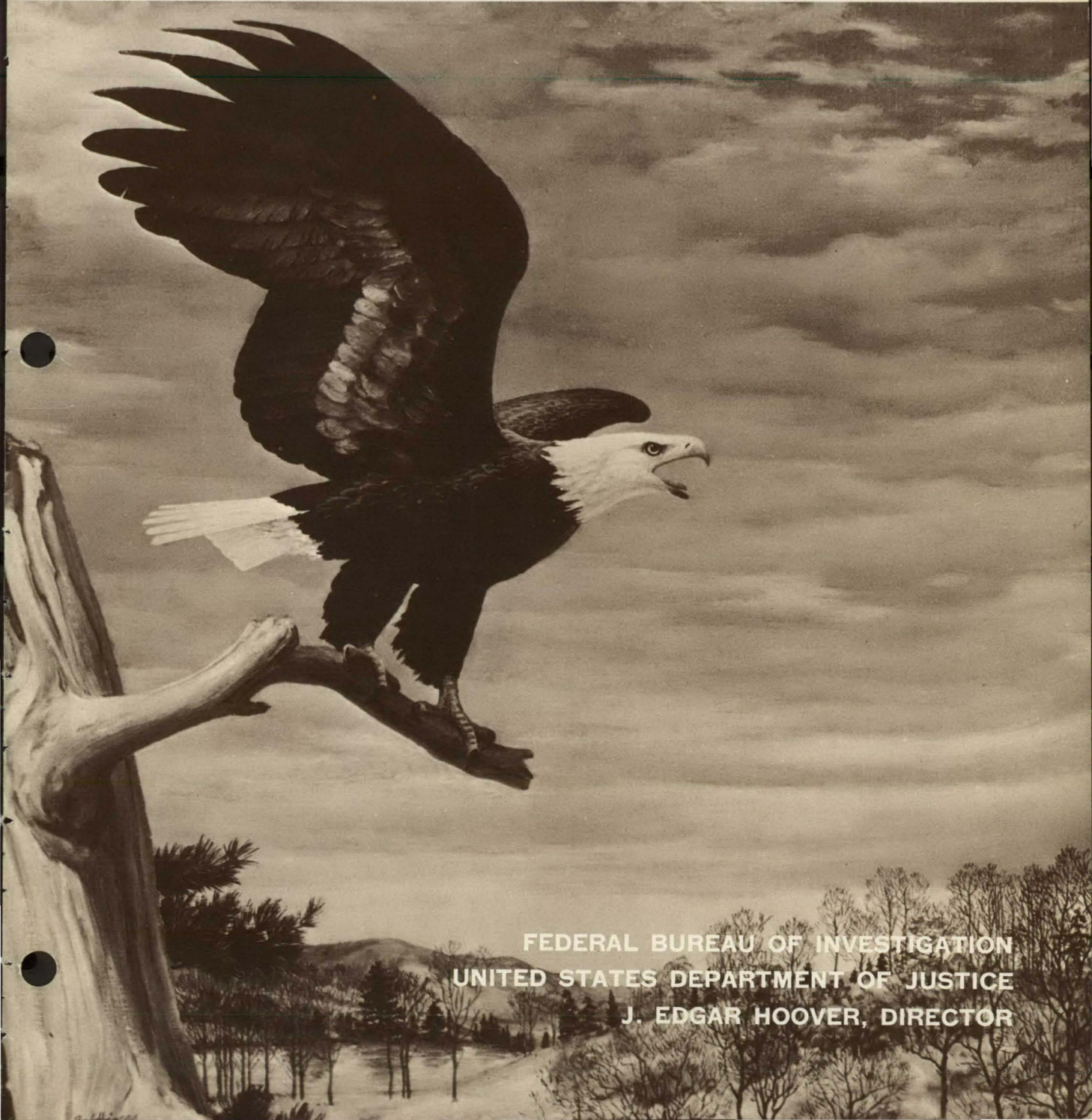




FBI

LAW ENFORCEMENT BULLETIN



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

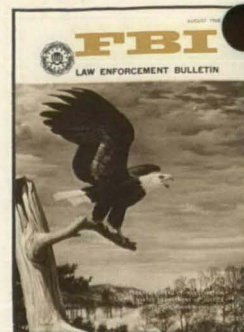
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LAW ENFORCEMENT BULLETIN

Published by the
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE
Washington, D.C. 20535

AUGUST 1968

VOL. 37, NO. 8



THE COVER — *The Bald Eagle*, our national bird, by artist Bob Hines is a symbol of our nationhood. See the Director's message on American ideals and virtues on page 1.

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MESSAGE FROM THE DIRECTOR

AMERICA IS NOT a sick society. Let us stop condemning our whole populace for the sins of a few. Let us stop this nonsense of self-reproach and self-ridicule and throw off the guilt complex which threatens to envelop our country. When we face adversities and tragedies, let us do so with resolute confidence, avoid panic, and reserve judgment until all the facts are known.

Historically, Americans are doers, not worriers. No country has ever done, or is doing, more for its own underprivileged citizens and for the unfortunate people of the world than the United States. Our record speaks for itself. We have no reason to be ashamed; indeed, we have much to be proud of. This is not to say that our society is infallible and has no problems. We do make mistakes, and we do have many great problems. But they are not insurmountable if we do not despair.

Some of our difficulty today arises from the fact that too much attention is given to various dissident elements which have a lot of noisy energy but little purpose. Many of them are complaining about conditions which they helped to create. Now, they want our whole society to plead guilty to mass ineptness. This is ridiculous.

A noted columnist, commenting recently on the guilt complex sweeping our country, said, "I am tired of the hangdog American. . . . a guy who lives in the greatest country on earth and feels

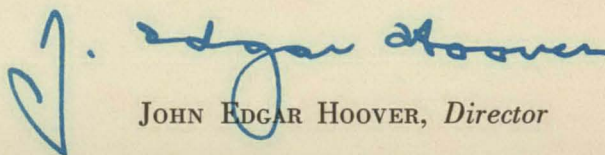
he has to apologize for his own existence. . . . The hangdog American is in danger of losing the fierce independence and self-pride of his pioneering ancestors. He is not only capitulating to his carping critics—he is becoming his own worst critic by doubting or distrusting his own obvious virtues: courage, ingenuity, loyalty, generosity, idealism. That is the worst thing that can happen to any man—to lose faith in himself."

To me, this makes sense. Courage, ability, and pride are hallmarks of success in any endeavor. A defeatist attitude is seldom associated with a winner or a leader. America is a world leader in the cause of justice, liberty, and the dignity of man. We have no reason to act or think as losers or second-rate citizens.

It is time for Americans to shed their apologetic demeanor and stop belittling themselves. The hard-working, tax-paying, law-abiding people of this country are responsible for its growth and development. They provide the strength and resources which move our country forward. They aspire to the goals, principles, and ideals which are meaningful to all people. It is wrong to malign and accuse this vast group every time a crisis develops.

No, our society is NOT sick. But, I suggest we check the pulse of the self-styled diagnosticians who see a social malady from every soapbox.

AUGUST 1, 1968


JOHN EDGAR HOOVER, *Director*

"Be not diverted from your duty by any idle reflections the silly world may make upon you, for their censures are not in your power and should not be at all your concern."—Epictetus, Roman Stoic philosopher.

1983 TODAY

The ability to foresee the future has been a constant source of fascination for the human mind. Some who claim to possess this power describe occult influences as providing their inspiration. Others rely upon expert knowledge and analysis of the past and present to arrive at reasonably accurate predictions. But it takes neither wizardry nor particular experience to look into the realm of 1983 and understand its potential influences on the law enforcement officer of today.

1983 is already here, posing problems that call for prompt resolution. Its impact on contemporary law enforcement has been facilitated by the subtlety of its approach. For years it lay silent, patiently waiting through its incubation. But now, issues which formerly seemed indistinct and of possible future concern suddenly appear as immediate challenges to the

personal security and effectiveness of the individual officer. Therefore, the time has come for law enforcement to assess the future and put 1983 in its place.

The story began a little less than one hundred years ago when the First Session of the 42d Congress became concerned about the alleged denial of civil rights in certain of the States. The resulting legislation, enacted April 20, 1871, was intended to provide a remedy for the wrongs allegedly being perpetrated. The language of the original statute has been substantially preserved and now appears in Title 42, United States Code, Section 1983, as follows:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

Thus, 1983 creates a right to law enforcement officers personally for depriving another of "... any rights, privileges, or immunities secured by the Constitution and laws. . . ." Such suits may be filed in the U.S. District Courts under the provisions of Title 28, United States Code, Section 1343.

This federally created right was largely ignored until the late 1930's when the first notable test of its effectiveness came in a Supreme Court decision [*Hague v. CIO*, 307 U.S. 496 (1939)] that the language of 1983 was adequate to remedy an alleged interference with the right to free speech and peaceful assembly. Since that time, the statute has slowly but steadily assumed greater importance for the law enforcement officer. Significant cases concerning policemen, sued under this statute, found their way to the Supreme Court in 1961 and in 1967. There is reason to believe that such suits will be filed with increasing frequency in the future.

This article was presented as a lecture by Special Agent John A. Mintz, FBI Training Division, at the Law Enforcement Institute, Memphis State University, Memphis, Tenn., on May 23, 1968.

his estimate of the situation seems dire, but there is no need for despair—at least, not yet. However, we cannot simply ignore this problem in the hope that it will retreat to the obscurity of the statute books whence it came. Experience and good judgment dictate that we respond in some affirmative fashion. The purpose of this study is to equip officers with the information necessary to understand the present and potential significance of 1983 and to suggest alternatives that may be used to limit its impact. The rest will be up to the officer, his department, and the community being served.

Officers generally are acquainted with the basic mechanics of criminal procedure, and it may be useful to begin by comparing this familiar framework with that upon which civil liability depends. In the criminal context, the State accuses a person of having failed in his duty to obey the law. If the charge is proven beyond a reasonable doubt, the person may be liable for a fine, imprisonment, loss of certain rights, or the death sentence. In a civil suit, one person (plaintiff) accuses another (defendant) of having failed in some duty he owed the plaintiff. If the evidence presented to support the charge is more convincing than that offered to the contrary, the plaintiff wins. The defendant may be liable to pay a sum of money determined by the case as necessary to compensate the plaintiff for his damages. If the defendant has been shown to be a particularly bad actor who needs to be taught a lesson, he may be ordered to pay an additional amount as a penalty.

Under both systems, if the defendant owed no duty to the complainant, he should not be penalized even if the plaintiff in fact suffered some damage. The defendant will be liable where it is shown that (1) he was obliged to do or refrain from

doing something and (2) the complainant was damaged because of the defendant's failure to comply with his obligation.

One of the heavy responsibilities of each law enforcement officer is to recognize and protect the rights, privileges, and immunities of persons within the jurisdiction he serves. 1983 crystallizes the officer's duty in this respect where *Constitutional* or *Federal* rights are concerned. It declares that persons injured by a deprivation of rights, privileges, and immunities secured by the Constitution and laws of the United States may sue for redress. Thus the statute implies that an officer has a specific duty to avoid depriving others of the enjoyment of these guarantees and that, by his failure to comply with that duty, he may incur personal liability for the resulting injuries.

But why identify this statute with police officers when it uses the words "every person" to describe those who may be liable? Two limitations on the applicability of 1983 provide the answer. First, the defendant must have been acting under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory. This eliminates all those persons, including Federal agents, who have no official connection with and do not assume to act under any sort of State authority. *Sheridan v. Williams*, 333 F. 2d 581 (1964) (FBI Agents not liable under 1983); *Bryant v. Donnell*, 239 F. Supp. 681 (1965) (private person making citizen's arrest is not acting as a public

officer under color of law). Second, many persons who do act under the authority of the State are protected against suit by special immunity, long recognized under the common law. For example, judges cannot be sued personally for having rendered an unpopular or unconstitutional decision or for issuing a judicial order that has the effect of depriving the plaintiff of his rights. *Carmack v. Gibson*, 363 F. 2d 862 (1966) (plaintiff's conviction was set aside and further prosecution declined, his suit against the State judge under 1983 dismissed); *Gaito v. Strauss*, 249 F. Supp. 923 (1966) (judges have absolute immunity without regard to their motives). Generally, the prosecutor enjoys the same immunity in deciding which cases should be prosecuted and in what manner. *Bauers v. Heisl*, 361 F. 2d 58 (1966).

Private attorneys are "officers of the court," but, for purposes of 1983, they are not "acting under color of" law whether they are appointed or retained. *Kregger v. Posner*, 248 F. Supp. 804 (1966) (private attorney); *Reinke v. Richardson*, 279 F. Supp. 155 (1968) (court-appointed attorney is immune).

Government officials, required to make decisions necessary for the continued functioning of the government, also are protected from personal liability for executing the duties of their respective offices. Such officials are described as having a "discretionary function," and, to get the business of government done, it is necessary for

Never abuse the confidence expressed by your fellow citizens when you are entrusted with the power and authority of a law enforcement officer. Act always in good faith and with reasoned judgment.

them, like judges, to work free of the harassment of civil suits. Other government officers such as policemen, whose decisions are more routine, have a "ministerial function." They do not enjoy official immunity because it is not essential for the perpetuation of government that they be protected from personal civil liability. Thus the officer stands alone. His police department cannot be liable. It is not a "person" under 1983. *Burmeister v. NYCPD*, 275 F. Supp. 690 (1967). And, private citizens who obey a police order to assist are not considered as acting under color of State law for purposes of the statute. Finally, "sovereign immunity" protects the unit of government from suit unless it consents to assume responsibility for the actions of its officers.

With all of these exemptions, it is obvious that the law enforcement officer has little competition insofar as qualifying as a defendant in a 1983 suit is concerned. It is true that others such as election officials, school authorities, and hospital administrators have been sued under this statute. But the problem is particularly acute for the officer, who is expected to enforce the law as well as administer it. The frequency of his confrontations with potential plaintiffs is unequalled by any other class of persons who could be liable under 1983.

