complete introduction. It allows me the opportunity to tell the only amusing story I know. It relates to the introduction of the speaker on a formal occasion in a little college in Little Rock, Ark., called Philander Smith University. The dean of the college on that occasion introduced the speaker in very much these terms. He said, "The gentleman I am about to present to you has his Bachelor's degree in the field of English from Philander Smith University, he has his Master's degree in the field of English from Philander Smith University, he has his Doctor's degree in the field of English from Philander Smith University; in fact, the gentleman I was about to present to you is a very great man. Am I not right, Mr. Smith." Whereupon Mr. Smith dared reply as he lifted his head and he said, "You is."

If you observe that I'm nervous on this occasion, you can understand that it is due to the fact that a judge is still a civilian, and we consider police officers military in many aspects, and I'm standing before so many and in front of so much in the way of gold braid that I am indeed quite nervous. But more than that, a judge usually delivers his dissertations from a seated position and standing is not part of his occupation.

I am highly honored by this opportunity to meet and speak with you, select law enforcement officers from all over our country and from several foreign countries, on this occasion of your graduation from the FBI National Academy.

I shall always be grateful to Director Hoover for having allowed me this special privilege. It permits me, in the benedictory setting of commencement remarks, to address myself more inspirationally, and from

"There is . . . a massive need for more pride in our government, and in particular for our law enforcement officials, on the part of the American people."

—Hon. James B. Parsons.

a broader perspective, to the area of your special interests than I would be permitted were I lecturing in the course of your studies with the Academy. It is with these considerations in mind that I have chosen as my subject, "The Law Enforcement Officer and Our National Destiny."

Before attending upon my subject, may I first take a moment to commend you gentlemen before me on your accomplishments wherefore you are here today graduating from this fine Academy, and upon the wisdom of the Director and the planning of the Bureau and its National Academy staff in making the excellent course of study you now have completed available to you. I know of no program anywhere in the world that, in so short a period of time as that afforded you here, offers you as much general and special training in all matters relating to law enforcement as does the FBI National Academy. What you have received here is of inestimable value. Only the FBI could do it. The time should hurry upon us when every local law enforcement officer will have the opportunity you have had of attending this Academy, which I understand in a short time will be expanded six-fold.

When you go from this auditorium today, each of you will find yourself whispering to yourself as you leave, "I now am a graduate of the FBI National Academy." And what will this silent soliloquy mean to you? It will be not unlike many of the experiences which you and I have had otherwise in life. I remember when I finished high school, I heard myself whisper as I left the high school, "I now am a high school graduate." But no sooner than I had whispered that to myself, I heard further the additional whisper, and that is this: "What next am I going to do?" And so when you leave this auditorium and hear yourself say to yourself, "I now am a graduate of the FBI National Academy," it is time for you to concentrate upon the wide stretches of opportunity open to you to put into effect the skills and the knowledge with which this Academy now has endowed you.

And what are those skills? A résumé of your curricula will remind you. I know that you've been given a broadened understanding of the entire field of criminology. You are clearer now on the American system of criminal justice and what it is like and on the foundations of good crime control programs. You have a more illumined view of crime on the American scene and the problems of effective police action in dealing with it. These matters you have.

I am sure, for example, that as never be-

fore, you know that working with crime prevention, detection and prosecution, you must master the capacity to find the facts.

I am sure that now, as never before, you are aware that crime is a national problem of tremendous proportions that defies all efforts to reduce it or to contain it, except that it be attacked coordinately on all levels of law enforcement. As was stated by the President's Crime Commission, "Crime occurs in every part of the United States and in every stratum of society." Organized crime, for example, is known to operate in all sections of our Nation, yet it is to a great extent a single, interwoven activity that seeks to operate outside the control of the people and of the government. We cannot suggest a nationalized police force, yet we must find ways of coordinating the activities of 40,000 separate police agencies. There is extensive pooling and consolidation called for on the individual police level. On the interstate level there is substantial coordination and cooperation called for, and on the Federal level there are substantial degrees of supervisory activity called for.

I am convinced that, as never before, you are aware of the fact that crime cannot be fought with old weapons. In an age when industry has demonstrated the wisdom of the use of science and technology, one can no longer ignore the fact that an effective war on crime cannot be waged without an effective use of science and technology.

I know you agree with me that we need full enactment of the President's Crime Control legislation, implemented with sufficient funds to make it effective. I myself hope that legislation providing Federal aid to local police officers and police forces be unavailable to those forces that would blend Federal monies into budgets that support activities that ought not be police activities.

It seems to me that on an occasion such as this something more needs be said. What most needs be said should serve to place you as law enforcement officials against the backdrop of the whole of the American scene in a real and pragmatic way. This brings me to the title of my remarks, "The Law Enforcement Officer and Our National Destiny."

I want to say, to repeat, there is a tremendous need for more respect for, and belief in, and pride about the American people—all of the people—on the part of all government through the United States. There is a tremendous need for more respect for, belief in, and pride about government within the United States on the part of all Americans. And there is a tremendous need for more respect for, belief in, and pride in all people on the part of all the people in the United

States. These are years of fast and unbelievable changes. We are not going to be able to weather the storm of dramatic and tidal change, unless those who govern and the bodies that they man come to like the American people—all of the people, and unless the American people come to like and support their bodies of government and those who man them, and unless all of the American people come to like all the American people.

Take the first of these propositions. The plight of American people, disliked, distrusted, disdained by their own public officials, is tragic. It is a serious threat to the survival of a free people. People will strike back—even blindly they will strike back—at all images of law and democratic institutionalization.

There are agencies of our Government that look upon the people through spectacles of distrust. There are States and counties and cities in our country that officially consider and treat whole segments of their populations as second class or less than the rest.

There are in the field of law enforcement and the administration of justice, corrections people who consider the violators of criminal law by nature criminal, judges who consider the affairs of the poor and uneducated less worthy of the time and wisdom to be accorded to the affairs of the more affluent.

Of all representatives of all governments, doubtless the metropolitan police officer has the highest rate of person-to-person contacts day after day. To great masses of our people, he is the personification of all government about us, Federal as well as State and local. To the extent to which he, individually, dislikes people, has no faith in people, has no pride in an American being an American, he, to that extent, makes government the people's enemy, and governing a universal irritant.

I have a strong attachment for good police-community relations. Last week in Chicago, the Chicago Committee on Police-Community Relations completed and published its exhaustive study in that field for Chicago, making recommendations.

And as proud as I am of those recommendations, no recommendation in it could have been as important as the effect of last summer's project in Chicago of personal fairness on the part of every policeman. Its impact on protest demonstrators and outraged bigots was dramatic. Both sides said, "Our policemen were fair."

Take my second proposition. I said that there is a tremendous need for more respect for, more belief in, and more pride

about government on the part of the American people, all of the people. I am deeply concerned about what I have observed the last several years to be growing disenchanted with America and its agencies of governing, particularly among our younger people. I attribute much of it to patriotic apathy among our adults.

A week ago yesterday, I rode through the streets of Chicago to see signs of how concerned the people were that it was Memorial Day. Very few displays of flags caught my eye. In the residential districts, there were almost none. More flags were hanging from apartment windows in the ghetto areas that had been the scenes of trouble last summer than from the homes of more affluent people.

Mass disobedience of laws that are good or laws equally and universally to be applied, programed efforts of students to appropriate to themselves the management of the schools and universities they attend, planned disruptions of official governmental assemblies and hearings, draft card burnings, programs to persuade citizens to resist induction into the armed services, in-service promotion of disloyalty and disaffection among troops, and State legislation aimed at circumventing or defeating Federal policies or Supreme Court decisions, have increased over the last several years.

Some of that increase must be credited to the activity among us of Americans who secretly hope for and work for the destruction of the United States. Disaffection for country thus begun can erupt into serious problems of mass lawlessness.

Police, here again, are the closest representatives of the government to the people; they are quick to be identified as the government, and where violence occurs out of this anti-American movement, they are most likely to receive the first blows. And, as this thing grows, public brutality to police will become a serious problem.

Somewhere along the way, and soon, people must stand up and be heard to speak out in favor of our country. We need liberals who will repudiate defectors. We need columnists who will write less thoughtlessly their criticisms of our national program. We need college deans who will invite at least as many loyal Americans as they do Communists to their student assemblies. We need more people who will speak out in favor of our police departments and the improvements that they are making.

One example can portray vividly what I have said. The principal of one of the large West Side Chicago schools decided to try to get his students to learn to like their police officers who were in the school.

He invited them in to coffee sips with the police officers in his office. From time to time, a bond of mutual respect built up. Then, one of the officers one day, as the students were passing from class to class, found himself suddenly faced by two boys moving meaningfully toward him from 45° angles with long-blade knives. He knew that they were not students. He probably reasoned that they were subversives. The corridor was filled with students, but the policeman acted with skill and dispatch. With his night stick, he swung to the left and to the right. Speed and his terrible strokes brought them down. The knives fell to the floor as did the boys.

Then, as though it were planned, two other big boys turned toward the students in the corridor and started pulling at their emotions saying, "Police brutality, police brutality. Do something about it." But instead of accepting this call to violence, a number of the students moved out and grabbed the boys by the arms and said, "Oh, no. They had knives. This is not police brutality. You don't belong here in the school anyway. And besides, he's our policeman."

Now, take my final point. I said that there is a tremendous need for more respect for, belief in, and pride about all of the people in America on the part of all of the people in America. This means that all of us must live and speak and perform from the perspective of deep and undeviating attachment to the democratic concept upon which our Nation was founded and upon which our national destiny depends.

The core of that concept is the mutual recognition of the basic dignity to be accorded every person, regardless of how big he is, how small he is, regardless of his race or his creed or his color. Over the years this has not happened. We had a great deal to

"The responsibility placed upon you as peace officers is awesome. You must be courageous in the face of danger, yet compassionate and helpful even toward those who resist your efforts to maintain obedience to law."

—Hon. James S. Copley.



On June 5, 1967, FBI Director J. Edgar Hoover presented the FBI National Academy Firearms Proficiency Award, donated by The American Legion, to Criminal Investigator Rex P. Armistead, Mississippi Highway Safety Patrol, Jackson, Miss., a member of the 79th Session of the FBI National Academy. Shown in Mr. Hoover's Office, left to right, are: FBI Assistant Director Joseph J. Casper, Mr. Armistead, and Mr. Hoover.

do to bring this about. People who find it easy to dislike people will disrespect all others, and it thus becomes easier to assault, easier to rob, easier to kill, easier to trample upon the personal and property rights of others. Some observers have labeled it a general decline of morality among the whole of the American people.

Attorney Genevieve Blatt, a member of our President's Crime Commission, in her search for the missing link in the Commission's meeting the challenge to crime, bemoaned the Commission's failure to mention the Ten Commandments. She said, "Godlessness is a basic cause of crime and religion should be a basic cure."

