FEBRUARY 1973

FBI

LAW ENFORCEMENT BULLETIN

". . . let every man remember that to violate the law is to trample on the blood of his father, and to tear the charter of his own and his children's liberty."

Abraham Lincoln

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

FEBRUARY 1973

VOL. 42 NO. 2

THE COVER—*This massive, brooding effigy of Abraham Lincoln stands in the Lincoln Memorial at Washington, D.C. It was chiseled from a single block of marble by Daniel Chester French. (Photo courtesy of Washington Convention and Visitors Bureau.)*

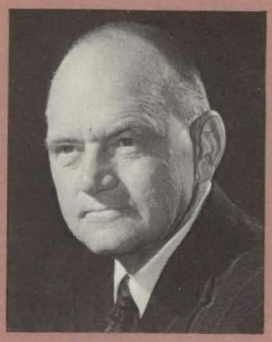
FBI
LAW ENFORCEMENT BULLETIN

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

CONTENTS

MESSAGE FROM THE ACTING DIRECTOR . . .

. . . To All Law Enforcement Officials



LEADERS OF THE LAW ENFORCEMENT PROFESSION are well aware of the grave responsibilities entrusted to our profession.

To fulfill these responsibilities requires us to maintain a high standard of excellence in the performance of our duties. This is the standard that we in the law enforcement profession have set for ourselves. To do less is to fail to serve those who look to us for protection.

While we strive to maintain this high standard of excellence, law enforcement officers are called on much more often than the average citizen to make quick judgments, particularly in the fast-breaking situations which so often confront us as we carry out our duties. Like other human beings, we make mistakes, too.

There are many evils which can and do afflict our profession. None is worse than corruption. There can be no room for corruption in the ranks of the law enforcement profession. Corruption erodes the public trust and confidence which is the foundation of our profession. Without the support and cooperation of our fellow citizens whom we serve, our efforts to combat crime would be ineffectual.

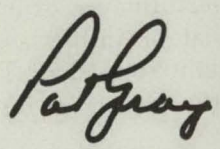
The working environment of a law enforcement officer is filled with temptation. There will always be someone seeking to reward him handsomely to look the other way when the law is violated. Many criminals have no hesitancy about offering and delivering special favors to those who can assist them in their illegal endeavors. Others may, by virtue of their positions, attempt to intimidate the law enforcement officer into neglecting his duty to the law. The officer is subjected to these pressures because he stands as an otherwise insurmountable obstacle to the plans of those who would act outside the law.

Corruptive influences work steadily upon the law enforcement officer, and it is not surprising that some succumb to temptation. It is indeed a credit to our profession that so few have been corrupted. However, we cannot afford to be complacent and relax our vigil against corruption. Its threat to the successful performance of our responsibilities is too great.

Well-meaning platitudes condemning isolated instances of corruption in law enforcement do little to correct the problem. What is needed is strong leadership to expose and take action against each case of corruption. We may never

succeed in screening out at the preemployment stage those who may be susceptible to corrupting influences, but we must not allow them to infect others in the ranks of law enforcement.

To combat corruption, law enforcement personnel must clearly understand what is expected of them. Imaginative, firm, and energetic supervision is also needed. Responsible officials must provide the direction necessary to root corruption from the ranks of our profession. I am confident that corruption will not survive the challenge of positive leadership.



L. PATRICK GRAY, III
Acting Director

FEBRUARY 1, 1973

A Perceptive View From Without—

The Danger From Within:

Organization Stagnation

By
DR. CHARLES N. KAUFMAN
Professor of Management,
School of Business,
University of South Dakota,
Vermillion, S. Dak.

In recent years, it has been an annual or biannual practice of some groups to bring great pressure and criticism upon law enforcement units or departments. While such attacks may well be hostile and accompanied by broad and sometimes embarrassing coverage in the news media, they nevertheless typically have the salutary effect of unifying the group or department under attack. However, a far greater peril is often found within law enforcement units that have the potential to subject the organization to devastating and paralytic effects. That danger is organization stagnation.