One thing should be made clear. It is not because a man is a police officer that he is liable. Rather, liability is imposed where a man uses his official authority to deprive the plaintiff of the protections described above. Acting "under color of" law does not require that the officer must have been enforcing a statute or ordinance at the time, nor is it necessary that his actions be within the authority granted him as a police officer. Acts may be "under color of" State law even where they are clearly in violation of the State constitution and statutes. In short, if the defendant was

acting as an officer at the time of the alleged deprivation, then he was acting "under color of" law for purposes of personal liability under 1983. *Monroe v. Pape*, 365 U.S. 167 (1961); *U.S. v. Price*, 383 U.S. 787 (1966); *Stringer v. Dilger*, 313 F. 2d 536 (1963).

One of the best shields against civil liability is a spirit of professionalism at all levels of law enforcement. Dedicated officers, well trained in their craft and supported by community respect, should find the threat of personal liability constantly diminishing.

The statute provides for cases in which an officer is alleged to have been directly responsible for the injury, as well as instances where the officer allegedly caused the deprivation by some indirect means. Thus, the defendant officer might be liable for ordering another person to act in such a way as to bring about the alleged injury. The existence of the officer's responsibility has been measured in terms of cause and effect. In brief, the question has been: Did the officer's acts or his orders result in the alleged deprivation of rights? The plaintiff has not had to prove that the officer actually intended to deprive him of constitutional or Federal rights. *Cohen v. Norris*, 300 F. 2d 24 (1962); *Stringer v. Dilger*, 313 F. 2d 536 (1963). For a sufficient complaint, he has been required to show only that the effect of the officer's conduct was to deprive him of such rights.

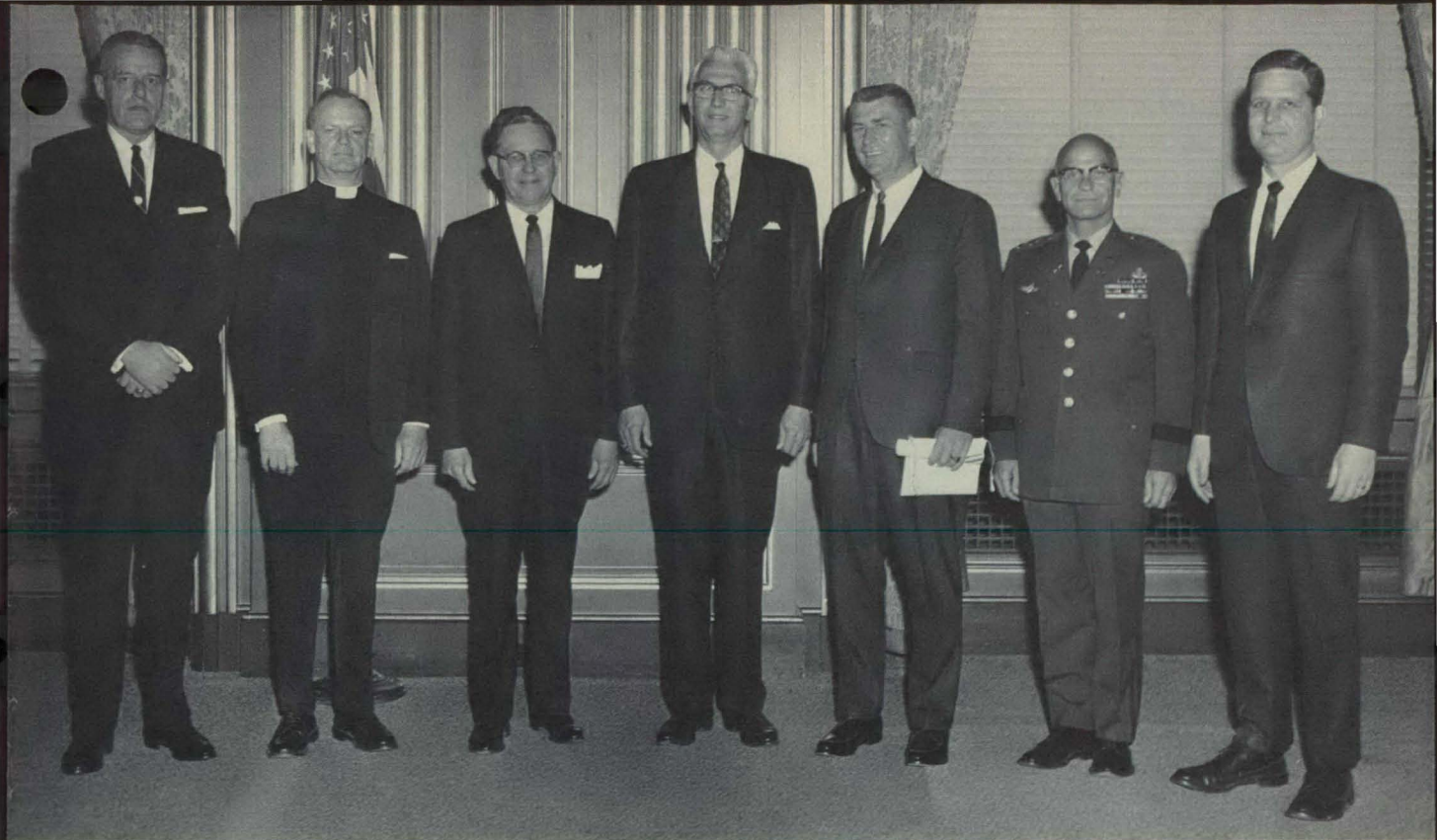
On the contrary, an officer may be able to defend himself in such a civil suit by showing that he did not intend to deprive the plaintiff of constitutional rights, that he was acting in good faith, and that his actions were based on what reasonably appeared to him at the time to have been valid authority. Such a case was

Pierson v. Ray, 386 U.S. 547 (1967) in which it was held a sufficient defense for the officer to show that, in making an arrest, he acted in good faith and on probable cause while enforcing a statute that had not been declared invalid at the time of arrest, though it was later declared uncon-

stitutional in an unrelated case. See, also, *Notaras v. Ramon*, 383 F. 2d 403 (1967) (case dismissed against officers where they "... reasonably and in good faith believed that their conduct was lawful, even though it was not").

Other defenses may be available to the officer. For example, he might claim that he violated no legal duty to the plaintiff under the facts alleged in the case. In *Striker v. Pancher*, 317 F. 2d 780 (1963), the plaintiff sued the officer for failure to furnish legal counsel and for failure to advise him of his right to counsel in a State criminal trial. The officer was exonerated as he had no duty to furnish counsel or to advise concerning the availability of counsel. "The failure to inform him and the failure to furnish counsel was a failure in the judicial process." 317 F. 2d at 783. Of course, the result in this case should not be confused with the requirements flowing from *Miranda v. Arizona*, 384 U.S. 436 (1966), that advice of the right to counsel must be given prior to custodial interrogation. *Miranda* is concerned with the admissibility of evidence while *Striker* is concerned with the positive duty an officer o

(Continued on page 23)



Shown at the conclusion of the graduation ceremonies of the 81st Session of the FBI National Academy, from left to right, are: FBI Insp. Thomas Jenkins; Dr. Edward Bradley Lewis, Capitol Hill Methodist Church, Washington, D.C.; Hon. Earl Morris, President, American Bar Association, Chicago, Ill.; FBI Assistant Director Joseph J. Casper; Chief of Police Richard O. Baugh, Brea, Calif., president of the graduating class; Maj. Gen. Carl C. Turner, The Provost Marshal General, U.S. Army; and Hon. Larry Eugene Temple, Special Counsel to the President of the United States.

The Hallmark of Police Work— Dedication to Public Service

The job of being a good police officer is one of the most trying and most difficult in our society. In handling this difficult job, in performing the countless tasks that society directs him to do, in carrying out the responsibilities that are imposed upon him, the policeman must act at all times as a professional law enforcement officer. He must constantly keep in mind the needs of the public because he is a public servant who has sworn to protect the entire community and every segment of it."

This call for dedication to public service was the message of Hon. Earl F. Morris, President of the American Bar Association, Chicago, Ill., to graduates of the 81st Session of the FBI National Academy on May 29, 1968, in Washington, D.C.

Mr. Morris quoted the late Roscoe Pound in pointing out that "one important aspect of a profession is 'that it is practiced in a spirit of public service.'"

"The problem of crime in America has never been more pervasive or more

serious, and the police are thrown directly into the middle of this maelstrom," he said. "The police officer is at the center of activity, and his task requires fast judgment, rapid reactions, sharp reflexes. It has been said that police deal with people when they are most threatening and when they are most vulnerable, when they are angry and when they are frightened, when they are desperate and when they are violent, when they are drunk and when they are ashamed. Through all of this, through the performance of

duty, the police officer must exercise the ultimate in patience, restraint, and tact, though he has little time for deliberation, little chance for conferences, and little opportunity for reflection."

Mr. Morris stated that, in recognizing the obligation of the police to the public, many police officials feel that a public relations campaign should be directed at the citizenry. "While such programs have their place," he said, "I suggest that a far more efficacious basis for better relations between the police and the community is found in the way in which the police officer performs his day-to-day activities."

In comparing the public image of the professional police officer to that of the lawyer, Mr. Morris stated that they both must measure up to a common standard: "We must be more honest and more ethical than society in general. . . . We must surpass the rest of society in these qualities, because to our hands are entrusted the lives and the property of those whom we serve. . . . But honesty cannot be legislated, and good moral conduct does not come to life in a set of printed rules. If (the law enforcement officer) is to be a real professional, if he is to be a truly effective member of his calling, these qualities must inhere in his nature and must influence his every act."

The president of the class, Chief of Police Richard O. Baugh, Brea, Calif., speaking for his fellow classmates, expressed thanks and gratitude to Director Hoover, the staff and counselors, local, State, and Federal officials, and the graduates' wives and families for the opportunity of attending the Academy and broadening their knowledge of their chosen profession. He pledged that the members of the 81st Session "will use every legal means at our disposal and exert every ounce of energy that we possess to keep our country strong, moral, and God-fearing."

Hon. Larry Eugene Temple, Spe-

cial Counsel to the President of the United States, and Assistant Director Joseph J. Casper, FBI Training Division, presented diplomas to 100 law enforcement officers representing 44 States, the District of Columbia, Puerto Rico, and five foreign countries—Canada, England, Malaysia, Sweden, and Thailand. Also among the graduates were representatives from the U.S. Air Force, U.S. Army, U.S. Park Police, and White House Police.

With the conclusion of the 81st Session, the number of National Academy graduates totals 5,335 men. Of this number, 3,091 are still active in law enforcement work, and 857 of these men hold the top executive position in their agencies.

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

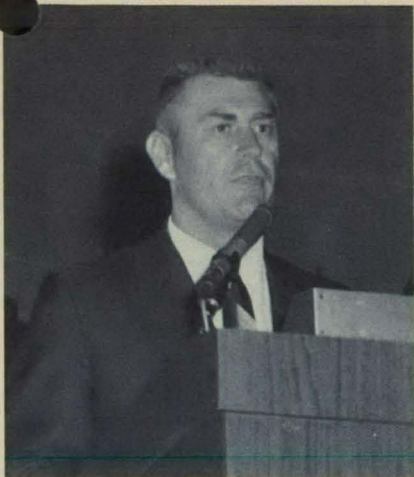
In an earlier presentation, Sgt. Charles P. Fee, Honolulu, Hawaii, Police Department, received the John Edgar Hoover Medal for Excellence in the Study of Law Enforcement. Sgt. Charles W. Robison, Ohio State Highway Patrol, Columbus, Ohio, merited The American Legion FBI National Academy Firearms Proficiency Award.



Hon. Earl F. Morris.

The members of the 81st Session of the FBI National Academy are:

Israel Alameda-Ballester, Police of Puerto Rico, San Juan, P.R.
 Henry Bruno Almeida, Royal Malaysia Police, Kuala Lumpur, Malaysia.
 Dale H. Anderson, Duncan, Okla., Police Department.
 Abdul Aziz Bin Haji Hussain, Royal Malaysia Police, Kuala Lumpur, Malaysia.
 William H. Baldrige, Jr., Mesa County Sheriff's Department, Grand Junction, Colo.
 Michael E. P. Ballard, Montreal, Quebec, Canada, Police Department.
 John C. Barnold, Jr., Baltimore, Md., Police Department.
 Richard O. Baugh, Brea, Calif., Police Department.
 David M. Blair, Norfolk Police Division, Norfolk, Va.
 Marvin Boland, New York, N.Y., Police Department.
 Charles L. Bonneville, Arlington County Police Department, Arlington, Va.
 Ozelle F. Brown, Sr., Huntsville, Ala., Police Department.
 John E. Burton, Volusia County Sheriff's Department, DeLand, Fla.
 Robert E. Cabot, Garden Grove, Calif., Police Department.
 James F. Campbell, Kansas City, Mo., Police Department.
 Desiderio Cartagena Ortiz, Police of Puerto Rico, San Juan, P.R.
 Joseph R. Ciraulo, Juneau, Alaska, Police Department.
 Vincent B. Conklin, Midland, Tex., Police Department.
 J. LaVerne Coppock, Fairfield, Calif., Police Department.
 Kline B. Courtney, Baton Rouge, Louisiana, Police Department.
 Abel S. Cravalho, Maui County Police Department, Wailuku, Maui, Hawaii.
 Frank E. Dalton, Martinsville, Va., Police Department.
 John J. Davin, Chatham County Police Department, Savannah, Ga.
 John L. Derenburger, Miles City, Mont., Police Department.
 Andrew L. Dodson, Bluefield, W. Va., Police Department.
 Silvio James Donatelli, Middlesex County Prosecutor's Office, New Brunswick, N.J.
 Harold A. Dougherty, White House Police, Washington, D.C.
 Leslie J. Eccher, Garfield County Sheriff's Department, Glenwood Springs, Colo.
 Charles P. Fee, Honolulu, Hawaii, Police Department.



Chief Richard O. Baugh.