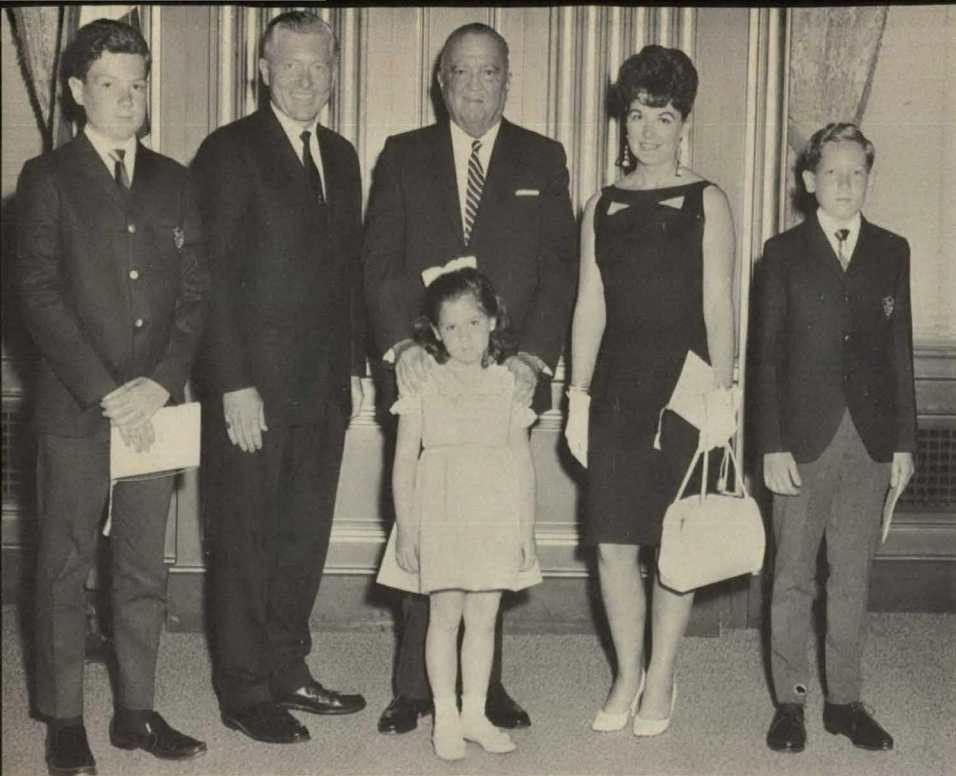
I think she found the missing link, but I cannot give it a religious interpretation. It is indeed a fundamental disaffection of people for people and a tragic disattachment to the democratic concept. People must attain a high degree of respect for the basic dignity which the ideal of the American form of life accords to every individual, regardless of who he is. And unless this becomes the most evident characteristic of the American people, our Nation shall not have fulfilled its destiny.

We are here assembled in the Capital City of a great Nation. It should be a Nation of great people. Its hallowed halls should inspire us with our national mission.

Our parents' parents all came here. They came here to a wilderness. Some of them came against their will, but they came nevertheless. But, once here, they turned this wilderness into a Canaan. They tilled its soil, they built its structures, they gave it their cultures—they worked for it and fought for it and died for it—and in their working and fighting and dying, they sought to implant in it an ideology of fairness and justice and opportunity for all men, regardless of ethnic distinctions.

If every American were dedicated to the principles of basic human equality, more freedom, more justice, more understanding, more integrity, more opportunities for peace and worldwide democracy would be forthcoming overnight. For, in the universal recognition of the dignity of every man, irrespective, lies the only hope for a healthy and happy world.

And so, my friends, I have enumerated for you, as a backdrop against which you may visualize your individual roles as law enforcement officers in a Nation with a great destiny, three needs in our American life. There is, you must be sure, a great need for more respect for the American people on the part of government, and particularly on the part of our law enforcement officers. There is, you may be sure, a massive need for more pride in our government, and in



Mr. William K. Hanger, Chief of Police, Pontiac, Mich., and President of the 79th Session of the FBI National Academy, introduced his wife and children to FBI Director J. Edgar Hoover. Shown, left to right, are: Billy, Mr. Hanger, Mr. Hoover, Lynette, Mrs. Hanger, and Gary.

particular for our law enforcement officials, on the part of the American people. But most of all is the inescapable need for all Americans to respect all Americans.

Our Nation has a great destiny. The people of our Nation have an awesome responsibility. It is to make the concept of the equality of all men a living reality. This concept of the dignity of every individual—the God-given dignity of every man. It is your duty to make it real. Come join with me and with all of the American people hand in hand as one people united by their common greatness and dedicated to the principle of making America what it really means—a land of people who are free, who are united. This concept is the dignity of every individual. We must do this hurriedly, not only for ourselves, but for all the world and all the ages.

Mr. Copley addressed the class as follows:

Thank you, Director Hoover, the Honorable Barefoot Sanders, Judge Parsons, Dr. Lewis, graduates of the 79th session of the FBI National Academy, distinguished guests, ladies, and gentlemen.

In talking with groups, it is natural to relate one's thoughts to his profession. So, I would like to recall a young writer who became famous as a war correspondent for

the London Times during the Crimean War of 1854 and 1855.

After witnessing tremendous valor and degrading atrocity, William Howard Russell sat exhausted on a discarded saddle to report for his newspaper the Battle of Balaklava.

He used his knee for a desk. A candle stuck in a bottle provided flickering light. He wrote until the candle fell into the bottle.

Some of his words became imperishable when he told of Englishmen who formed "a thin red line, tipped with steel" and, with "courage too great for credence," threw themselves against an overwhelming foe.

He described how the Russian foes committed "atrocities without parallel" by firing cannon into their own troops to wipe out most of the pitiful remnants of the attackers.

Today, in our times, we also have examples of courage almost too great for credence and atrocities that seem to have no parallel. We have these in the war across the seas and in another which is being waged daily across our Nation, in our cities and our countryside.

Here at home, it is the war against crime.

Sadly, some of the gallant men in both these wars face criticism and slander on

the homefront. They also must overcome grave and mounting restrictions on their operations against the foe—our foe, as as theirs.

Young Russell's story of the gallant British charge was to inspire Rudyard Kipling's poem, "Tommy." Kipling used Russell's words in praise of "the thin red line" of heroes serving their beloved England at a time when the sun never set on the Empire's outposts.

Kipling's poem also offers insights to modern as well as older heroes. Today we have a thin blue line of men who also battle seemingly impossible odds.

These men, and women too, are our law enforcement officers. They are known traditionally for their uniforms of blue. Whatever the color of the modern uniform, we know our lawmen as true blue to their calling. Blue is the color for gallantry.

Kipling's poem told how Mister Tommy Atkins, the typical British soldier, was scorned in quiet times by those "making mock o' uniforms that guard you while you sleep."

But suddenly, Kipling said, Tommy Atkins is the "savior of his country when the guns begin to shout."

Tommy Atkins first is scorned, but then, "when there's trouble in the wind," he is suddenly expected to march to the front to face the danger.

As Kipling said, "It's Tommy this, and Tommy that, and Tommy, how's yer soul? But it's a thin red line of 'eroes when the drums begin to roll."

Were Kipling alive today to assess our thin blue line of law enforcement, he would find many who are ready to make mock of the policeman, or the soldier, or the sailor. He also would find the same many who are very eager to walk close behind the uniform when danger lurks near.

Kipling also would find the financial and other rewards "starvation cheap" for the work, dedication, and skills required.

It is the lawman whom we particularly consider today.

Too few people recognize that this thin blue line protects us against the criminal element. It is also this line that is vital to preserve our individual and national freedom.

Certainly one of the individual freedoms which this protection secures for us is freedom from fear in our everyday lives.

Although law enforcement as we know it today goes back little more than a century, the yearning for this great freedom from fear was reflected in the common law of an-

(Continued on page 14)

Search of Motor Vehicles

This is the sixth of a series of articles discussing the Federal law on search of motor vehicles.

VII. Search Incident to Arrest

The right to search incident to arrest is deeply rooted in the common law. *Weeks v. U.S.* 232 U.S. 383, 392 (1914). The basis for the rule, as Justice Cardozo once observed, is a "shrewd appreciation for the necessities of government." *People v. Chiagles*, 237 N.Y. 193, 197, 142 N.E. 583, 584 (1923). As a practical matter, the courts recognized that a police officer must have some power to conduct an immediate search following arrest in order to remove any weapons from the reach of a suspect and to prevent him from destroying evidence of the crime. *Agnello v. U.S.*, 269 U.S. 20, 30 (1925); *U.S. v. Rabinowitz*, 339 U.S. 56, 72 (1950); *Harris v. U.S.*, 331 U.S. 145 (1947). While early decisions limited the search to the person of the accused, the rule was extended in later years to things within the "immediate possession" or "control" of the suspect and, "depending on the circumstances of the case, to the place where he is arrested." *Preston v. U.S.*, 376 U.S. 364 (1964); *Agnello v. U.S.*, 269 U.S. 20, 30 (1925); see dissent, J.

Frankfurter, *Davis v. U.S.*, 328 U.S. 582 (1946).

Although it is sometimes stated that the authority to search incident to arrest is no greater than that under a warrant, *U.S. v. Lefkowitz*, 285 U.S. 452 (1932), this assertion is somewhat less than accurate. In many jurisdictions, for example, including the Federal, authority to search by warrant is carefully circumscribed by statute; unless the item sought is specified in the enabling legislation, it cannot be obtained in this manner. On the other hand, the search incident to arrest derives mainly from decisional law which, as a general rule, is broader and more permissive. And while the courts have gradually expanded search and seizure powers on a case-by-case basis, legislative action in this field has failed to keep pace with these developments. As a result, the search incident to arrest frequently permits the seizure of physical evidence which could not properly be the subject of a search warrant. See earlier discussion, II. Search Under the Authority of a Warrant. See also, *Warden v. Hayden*, No. 480, decided

May 29, 1967, 35 L.W. 4493, permitting the seizure of mere evidence in the course of a search incident to arrest.

In addition to its broader scope, the search incident to arrest offers greater flexibility and ease of administration to the executing officer. Unlike the warrant procedure, the rule does not require that he describe in advance either the place to be searched or the articles to be seized. Neither is it necessary that he show some basis for believing the evidence sought will be found at the place of arrest, beyond the fact that the premises were in the "immediate control" or "possession" of the defendant. See discussion below. Also, by proceeding in this manner, the officer avoids both the formalism and rigidity which attend the drafting of an affidavit and the execution of a warrant. See, e.g., *Smith v. U.S.*, 254 F. 2d 751, 768 (1958) (officer need not file an inventory nor provide a receipt for property seized during incidental search). And finally, but perhaps most important from the police viewpoint, avoidance of time-consuming warrant proce-

dures enables the officer to take immediate action to insure against the loss or destruction of critical evidence in the case.

Yet the incidental search rule is not without its disadvantages. Whenever the officer operates outside the warrant process, his conduct will be closely examined by the judiciary. And the Supreme Court has cautioned in this regard that "[i]n a doubtful or marginal case a search under a warrant may be sustainable where without one it would fall." *U.S. v. Ventresca*, 380 U.S. 102 (1965). But perhaps the principal shortcoming of the rule lies in the uncertainty of its application. The judicial tendency toward resolving the reasonableness of such searches on the facts of each case has sometimes left the police without effective guidelines for future conduct. What factors, for example, are relevant in determining the physical perimeter of the search and the intensity with which it may be conducted? Since the rule is justified by the need to seize weapons of escape and to prevent destruction of evidence of the crime, may a search be made notwithstanding the fact that the vehicle is beyond the reach of the arrestee? Under what circumstances may the search or seizure be delayed following arrest, and what are the limits of the delay? Despite the fact that the incidental search rule has been the "subject of almost constant scrutiny" by the courts, these and other questions remain open to debate. "In no other field," observed Mr. Justice Black, "has the law's uncertainty been more clearly manifested." *U.S. v. Rabinowitz*, *supra* at 67. Yet the search incident to arrest is perhaps the dominant method of securing physical evidence of crime. Employed reasonably and within the broad standards set out by the case law, the rule can be a most important technique for effective law enforcement.