Thomas E. Fogarty, Clayton, N. Mex., Police Department.
 Robert C. Fox, Mountlake Terrace, Wash., Police Department.
 Lynn V. Fritchman, U.S. Army.
 Glenn Futch, Victoria, Tex., Police Department.
 Edward C. Garvin, Natick, Mass., Police Department.
 Charles P. Gielow, Elko, Nev., Police Department.
 T. L. Goodwin, Arkansas State Police, Little Rock, Ark.
 George P. Graves, Western Springs, Ill., Police Department.
 R. Wayne Hall, Indiana State Police Department, Indianapolis, Ind.
 Bill D. Hanger, Arizona Highway Patrol, Phoenix, Ariz.
 Frederick R. Harvey, Bismarck, N. Dak., Police Department.
 Herbert James Hays, Ashland, Oreg., Police Department.
 Edward H. Henley, U.S. Park Police, Washington, D.C.
 Jon J. Higgins, Louisville Division of Police, Louisville, Ky.
 David W. Humbert, U.S. Army.
 George W. Hutchinson, Memphis, Tenn., Police Department.
 Robert W. Johnston, Fort Lauderdale, Fla., Police Department.
 Victor O. Keitel, Sheboygan, Wis., Police Department.
 Kenneth P. Kennedy, Buffalo, N.Y., Police Department.
 James D. Kimbrell, Lexington, N.C., Police Department.
 Gerald A. Kingsley, Rochester, Minn., Police Department.
 William J. Kinney, Sacramento, Calif., Police Department.

Stanley B. Kubala, Oakland Park, Fla., Police Department.
 Robert Ledee, New York City Housing Authority Police, New York, N.Y.
 Leonard H. Limmer, Jr., Mesquite, Tex., Police Department.
 Bengt Y. Lingemark, Sodertalje, Stockholm, Sweden, Police Department.
 George L. Lovett, West Hartford, Conn., Police Department.
 Robert E. McCann, Chicago, Ill., Police Department.
 Joseph T. McCarrie, District Attorney's Office, Philadelphia, Pa.
 Mortimer F. McInerney, San Francisco, Calif., Police Department.
 Samuel L. McLarty, Jr., Mobile, Ala., Police Department.
 George R. McNeil, Federal Bureau of Investigation.
 J. D. Maes, Jr., New Mexico State Police, Santa Fe, N. Mex.
 Thomas W. Martin, Mount Pleasant, Mich., Police Department.
 Marvin A. Maxwell, Oklahoma City, Okla., Police Department.
 Roy G. Miller, St. Louis, Mo., Police Department.
 Jess E. Moore, Reynoldsburg, Ohio, Police Department.
 Louis Joseph Murray, Jenkintown, Pa., Police Department.
 John M. Neary, Rochester Police Bureau, Rochester, N.Y.

Bill Oldham, Marshall, Tex., Police Department.
 Roy M. Osborn, Federal Bureau of Investigation.
 Robert C. Pagel, Wausau, Wis., Police Department.
 Robert C. Perkins, McPherson, Kans., Police Department.
 William L. Peters, Davis County Sheriff's Department, Farmington, Utah.
 Emmett W. Phillips, Decatur County Sheriff's Department, Bainbridge, Ga.
 Donald Eugene Pickett, Jacksonville, Fla., Police Department.
 Loren D. Pierce, Santa Clara, Calif., Police Department.
 Walter G. Powell, South Carolina Law Enforcement Division, Columbia, S.C.
 Chrispen F. Preston, Metropolitan Police Department, Washington, D.C.
 Abhorn Purnasamriddhi, Thai National Police, Bangkok, Thailand.
 Preston L. Purvis, Georgia Bureau of Investigation, Atlanta, Ga.
 Eston Randolph, Jr., Ferguson, Mo., Police Department.
 Opas Ratanasin, Thai National Police, Bangkok, Thailand.
 Armond R. Robison, Idaho Falls, Idaho, Police Department.
 Charles W. Robison, Ohio State Highway Patrol, Columbus, Ohio.
 Thomas A. Rogato, Prince Georges County Police Department, Seat Pleasant, Md.



Mr. Ronald C. Steventon (right), Chief Inspector, New Scotland Yard, Metropolitan Police, London, England, receives his diploma from Hon. Larry Eugene Temple, Special Counsel to the President of the United States.

William Russo, Sr., Mahwah, N.J., Police Department.
 Ernest P. Sable, San Diego County Sheriff's Department, San Diego, Calif.
 Paul A. Scranton, Federal Bureau of Investigation.
 Edward Lawrence Shafferman, U.S. Air Force.
 E. Donald Shinnamon, Baltimore County Police Bureau, Towson, Md.
 Harry Earl Sims, Alabama Department of Public Safety, Montgomery, Ala.
 Gordon E. Smith, Brattleboro, Vt., Police Department.
 Robert D. Smith, Hampton Police Division, Hampton, Va.
 Roger M. Smyth, Lyndhurst, Ohio, Police Department.
 Nester P. Stachowicz, South Bend, Ind., Police Department.
 Wilbur E. Stafford, Jacksonville, Ill., Police Department.
 Ronald C. Steventon, New Scotland Yard, Metropolitan Police, London, England.
 George R. Stutz, Farmington, Conn., Police Department.
 Rudolph Thompson, Pascagoula, Miss., Police Department.
 Frederick D. Thumhart, Sr., New York State Police, Albany, N.Y.
 William P. Tocco, Jr., Rhode Island State Police, North Scituate, R.I.
 Cornelius J. Turpen, Jr., Council Bluffs, Iowa, Police Department.
 Carl J. Yund, Wooster, Ohio, Police Department.



Two members of the New York City Housing Authority Police are shown with Mr. Casper following the graduation exercises. They are: Deputy Inspector Robert Ledee (left), a member of the class, and Chief Joseph F. Weldon (right).

OBSTRUCTION OF JUSTICE

SAC Letter 67-69, 11/21/67

Public Law 90-123, signed by the President November 3, 1967, broadens the obstruction of justice statutes by making it a felony to obstruct Federal criminal investigations. This statute reads:

"Whoever willfully endeavors by means of bribery, misrepresentation, intimidation, or force or threats thereof to obstruct, delay, or prevent the communication of information relating to a violation of any criminal statute of the United States by any person to a criminal investigator, or whoever injures any person in his per-

son or property on account of the giving by such person or by any other person of any such information to the criminal investigator, shall be fined not more than \$5,000, or imprisoned not more than 5 years, or both."

RAILROAD TAKEN FOR A RIDE

Springfield Criminel, 2/12/68, Bufile # 63-4387-51
 A student at a large midwestern university was selling railroad tickets at an exceptionally low price. Upon investigation it was learned that some 1,243 canceled round trip tickets had

been stolen from a railroad company.

Examination of the recovered tickets showed that the conductor's cancellation punch had been repunched with a round $\frac{3}{16}$ -inch punch. Then another ticket was placed over the first and carefully punched in the exact position of the repunched hole. The plug obtained was then inserted into the hole of the first ticket and held in place with a small piece of tape. So skillfully was the job performed that experienced ticket agents and conductors failed to detect the altered tickets.

Ultimate revenue loss to the railroad on these manipulated tickets estimated in excess of \$5,000.

Are Our Large City Police Departments Being "Neutralized"?



R. E. ANDERSON*
Assistant Professor of Police
Science,
Sam Houston State College,
Huntsville, Tex.

A few years ago, in a large eastern city, police were observed to stand idly by while looting and other crimes were committed in their very presence. Since that time, this dangerous and unsound philosophy has spread to other large cities.

The President's Commission on Law Enforcement and the Administration of Justice has recommended many sound improvements in law enforcement agencies. The recommendations cover improvements in personnel selection and training, academic programs in police science and social sciences, management and administration, scientific criminal in-

*Mr. Anderson served 21 years in the New York City Police Department and retired in 1967 with the rank of captain. As a military officer, both active and reserve, he has been assigned to security and intelligence both in the U.S. Army and the U.S. Air Force. He is currently assistant professor of police science responsible for the Police Science/Law Enforcement Division in the Institute of Contemporary Corrections and the Behavioral Sciences at Sam Houston State College in Texas.

vestigation, communications, computers, nonlethal weapons, and others.

There is no doubt that these improvements, when professionally implemented, will provide law enforcement agencies with a better capability to render police services to their communities. However, all of these improvements, no matter how sophisticated and costly, will be of little or no value unless they are used to *enforce the law* in accordance with the traditional concept of criminal justice in our democratic society. Unless the underlying *philosophy* and *policies* of law enforcement are in agreement with our basic concept of law and order and criminal justice, all these improvements will be simply window-dressing.

Public Servants

In our society it is traditional for the police administrator to be responsible to and operate in accordance with the policy of the duly elected head of government. All responsible police administrators clearly recognize that they are public servants in the finest sense of the word and that they must be responsible to the people through their elected head of government. *However, it was never intended that a responsible police administrator would be directly or indirectly required to operate under a policy or philosophy that encourages, permits, or condones serious violations of law.*

This dangerous and alien philosophy is directly opposed to the principles of democratic government and sound policies of good law enforcement. In addition, there is a serious legal question involved. The police are charged with the lawful duty to enforce the law, preserve the peace, protect lives and property, and detect and arrest offenders. Failure to perform these statutory duties used to

be known as nonfeasance and constituted serious grounds for removal from office.

Have we become so sophisticated that we no longer recognize the statutory duties and responsibilities imposed on the police? No policy which openly permits felonies to be committed in the very presence of police officers is a lawful policy no matter how politically expedient it may seem at the moment.

Since we are a government of laws, it would appear the wisest course of action to return to law enforcement policies that are clearly consistent with the law. If the majority desire to change the law and redefine the traditional role of law enforcement in our society, that is their right and privilege. Until such an improbable event occurs, let's restore the word "enforcement" to the law enforcement process and operate within the framework of the law, *not* "political expediency."

The questionable policy of overlooking violations of law in connection with riots and disorders is sometimes defended on the grounds that lives will be saved at the expense of property rights. Well-meaning individuals probably believe this to be true. Others, not so morally inclined, are fearful of the political implications and loss of certain voting groups. They will tolerate an unlimited amount of burning and looting rather than the loss of even one life by police action. Burning and looting can sometimes be rationalized away. It is very hard to hide a dead body.

The advocates of police inaction fail to realize that their position is basically unsound as a matter of law, police practice, human behavior, and commonsense. By encouraging and "licensing" looting and arson through "handcuffing" the police, they encourage and lead irresponsible individuals and groups to believe that this

conduct will be tolerated in the future. Certainly, these groups will tend to use any and all future events as "excuses" to riot and loot since they have a reasonable assurance that the police have been "contained" and will not appreciably interfere with them in their efforts to redistribute the national wealth.

Restoring the Law

In reality these conditions cannot be permitted to continue and society will be required to support their law enforcement agencies in restoring order. The longer the condition is permitted to continue, the more "conditioned" certain groups will become toward accepting looting and arson as the "norm" for their culture. The longer the unlawful condition is permitted to exist, the more difficult it will become for the police to eventually restore law and order.

In the restoration process, *and must come*, some lives will be lost even though the police maximize the use of nonlethal weapons. Those who advocate a weak police posture which permits and tolerates serious crime must assume their share of the responsibility for the loss of human life that may occur in the future as law and order is restored.

Observations

Does evidence exist that some of our large city police departments have been "neutralized"?

Let's look at the record. Testimony was presented before the Congress that uniformed police in a northern city stood idly by as looting occurred in their presence. One officer is alleged to have asked a looter if he was sure he got the right brand of TV set as the looter was carrying it away. There was additional testimony that police in an eastern city had great difficulty in obtaining permission to use their

arms to neutralize sniper fire that they were receiving.

In a large eastern city, at 2 o'clock in the morning, after a "small" riot, a group of teenage militants were sitting in the front of stores whose windows had been broken. The police requested them to leave the broken window area, but orders were received to "leave them alone." The teenagers got up and moved on only after stuffing their pockets with all forms of merchandise from the store windows. In a large eastern city, police arrested several hippies and put them in a patrol wagon when a political assistant to the mayor arrived and "ordered" the hippies to be freed without benefit of judicial process.

Another innovation has been added to law enforcement in some of our "sophisticated" cities. A "political" adviser responds to the scene of major police incidents and "confers" with the police. Although in theory this practice may be defensible, in actual practice it is totally indefensible and constitutes a direct political interference with the criminal justice process.

Senior police officers are not at liberty to speak publicly about the details of many of these incidents without fear of jeopardizing their careers. We can, however, look forward to reading some interesting and shocking books and articles when some of these senior officers retire and regain their constitutional right of "free speech". Even though the specific content of many of these conferences on the scene of disorders and riots is known only to a select few, it is possible to arrive at a fairly accurate estimate based on the subsequent orders issued to the police at the operational level.

After many of these conferences with the "political" adviser, the following conditions are generally observed to exist:

Arrest activity is minimized or eliminated completely.

- b. Crimes are permitted to occur in the very sight of uniformed police officers.
- c. Police authority is "diluted" and orders are received from outside the regular police channels of command and organization.
- d. The police forces appear disorganized and ineffective. Their morale is obviously at a very low level.
- e. The disorderly groups and individuals appear to "sense" the impotence of the police forces and "challenge" the police openly. At this point, the police are sometimes withdrawn to a safe position in order to avoid a confrontation.

From these observed conditions, and from speaking to many police officers, it appears reasonable to conclude that:

- a. Police authority in many large cities is being seriously undermined.
- b. Police administrators in many large cities are required to assume a "weak police posture" pursuant to a politically expedient policy of "nonconfrontation".
- c. Police officers at the operational level are in fact "handcuffed" and cannot enforce the law fairly and impartially without fear of reprisal.
- d. Political interference and "control" in police field operations at disorders and riots have become the rule in several large cities, even to the extent of determining specific tactics to be used, or more likely, not used during a riot or disorder.
- e. Certain groups and forces have combined to temporarily "neutralize" many of the large police departments, particularly in the north and in the east. The laws are *not* being enforced and respect for law and order is not evident.
- f. Law enforcement and the entire criminal justice process have vacillated back and forth in response to pressure groups, reform groups, militant groups, and others. The basic philosophy of maintaining law and order in accordance with democratic principles has not been adhered to. The law has been "tested," "twisted," "bent," "fractured," and *openly broken* to further the aims of individuals and groups that seem more intent on fragmenting our society than binding it together for the common good.

The President's Commission on Law Enforcement and the Administration of Justice has indicated that many academically and professionally quali-

fied police officers currently occupy "middle management" positions in our large police departments. These officers are progressive, dynamic, enlightened, and technically and professionally qualified to provide the future leadership of our large law enforcement agencies. Because of the rigid structure of most large departments, their suggested policies and improvements do not always reach the chief.

This group may stay in law enforcement and make direct and valuable contributions toward the goal of promoting law enforcement as a true profession, or they may retire at an early age and seek other opportunities in the business or academic world. The surest way to drive them out of law enforcement is to continue the current alien philosophy of requiring police to stand idly by, *while the law that they are sworn to uphold* is openly and willfully violated in their very presence. This, more than anything else, will never be accepted by the truly professional law enforcement officer, and he will seek a new environment.

Reasons for Neutralization

The reasons that many of our large police departments have been "neutralized" are complex but can generally be grouped into several areas of serious concern:

- a. Political interference characterized by concern over the loss of the minority group votes and possible damage to political "images."
- b. Lack of community support characterized by a noninvolvement policy.
- c. Lack of support from some elected officials who consider it poor strategy to "identify" with law enforcement.
- d. Recent Supreme Court decisions which unduly restrict and limit law enforcement capabilities to protect the public and enforce the law.
- e. Leniency and poor organization and administration of the courts. (Of 666 convicted felons from last summer's riots

(Continued on page 24)

PROCHEK

The FBI Laboratory is now utilizing the computer in the battle against professional fraudulent checkpassers in a program called "PROCHEK." "Professional checkpassers" are those individuals who habitually continue in their profession of passing bad checks. In many instances these check artists return to their old activities after long periods of incarceration or suspension of activity for other reasons. To combat such individuals by readily identifying them is the purpose of PROCHEK—a completely automated memory system in which the peculiarities and habits of the professional checkpasser are cataloged.

Information at Hand

Briefly, PROCHEK assembles in a computer memory storage the known checkpasser's traits in three broad areas: (1) Description (the general, noticeable, and unusual descriptive

traits of the check artist); (2) modus operandi (who is the victim? how does the checkpasser operate? what were the passer's interest? identification? scheme of operation?); and (3) check format (how are the bad checks made out? are they handwritten? typed? check protected? etc.).

Speed and Accuracy

By analyzing information in unknown subject cases in the three areas mentioned above, the Laboratory examiner can rapidly make comparisons with the "library" of information on known check artists in the computer's memory bank. Then for possible leads to the identity of the unknown subject, he can quickly review case files on individuals selected by the computer. Document examinations and comparisons may absolutely identify the subject.

Personnel of the FBI Laboratory who are experts on the operations of fraudulent checkpassers make the determination to search PROCHEK in unknown subject cases or to add information to the "library" of known individuals. These operations require the completion of certain forms. Figures 1, 2, and 3 are samples of forms currently utilized for PROCHEK. Since it is essential that information introduced into the computer be accurate, totally pertinent, and consistently classified, close control of data placed on these forms is necessary. Specially trained FBI Laboratory personnel thoroughly review and/or complete each form to insure that each known checkpasser is correctly described and coded information for search is consistent with the established format.

Scientific Asset

In submitting fraudulent check material to the FBI Laboratory, law enforcement personnel should become familiar with these forms so they can include in transmittal communications pertinent data developed by the investigator. Such data would aid the Laboratory expert in determining the feasibility of searching PROCHEK in a given unknown subject case. In addition, the more detailed and accurate description and modus operandi furnished, the greater the likelihood of a productive search.

PROCHEK is a new scientific tool developed through intensive research and experimentation to assist law enforcement in combating the professional fraudulent check artist in our modern society. It is a valuable adjunct to the National Fraudulent Check File, widely recognized as a national repository of bad checks. The more law enforcement uses the National Fraudulent Check File and its offspring, PROCHEK, the more effective they become.

KNOWN CHECK PASSERS STANDARDS

TO: Director, FBI (Attention: Laboratory)

Date:

FROM:

Bureau File #:

NAME OF SUBJECT:

BIRTH DATE (Mo., day, year):

City

State

FBI #:

Arrest # if

FBI # unknown:

Instructions: Circle appropriate numbers below. Accuracy is important. If additional room is needed use back of form.

INFORMATION RE DESCRIPTION OF CHECK PASSER

01 Sex 1. Male 2. Female	Nationality - other than USA and if race is unknown or questionable)	08 Hair Color (Predominate) 1. Black or dark brown 2. Lt. brown, sandy, lt. red, dk. blonde 3. Bright red 4. Blonde, incl. bleached and platinum 5. White 6. Grey	13 Noticeable Scars &/or Marks 1. On head or neck - front 2. On head or neck - back 3. On left arm or hand 4. On right arm or hand 9. Other _____	17 Dress 1. Work clothes 2. Uniforms 3. Casual or sport 4. Dress or suit (business attire) 5. Flashy, dressy 6. Maternity 7. "Fad" types 8. Regional (western, etc.) 9. Other:
02 Race 1. White 2. Negro 3. Yellow 4. Red		09 Hair (Other characteristics) 1. Partially grey or frosted 2. Color variable i.e. wigs, hair dyed 3. Beatnik style 4. Balding, receding 5. Bald (no hair) 9. Other _____	14 Noticeable Tattoos 1. On head or neck 2. On right arm only above elbow 3. On right arm only below elbow 4. On left arm only above elbow 5. On left arm only below elbow 6. On both arms or hands 9. Other _____	
03 Mustache, beard 1. Has mustache only 2. Has beard only 3. Has mustache & beard		10 Eye Color 1. Black, brown, maroon 2. Pronounced blue 3. Lt. blue, green, hazel, grey 4. Eyes differ in color 9. Other _____	15 Deformities &/or Abnormalities (Includes missing, injured, deformed, unusual size, patched, bandaged, etc.) 01. Arm, hand or finger 02. Leg or foot (incl. limp) 03. Ear (incl. pierced) 04. Eye (incl. crossed, bulging, etc.) 05. Back or neck (incl. braced) 06. Nose 07. Teeth (incl. false, decayed) 08. Mouth & lips (exclude beard) 09. Chin & jaw (exclude mustache) 10. Eyebrows (bushy, missing) 19. Other _____	
04 Height 1. Under 5'0" 2. 5'0" up to 5'5" 3. 5'5" up to 5'9" 4. 5'9" up to 6'1" 5. 6'1" up to 6'4" 6. 6'4" and up		11 Glasses 1. Wears glasses (regular) 2. Wears sunglasses 3. Wears contact lenses		
05 Weight 1. 000 up to 100 2. 100 up to 150 3. 150 up to 200 4. 200 up to 250 5. 250 and up		12 Speech 1. Stutter, lisp or impediment 2. Foreign 3. Profane, harsh, abusive 4. Educated, cultured, refined 5. Uneducated, ungrammatical 6. Regional 9. Other _____		
06 Build 1. Thin, slender small, slight 2. Medium, average 3. Heavy, large, fat, muscular, stocky		16 General Peculiarities 1. Subject is, appears to be or associates with homosexuals or lesbians (admitted, known or suspected) 2. Subject is female-impersonator or female posing as male 3. Subject is narcotics user 4. Subject is alcoholic or heavy drinker 5. Subject has physical illness 6. Subject has mental problems (suicidal, etc.) 9. Other _____		
07 Writing Hand 1. Right-handed 2. Left-handed 3. Ambidextrous				

INFORMATION RE IDENTIFICATION, ASSOCIATES, CHECKS, ETC.

20 Identification 1. Using identification lost or stolen from victim in victim's name 2. Altered to another name from victim's or completely fictitious 3. Counterfeit	22 Money Orders 1. Stolen in blank in Burglary 2. Stolen in blank in Robbery 3. Stolen in blank in Larceny 4. Counterfeit 5. Raised
21 Associates 1. Passer is loner (has no known companions) 2. Passer has companions and is involved in passing checks as "small group" operation 3. Passer is one of a "ring" i.e. involved in large scale check passing operation	23 Travelers Checks 1. Stolen in blank in Burglary 2. Stolen in blank in Robbery 3. Stolen in blank in Larceny 4. Counterfeit
24 Check Types 1. Personal checks stolen from or lost by victim 2. Company checks stolen from or lost by victim 3. Fraudulent personal checks (not stolen or lost) 4. Checks bearing a false or fictitious company name 5. Obsolete company checks (bankrupt companies, etc.) 6. Counterfeit company checks, i.e. made to look like legitimate-type checks of well known corporations or companies 9. Other _____	

Figure 1—This form is used to encode a subject's description and related traits.

(Continued on page 26)

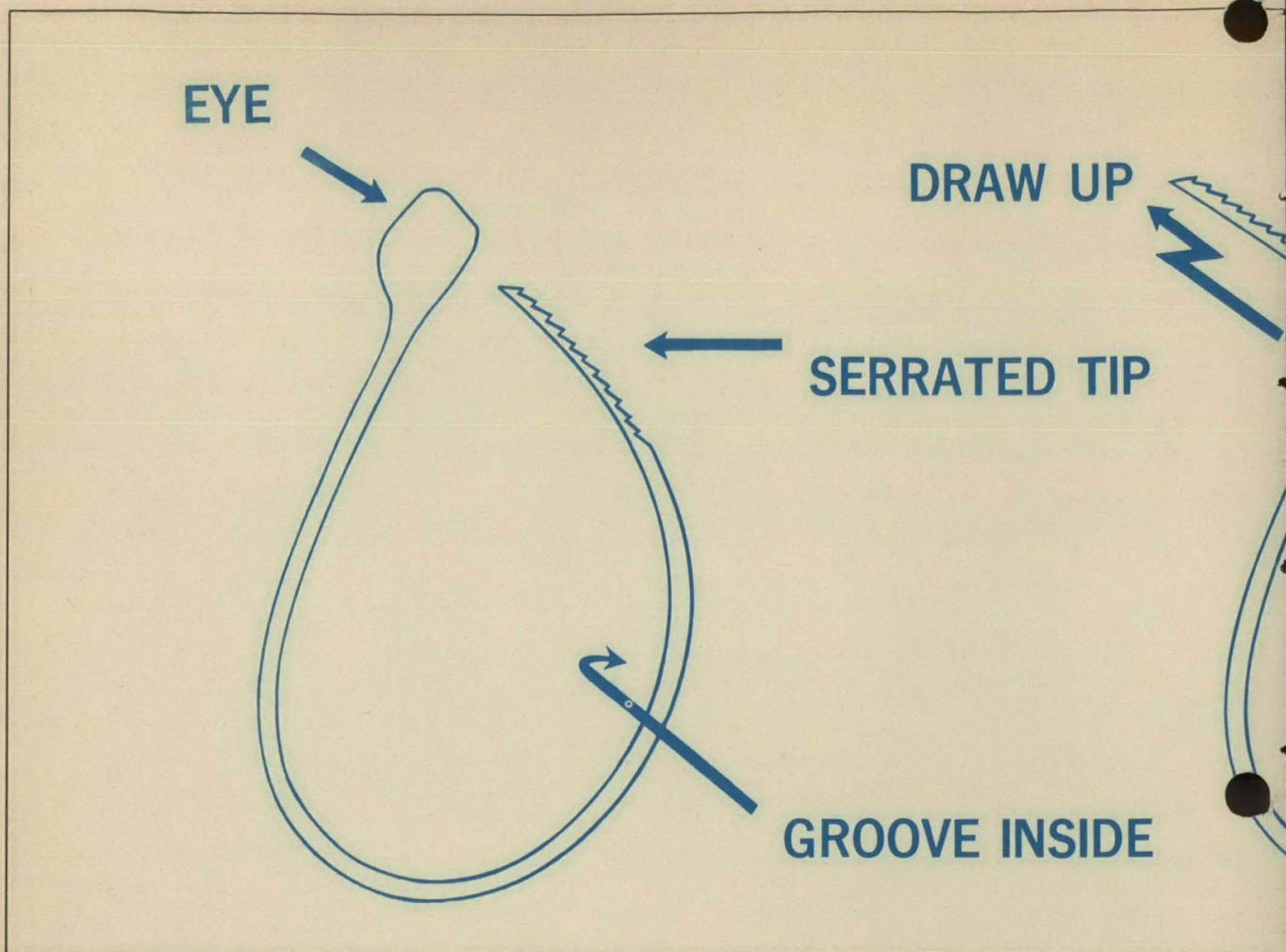


Figure 1.

In law enforcement, handcuffs are the most practical, safe, and effective instrument to temporarily restrain an arrested person.

There are, however, other methods of effecting temporary restraint if an officer finds himself without handcuffs or if the supply of handcuffs has been depleted as may occur in mass arrest situations.

Restraining Ties

Nylon restraining ties (fig. 1) are normally used to bind wires together and to attach them to a wall or pole. These particular ties are self-locking

at any desired point after the tip has been inserted through the slot. They are lightweight, easily carried, and inexpensive. They can be used only once since they will not unlock and must be cut to be removed. Diagonal or cutting pliers are recommended to cut the ties loose.

Numerous ties were tested at the FBI Academy, Quantico, Va. Those with the following specifications¹

were determined to be the most effective:

Material.....	Nylon.
Color.....	Milky white.
Locking barb.....	Stainless steel.
Length.....	22 inches.

¹ Ties with the same specifications have been used successfully by the Elizabeth, N.J., Police Department for the past several months. If further information regarding these ties is desired, inquiries may be directed to Capt. Patrick Maloney, Police Department, Elizabeth, N.J.

g Devices

Width..... $\frac{5}{16}$ of an inch.
 Weight..... $\frac{1}{4}$ ounce.
 Diameter..... $\frac{1}{2}$ inch to 6 inches.
 Strength..... More than 300 lbs.

A number of tests show that the ties are most effective if used in the following manner:

- A. Interlace two ties, leaving wide loops (fig. 2), to form a set. When necessary, numerous sets can be prepared in advance. The subject's hands are placed

together with his wrists back-to-back and palms out. His hands may be in front or behind his back. The interlaced ties are then slipped over his hands (fig. 3). Pull the ends of the two ties until the loops are sufficiently snug to prevent the removal of either hand (fig. 4) but not so tight as to injure or cut off circulation.

- B. Have the subject cross his arms either in front or behind his back and secure his wrists with only one tie (fig. 5).