A. Vehicle Must Be in the Immediate Vicinity of the Arrest

The case law dealing with the permissible bounds of a search incident to arrest, in the words of Justice Frankfurter, "cannot be satisfactorily reconciled." *Abel v. U.S.*, 362 U.S. 217, 235 (1960). In expanding the rule beyond the person of the accused, the Court has held that the search may include "the place where the arrest is made," provided it is confined to the area under his immediate control at the time of arrest. *U.S. v. Rabinowitz*, 339 U.S. 56 (1950); *U.S. v. DiRe*, 332 U.S. 581 (1948); *Agnello v. U.S.*, 269 U.S. 20 (1925). The extent of the search has also been defined in terms of whether it is limited to the "immediate vicinity of the arrest." *Stoner v. California*, 376 U.S. 483, 486 (1964). Unfortunately, the courts have had considerable difficulty translating these concepts into meaningful guidelines for the police. There is "no ready litmus paper test," observed the Court, by which to measure the reasonableness of a search. *U.S. v. Rabinowitz*, *supra* at 63. Here, as elsewhere in the search and seizure laws, "reasonableness . . . must find resolution in the facts and circumstances of each case." *Ibid.*

As a general rule, it can be said that a suspect's automobile may lawfully be searched incident to his arrest if the arrest takes place *in or near* the vehicle. Where the suspect is seated in the car or is standing beside it at the moment of arrest, there is no doubt that it can be searched either as the "place of arrest" or as an object under his "immediate control." *U.S. v. Doyle*, 373 F. 2d 875 (1967) (search declared reasonable where "[t]he car was in Doyle's immediate presence and but a few feet from him when he was handcuffed and taken into custody"); *U.S. v. Simpson*, 353 F. 2d 530 (1965); *Ford v. U.S.*, 352 F. 2d 927 (1965); *Adams v. U.S.*, 336 F.

2d 752 (1964), *cert. denied*, 379 U.S. 977; *Goforth v. U.S.*, 218 F. 2d 820 (1955); *U.S. v. Low*, 257 F. S. 606 (1966); *U.S. v. Kapatos*, 255 F. Supp. 332 (1966). When employed in this context, the term "control" is rather loosely defined; it is not intended to mean that the vehicle must be under the actual physical control of the arrestee. It is sufficient for application of this doctrine that the suspect has enjoyed free access to the place of arrest, thereby raising the probability that physical evidence may be found there. See, e.g., *Haas v. U.S.*, 344 F. 2d 56, 60 (1965) (upholding the incidental search of a dining room which the arrestee, who was a tenant on the premises, had a right to use). Accordingly, an automobile may be searched incident to the arrest of a passenger in or beside the car despite the fact that the owner or some other person may be in charge of the vehicle when the arrest is made.

The authority to search is less clear, however, where the arrest is made outside the car and at a point "substantially removed geographically" from the automobile. See *Stoner v. California*, 376 U.S. 483, 487, footnote 5 (1964). Obviously, the vehicle cannot be searched as "the place of arrest" in this instance. Nevertheless, an incidental search may be justified if it can be shown that the automobile is under the "control" of the suspect or is located within the immediate vicinity of the arrest. But at what point is the automobile too remote from the place of arrest to satisfy even these criteria?

While no precise answers can be given on this point, it is fair to say that the scope of the incidental search has been interpreted rather broadly by the lower Federal courts. In one case, police arrested a shoplifter approximately one block away from a grocery store where the theft had occurred. He had previously been seen

(Continued on page 19)

CAPT. C. O. (JACK) STENE

**Commander,
Detective Division,
Sioux Falls, S. Dak.,
Police Department**



Captain Stene confers with Sioux Falls, S. Dak., Police Chief, Herb S. Hawkey.

Police Applicant Screening

THE policeman's job is exacting and one that brings him in daily contact with the public. Most of these contacts occur under sensitive circumstances, a great deal of the time under pressure, and sometimes the officer is forced to defend himself.

Police administrative success depends greatly on the abilities of the individual officer. However, it is not always easy to recruit men who have the ability to meet the multitudinous demands made on the present-day enforcement officer.

Many factors contribute to the lack of applicants for a law enforcement career. In recent years considerable public attention has been given to indiscriminate and unreasonable charges of "police brutality." A gen-

erally poor public image of law enforcement has been projected and outright disrespect shown for duly constituted authority and the laws by which we are governed. This discourages prospective law enforcement applicants. Also contributing to the lack of applicants are the ever-increasing physical assaults on officers, the low salaries and fringe benefits as compared to industry, and the long hours required in most departments.

Be that as it may, in order to improve police standards, police administrators all over the Nation have to actively seek out personable and desirable applicants to man their organizations and at the same time establish an ever higher level of entrance qualifications. Administrators must look

for men with the basic qualities, hire them, and then train them to do the job well. Therefore, selections must be based on concrete facts and definite conclusions.

Recruiting Program

There is no shortage of qualified young Americans who would make excellent police officers. Our problem is reaching them and convincing them of the advantages of following a police career. Our department long ago recognized the value of widespread recruiting, with no State or city residence requirements stipulated prior to employment. Factual form letters and personal replies to letters of inquiry,

personal contacts, bulletins and posters in schools and business establishments, and advertising in all available media are all a part of this effort to attract the interested young man to our profession. In our advertising and contacts we place emphasis on job interest, community service, growing prestige, and earlier retirement as points for the potential candidate to consider. Departmental personnel recommending acquaintances are granted bonus days for each applicant accepted for employment.

Requirements

Our applicants must be at least 21 but not over 29 years of age. However, age limits are waived up to 35 for those with prior police service or veteran status. Admittedly these age restrictions make recruiting more difficult, but it is also agreed that for the most part the police job is a young man's game, and sound retirement systems require that age limits be maintained. Our applicants must be of good moral character; 5 feet 9 inches to 6 feet 4 inches tall; 150 to 235 pounds, with weight commensurate with height; and have uncorrected vision of 20-50 in either eye or 20-40 in both eyes, correctable to 20-30. Minimum educational requirement is a high school diploma; however, a general educational development certificate is accepted for otherwise qualifying veterans.

Tests Taken

Prior to submitting a written application, each candidate must attain a minimum score of 42 in an intelligence-type screening test. Those who fail the test can retake it in 90 days, although these tests are changed periodically and they may be different.

The written application contains only that basic information relating to the applicant's personal status and background. His stated height and weight are verified, his fingerprints

are taken, and copies of his prints are forwarded to the Federal Bureau of Investigation for information on any prior police record.

A written examination of general knowledge is held whenever two or more potential applicants are available. A minimum grade of 70 must be attained before veteran's preference points can be added. Out-of-State applicants and those living a considerable distance from our city within the State can complete the screening test and written examination at any mutually agreed upon certified State employment agency.

Our personnel office submits a list of those successfully passing the written examination, along with each man's original application, to the detective division commander, who has the responsibility of all background investigations.

An immediate inquiry is then made by form letters (and personal contacts when possible) regarding each applicant's credit rating and school record (with particular emphasis placed on student traits), and to past employers (his present employer is not contacted to avoid jeopardizing his job in the event he is not selected), past fellow employees and immediate supervisors, neighbors in several locations (if he has moved about), police record bureaus, etc. References are rarely contacted, and then only to determine identity of others who may know the applicant. This is done on the assumption that an applicant would give only names of persons who would favorably recommend him.

Interview of Applicant

Each applicant is then called in for a 4- to 6-hour interview conducted by a captain. To facilitate this interview, we use a detailed questionnaire covering all possible categories of importance to the police profession, such as: name, birth, and residence

data; physical and mental condition; occupational history and experience; reasons for past employment terminations; permanency intentions; education and training; past and present marital status; driving and accident record; indebtedness; extent of gambling and use of alcoholic beverages; arrests; and other general data. Before this interview the applicant is advised that no one knows as much about him as he does himself and that the interviewer would rather hear the information from him, free of the distortion and bias possible when it comes from someone else.

Confidence Assured

It might be well to point out that before, during, and after this phase of the screening process, the applicant is repeatedly assured that his answers to the questions asked will be held in strict confidence. Only the interviewer's impressions of the man's "honesty risk," "permanency risk," "accident probability risk," and "general desirability risk" are written up in a brief report and directed to the chief of police. In addition, the applicant is assured that only those issues which may have a direct bearing on his predicted performance as an officer (if hired) will be discussed with the chief and the divisional command officers. He is also advised that the questionnaire is not made a part of his personnel record file, regardless of whether or not he is accepted, and that it is in fact destroyed not later than 1 year from the date he agreed to the interview. No information of a purely personal nature is requested, and the applicant is given every opportunity to preserve his self-respect and human dignity. Each applicant must give his signed permission for this interview.

During the interview special attention is given to subject's demeanor, attitude, courtesy, attentiveness, self-expression and speech habits, apparent interest (or lack of it) in police

work, any hesitation or rationalization of specific points brought out, especially to his personal appearance and any out-of-the-ordinary mannerisms.

Following the interview the candidate is given adequate opportunity to verify the completeness and truthfulness of the information he has volunteered—to the satisfaction of the examiner. Needless to say, the applicant may be rejected at this stage in the process if the examiner is convinced he is withholding pertinent information, if the information obtained is of such a nature to suggest this as advisable, or if the applicant fails in other ways (mannerisms, etc.) to convince the examiner of his desirability as a potential police officer.

Physical Examination

The applicant is next scheduled for a physical, and the examining physician is advised of any ailments or possible defects brought out in the interview. Although physical dexterity tests are not required at this time, the need for such tests is recognized and will be a part of our screening process in the near future.

The physically fit applicant then takes a Minnesota Multi-Phasic Inventory test as a prerequisite to the psychological examination. This 566-question test is designed to aid the examining psychologist in determining areas to be probed and to give some indication of the applicant's strong and weak points.

A well-qualified psychologist examines the applicant in a 2½-hour session, utilizing the Wexler Adult Intelligence Scale, Bender-Gestalt Test, Selected TAT (Thematic Apperception Test), House-Tree-Person Test, Rorschach (Ink-blot) Test, and, occasionally, the forced choice S-O Rorschach to determine vocationally significant temperament traits. After scoring the results and before making a final determination, the examining

psychologist discusses these tests with his associates, and all of them look for the psychological strengths and weaknesses which would either enhance or inhibit the applicant's potential effectiveness as a police officer. After reaching their decision, this group meets with the captain responsible for the background investigation, and the applicant's strong and weak points and other areas of specific importance indicated by the tests are fully discussed for insight into his character and any potential trouble spots. No information gained through the captain's interview is released to the psychologist prior to his examination to avoid influencing his decisions in any way. In order to further protect the applicant, the written report submitted by the psychologist, recommending acceptance, acceptance with conditions, or rejection, is couched in the broadest terminology and contains nothing of an injurious nature.

In certain cases the applicant is interviewed by a group consisting of the chief and the division command officers, but only when some question of particular importance to our department must be resolved before the applicant can be accepted.

So far as it is possible, all screening processes conducted at our department are scheduled for the convenience of the applicant.

Acceptance or Rejection

Each applicant completing all of the screening processes is notified both personally and by confirming letter of his acceptance or rejection. If he requests an audience for clarification of his rejection, this is granted and the session is handled as tactfully as possible to prevent any resentment on his part.

Accepted applicants (recruits) are given a full-scale driver's licensing examination, schooled for 180 hours in classroom work, and following this assigned to work with a seasoned and

experienced officer for 1 month before being put out on their own. While we prefer a much longer period of time for training, shortage of manpower has made this impossible.

A 1-year probationary period is mandatory before the recruit can achieve full civil service status, and his employment can be terminated for cause at any time during this period without his having recourse to a civil service hearing. Termination requires a majority vote of the departmental command officers after a thorough discussion of the cause. This same group also discusses the man's work record and noted qualifications prior to his acceptance into civil service status.