- C. If a subject becomes violent, his feet can be forcibly held together and one tie affixed around his ankles (fig. 6). In such instances, the end of the tie should not be inserted in the slot containing the locking barb until the tie has been placed around the ankles.

The ties are least effective when only one is used around the wrists with the palms together. Tests proved that the tie, when applied in this manner,

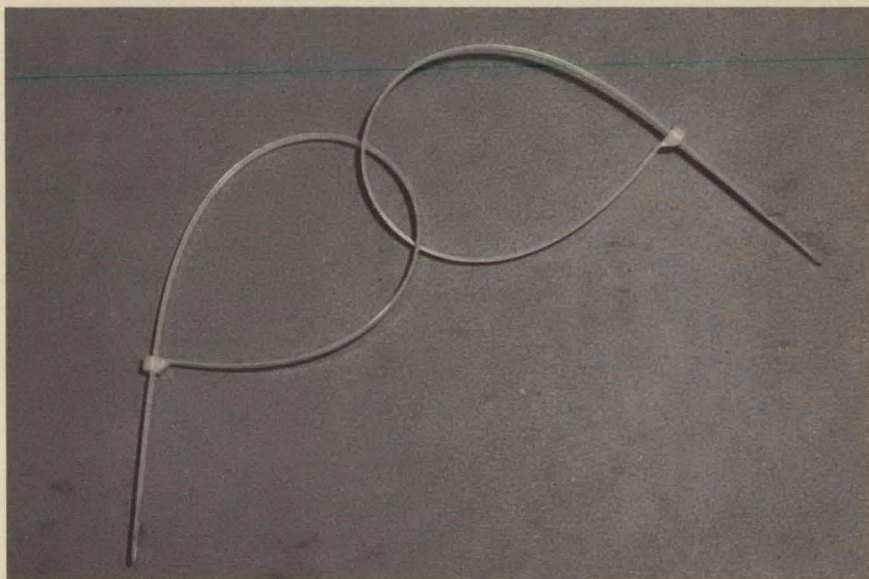


Figure 2.



Figure 3.

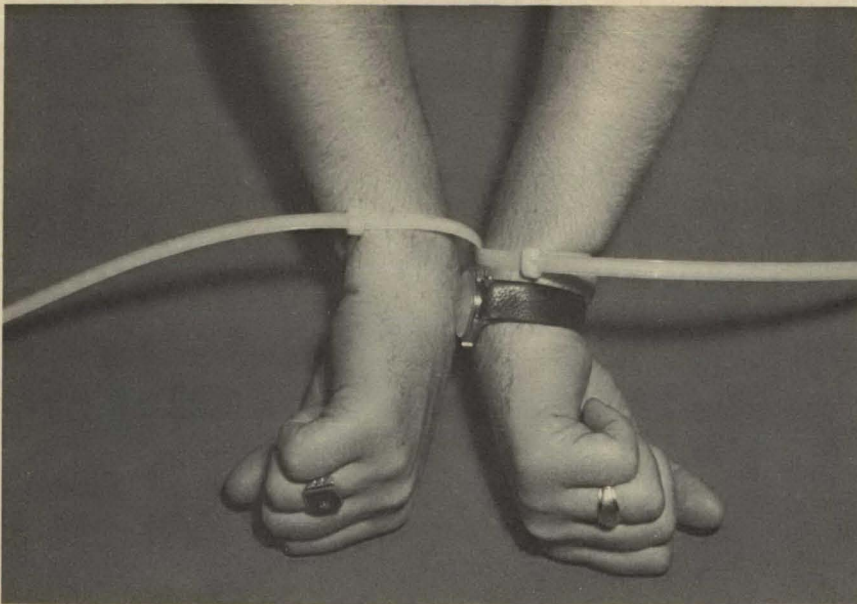


Figure 4.



Figure 5.

could be slipped off unless it was drawn uncomfortably tight.

Police officers should remember that restraining ties are not recommended as a replacement for handcuffs. Further, regardless of whether a person is handcuffed or otherwise restrained, he must be constantly guarded to prevent escape from the restraining device.

All sharp instruments should be kept away from persons restrained

with nylon ties as the bands can be cut. Also, the ties will stretch and burn if subjected to intense heat or direct flame.

Necktie or Rope

A common necktie or similar length of rope may also be used as a restraining device. Here is a quick and easy way to apply this technique:



Figure 6.

- A. Have the subject place his hands together, palms out. Drape the necktie or rope over the top of his wrists (fig. 7). (Starting from underneath his wrists would not afford the officer any protection if the subject should attempt to strike an upward blow with his hands.)
- B. Wrap the necktie or rope around the wrists two or more times and secure it with a simple square knot (fig. 8). If the subject is wearing a belt, the ends of the necktie or rope may be secured to his belt at the waist. Here again, even though the subject is temporarily restrained, he should be guarded at all times.

Restraint Using a Belt

A man's belt may also be used as a temporary restraining device if properly applied. A simple method is described below for use by a right-handed person. A left-handed person would reverse the position of the belt and use his left hand where the right hand is indicated.

- A. Hold the belt with the inside facing up, the buckle in the left hand. Double about 6 inches of the belt tip with the right hand and put this small loop down through the top of the buckle (fig. 9). Using the left hand, pull this small loop through the buckle, expanding the loop and forming a double loop (fig.

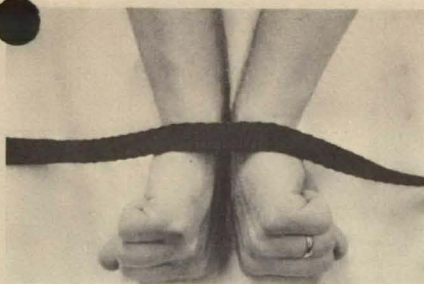


Figure 7.

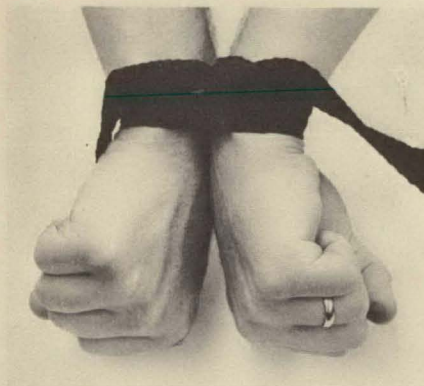


Figure 8.

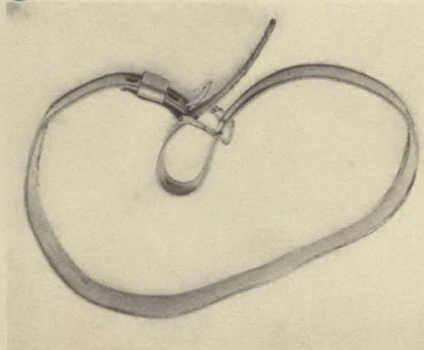


Figure 9.

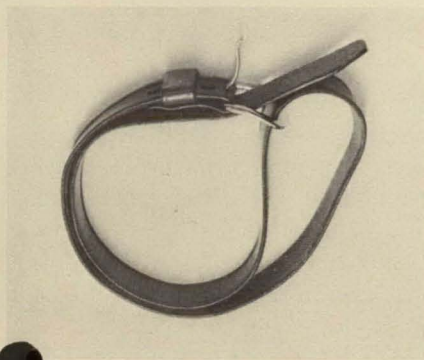


Figure 10.

- 10) until about 6 inches of the tip remain outside the buckle.
- B. Hold the tip of the belt extending beyond the buckle in your right hand and the double loop below the buckle in your left hand. Have the subject place his hands, wrists back-to-back, with palms out (fig. 11) through the loop.
 - C. Firmly grasping the end of the belt in the right hand, tighten the belt counterclockwise until it is snug against the subject's wrists. This, of course, increases the length of the belt in your right hand, and this portion should be wrapped around the belt between the wrists from front to back until the prong on the buckle can be inserted in one of the holes (fig. 12).
 - D. To remove the belt, unhook the prong and unwrap the portion between the wrists. Grasp the top strand of the double loop with your right hand and the bottom strand underneath the wrists with your left hand. Pull and work the belt clockwise until the loop is large enough for the subject to remove his hands.

A subject can cut the belt loose or possibly free himself by using his teeth to loosen the belt if left unguarded.

The officer on the street is not expected to have on his person all the equipment needed for every emer-

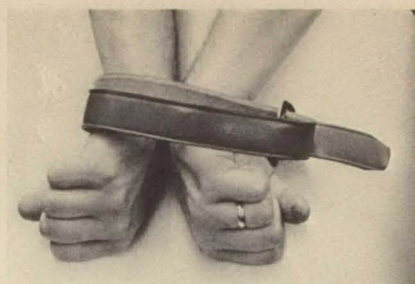


Figure 11.

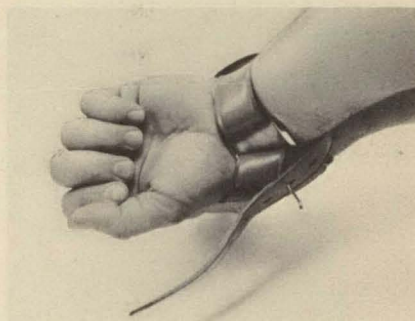


Figure 12.

gency. There are times when he must improvise. Temporary restraining devices, and how to use them, are improvisations he may be called on to make at any time.

ANOTHER STRIKE FOR GRANNY

Philadelphia Criminel
2/23/68 Bufile #63-4296-37

A little, old, bent-over granny, wearing glasses, a blue-striped housedress, a sweater, scarf, and yellow coat and clutching a large, black handbag, plodded slowly down the street.

As she made her way, taking almost 5 minutes to negotiate each city block, she was set upon by two young toughs. They had hardly rumpled one strand of her grey hair when two policemen converged on the scene and found Granny sitting on top of her two assailants.

As it happened, "Granny" was a local police officer acting as a decoy.

He had sounded a radio alarm as his attackers approached, grabbed his unsuspecting assailants, and wrestled them to the ground.

"Granny" apprehended muggers on five separate occasions over one 2-month period.

Albuquerque Criminel, 12/30/67,

ZIPPY QUESTION

Bufile #63-4296-62

One experienced officer in a southwest city suggests one short question is often successful in showing that a suspect does not come from the far-away area which he claims is his home. The question: "What is your zip code?"

TECHNIQUE AND USE OF THE POLICE BATON

This is the second part of an article on the use of the police baton.

Where to Strike Blows

As a general rule, shortswing and backswing blows should be directed to those places on the body where bone is close to the skin surface, *excluding the head and face*. Shortswing and backswing blows can also be directed to the thick muscle groups of the buttocks, thigh, and calf.

When jabbing with the baton, blows are delivered to the soft tissue areas of the trunk and back.

Head and Face Blows

Blows to the head and face should be avoided for the following reasons:

- a. The opponent could be killed instead of merely subdued. The officer has no way of determining the thickness of his opponent's skull. A blow to the head of one opponent might kill him, whereas

the same blow to the head of another could have little or no effect.

- b. The head is an elusive target and difficult to hit. Without moving his feet, the opponent can duck, bob, or slip the head causing the baton to miss completely or to hit only a glancing blow.
- c. Most individuals believe the blows will be aimed at the head; therefore, they will usually raise the hands and arms in an effort to protect the head.
- d. Blows delivered to the head place the baton in a position which is vulnerable to counterattack or a disarming movement. The opponent could very well seize the baton.

Vulnerable Spots

The police officer should have a thorough knowledge of the vulnerable areas of the body and avoid striking those blows which produce death or permanent injury.

The vulnerable areas of the body, front view (fig. 31), are: above clavicle, shoulder tip, upper arm, elbow, forearm, hand, solar plexus, ribs, pit of stomach, groin, thigh, knee, side of calf, ankle front, shin, and toes.

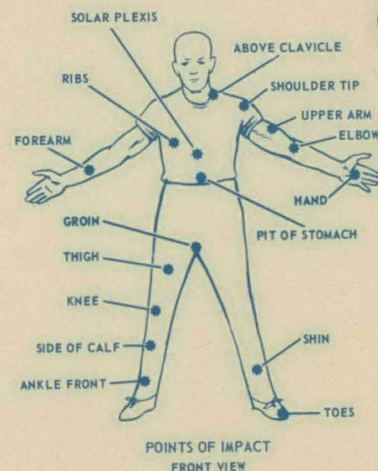


Figure 31.

Back view (fig. 32), the vulnerable points of impact are: kidney, behind scapula, buttocks, thigh muscles, behind knee, calf muscle, ankle bone, and Achilles tendon.

Possible fatal points of impact are the head, throat, neck, arm pit, and chest cavity (fig. 33).

The long grip is best employed when defending against an opponent

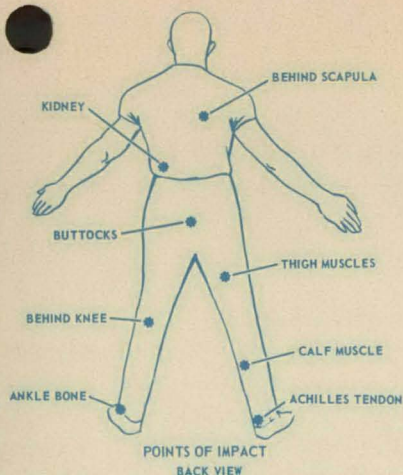


Figure 32.

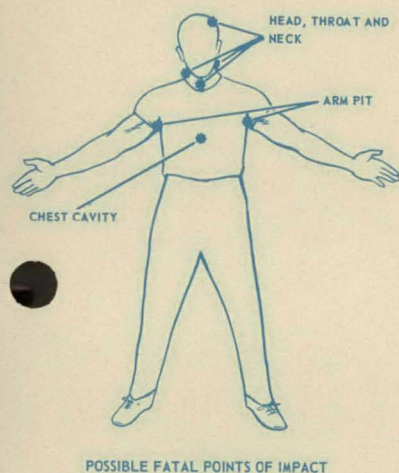


Figure 33.