Purposes of Screening

Our entire applicant screening process is designed for two basic purposes: Recruiting qualified men and retaining their services. The supervisory personnel of our department constantly strive to improve salaries and fringe benefits in order to attract qualified applicants and keep them with us once they have been accepted for employment. A sound retirement program, overtime and longevity pay, sick leave, paid holidays and vacations, modern up-to-date equipment, sound enforcement programs, strong backing and appreciation for services rendered, and the promotion of teamwork (and at the same time individualism) are all a part of the fringe benefits necessary to retain good police officers in the public service.

In closing this article, let me add that since incorporating our present screening process into our search for desirable applicants, our annual turnover rate has dropped considerably. Rigid adherence to a man's need for anonymity in some areas and recognition in others has contributed to the general enthusiastic approval of our testing procedures among our men.

“Your Friend the Policeman”

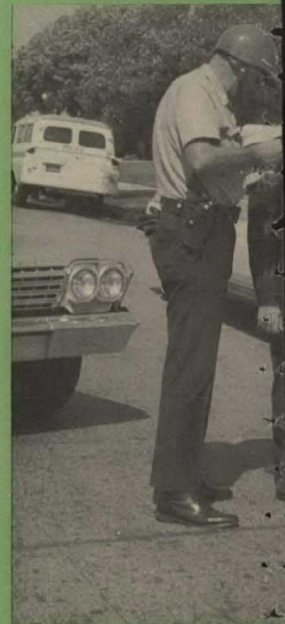
In an attempt to build a better personal relationship with school children, the Richmond, Calif., Police Department has produced a pictorial booklet entitled “Your Friend the Policeman.” This booklet serves to counteract the negative image some children have of policemen. As the

title implies, the pictures take a positive approach in showing young boys and girls that a policeman can help them and that he should be considered a friend. The photographs and captions are for the second grade level and are easily understood by the young mind.



Police officers go to school, too. To enforce the law and give protection to boys and girls, they must know many things.

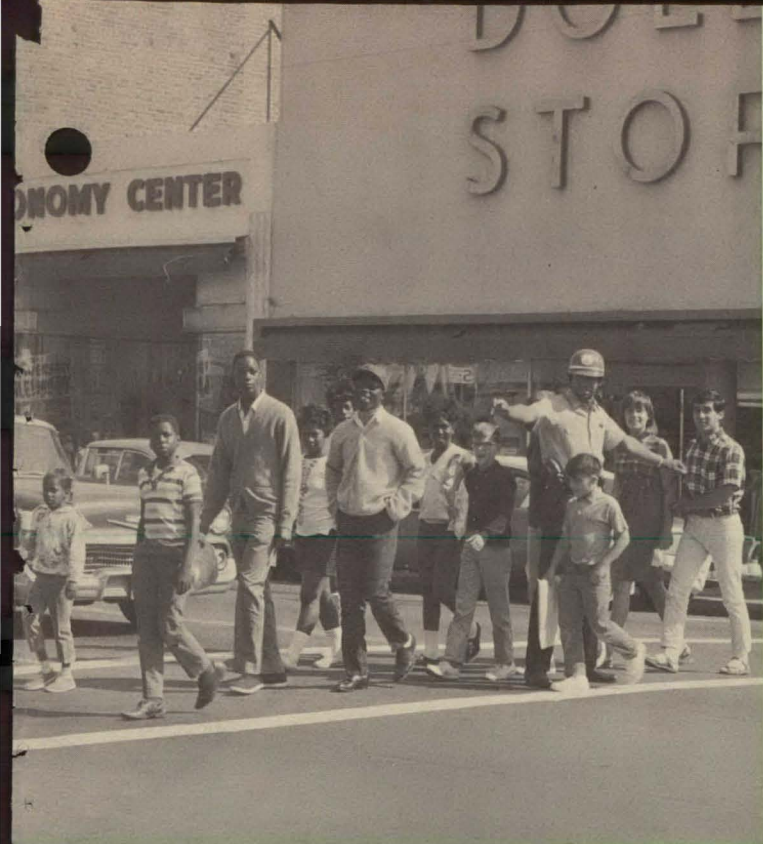
The police officer helps train school safety patrol officers. The training these students receive makes it safer for school children to cross streets to and from school.



Police officers urge boys and girls to be safe. However, if an accident does



A police



protects us in many ways and does many things to help us live safely.



The police officer helps boys and girls who become lost. He will help them find their mother and father or will take them home. Boys and girls can trust the police officer. He is their good friend.



not to be careless while playing and riding their bicycles. the police officer hurries to the scene and calls an ambulance to assist those injured.

Most police officers are married and have families of their own. Sometimes an officer will have a police dog as a working companion. Usually the dog lives in the officer's home and becomes a friendly pet of the children.



NA GRADUATION

(Continued from page 6)

cient times. The way it was said then was "the public safety is the supreme law."

We do well to remind ourselves of this today when the larger issue of public safety is too often trampled underfoot. While many of the aspects of a restless era are important, certainly they are not as important as the overall public safety—the public's freedom from fear, freedom from danger in the streets, freedom from threats of violence and anarchy.

Freedom from fear is just as necessary as freedom of speech, freedom of religion, freedom of press, and the right of peaceful assembly. We cherish all of our rights and must remember that one right can't be trampled asunder to achieve greater realization of another.

The victim is entitled to greater protection than the criminal, and, just as emphatically, the victim is entitled to protection equal to that given the accused.

Those who would champion a cause, regardless of how popular or unpopular, must not do so in an unlawful manner. The demonstrator who interferes with the conduct of government, or who, with menacing guns, invades the floors of our legislatures, cannot be tolerated. Neither can we tolerate the demonstrator who disrupts any peaceably assembled meeting.

Most of us favor the lawful parade. There are ample ways for the demonstrator to champion his cause without our having to tolerate unlawful sit-ins and sleep-ins.

The right to dissent does not include the right to defy; it does not include the right to undermine our national defense. Neither does it include the right to burn flags and draft cards, or to disrupt the operations of Selective Service.

In a republic, the right of dissent is important. But the rights on opposing sides of a viewpoint are equally important, and we depend on our lawmen to help protect those equal rights for all.

As the great Teddy Roosevelt said, "No man is above the law, and no man is below it; nor do we ask any man's permission when we require him to obey it."

Admittedly, at times we expect much of the man whom we charge with law enforcement. He must be a Solomon and a Samaritan, and as patient as Job, sometimes under the most adverse and difficult conditions.

Not only do we expect wise law enforcement, but we depend on it for protection from fear.

We depend on you graduates and your fellow officers and leaders throughout our land to provide protection, and to make wise decisions that will give justice for all.

Without our confidence and your faithful presence, nights would be darker, and doors and windows would be less secure.

To maintain our confidence we need efficient, well-trained, and free officers of the law. At the same time you are entitled to our support. You—and the same is true for the soldier and sailor—must not feel alone. You must not be persecuted or isolated from society for doing a job that is absolutely vital to that society.

Our Nation must be more aware of our need to support you in your public duties. It also should acknowledge the many heroes among you in our major cities who dedicate themselves and their lives to our protection. It is a degrading shame for our agents of law enforcement to be the objects of hatred and the victims of homefront traitors.

Is there no common law on treason in both these wars? Is there no penalty that can be invoked against those who give aid and comfort to the enemy, whether that enemy is in our streets or overseas?

We cannot and will not give up or retreat in this war against crime any more than in the war against the Communists in Vietnam.

Here at home we must support those whom we trust for our protection. To you graduates of the 79th Session of the FBI National Academy, I pay my respects, and I pledge the support of the Copley newspapers.

Director Hoover has told me that those attending this session of the "West Point of Law Enforcement" are the cream of the law enforcement profession. It is heart-warming to know that the students here represent 45 States, Puerto Rico, and the District of Columbia, as well as the U.S. Park Police, the White House Police, the Bureau of Indian Affairs, the U.S. Army, and the Air Force.

And, attesting to the merit of the Academy are the additional students from other lands.

You graduates are joining a select group of more than 5,000 alumni from whose ranks dedicated men provide a nucleus for even better law enforcement. At the Academy you have been equipped to teach and qualified to lead. The lessons learned in techniques, scientific crime detection, and law administration will add greatly to the safety of our homes.

I am especially pleased to note that among you graduates are nine from Illinois and California, where the Copley newspapers

are published. Our newspapers and all of the others throughout the country must help each citizen realize that only national disaster can result if we fail to give you support and to help reverse our increasing record of crime. We must help dispel the shocking disrespect for authority and private property. We are ever hopeful of raising our Nation's basic moral values necessary to overcome discontent.

We of the Fourth Estate must be the helpful ally to the agencies of law enforcement. We have an equal responsibility, but you lawmen have the leadership of nobility.

Since World War II, there has been an enormous growth in the metropolitan areas, until more than two-thirds of the population now reside in the cities.

We also have had an explosive increase in the number of young people. Unfortunately, this has been accompanied by their growing involvement in serious crime, more than twice their proportion of the population.

In 1965 more than 70 percent of arrests for serious crimes were young people from 15 to 25 years of age.

Looking ahead 10 years, if we assume a continuation of the same crime trend of the last 5 years, we can anticipate a 91-percent increase in serious crime in the United States.

Assuming the same rate of criminality, we can expect a 53-percent increase in arrests of those in the young group. This young group also is expected to have a population increase of 29 percent.

Thus, it is an absolute certainty that the future will place even greater responsibilities upon enforcement.

At the same time, enforcement cannot go it alone, because crime is not merely a police problem. Crime is a social problem, and as such it must be the concern and responsibility of the entire community—yes, a responsibility including that of the hometown newspaper.

J. Edgar Hoover must not be the sole voice sounding warnings against decadence and disrespect for the law. He must not be alone in calling for righteous indignation against the underlying causes of crime.

I subscribe fully to Mr. Hoover's declaration that the press must give greater news coverage to crime, to law enforcement, and to the performance of the courts, instead of less as advocated by many members of the bar and judiciary.

The public has the right to know and to be assured. It has the right to depend on protection, and expect the preservation of our home security by the courts.

In order for the public to feel this security, it must have access to all the news of law enforcement and the courts.

Not only because he agrees with me that a fully informed public can give greater support to law enforcement, but because of his dedication to law enforcement, I salute J. Edgar Hoover as the greatest leader of that thin blue line.

This year marks his 50th anniversary in his profession and in his service of helping to uncover and identify the subversives in our midst.

One can only contemplate which enemy—crime or communism—would have conquered us first without the vigilance of J. Edgar Hoover and the other officials with whom he has worked on national, State, and local levels for these many years.

Among you graduates there are also many who will achieve greatness in law enforcement.

The responsibility placed upon you as peace officers is awesome. You must be courageous in the face of danger, yet compassionate and helpful even toward those who resist your efforts to maintain obedience to law. You will be maligned, obstructed, accused, and attacked.

But, please be assured: You will not be standing alone.

There are many millions more of us in your support than those who would make trouble for all.

As keepers of the peace, you will never be

wealthy. More than likely, you will be unpaid.

But your work will have its compensations. You are a great fraternity; you are among those who spend their lives in the service of fellow men. You will be the friend in need, the angel of mercy, and the comforter of the unfortunate.

These opportunities for service to mankind are the fringe benefits that aren't listed in the police manual.

You can be proud of your calling, and it is because of you that my fellow Americans and I know our communities are better and safer. Because of your service as part of the thin blue line, ours is a greater United States of America.

Thank you.

The members of the 79th graduating class of the FBI National Academy are:

James L. Adkins, Kansas Highway Patrol.
James H. Alford, Jacksonville Beach, Fla., Police Department.

Rex P. Armistead, Mississippi Highway Safety Patrol.