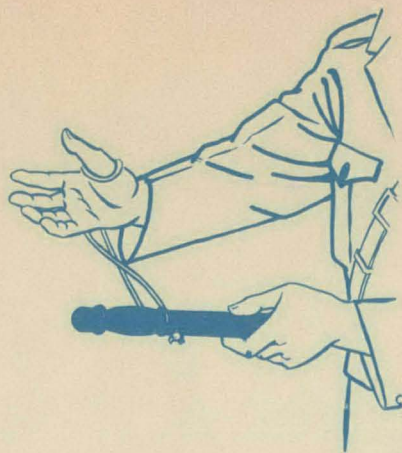


Figure 34.

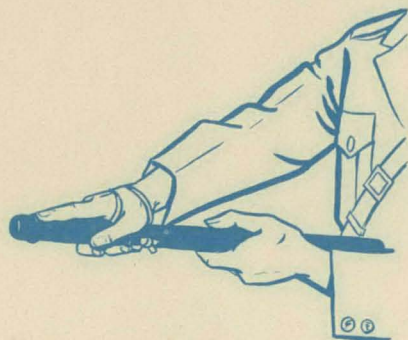


Figure 35.

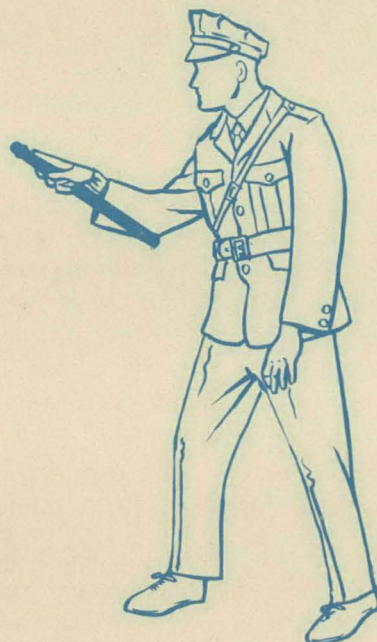


Figure 36.

Approximately 2 inches of the butt end should extend beyond the index finger (fig. 35). The baton barrel should be held firmly against the underside of the forearm (fig. 36).

The "on guard" position for the short grip is practically the same as the "on guard" position for the long grip. When using the short grip, the footwork is the same as for the long grip.

To parry and block when using the short grip, the baton should be considered to be "an extension of the forearm." Against a swinging right use an inside block (fig. 37); against a swinging left, an inside block (fig. 38), and against a straight right, a downward block (fig. 39).



Figure 37.

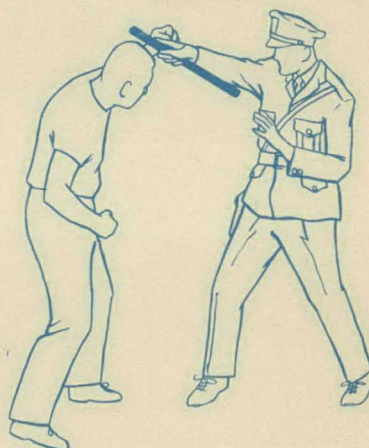


Figure 38.

armed with a knife, club, bottle, etc. This grip should not be used in the control of crowds or mobs.

The Short Grip

To hold the short grip, place the thong over the thumb and across the front of the hand and then up and across the back of the hand. (As in figs. 4a and 5a.) Rotate the baton counterclockwise with the left hand and place it beneath and parallel to the right hand with the handle pointing toward the fingers (fig. 34). Grasp the baton by the upper portion of the handle with your index finger extended downward on the handle.

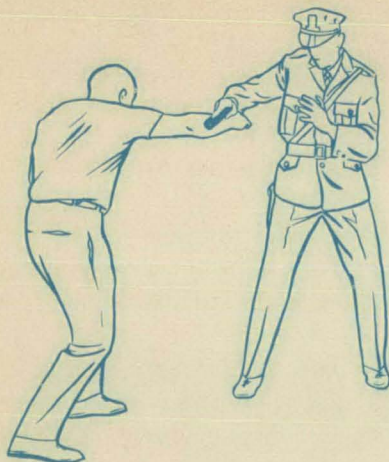


Figure 39.

How to Strike Blows

For the jab, step forward with the right foot as you extend the right arm forward, striking the opponent with the butt end (fig. 40). After striking the blow, return quickly to the "on guard" position.

For the short swing, step forward with the right foot; the extended right index finger is placed around the handle of the baton, and the right elbow is raised and pointed in the direction of the opponent. The blow is delivered by using the wrist to flip the baton in a forward-sideward arc (fig. 41). Return the baton to the "on guard" position for the short grip.

The short-swing blow can also be delivered upward (fig. 42).

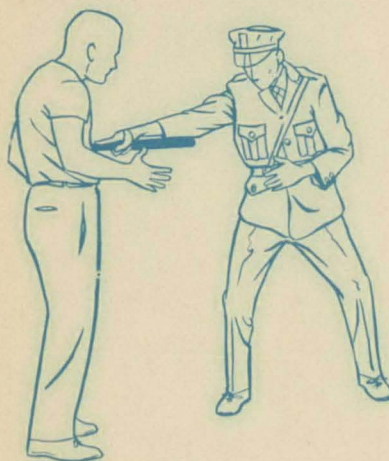


Figure 40.



Figure 41.

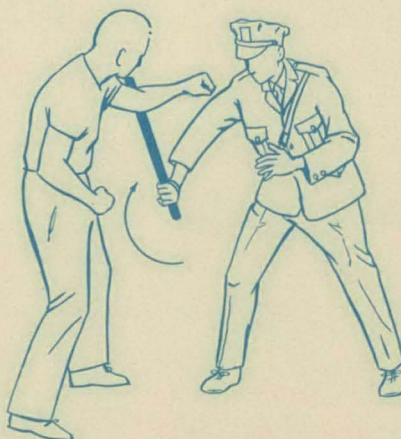


Figure 42.

The power for the short-swing blow is derived primarily from the wrist.

The short grip can be used while the officer is questioning a person, such as a witness at the scene of a crime or an individual who appears suspicious. This grip can also be used when the officer is working in a congested area or moving through a crowd. The baton is protected better with the short grip than the long grip.

The Two-Handed Grip

For the two-handed grip, the baton is gripped in the right hand in the same manner as in the long grip (See figs. 4-9). The left hand grips the barrel of the baton approximately 2 to 3 inches from the tip (or close

enough to prevent a person from grasping it) with the knuckles of the left hand turned downward (fig. 43).

An alternate method of gripping the baton is to have the knuckles of the left hand turned upward. This is a particularly effective grasp in crowd control when it is necessary to hold a crowd from surging forward or to push them back.

In the "on guard" position, advance the left foot approximately 12 inches and simultaneously pivot slightly on the ball of the right foot. The knees should be slightly bent with the weight equally distributed on the balls of the feet. The baton is held approximately 6 inches in front of the body at a 45-degree angle with the long axis of the body (fig. 44).



Figure 43.

To advance from the "on guard" position, move the left foot forward and then bring up the right foot (fig. 45). To move backward, place the right foot to the rear and then bring back the left (fig. 46).

To circle to the left, move the left foot to the left as you pivot on the right foot (fig. 47). To circle to the right, move the left foot to the right as you pivot on the right foot (fig. 48). When necessary to sideward to the left, move the left foot



Figure 44.

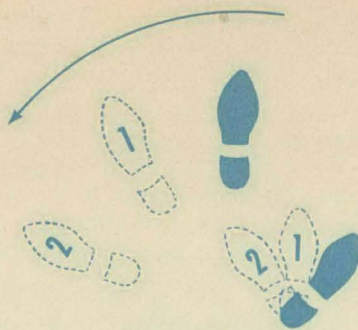


Figure 47.

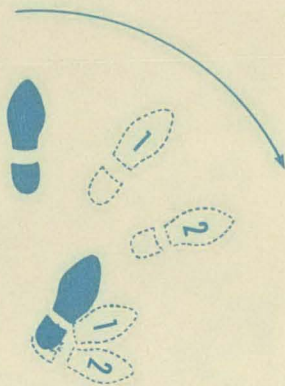


Figure 48.

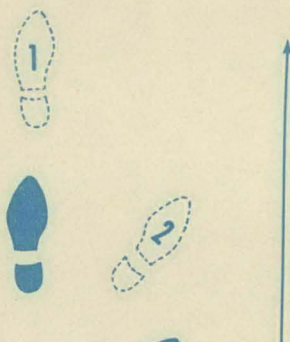


Figure 45.



Figure 46.

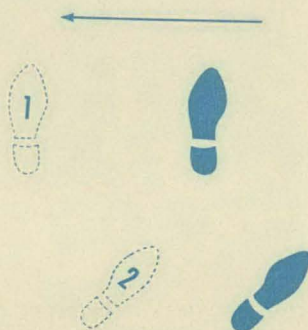


Figure 49.



Figure 50.

to the left and then move the right (fig. 49). To move sideward to the right, move the right foot to the right and then move the left (fig. 50).

The two-handed grip can be used to parry and block a swinging right blow, a straight right, a right uppercut, or a kick (figs. 51-54). Or, by releasing the left hand, the baton is held in the long grip and blows and kicks blocked and parried in that manner (figs. 24-30).



Figure 51.

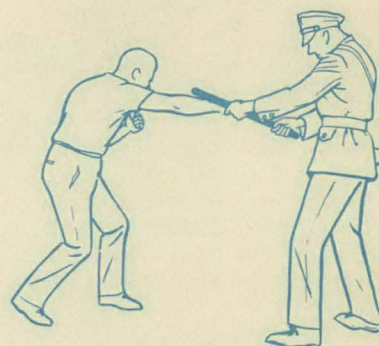


Figure 52.



Figure 53.



Figure 54.

Striking Blows

The following blows can be struck using the two-handed grip:

- a. The Jab—This is very similar to the movements used in the thrust of a bayonet. Step forward with the left foot as you thrust the baton forward, striking the opponent with the tip of the baton (fig. 55). Step back quickly to the "on guard" position to be ready to strike another blow and to prevent the opponent from seizing the baton.
- b. The Short Swing—This is a short, snappy blow delivered either downward or sideward, in which that portion of the baton barrel above the left hand is used to strike the opponent (fig. 56).
- c. The Butt Stroke—This blow is generally delivered upward or sideward using that portion of the handle below the right hand or the butt of the baton to strike the opponent (figs. 57 and 58).
- d. The Push—This is not a blow as such, but a technique which can be used to



Figure 55.

push or hold back an individual. Several officers employing this technique can push or hold back a crowd (fig. 59).

When to Use

The two-handed grip is the grip which should be used for mob and riot control work. It should also be used whenever the officer is working in crowded conditions or is confronted by more than one opponent. The two-handed grip makes it extremely difficult for an opponent to seize the baton and take it from the officer; therefore it is strongly recommended that this grip be used whenever possible.



Figure 56.

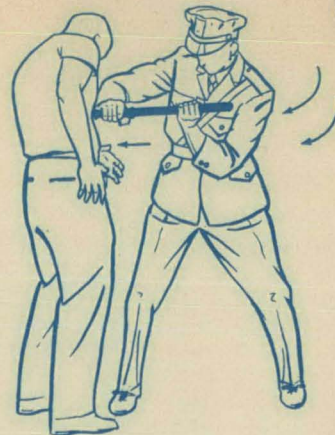


Figure 58.

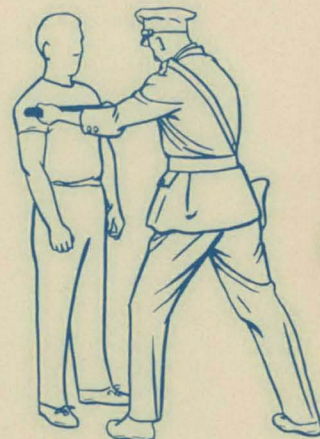


Figure 59.

(To be continued in September)

Tampa Crime 1-1/3/64
Bufile #63-4296-64
UNSHINED EVIDENCE

The constant traffic of many men with scuffed up and unpolished shoes going into a shoeshine parlor aroused the suspicion of a police captain in a southern city—especially since the same men came out with their shoes still scuffed up and unpolished.

The shoeshine parlor was placed under surveillance, and the ultimate result was the arrest of two men who were charged with conducting a lottery and possessing illegal gambling tickets and paraphernalia.



Figure 57.

1983 TODAY

(Continued from page 4)

to any person. If there is to be no interrogation, the officer has no constitutional obligation to give the pertinent warning or to obtain counsel for anyone. In *Huey v. Barloga*, 277 F. Supp. 864 (1967), a father sued officers for failure to provide protection to his son who was beaten to death on the street. The court ruled that public officers are not guarantors of the individual safety of citizens.

Another available defense is the statute of limitations. Generally, civil actions must be begun within a specified period of time after the injury or they are barred. Since the Federal law does not provide a time limitation on actions filed under 1983, the period is determined by reference to the law of the State in which the Federal court having jurisdiction over the case is located. This is ordinarily done by selecting the State statute of limitations that applies in circumstances most like those which exist in the Federal suit [*Mulligan v. Schlachter*, 389 F. 2d 231 (1968)] or by following the statute which sets limitations for cases not specifically provided for. *McIver v. Russell*, 264 F. Supp. 22 (1967). Therefore, if the plaintiff files suit after the time period has elapsed during which he should have begun the action, the officer need only claim the statute of limitations for his defense.

At one time, the officer had available, as defensive ammunition, the abstention doctrine and the requirement of exhaustion of administrative remedies. *Stefanelli v. Minard*, 342 U.S. 117 (1951). It was thought that the plaintiff could be required to look first to his own State and exhaust the possibilities that local machinery would give relief against the alleged wrongs committed by the State official before coming to the Federal court. Moreover, the Federal court

would sometimes decline to hear a case where it appeared that abstention was called for to maintain the balance between Federal authority and State authority. These efforts were aimed, in part, at avoiding Federal direction of State and local law enforcement policies. Then came *Monroe v. Pape*, 365 U.S. 167 (1961), in which the Supreme Court clearly established the principle that the right to sue police officers under 1983 was completely independent of any State remedies that might be available. The court said, "It is no answer that the State has a law which if enforced would give relief. The Federal remedy is supplementary to the State remedy, and the latter need not first be sought and refused before the Federal one is invoked." 365 U.S. at 183. So, with the basis for abstention crumbling, the officer should not regard abstention or exhaustion of local remedies as useful avenues of defense. *Marshall v. Sawyer*, 301 F. 2d 639 (1962). (The abstention doctrine does not permit the Federal district courts to defer to the State courts for the decision of Federal constitutional questions, and whether there is "color of" State law is a Federal, not a State, question.)