Lewis Babb, Jr., Kentucky State Police.

Newell Baggett, Maumee, Ohio, Police Department.

Gerald D. Barnhart, Dickinson, N. Dak., Police Department.

Robert F. Berberich, Poughkeepsie, N.Y., Police Department.

H. R. Blair, Florida Highway Patrol.

Wayne G. Brown, Montgomery County Police Department, Rockville, Md.

Maurice J. Buchholz, Tacoma, Wash., Police Department.

Paul F. Burgus, Sr., U.S. Park Police, Washington, D.C.

Patrick L. Burke, Metropolitan Police Department, Washington, D.C.

Rex M. Carrell, Alamogordo, N. Mex., Police Department.

Herman Chapman, Alabama Department of Public Safety.

Joseph J. Ciccalone, East Hartford, Conn., Police Department.

Earl W. Coleman, Placentia, Calif., Police Department.

Larry Cotzin, Miami Beach, Fla., Police Department.

Robert W. Dailey, Jackson, Tenn., Police Department.

Raymond P. Duvachelle, Kauai Police Department, Lihue, Kauai, Hawaii.

Perry B. Elder, Jr., U.S. Army.

Floyd C. Engebretson, Milwaukee, Wis., Police Department.

Edward A. Fagnani, Pennsylvania State Police.

James Clinton Felder, Mississippi Highway Safety Patrol.

Donald J. Finlay, Southampton Village Police Department, Southampton, N.Y.

B. A. Flowers, Wilmington, N.C., Police Department.

Joseph C. Fowler, Knoxville, Tenn., Police Department.

Robert H. Frederick, Norwalk, Conn., Police Department.

Raul Gonzalez Fernandez, Police of Puerto Rico, San Juan, P.R.

Glenn R. Goodno, Greece, N.Y., Police Department.

George M. Griffin, Linn County Sheriff's Department, Cedar Rapids, Iowa.

George H. Gruler, Bureau of Indian Affairs, Portland, Oreg.

Leonard E. Hamrick, Gadsden, Ala., Police Department.

William K. Hanger, Pontiac, Mich., Police Department.

Mohamed Haniff Bin Omar, Royal Malaysia Police, Kuala Lumpur, Malaysia.

Sidney A. Harlow, Kansas City, Mo., Police Department.

James E. Heard, U.S. Air Force.

R. Wes Henry, Bremerton, Wash., Police Department.

James D. Hodges, Refugio County Sheriff's Department, Refugio, Tex.

Joseph M. Horton, White House Police, Washington, D.C.

Robert H. Iverson, Vermont State Police.

Vernon L. Jones, Vienna, Va., Police Department.



Sheriff Joseph I. Woods, right, Cook County, Chicago, Ill., and Lt. Michael W. O'Mara, Cook County Sheriff's Police Department, Chicago, Ill., a member of the 79th Session of the FBI National Academy, talked briefly with FBI Director J. Edgar Hoover after the graduation ceremony.

Kiattisak Prabhavat, Metropolitan Police, Bangkok, Thailand.
 Henry R. Kiser, Sr., Roanoke, Va., Police Department.
 Thomas C. Lahey, Denver, Colo., Police Department.
 Arthur E. Lang, Jr., Culver City, Calif., Police Department.
 James Kenneth Lanigan, Shreveport, La., Police Department.
 Paul C. Leavitt, Hampton, N.H., Police Department.
 Robert W. Leyba, Gallup, N. Mex., Police Department.
 Russell J. Litchult, Waldwick, N.J., Police Department.
 Carl M. Lollin, Burlingame, Calif., Police Department.
 Michael J. Lonergan, New York, N.Y., Police Department.
 Samuel Lopez Torres, Police of Puerto Rico, San Juan, P.R.
 Sidney Norton Love, Savannah, Ga., Police Department.
 Harold F. McDowell, Bozeman, Mont., Police Department.
 Robert T. McEwen, Sault Ste. Marie, Ontario, Canada, Police Department.
 William C. McHugh, Evanston, Ill., Police Department.
 Donald L. McQueen, Alaska State Police.
 Joseph Marshall, Millcreek Township Police Department, Erie, Pa.
 Alvaro Matiz, Colombian National Police, Bogotá, Colombia.
 J. Edwin Matthews, Decatur, Ga., Police Department.
 G. T. Mauldin, Whitfield County Sheriff's Department, Dalton, Ga.
 Donald E. Mayhew, Nebraska Saftey Patrol.
 Anthony C. Melchiorre, Airports-Police, Philadelphia, Pa.
 Thomas E. Mentrup, Amberley Village, Ohio, Police Department.
 Richard Meyer, Division of Criminal Investigation, Pierre, S. Dak.
 Richard Frank Miller, Fort Wayne, Ind., Police Department.
 S. I. Miller, Victoria Police Force, Melbourne, Australia.
 Thomas B. Mitchell, Federal Bureau of Investigation.
 John R. Morin, Glendale, Ariz., Police Department.
 Bill R. Myers, Birmingham, Ala., Police Department.
 Loyal D. Nelsen, Green Bay, Wis., Police Department.
 Robert Ralph Newman, La Mesa, Calif., Police Department.
 Michael W. O'Mara, Cook County Sheriff's Police Department, Chicago, Ill.

Joseph F. O'Neill, Philadelphia, Pa., Police Department.
 Harold E. Olson, Ann Arbor, Mich., Police Department.
 John William Peevers, Washoe County District Attorney's Office, Reno, Nev.
 Walter E. Peters, Federal Bureau of Investigation.
 William H. Petersen, Alton, Ill., Police Department.
 Carl E. Petry, Colorado Springs, Colo., Police Department.
 Pisakdi Varamisra, Thai National Police, Bangkok, Thailand.
 Dwight E. Radcliff, Pickaway County Sheriff's Office, Circleville, Ohio.
 Raymond M. Rasmussen, New York State Police.
 Richard C. Rideout, Millinocket, Maine, Police Department.
 Gary Roberson, Cleveland County Sheriff's Office, Norman, Okla.
 Francis R. Roddy, Fitchburg, Mass., Police Department.
 Edwin W. Ross, Honolulu, Hawaii, Police Department.
 Dewey C. Schanz, Jr., Newport News, Va., Police Department.
 C. B. Shorter, Jr., Sumter, S.C., Police Department.
 Gean A. Slayton, Flagstaff, Ariz., Police Department.
 Ernest B. Smith, Oakland, Calif., Police Department.
 Robert Smith, Burbank, Calif., Police Department.
 Andrew R. Vernes, University of Minnesota Department of Police, Minneapolis, Minn.
 Robert G. Wagner, Seneca County Sheriff's Department, Tiffin, Ohio.
 Clyde Wallace, Jr., Webster Groves, Mo., Police Department.
 William W. Wannamaker, Memphis, Tenn., Police Department.
 Raymond J. Wardle, Ute Indian Tribe, Fort Duchesne, Utah.
 Wayne A. Warthen, Ardmore, Okla., Police Department.
 Gale F. Weeks, Little Rock, Ark., Police Department.
 Christian G. Wernldy, Cedar Grove, N.J., Police Department.
 Donald B. Whitley, El Paso County Sheriff's Department, El Paso, Tex.
 Joseph F. Wickman, Jr., Federal Bureau of Investigation.
 O. D. Williams, Tyler, Tex., Police Department.
 Yahaya Bin Yeop Ishak, Royal Malaysia Police, Kuala Lumpur, Malaysia.

LOBSTER CAN CANS CRIMINAL

Recently in an east coast city, a woman was viciously assaulted during a burglary of the private home where she was employed.

In the investigation a police detective found an empty lobster meat can which one of the criminals apparently had opened.

Two persons were arrested as suspects in the case. At the time of their apprehension, police noted a small can opener on a keyring belonging to one of the suspects.

Police officials submitted the keyring can opener and the empty lobster can to the FBI Laboratory for examination to determine if the can opener was the instrument used to open the lobster can. Experts in the FBI Laboratory examined the evidence and then wired the police authorities that their hunch was correct—the can opener did, positively, open the lobster can.

Let. 3-15-67 from Chief Wm. R. Rush, West Hartford, Conn. and Bu telegram 3-30-67 to PD, W. Hartford, attn: Capt. Richard F.

PAY AS YOU GO

A checkpasser with a novel variation of an old scheme prepared a number of worthless payroll checks which he mailed to himself in care of several high-class hotels in a nearby city. He would then travel to that city and register at each of the hotels.

After a day or two, he would inquire at the desk for any mail in his name and would be handed the envelope he had mailed to himself a few days earlier. Opening the envelope at the desk, he would exclaim that he had received his payroll check and he could now pay his bill.

The desk clerk would honor the check, which was substantially more than the hotel bill, and give him the change. The scheme netted the checkpasser over \$4,000 before he was apprehended.

*San Diego criminal 3-29-67
63-4296-46
FBI Law Enforcement Bulletin*



The mobile field headquarters can meet emergencies at any place and at any time.

Does Your City Need a Mobile Field Headquarters?

CAPT. HARRY C. HEYEN

**Investigative Division Commander,
Fremont, Calif.,
Police Department**

HOW many police departments, large and small, have realized the need for some type of unit that would allow them to isolate any serious incident, so it could be handled with a minimum of interference to the service in the rest of the community?

Just how adequate would your police communications system be should your city be so unfortunate as to experience a commercial airline crash, a major riot, violence at a strike scene, or any conflagration that would tax it to the very limit?

Police administrators of the city of Fremont had discussed the need of a mobile field headquarters for several years, but the critical need really hit home when a jet trainer crashed into the only vacant field in a large residential area.

Fremont, Calif., a city of 90,406 population with 95.6 square miles of area is located near San Francisco and Oakland in southern Alameda County. Once a prime agricultural area, Fremont is composed of high and inaccessible hills, flatlands, and swamps. In addition, the city sits in the landing and takeoff patterns of two international airports, not to mention a multitude of military installations.

After the near disastrous plane crash, the city council and the city manager were quick to realize the critical need for some sort of field headquarters unit.

In January 1965 Chief of Police Clinton H. Wright instructed me to write the necessary justification for the unit for budget approval.

This unit, as initially envisioned, was to be a combination mobile facility for airplane crashes, disasters, major fires, floods, etc., riot and crowd control, field operations of a magnitude to require isolation from routine matters, rescue operations, and field identifications and crime scene searches in major crimes.

Once official approval was received,

the task of preparing specifications compatible with the intended uses was undertaken. Because of the proposed uses and the various types of terrain in the city, vehicle specifications were of the utmost importance.

Vehicle Selected

In determining the specifications for the chassis, we looked for a vehicle which could be used on city streets, marshlands, extensive hill areas, and fields and yet be operated satisfactorily during extended hours of standstill operation.

The vehicle selected was a 4-wheel-drive truck with freewheeling front hubs, 175-inch wheelbase, power steering, 362-cubic-inch V-8 engine, heavy duty brakes with vacuum booster, heavy duty 5-speed transmission, and mud and snow tires. The body is 14 feet long and 7 feet wide, with an inside floor-to-ceiling height of 6 feet 2 inches and full width rear doors for easy access.

Additionally, the truck is equipped with a power winch with 250 feet of cable, a 100-amp alternator, and a 4,400-watt, 110-volt generator to handle the radio equipment and lighting.

Outlets for exterior lights and utilization of an outside power source have also been installed. The interior has built-in formica cabinets for storing the equipment, a 110-volt to 120-volt refrigerator for keeping evidence, a butane stove, and a sink with a 30-gallon water tank for use in extended field operations.

Communications System

As a mobile field headquarters unit, the truck is equipped with two radio dispatch positions with the capability of transmitting on two police frequencies (35 vehicles), fire frequency (27 vehicles), the public works frequency (24 vehicles), and the medical network frequency, which connects hospitals, ambulances, and police departments in Alameda County (9 hospitals, 5 ambulance companies, 2 police departments) plus county coroner vehicles, civil defense vehicles, and county health department units and vehicles.

A two-channel radio telephone provides communications in areas outside of radio contact and for lengthy conversations.

Additionally, the unit has a dual-

speaker electronic siren and a 100-watt public address system, with an additional speaker mounted on rear of the unit for maximum coverage. The public address system operates either independently or from either of the two dispatch positions.

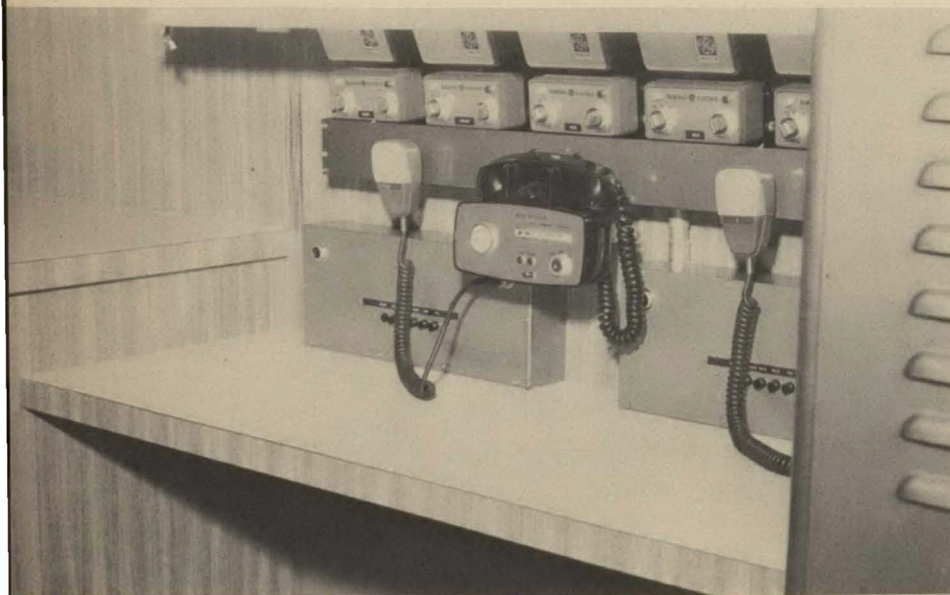
All gas guns, tear gas, rifles, shotguns, revolvers, armored vests, and gas masks are stored in the various compartments within the unit for ready transportation to any given location. In addition, there are electrical cords, floodlights, ropes, pylons, and other equipment for blocking off the area of a disaster or major crime scene. The unit is also equipped with a power rescue jack for freeing persons trapped in vehicles, etc.

Provisions are made in the vehicle for the storage of cameras, a tape recorder for statements, and other materials for ready use in crime scene searches.

After 2 years of visions, research, justifications, planning, building, and equipping, the city of Fremont has what is believed to be a very practical and versatile mobile field headquarters.

Every attempt has been made to provide a mobile field headquarters that fulfills the requirements of the city and the department with equipment and facilities to allow utilization on a frequent basis.

In this day and age, mass riots, sit-ins, demonstrations, a spiraling crime rate, more travel via all modes of transportation, resulting in an increase of all types of accidents—plus the natural disasters experienced throughout the years—have dictated the need to police administrators in cities large and small for some type of mobile field headquarters to provide rapid mobilization, isolation, command, and control of any serious or complex incident that would impair to any degree their daily routine operations.



The unit has a complete system for effective and rapid emergency communications.

SEARCH OF VEHICLES

(Continued from page 8)

approaching a car parked in a lot adjoining the store, but he retreated upon seeing the manager and a police officer nearby. The defendant was taken back to the car following his arrest, and a search of the automobile yielded several cartons of stolen cigarettes. Denying habeas corpus relief, a Federal appellate court ruled, without discussion, that the search of the vehicle was a reasonable incident of the arrest. *Katz v. Peyton*, 334 F. 2d 77 (1964). Similarly, cases can be found in which the courts have sustained the search of an automobile located "in or about the area" where the defendant was arrested, *Weller v. Russell*, 321 F. 2d 848 (1963); four car lengths away from the point of arrest, *People v. Loomis*, 42 Cal. Rptr. 124 (1965); and 150 feet from arrest of the defendant in a tavern, *State v. McClung*, 404 P. 2d 460 (Wash. 1965).

On occasion, the courts have extended the area of search beyond its usual boundaries where the premises or vehicle was "intimately connected" with the crime of arrest. Thus, in *Rhodes v. U.S.*, 224 F. 2d 348 (1955), the defendant's vehicle was found approximately 100 yards away from the place of arrest. There the car had been used by the defendant to take raw materials to a still and to transport the finished product to another location. In sustaining a search of the vehicle, the court declared that the close relationship of the arrest and the search in time, "and the observed connection between the acts of the defendants at the car and at the still site, made the search reasonable, and the fact that the car was situated somewhat farther away than in the reported cases is not a significant distinction." *Id.* at 351. A similar result was reached in a case where the vehicle had been "used to drive to the scene of the alleged

crime." The defendant was arrested in the basement of a State office building and charged with breaking and entering. He was then taken to the police station, where he was booked and "formally detained." An inventory of his property revealed the keys to a car "illegally parked in a private driveway across the street from the building and 250 yards away from the scene of the breaking and entering. . . . The police headquarters, the office building, and the location of the parked vehicle were only one and one-half blocks distance." The officers returned to the car and located a sawed-off shotgun in the trunk, which provided the basis for prosecution in a Federal court. The trial court denied the defendant's motion to suppress evidence of the shotgun, holding that the search in this instance was reasonable and valid. *U.S. v. Fortier*, 207 F. Supp. 516 (1962). But while *Fortier* can be looked to as precedent on the distance factor, the practice of booking the suspect prior to conducting an incidental search may no longer be valid. See *Preston v. U.S.*, 376 U.S. 364 (1964).

In several instances, where the courts have upheld the search of a vehicle or premises located some distance away from the point of arrest, emphasis has been placed on the fact that the two acts, the arrest and the search, were "part of one continuous transaction." *Rhodes v. U.S.*, 224 F. 2d 348 (1955); *Clifton v. U.S.*, 224 F. 2d 329 (1955); *U.S. v. Jackson*, 149 F. Supp. 937, 941 (1957), reversed as to one defendant on other grounds, 250 F. 2d 772 (1957). This consideration relates more directly, of course, to the question of contemporaneity—i.e., proximity of these matters in time—which will be discussed below. But rarely is any one factor considered in isolation where the reasonableness of a search is in issue. A fair reading of the decisional law indicates that the determination of

whether a vehicle is too far removed from the place of arrest to permit an incidental search is sometimes influenced by the amount of delay involved. Thus, if an appreciable lapse of time occurs following the defendant's arrest, it will be most difficult to bring a distant vehicle within the normal perimeter of the search.

Of course, where the vehicle plays a substantial role in the commission of the offense, consideration should also be given to use of the Carroll doctrine as a method of search or, in the alternative, to seizure of the car as an instrumentality of the crime. Since the automobile in this situation is "in open view," such a seizure need not be effected as an incident of the arrest. [But see the cautionary statement regarding employment of the latter theory at the end of B. Limitations on the Use of a Warrant.]

Although the opinions are divided on this point, it appears that added justification for the search can also be found where the suspect is arrested immediately after his departure from the car. In one case, the defendant was taken into custody while driving away from the site of an illegal still and his car was immediately searched. He was then returned to the location of the still, where an incidental search was made of a second vehicle parked nearby. The Fifth Circuit Court of Appeals ruled in this instance that both searches were reasonable. *Thompson v. U.S.*, 342 F. 2d 137 (1965). It would seem that an even stronger case can be made for the search of a distant vehicle where the suspect flees from the car while trying to avoid arrest. Support for this view can be found in several decisions which have sustained the search of fixed premises where the defendants ran out of a building on the approach of police officers. *Kelley v. U.S.*, 61 F. 2d 843 (1932); *Brock v. U.S.*, 256 F. 2d 55 (1958). *Contra: U.S. v. Sala*, 209 F. Supp. 956 (1965) (sus-

tained on other grounds) (defendant, a moonshiner, fled upon hearing the words "Federal officers" and was arrested "some distance away from the two motor vehicles involved." Held, a search of the truck could not be justified as incident to arrest since the defendant "had no control over said vehicle."). See also, *Liakas v. State*, 286 S.W. 2d 856 (Tenn. 1956), *cert. denied*, 352 U.S. 845 (1957).

The distance factor becomes even further complicated when the arrest takes place in a dwelling or other fixed structure. It is obviously more difficult to maintain that the suspect has control of a vehicle when he is arrested on the second floor of an apartment building or in the bedroom of his home, or, for that matter, that the car is in the immediate vicinity of the arrest. If one can judge from the line of cases disallowing a search of fixed premises incident to an arrest on the street, it would seem that the law would also bar the search of an automobile incident to arrest in a dwelling. See, e.g., *James v. Louisiana*, 382 U.S. 36 (1965) (holding that a search of the defendant's apartment two blocks from the place of arrest was too remote to be incident to the arrest). Compare, *King v. Pinto*, 256 F. Supp. 522 (1966) (petitioner arrested in rear of apartment house. Search of apartment upheld as an area within "immediate and proximate control" of petitioner).

But a broader view has been taken on vehicle searches. Although there are few decisions on point, the majority of courts considering this problem have allowed the incidental search of premises to extend beyond the dwelling to include a car parked in the immediate area. *Browning v. U.S.*, 366 F. 2d 420 (1966) (search of automobile in front of house where subject was arrested upheld as incident to arrest); *Commonwealth v. Harris*, 223 A. 2d 881 (Pa. 1966) (where the defendant was arrested for

possession of stolen goods as he walked into his house. A search of his car, which was parked outside the residence "almost directly in front of the house," was held to be contemporaneous with the arrest and "in the immediate vicinity thereof."); *State v. Watson*, 386 P. 2d 24 (Mo. 1965) (defendant arrested on a burglary charge in the apartment of a friend and automobile parked directly in front of apartment lawfully searched incident to arrest); *State v. Hoffman*, 392 P. 2d 237 (Wash. 1964) (defendants arrested in house and search of car parked beside it upheld as reasonably incident to arrest); *People v. Carrigan*, 28 Cal. Rptr. 909 (1963) (search of car parked in the driveway of apartment house); *People v. Burke*, 24 Cal. Rptr. 912 (1962) (search of automobile known by police to be outside hotel at time defendant was arrested in hotel was reasonably incident to arrest); *State v. One Buick Automobile*, 253 Pac. 366 (Oreg. 1927) (search of car in apartment house garage two floors below apartment where arrest was made).

This issue was dealt with most recently in *U.S. v. Francolino*, 267 F. 2d 1013 (1966), *cert. denied*, 35 L.W. 3318. The defendant in that case had attempted to pass several counterfeit notes in a local department store. She was stopped outside by the manager and at his insistence returned several bills which she had received in exchange for the notes. The store manager noted a description of the vehicle driven by the defendant and related the information to the Secret Service. On approaching the defendant's home, an agent saw the vehicle parked in an adjacent driveway. He arrested the defendant in the house and received the keys to the car. A search of the car trunk produced a large number of counterfeit notes bearing the same serial numbers as those passed in the store. In ruling on

the question whether the search was reasonably incident to the arrest, the court said:

We see no reason in principle why a car parked immediately outside a house should stand better than a room inside it which was not the place where the defendant was arrested. . . . It would violate common sense to draw subtle distinctions between a car in a built-in garage . . . , one in a detached garage, and one on the driveway. The question rather is whether there was fair basis for belief that the place searched—whether inside the house or immediately outside it—would contain instruments or fruits of the crime for which the arrest was made. . . .