However, *Monroe v. Pape* provided good reason to believe that the officer will be permitted to raise other defenses that are familiar in civil suits. The Court said that 1983 "... should be read against the background of tort liability that makes a man responsible for the natural consequences of his actions." 365 U.S. at 187. That background includes such defenses as self-defense, unforeseeability, and good faith. *Cohen v. Norris*, 300 F. 2d 24 (1962).

The allegations of misconduct in 1983 suits are drawn from a broad spectrum of rights, privileges, and immunities afforded protection by the Federal Constitution and laws of the United States. But mere con-

clusory allegations of what otherwise would be State-law claims against the officer, as for false imprisonment, malicious prosecution, assault, and battery, have not been enough to satisfy most Federal courts that a constitutional violation was involved. *Monroe v. Pape*, 365 U.S. 240, n. 68 (1961). The courts have been "... very strict in requiring that a complaint set forth facts showing a denial of the protected rights and not merely 'factually unsupported characterizations of the complained of acts of the defendants, as malicious, depriving plaintiffs of their constitutional rights.'" *Hornsby v. Allen*, 326 F. 2d 605, 611 (1964). Moreover, it has been said that "No one has a constitutional right to be free from a law officer's honest misunderstanding of law or facts in making an arrest." *Agnew v. City of Compton*, 239 F. 2d 226 (1956); *Gabbard v. Rose*, 359 F. 2d 182 (1966).

Yet the trend of recent cases has been to open the Federal courts to an increasing number of suits filed under 1983. The current volumes of the Federal Supplement and of the Federal Reporter, Second Series, which publish decisions of the U.S. District Courts and the Courts of Appeals, respectively, now show a substantial number of 1983 cases being handled in the Federal system.

This increasing emphasis on 1983 may escalate its significance to the officer, but emphasis alone cannot broaden the scope of its authority. For example, in *Ream v. Handley*, 359 F. 2d 728 (1966), the court declared that the statute does not "... confer jurisdiction where a person seeks only to protect property or monetary rights." It is clear that there must be a deprivation of constitutional or Federal law protection to support a claim under 1983.

The most common approach is for the complainant to allege a violation

of the 14th amendment, section 1 of which contains the following language:

"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

The key words, "privileges and immunities," "due process of law," and "equal protection of the laws" are the vehicles by which 1983 protections are usually identified. For example, the guarantee against unreasonable searches and seizures contained in the fourth amendment is applicable to State officers by reason of the "due process" language of the 14th. Thus, an officer acting contrary to the fourth amendment might be held liable for denying a citizen his constitutional right to due process of law.

The "equal protection" language has been used largely in 1983 suits against public officers other than policemen. This trend is demonstrated by the numerous school desegregation cases following the Supreme Court's decision in *Brown v. Board of Education*, 347 U.S. 483 (1954), which have cited the statute as authority for suit. A few "equal protection" cases have concerned law enforcement problems which seem to engender unequal treatment of individuals. *Butler v. Crumlish*, 229 F. Supp. 565 (1964) (prisoner's inability to furnish bail resulted in continued detention and subjection to lineup procedures); *Marshall v. Sawyer*, 301 F. 2d 639 (1962) (plaintiff alleged his name was listed as an undesirable in a "black book" used by casino operators to deny him privileges enjoyed by others). See, also, *Rivers v. Royster*, 360 F. 2d 592 (1962) (inmate claimed that, unlike other prisoners, he was denied opportunity to receive newspaper of his choice).

Alleged deprivations of "privileges and immunities" have been even less evident in suits against officers under 1983. The law has not provided the necessary background for such guarantees to be readily identified; therefore, this part of the 14th amendment has achieved no real significance in the area of civil liability of police officers.

(To be continued in September)

PD BEING "NEUTRALIZED"?

(Continued from page 11)

- in a large city, only 24 received jail sentences, and only four were sentenced to more than 1 year.)
- f. Fear of reprisal, loss of pension, lawsuits and civilian complaints characterized by a regrettable practice of avoiding certain lawful arrests because of the fear of retaliatory action of some kind. (An extremist leader was *not* arrested when he violated the law during recent riots.)
- g. Although police brutality cases have existed, they are becoming exceedingly rare in our large urban departments. However, the "big lie" technique that was so popular years ago as a means of propaganda has now become the effective psychological weapon of certain irresponsible groups. The cry of "police brutality" is now constantly used as a propaganda term utilizing the "big lie" technique. Regretfully, it has caused the police to assume a defensive role and posture and has been effectively used against law and order in our society.

No war can ever be won from a defensive position or policy. *The war on crime is no exception.*

Experienced police officers know that crime will *not* go away merely by providing jobs, removing slums and tenements, and improving education. Certain fundamental concepts of criminology and law enforcement are still valid even though they may sound old-fashioned to those who operate in the fantasy world of theory and have no practical experience in the law enforcement community.

Contrary to many theorists, greatest single deterrent to crime and criminal activity is still the *fear of quick apprehension and certain punishment*. This requires professional, offensive, and dynamic law enforcement policies. It can never be accomplished from a weak and defensive posture that tolerates criminal activity.

The law must be enforced fairly—impartially—but *firmly enforced*. Individuals and groups must be held directly responsible for their unlawful behavior whether they are white or black. The dangerous philosophy of "overlooking" violations of law involving civil disobedience, minority groups, or any other groups must be *rejected* and discontinued since it violates the very spirit and intent of the criminal justice process in a democratic society.

Respect for law and order must be stressed in our schools, churches, and all areas of our society. Responsibility must replace irresponsibility. Professors who advocate "revolution" and nonconfrontation and members of the clergy who advocate "guns" as a solution for social problems are only contributing to the problem by instilling disrespect for law and order and must be held responsible for their actions by their peers.

Police officials who continue to permit serious violations of law in their presence must also be held responsible for their failure to uphold the law. Withdrawing an entire squad of police from a looting area in order to avoid a confrontation with lawbreakers, or on the grounds that the police were in "danger," must be completely and totally rejected as an unsound, dangerous, and alien police practice that will do more to encourage rioting and looting and loss of life than to prevent it.

Municipal law enforcement in large cities is caught directly in the

...lle of what has been termed a social revolution in our country. The police are being "used" by some groups, "abused" by other groups, and "ignored" by the great majority of citizens who don't want to get involved.

It has been said that a community tends to get the type of law enforcement that it desires or deserves. The solution would appear to lie in total community involvement in the problems of law and order. No police department can be really effective without the support and cooperation of the public they serve. Vocal minorities, pressure groups, and politicians have been exerting undue pressures on some large city law enforcement agencies with an adverse effect on law and order.

Isn't it about time for the great majority of responsible citizens to assume a more dominant role in urging a return to the basic philosophy of law and order in our society?

Our police are not perfect, but they are doing a commendable task under almost impossible conditions. They deserve more support than they are getting. Small but powerful and vocal groups are attempting to redefine the traditional role of law enforcement in our society. Not satisfied with a permissive attitude that prevails throughout much of our society, they are intent on developing "permissive" law enforcement agencies that will overlook certain violations of law.

A little anarchy is very much like a little cancer. It feeds on itself and eventually destroys completely.

We are living in critical times that require the exercise of responsibility in all walks of life. Let's return to responsible law enforcement now and make it perfectly clear that the law will be enforced and that rioters and looters will be taken into custody with nonlethal weapons if possible or with sufficient legal force to over-

come whatever unlawful force is used by the rioters.

The sooner this traditional American philosophy and the policy of law enforcement are uniformly implemented throughout the country, the more lives will be saved and the great majority of citizens will be getting the type of law enforcement and protection that they are guaranteed by the Constitution.

To attempt to define the exact type of law enforcement required in any jurisdiction at any given time is a difficult task for any professional police administrator. Theodore Roosevelt defined the role of law enforcement in a most commendable manner when he 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."

We would do well to listen to the words of Theodore Roosevelt and return to the basic philosophies and policies of the American system of criminal justice. Without law and order, no individual or group can be assured of the protection of their basic rights under the Constitution.

Let's make it perfectly clear that the rule of the majority, *not* the minority (no matter how militant), will continue to prevail in a democratic society.

GENTLEMANLY APPROACH

*Buenos Aires Crimdel, 5/23/67
Bofile #63-4296-201*
A textile mill in Buenos Aires, Argentina, was robbed of about \$43,000 while the weekly payroll was being prepared.

The holdup men approached the front gate of the well-guarded plant in a chauffeur-driven limousine. The two well-dressed men in the back seat claimed to be friends of the company directors. They created such a good impression that the guard permitted

them to drive in without any further identification.

The chauffeur parked the car in front of the plant office. His passengers entered the treasurer's office in a distinguished manner, after which they drew submachineguns from their briefcases and proceeded with their business. The chauffeur remained outside and calmly cleaned his windshield and chatted with the guard.

The three made a dignified but fast exit and a successful getaway.

POLICE PILOT PROJECT

Chicago Crimdel, 2/14/68, Bofile #63-4296-9
Police callboxes with direct lines to the police department's communications center are being installed in 10 Chicago Loop subway platform locations for use by Chicago Transit Authority patrons in distress.

When the hookups are completed, a person in an emergency can open a box, pick up a phone, and place an instant call to the switchboard at the Central District Police Station without using a coin. A police dispatcher will alert a squad car in the area, and in less than 2 minutes help will be on the scene.

Callboxes and nearby subway station entrances are being stenciled with corresponding code numbers and letters so police will know the exact location of the person seeking help.

THE WOMANLY ART

Baltimore Crimdel, 2-6-68, Bofile #63-4296-3
As a public service, a radio station in an eastern city has been broadcasting timely tips to women entitled "The Womanly Art of Self Defense." These tips, presented twice daily, 6 days a week, suggest various methods women may use to defend themselves from attacks, both in the home and on the street.

**KNOWN CHECK PASSERS STANDARDS
INFORMATION RE M.O.**

Instructions: The "M.O." used by the check passer should be carefully analyzed. The general "OVERALL" picture of the M.O. is desired, not all the specific operations of the check passer. CARE SHOULD BE EXERCISED SO THAT THE MAIN CATEGORIES, ESPECIALLY ITEMS, 30, 35 and 36 ARE CLEARLY UNDERSTOOD. Circle appropriate numbers below, keeping items circled to a minimum but accurately describe the "overall" M.O.

- 30** Passes checks for cash at banking institutions (incl. banks, credit unions, loan companies, savings and loan companies, etc.) (Circle main scheme used).
1. Split Deposit Scheme (Note: complete items 31 and 32 also)
 3. Opens bank acct. by checks and/or cash (may later deposit more checks) and then withdraws money from account or cashes checks at local branches or at bank(s)-Overdrawn or Account Closed Scheme (Note: Complete item 33 also)
 4. Straight cashing of checks at banks-No Account Scheme (Note: Complete item 34 also)
 8. No pattern; or scheme is not apparent
 9. Scheme at bank is not covered above (Describe on back of form)

- 31 Split Deposit Scheme - Acct. is:**
1. Legitimate
 2. Fictitious, non-existent
 8. Both types
- 32 Split Deposit Scheme - Main Acct. is:**
1. Checking
 2. Savings
 3. Mortgage or other loan
 4. Trust Fund
 8. No pattern
 9. Other _____

- 33 Overdrawn or Account Closed Scheme**
1. Checking acct. involved
 2. Savings acct. involved
 8. No pattern

- 34 No Account Scheme - Circle if:**
1. No unusual scheme used or known
 2. Unusual scheme used (describe on back of this form)

- 35** Passes checks for cash only, in places other than banking institutions - What type of business, association, acquaintanceship, etc., does passer victimize to obtain cash only. (Circle no more than four items)
01. Hospital, Doctor, Nursing Home, etc.
 02. Hotels, motels, rooming houses, etc.
 03. Department stores, clothing stores, etc.
 04. Grocery stores
 05. Drug stores
 06. Service stations, truck stops, etc.
 07. Restaurants and similar eating places
 08. Taverns, bars, cocktail lounges, etc.
 09. Victims are in religious profession
 10. Passer was casual acquaintance (met in bar, on plane, etc.)
 11. Gambling casinos, gambling debt (card game, etc.)
 12. Airlines or other transportation terminals (for cash)
 13. PX or other military estab., e.g. NCO or Officer Mess., etc.)
 99. If not covered above, circle and describe on back of form

- 36** Pertains to passing of checks for merchandise only or merchandise and cash. "Merchandise" should be construed to include services received by passer from victim. Circle no more than four items
01. Large business equipment (desks, chairs, furniture, etc.)
 02. Typewriters, checkwriters, adding machines, etc.
 03. Hardware, tools, paint, machinery, etc.
 04. Medicine, drugs, medical care by doctors, hospitals, etc.
 05. Clothing
 06. Food
 07. Liquor
 08. Home furnishings, incl. furniture, TV's, washers, etc.
 09. Photographic equipment
 10. Mail order merchandise rather than by direct buying
 11. Automobiles (rental, purchase, repair or equipment)
 12. Travel (air, rail, bus, etc.)
 13. Lodging (hotels, motels, etc.)
 14. Pets, including veterinarian services
 15. Farm equipment, incl. ranching and stock
 16. Sports equipment, incl. firearms, hunting, camping, tickets
 17. Jewelry stores and similar gift shops
 18. Pawnbrokers
 19. PX or other military estab., e.g. NCO Club, Officer Mess
 20. Collector-type stores - stamps, coins, paintings, antiques, books
 98. No Pattern
 99. If not covered above circle and describe on back of form

- 37** Pertains to representations of passer as business man
- Circle no more than four items:
01. Real Estate interests
 02. Investment interests (stocks, bonds, etc.)
 03. Commercial interests (small stores, etc.)
 04. Trade interests (importing, exporting, etc.)
 05. Medical interests (doctor, dentist, nurse, etc.)
 06. Technical interests (scientist, engineer, architect, etc.)
 07. Professional interests (lawyer, accountant, teacher, etc.)
 08. Automotive interests (trucking, shipping, cars, etc.)
 09. Transportation interests (planes, trains, buses, etc.)
 10. Misc. "expert" interests (art collector, jeweler, coin collector, etc.)
 11. Skilled craftsman interest (plumber, machinist, electrician, etc.)
 12. Servant or laborer interests (maid, waiter, doorman, laborer, etc.)
 13. Literary interests (writer, newspaperman, etc.)
 14. Farming and Ranching interests
 15. Sports interests (player, coach, etc.)
 16. Religious interests (clergyman, missionary, etc.)
 17. Law enforcement officer interests (Local and Federal Government)
 18. Military interests (Army, Navy, officers, etc.)
 19. Student
 20. Advertising, sales, business executives, not specifically mentioned in foregoing items
 21. Secretarial interests (stenos, typists, clerks, white collar workers, etc.)
 22. Beauticians, cosmetologists, barbers, etc.
 23. Decorator interests - interior and exterior
 24. Housewife interests
 25. Celebrity interests (either impersonating real or fictitious "VIP" or is "name dropper")
 26. Musical interests
 27. Pets (noticeable, unusual, etc.)
 99. Circle this number if business is not set out above and describe on back of form

- 38** Pertains to Identification Used by Passer
- Circle no more than four items
01. Driver's license or auto registration
 02. Credit or charge card
 03. Armed Forces ID
 04. Selective Service ID
 05. Police, Sheriff, or other local law enforcement ID, incl. misc. badges
 06. Social Security ID
 07. FBI, Treasury, U.S. Marshal ID
 08. Other Govt. ID - State or Federal (incl. passports)
 09. Bank book, etc.
 99. Circle this number if not covered below and describe on back of form

- 39** Miscellaneous Schemes: Circle where applicable:
01. Purchases merchandise with bad checks; later returns merchandise for cash rebate
 02. Uses telephone answering service (usually used to set up "dummy" business as a "front" for check passing scheme)
 03. Purchases or rents automobiles with bad check with purpose of selling the car for money
 99. Circle this number if scheme is unusual and describe on back of form

Figure 2—FBI Laboratory experts use this form to encode data on a checkpasser's modus operandi.