Although the issue is not free from doubt, the "fair basis for belief" referred to in the above-quoted language connotes a less substantial degree of certainty than that normally associated with "probable cause to search." In most instances the test can be satisfied merely by showing that the party had unrestricted access to the place; the search is justified on the assumption that control over the area furnishes reasonable basis for belief that evidence of the crime probably somewhere on the premises." *People v. Rogers*, 24 Cal. Rptr. 341, 345 (1962); *Browne v. State*, 129 N.W. 2d 175, 181 (Wis. 1964) (" . . . '[P]robable cause to arrest' also supports a determination of probable cause to believe that evidence and instrumentalities of the crime are within the immediate control of the person arrested."). This interpretation draws some support from those decisions which permit an incidental search even though the arrest is made a considerable time after the commission of the crime. *U.S. v. Kapatos*, 255 F. Supp. 332 (1966) (valid search of vehicle incident to arrest of the driver for an impersonation offense committed 3 years earlier). See, discussion, LaFave, Search and Seizure: "The Course of True Law . . . Has Not . . . Run Smooth," 1966 U. Ill. L. F. 290-93.

In short, while the scope of the

search may in some cases extend outward from arrest in fixed premises to include an automobile parked nearby, arrest in the vehicle cannot support the incidental search of a dwelling. The distinction here reflects a long-standing view of the courts that the degree of protection accorded motor vehicles is less substantial than that thrown about the home. As one court put it, entry into an automobile "is quite a different invasion of the right of privacy than entry into a man's bed chambers." *Alston v. State*, 140 N.W. 2d 286 (Wis. 1966); see also, *Preston v. U.S.*, 376 U.S. 364, 366-67 (1964) ("What may be an unreasonable search of a house may be reasonable in the case of a motor car.").

Where the car is situated within the curtilage of a dwelling, it might also be argued, as an alternative ground, that the vehicle falls within the usual ambit of a premises search. As a general proposition, the Federal law allows a search of the entire premises incident to arrest, *Harris v. U.S.*, 331 U.S. 145 (1947), and this is often taken to include the garage as well. *Charles v. U.S.*, 278 F. 2d 386 (1960), cert. denied, 364 U.S. 831, reh. denied, 364 U.S. 906; *Gentry v. U.S.*, 268 F. 2d 63 (1959), cert. denied, 361 U.S. 866; *Johnson v. U.S.*, 199 F. 2d 231 (1952). See also, *People v. Rogers*, 24 Cal. Rptr. 341 (1962) (apartment and garage searched). It should follow therefore, that a vehicle located in an attached garage or other area immediately adjacent to the house can be searched or seized in precisely the same manner as any other personal property found on the premises. The *Francolino* court expressed at least partial support for this view in a statement that the search of a car in a built-in garage "under appropriate circumstances, would appear to be covered by *Harris*." 367 F. 2d 1017 (*dictum*).

Less certain, however, is the legality of a search incident to arrest in a pub-

lic building or business premises. Unless the arrestee is the owner or is in lawful charge of the premises, his control over the area, for search purposes, probably does not extend beyond the immediate vicinity of his arrest. See, e.g., *Carlos v. U.S.*, 286 F. 2d 841, 847 (1961). This is particularly true where the arrestee is merely a guest, invitee, or temporary visitor in the building. Consequently, an automobile parked nearby cannot be brought within the scope of the rule as part of the usual premises search. But this does not bar an incidental search entirely, for under some circumstances a vehicle parked in an adjacent area may nonetheless be considered an item of property under the control of the arrestee.

Most State courts have been liberal in their interpretation of "control" and "vicinity of arrest" in these situations and have generally permitted the defendant's car to be searched incident to his arrest on public or business premises. *State v. Tahash*,

140 N.W. 2d 692 (Minn. 1966) (held, search of car parked outside restaurant was lawful); *People v. Trammell*, 213 N.E. 2d 74 (Ill. App. 1966) (search of vehicle following arrest in barbershop 20 feet away held valid); *State v. McClung*, 404 P. 2d 460 (Wash. 1965) (lawful search following arrest in tavern); *State v. Cyr*, 246 P. 2d 480 (Wash. 1952) (arrest in a restaurant followed by search of vehicle); *State v. Jackovick*, 355 P. 2d 976 (Wash. 1960) (police arrested defendant in his shop and searched car parked directly behind it incident to arrest); *State v. Bourg*, 182 So. 2d 510 (La. 1965) (search of vehicle outside tavern held to be extension of search of tavern).

The Federal decisions on this point are rather evenly divided. The Eighth Circuit Court of Appeals suggested recently that the search of an automobile located on a restaurant parking lot was properly incident to the arrest of the defendant in the restaurant. *Drummond v. U.S.*, 350 F. 2d

1967 LAW ENFORCEMENT CONFERENCES

Law enforcement conferences sponsored by the FBI will be held this fall during September and October on the subjects of the FBI National Crime Information Center (NCIC) and legal decisions affecting law enforcement.

Curricula for the conferences will highlight the operation of the NCIC, how it can and will help all segments of law enforcement, current status of the system, future plans, etc. Discussions on recent legal developments will cover probable cause for arrest, legal complications involved in the search of vehicles, criminal interrogation, and law enforcement liability.

Curricula will be tailored to meet

the needs and interests of the areas where the conferences are held.

The sessions will be open only to duly constituted law enforcement representatives and others connected with the administration of criminal justice. News media representatives will be welcomed at a briefing either before or after each conference during which time the purposes and aims of the conferences will be explained.

The discussions will be conducted jointly, with FBI instructors and local and State law enforcement officials as panelists. Local, State, and Federal prosecutors and judges will also be invited to participate in the conferences.

983, 987 (1965) (*dictum*), *cert. denied sub. nom.*, *Castaldi v. U.S.*, 384 U.S. 944 (1966). The same conclusion was reached by the Sixth Circuit in an earlier case where Federal agents arrested two defendants in a tavern and incidental thereto lawfully searched a car from which they had recently emerged. *Brubaker v. U.S.*, 183 F. 2d 894 (1950). See also, *Fortier, supra*, discussed above, sustaining a search of the defendant's car following his arrest for breaking and entering in a nearby office building. Yet, when faced with the same question, some Federal courts have taken an opposite view. In *Conti v. Morgenthau*, 232 F. Supp. 1004 (1964), for example, the defendant and an associate were arrested in an apartment for violating Federal wagering-tax laws. Following the arrest, agents acting under a warrant searched Conti's automobile, which was parked on a street near the premises. Passing on a motion to suppress evidence taken from the vehicle, the district court held that the warrant was invalid since it failed to state an adequate basis for the Commissioner's determination of probable cause. The court ruled, moreover, that "the Government cannot and does not justify the search as an incident of Conti's arrest since the arrest was not contemporaneous with or in the vicinity of his car which was parked around the corner from the apartment. . . . A locked and unoccupied car whose owner is in police custody at another place can only be searched pursuant to a valid warrant." *Id.* at 1009. See also, *Staples v. U.S.*, 320 F. 2d 817 (1963) (arrest of defendant in a tavern held not to justify incidental search of his vehicle parked "some distance away"); *U.S. v. Stoffey*, 289 F. 2d 924 (1960) (arrest in tavern did not justify search of personal automobile parked at the curb); *Lucas v. Mayo*, 222 F. Supp. 513 (1963) (arrest in motel room and

seizure of car keys from defendant's person could not support incidental search of vehicle parked directly outside the room).

It is readily apparent that decisions regarding the propriety of searching incident to arrest in a building are, at best, irreconcilable. In the absence of a definitive ruling from the Supreme Court on the permissible boundaries of a search in these situations, Federal officers would be well advised to interpret the rule narrowly and to limit its application wherever possible to vehicles parked adjacent to a dwelling. As a practical matter, this should not prove too restrictive since in many cases the search can be accomplished with equal facility and perhaps stronger legal basis by employing an alternative rationale. See earlier discussion on III. Search on Probable Cause (Carroll rule) and V. Seizure of a Vehicle for Forfeiture Purposes. State officers, on the other hand, should follow the rulings of courts within their respective jurisdictions. While such decisions may not be in full accord with the Federal view, it may be that some flexibility is left to the States in this area to develop workable rules to meet "the practical demands of effective criminal investigation and law enforcement." See *Ker v. California*, 374 U.S. 23 (1963).

In the final analysis, there are no precise boundaries delimiting the proper scope of an incidental search. It cannot be said categorically, for example, that an automobile located 100 yards from a place of arrest lies within the lawful perimeter of the rule while one found 110 yards away does not, or that arrest in a private dwelling will necessarily support the search of a vehicle parked in the yard. The question of whether a party arrested outside the automobile has sufficient "control" under the law to justify an incidental search is one of degree and, as such, must be answered on the facts of each case. In general, however, the

decisions suggest that the most critical circumstances considered in bringing the car within the lawful scope of the rule are: (1) Proximity of the vehicle to the place of arrest; (2) the probability that the automobile contains seizable items related to the crime; (3) the amount of time which has elapsed between the arrest and the search; (4) the recent departure of the arrestee from the automobile, particularly where he has taken flight to avoid arrest; (5) the fact that the automobile had been employed in some way in the commission of the crime; and (6) the character of the place of arrest, i.e., was the arrest made on a public street, in business premises, or in a private home? No single factor, standing alone, may be decisive in a given case; but collectively each may have a significant effect on the court's determination whether the search was a reasonable one.

(To be continued in September)

LSD LAB ON WHEELS

Two men, failing to clear their truck through a point of entry into the State of Colorado, were stopped by a State patrolman.

The truck, similar to those used for delivery of creamery products, upon examination proved to be a mobile laboratory for the manufacture of LSD. It was fitted with elaborate processing equipment, which reportedly could have been used for turning out almost unlimited supplies of the drug. Found inside this mobile laboratory was base powder sufficient for over 60 million doses of LSD, which reportedly would have been worth over a million dollars.

Both men were held for failure to clear the truck, and the truck and the drugs were seized by agents of the U.S. Bureau of Drug Abuse Control upon notification by the authorities.

Denver criminal 4-7-67
63-4296-13
FBI Law Enforcement Bulletin

NATIONWIDE CRIMESCOPE

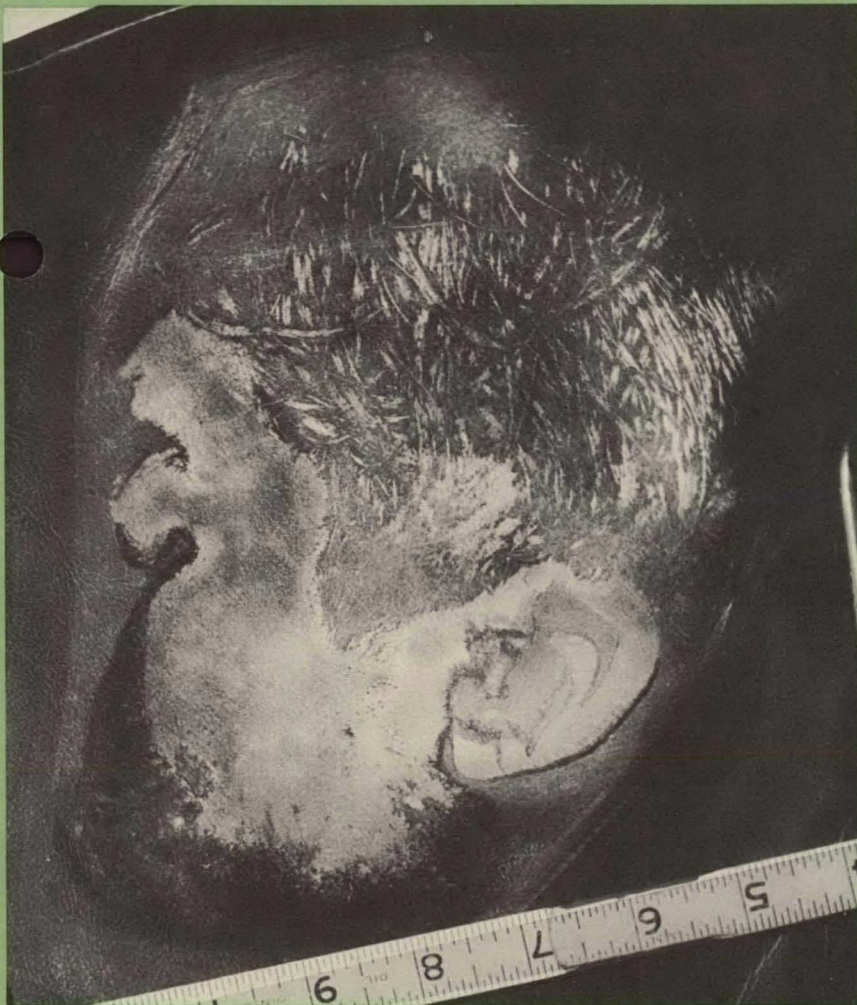
LYING DOWN ON THE JOB

Proof that evidence can be found in unusual places was submitted to the FBI recently by a member of the St. Albans, Vt., Police Department.

Proof is in the picture, which is a print of the right side of a man's face found impressed on a leather couch during the investigation of a breaking and entering into a doctor's office. The

examiner brought out the impression with fingerprint powder and then photographed it.

Within a few days the subjects responsible for the illegal entry were apprehended, and the picture proved instrumental in identifying the one who had been "lying down on the job."



Latent impression on leather couch exposed with dusting powder.

Let. 4-3-67, from Sgt. Carl F. Johnson, St. Albans, Vt., PD

PIPE BOMB

Exploding homemade bombs have become a constant source of complaint to police in one northern city. Juveniles are making the bombs by filling a 12- to 18-inch pipe with match heads and stuffing both ends with paper. They then drill a hole in the pipe and insert a primer cord, purchased at a hobby shop. Lighting the primer cord with a match results in an explosion that shatters the pipe into fragments.

Milwaukee Criminel 2-8-67, 69-4296-30

SCHOOL OF FINE ARTS

Girls attending a "finishing school" for pickpockets and shoplifters are taught the "fine arts" by practicing on dummies.

The dummies are fitted with clothes having little bells and specially built mousetraps in the pockets. The girls are taught to pick out a wallet without getting their fingers caught in the traps and without making any of the bells ring.

cc Shoplifting and Shrinkage Protection for Stores, Loren F. Edwards, Page 72.

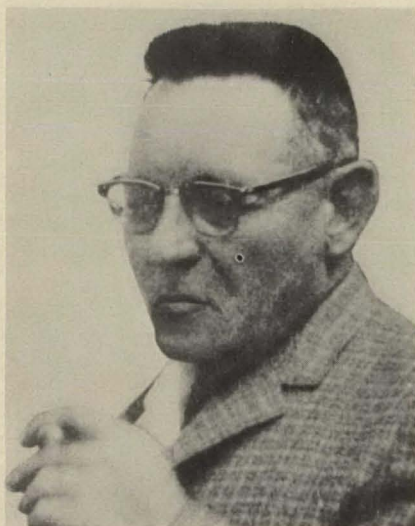
A JAWBREAKER

The danger in the practice of handcuffing prisoners with their hands in front of them was emphasized again recently by a deserter apprehended by military authorities. Left alone for a few minutes, the big man almost succeeded in getting one cuff off his wrist. He had forced it apart at the hinge point where the serrated piece is attached to the fixed part of the cuff. No forcing tool had been available to the prisoner. When asked how he had managed, he demonstrated by using only his teeth and jaws.

*Savannah Criminel 12-21-66
63-4296-49.*

Do You Know This Man?

Build----- Heavy.
 Hair----- Brown.
 Eyes----- Blue.
 Race----- White.
 Occupations----- Home improvement and construction, salesman, operator of grocery-type stores, wrestler.



JOHN BOUCHARD—true name unknown, also known as Jack J. Kelly.

Mail Fraud

AN INDIVIDUAL known as John Bouchard—true name unknown—is being sought by the FBI for mail fraud. A warrant for his arrest was issued by the U.S. district court at Burlington, Vt., on April 1, 1966.

The Fugitive

During part of 1959 and 1960, this man resided with his family in a rural area near Richmond, Va., under the name of Jack J. Kelly. While there he participated in various skeet-shooting matches, and he is reported to be an excellent marksman. He left Virginia owing money and abandoning his hunting dogs.

Bouchard lived in the vicinity of Bristol, Vt., from July 1963 to November 1965, with his wife Theresa Jeanne, 35, and two small daughters, Diane and Carol, aged 8 and 9 respectively. There were indications that he had been camping out in a tent prior

to renting an apartment in that area. He disappeared from the Bristol area with his family in 1965, again owing money and abandoning hunting dogs and also his personal belongings. He subsequently abandoned his 1966 Lincoln in Cleveland, Ohio.

In the past Bouchard has been engaged in the home improvement and construction business and has worked as an encyclopedia and vacuum cleaner salesman. He has also operated small grocery-type stores. He is an avid sportsman with interests in match shooting, hunting, fishing, archery, golf, bowling, scuba and skin diving, wrestling, and boxing. He allegedly participated in professional wrestling at one time.

Description

Age----- 53, born July 27, 1914
 (unconfirmed date).
 Height----- 5 feet, 9 inches.
 Weight----- 210 pounds.

Caution

Bouchard is not known to have handguns but is described as a crack shot with other types of weapons. Inasmuch as this man has in the past established himself in rural areas, he may do so again.

Notify the FBI

Any person having information which might assist in identifying or locating this fugitive or determining his past or present whereabouts is requested to notify immediately the Director of the Federal Bureau of Investigation, U.S. Department of Justice, Washington, D.C. 20535 the Special Agent in Charge of the nearest FBI field office, the phone number of which appears on the first page of most local directories.

TRANSMITTING EVIDENCE BOOKLET

The Federal Bureau of Investigation has available a booklet entitled "Suggestions for Handling of Physical Evidence." The booklet serves as a guide in the identification, preservation, wrapping and packing, and transmittal of physical evidence to the FBI Laboratory.

Interested enforcement agencies and officers having a need for the publication may obtain a limited number of copies free of charge by writing to the Director, Federal Bureau of Investigation, U.S. Department of Justice, Washington, D.C. 20535.

Request from Mr. Knollmeier, Corcoran & Jones, for publication in L.A.B.
FBI Law Enforcement Bulletin

*Albany Sp. 5-24-67, re:
 John Bouchard, aka - Fugitive*



(Photo courtesy The Washington Post)

Director J. Edgar Hoover and President Lyndon B. Johnson shared a laugh at the White House on June 21, 1967, following a ceremony honoring Young American Medal Awards winners.

Permission from Wash. Post per Wick conversation with Norm Driscoll, Photo Editor - 6-22-67.

HOLD THAT TURN

Gyroscopic stabilizers have been tested and approved for police cruisers in one northern Florida county, not only for the extra advantage they give in high-speed pursuit but also for everyday driving.

The device, designed to prevent cars from overturning, is a 180° gyroscope, housed in a small unit about 18 inches long, 4 by 4 inches wide, and weighing 62 pounds. Inside the sealed unit is a 51-pound weight. On each end are a lever and spring fulcrum.

When a car makes a turn with the unit mounted in the trunk, the stabilizer throws its weight in the opposite direction from the centrifugal force of the turn. At twice gravity it doubles the weight pulling to the opposite side. In a six-gravity turn it exerts a pull of

more than 600 pounds. In doing this, the weight never moves more than a half inch to either side. The small unit, which can be quickly mounted with four bolts to the trunk of a car, would also be effective in the event of a blowout. The unit can be used on any vehicle up to 5,700 pounds, including boats and trailers.

*Jacksonville criminal 4-11-67
63-4296-63.*

TODAY'S POLICEMAN AND HIS WAGE

According to information released by the Bureau of the Census, an estimated 413,000 local and State employees were engaged in police protection in the United States in 1966. The breakdown shows 369,000 police

employees engaged in local government and 44,000 in State police protection. The total figure is an increase of 4 percent over 1965.

The average monthly earnings of full-time police employees in State and local governments was \$557, an increase of \$28 over the \$529 earned in 1965. This average monthly wage for police compares to average monthly earnings of \$590 for employees engaged in local fire protection and \$625 for instructional personnel in local schools.

The average entrance salary for police officers in small cities, as reported in "The Municipal Year Book—1966," was \$4,920 as compared to \$5,834 in the larger cities. In both instances the entrance salaries represented slight increases over those reported in 1965.

*memo from J.J. Davant to Wick 4-11-67
re: Police Employees in State and local Government in 1966.*

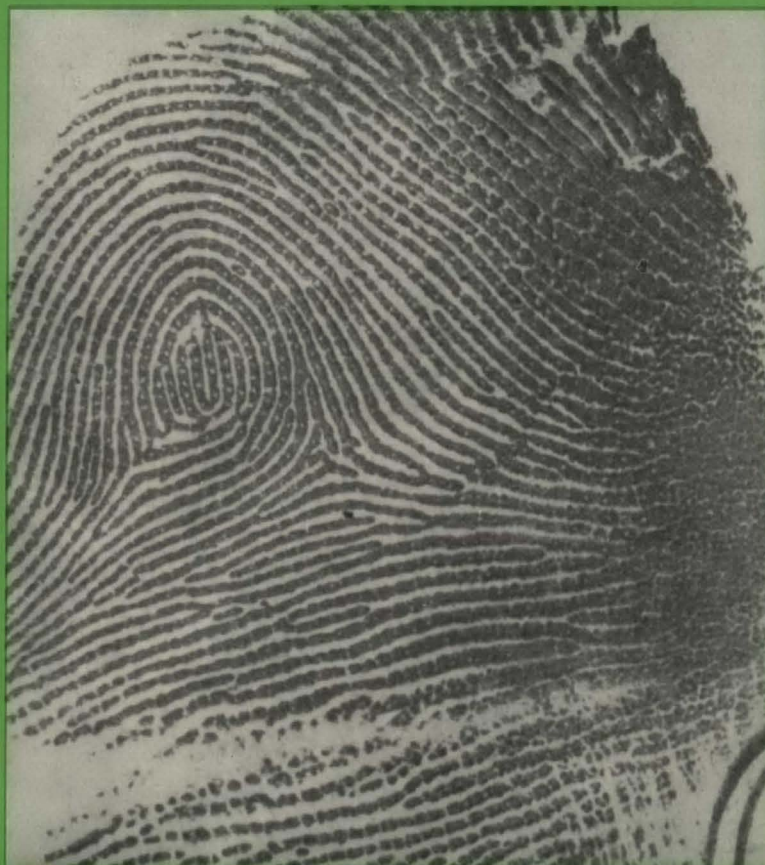
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RETURN AFTER 5 DAYS

INTERESTING PATTERN



This impression is interesting because of the unusual formation of the ridges in the center of the pattern. In the Identification Division of the FBI, this pattern is classified as a central-pocket-loop whorl with an inner tracing.