40 Date 1. HW & HP 2. TW 3. RuSt, Printed used 4. None	43 Number Amount 1. HW & HP 2. TW 3. RuSt, Printed used 4. None	46 Wrtn. Amt. 1. HW & HP 2. TW 3. RuSt, Ptd. 4. CW used 5. None used	49 Complete if CW not Used in Wrtn. Amount 1. Word "dollars" NOT used 2. Word "dollars" "dols" "\$" etc., used
41 Date Style 1. Reg.-month wrtn May 23 2. Reg.-num. slashed 5/23 3. Reg.-num. dashed or spaced 5-23 5 23 4. Reg.-num. commas or odd punct. 5,23 5:23 5. Mil.-month wrtn 23 May 6. Mil.-numerical (All types) 23-5 8. In spaces or blocks provided 9. Other (Specify)	44 Number Amt. Style 1. Decimal only: 11.57 Decimal & fraction: (analyze fraction below) Fractions (denom.) 2. Back slash 3. 67/ 67// 67/- 4. 67/00 67/100 5. 67/xx etc. 6. 67/cents 7. 67/hundredths 8. In spaces, blocks 9. Other	47 If CW Used Desig. Type 1. Hedman 2. Paymaster 3. Todd 4. Safeguard 5. HallWelter 6. PermaPrint 7. Summit 8. All others 9. Mixture-over 1 cw.	50 1. "and" or "&" NOT used 2. "and" or "&" used
42 Info Re Amount 1. Under \$200 2. \$200 - \$499 3. \$500 & up 4. No pattern 9. Other (Specify)	45 Wording Used On Checks (RuSt, Ptd, TW) 1. Cashier's (check) 2. Counter 3. Certified 4. Payroll 5. Universal 6. Customer Draft 9. Other (Specify)	48 If TW Used, What is Used in Wrtn. Amt. 1. ----- 2. ***** 3. /////////////// 4. 5. xxxxxxxxxx 6. Blank 9. Other (Specify)	51 1. "and" used and written up 2. "and" used and written down 3. "and" used and written horiz. 9. Other
			52 1. "cents" NOT used 2. "cents" "cts" "¢" etc. used
			53 Decimal or fraction: 1. NOT used 2. Decimal used 3. Back slash 4. 67/ 67// 67/- 5. 67/00 67/100 6. 67/xx etc. 7. 67/hundredth /hundred 8. Blanks, spaces provided 9. Other
			54 Use of Company Name on Check 1. Co. name in HW or HP 2. Co. name in TW 3. Co. name is printed or stamped
55 Type of Check 1. Check is stolen Co. check 2. Check is counterfeit or fraud. Co. check 3. Check is personal type check 4. Money Order 5. Travelers Check 9. Other	62 Micr. and Bank Numbers 1. MICR used but not magnetic 2. MICR is magnetic but does not correspond to routing # 3. No MICR used and routing # incorrect or in improper form	66. Raised Money Orders - TW Used 1. Numbers added before legit. amt. 2. Numbers added after legit. amt. 3. Letters added after legit. amt. 4. Obliteration by erasure, etc. 5. Cut-out of legit. amt. 9. Other	
56 General Writing Style of Payee Name 1. HP 2. HW 3. TW 4. Ptd. RuSt 5. Left blank 8. No pattern 9. Other	63 Counterfeit Travelers Checks 1. American Express 2. Bank of America 3. FNCB of New York 4. FNCB of Chicago 5. Thomas Cook & Son 6. More than one type 9. Other	67 Raised Money Orders - HW or HP (when CW or TW not used) 1. Numbers or letters added before legit. amt. 2. Numbers or letters added after legit. amt. 3. Oblit by erasure, solvents, etc. 4. Cut-out of legit. amt. 9. Other	
57 Account Designation 1. Voucher 2. Payroll 3. Expense 4. Special 8. No pattern 9. Other	64 Counterfeit Money Orders 1. American Express 2. Nationwide 3. TEC (Bondified) 4. Bank 5. Consumers 6. Western Union 7. Personal 8. More than one type 9. Other	68 Signature 1. Written 2. Ptd, RuSt, Mech. Reprod.	
58 Style of Acct. Desig. 1. HW, HP 2. TW 3. Ptd., RuSt 8. No pattern 9. Other	65 Raised Money Orders - CW Used (Analyze dollar portion only) 1. Purchased for \$1 and number added before legit. amt. 2. Purchased for \$1 and number added after legit. amt. 3. Purchased for more than \$1 and "1" added before amt. 4. Purchased for more than \$1 and "1" added after amt. 5. Purchased for more than \$1 and other # than "1" added before amt. 6. Purchased for more than \$1 and other # than "1" added after amt. 7. Actual amt. is obliterated by erasure, solvents, etc. and new amt. put in 8. Legit. amt. or portion cut out; insertion made 9. Other	69 Writing Slant 1. Right slant 2. Back hand 3. Upright, mixed or variable	
59 Notations (If checks bear notations, e.g.) "For Labor", etc., is this 1. HW or HP 2. TW 3. Other (inc. Ptd., RuSt, TW)		70 Writing Quality 1. Highly skilled 2. Average 3. Poor, distorted, disguised, etc.	
60 If Notations Used (Circle general type below) 1. Services Rendered - Unspecified e.g., for expenses, for payment, etc. 2. Services Rendered - Professional e.g., For Legal Fees 3. Service Rendered - Labor, e.g., For Labor, for Painting, etc. 4. Rental 5. Sales or purchases of products or items incl. cars, homes, groceries, food 6. Gifts, presents, etc. 7. Settlements, i.e., insurance, inheritance, accidents, etc. 8. No pattern 9. Other		71 Counterfeit MOs, TCs - Serial #s 1. One serial # used (per group) 2. Serial #s in a sequence 8. No pattern 9. Other	
61		72 Counterfeit MOs, TCs - Amounts 1. \$10.00 2. \$20.00 3. \$50.00 4. Under \$100.00 - not above don't vary 5. Under \$100.00 - not 1,2,3 - vary 6. \$100 7. Over \$100 - don't vary 8. Over \$100 - vary 9. No pattern, other	
		73 Planchettes 1. Not used 2. Used - don't vary 3. Used - vary 9. Other	

Figure 3—Information on the format of fraudulent checks passed by an individual is encoded on this form.

WANTED BY THE FBI



ROBERT BOLIVAR DePUGH, also known as "Bob."

Bank Robbery—Conspiracy

THE FBI IS CURRENTLY SEEKING Robert Bolivar DePugh for conspiracy to commit bank robbery. He is the acknowledged leader of the Minutemen, a secret extremist and anticommunist organization. On January 26, 1968, seven men were arrested in Seattle, Wash., and charged with conspiracy to rob banks. The money from the proposed robberies was reportedly to be used to finance the activities of the Minutemen. DePugh and one of his assistants were named as part of the conspiracy, and Federal warrants were issued for their arrests February 20, 1968, in Seattle, Wash., after an indictment was returned by a Federal Grand Jury that same date.

DePugh does not smoke and is not known to drink alcoholic beverages. When he is nervous, he coughs considerably. He usually wears business suits or conservative sports clothes and

generally stays in well-known motels when traveling.

Description

Age-----	45, born April 15, 1923, Independence, Mo.
Height-----	5 feet 10 inches to 5 feet 11 inches.
Weight-----	175 to 190 pounds.
Build-----	Medium.
Hair-----	Brown, receding.
Eyes-----	Brown.
Complexion-----	Medium.
Race-----	White.
Nationality-----	American.
Occupations-----	Chemist, draftsman.
Scars and marks---	Cut scar under lower lip.
Remarks-----	May wear beard.
FBI No-----	1,798, E.
Fingerprint classification:	
14 O 1 R 000 6 Ref: 9 1 9	
M 25 U 000 25 29 29	

Caution

DePugh is an expert firearms shot. He has been convicted of illegal possession of firearms and reportedly carries a pistol and has access to other types of weapons, including hand grenades. He should therefore be considered extremely dangerous.

Notify the FBI

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

YOURS FOR THE SNATCHING

*Born Crimdel 9/11/67.
Bufile # 63-4296-268.*

Unarmed messengers in one foreign country customarily carry large sums of money on foot.

The bookkeeper of one firm reportedly drew about \$45,000 in cash from the post office, put it in a leather briefcase, and proceeded through town on foot to take care of his company's business.

Having made stops at two banks, the messenger stood waiting at a corner to board a streetcar. A motorcyclist drove up, stopped his vehicle, and attracted the attention of his intended victim and others present by racing his motor loudly. A second individual approached the messenger from the rear, snatched the briefcase, ran over to the cyclist, hopped aboard, and both took off at high speed, approximately \$20,000 of loot.

FOR CHANGE OF ADDRESS

Complete this form and return to:

DIRECTOR

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

(Name)

(Title)

(Address)

(City)

(State)

(Zip Code)

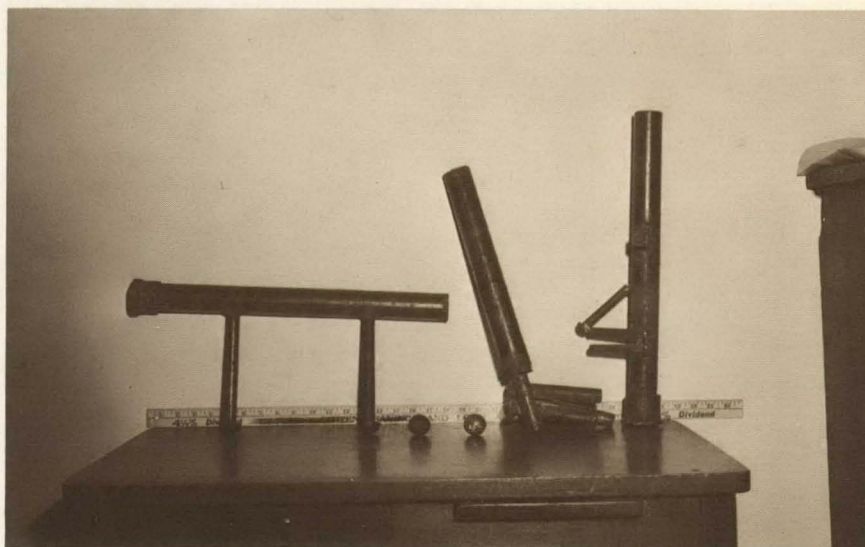
CANNONS AND MORTAR

New Orleans

Crindell, 11/9/67, Bufile #63-4296-3

Law enforcement officers in a southern city recently recovered two home-made cannons and a mortar. The weapons were made of a length of 1½-inch pipe, a steel cap or nipple with a ¼-inch hole drilled in the end, and rivets welded to the pipe for handles. Two rivet heads welded together were used for a projectile, and a cherry bomb was used for the propellant.

In one instance, when one of the weapons was used, the projectile reportedly traveled 150 to 200 feet, struck and shattered a large plate glass window, then continued across a 15-foot room, and put a dent in a concrete wall.



GAS PIPE BUNCO

*Newark Crindell 2-2-68-
Bufile #63-4296-31.*

Posing as inspectors for a gas company, a team of bunco artists in an eastern city goes through the motions of giving heating systems a thorough checkup. Residents concerned about their systems for the winter months are naturally interested. If the homeowners look gullible, one of the men

unobtrusively squirts some lighter fluid on one of the gas pipes. Then, with the resident looking on, he touches a match to the pipe and it bursts into flame, apparently indicating a leak.

It is not difficult then to get the homeowner to sign a contract for an immediate, expensive, and unnecessary repair job.

GAMBLERS' CHOICE

*New York Crindell, 8/29/67,
Bufile #63-4296-34.*

Apparently infra-red contact lenses are becoming popular with the gambling element. They mark their cards in a color that is visible only to those players wearing the infra-red contact lenses.

A doctor in one east coast city reported inquiries about the lenses.

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

OFFICIAL BUSINESS

RETURN AFTER 5 DAYS

POSTAGE AND FEES PAID
FEDERAL BUREAU OF INVESTIGATION

QUESTIONABLE PATTERN



The questionable pattern presented here is given the preferential classification of a plain arch. Inasmuch as improper inking or pressure might cause the dot at point A to appear as an angular formation, this impression is referenced to a tented arch.