"An alert law enforcement administration does not allow the early-stage symptoms [of stagnation] to become severe and critically compromise the operation and life of the organization."

Stagnation is a state wherein the organization fails to serve the purposes intended and expends its efforts simply maintaining its own existence. Organization stagnation is not unique to large law enforcement organizations or departments for it affects the small and large alike. Moreover, it is troublesome to diagnose because its symptoms are difficult to identify during the early stage of development.

The purpose of this article is to point to the more common symptoms of stagnation that signal the onset of organization paralysis. The symptoms are basically the same with respect to any type of law enforcement organization. Early-stage symptoms will be identified and discussed and finally an analysis made of advanced-stage symptoms. While not all stagnation symptoms are listed, those which are discussed in the analysis which follows are probably the most serious ones encountered by police administrators and members of organized law enforcement groups.

The potential elements for stagnation are present in every law enforcement organization. Moreover, there is a tendency by members of the organization to overlook and make allowances for stagnation symptoms by assuming that they will correct themselves in time. As the structural relationships deteriorate, the symptoms become more and more apparent to even the lowest members of the organization for their jobs will have changed in character, if not in function, as increased effort and demands will have been made upon them for greater efficiency. In addition, morale is often low and human relations problems abound with members of the organization openly critical of one another about the poor leadership and administrative shortcomings real or imagined in that person or group of persons. By this point, a law enforcement agency or department is in serious difficulty and may require very radical changes to survive and rejuvenate itself into a dynamic institution.

Early-Stage Symptoms

Early-stage symptoms are both elusive and insidious. They are elusive and insidious because one can point to very little solid or hard data to verify them as being symptoms of organization paralysis. Since any tangible, undesirable effects may well be months or even years away, the immediacy of corrective action does not carry the degree of necessity for change which is involved. However, the perceptive individual is able to recognize such symptoms and take proper corrective and remedial procedures. In the early stages of stagnation the following symptoms appear to be significant indicators possessing the potential for arresting the life and activity of the organization.

"In its early stages, leadership failure in law enforcement is often discovered by a lack of direction—both personal and organizational."

Lack of Innovation

There is little doubt that organization growth and development can be only as effective as the quantity and quality of its innovations. Innovations are new combinations of old ideas which allow the organization to maintain or exceed its present position with respect to a high level of services. In the area of law enforcement, this takes the form of new methods and approaches to solve and prevent crimes, as well as provide necessary public services. For law enforcement units, it can take the form of a new method of providing services more efficiently or even the providing of additional services.

The lack of innovation has a delayed effect on any organization. In many instances, it does not show up until the department or unit is unable to provide an acceptable response to problems it is expected to resolve. The response is usually a hasty, ill-planned crash program designed to catch up that seldom comes close to meeting the objective of solving the problem but does appear to satisfy the clamor by the public or governing members for someone to do something.

Leadership Failure

It is oftentimes stated that organizations die just like trees, from the top first and then on down into the rest of the structure. Individuals come into leadership positions in law enforcement by a variety of means; some are elected while others are appointed. Unfortunately, not all persons moved into leadership positions are capable of coping with the problems and decisions of that position. Many are either unwilling or unable to make decisions and carry them out while still others are immobilized by the fear or threat of criticism.

In its early stages, leadership failure in law enforcement is often discovered by a lack of direction—both personal and organizational. This is difficult to identify as most people confuse effort with goal-directed ac-

tivity. Some leaders quickly lose sight of their objectives and merely redouble their effort, giving everyone else the illusion that much is being accomplished. The ineffective leader is also found by noting the degree to which he is unable to initiate and influence the actions of others. If his subordinates reject him as well as his attempts to influence them, they will usually replace him with an informal leader of their own choosing. It is this informal leader to whom they will look for direction, thus creating a situation where insubordination may well take place. In some instances, the author has seen the men go to a captain with any and all problems and never go near the chief as they do not respect him as a leader.

An ineffective leader can be covered up by others around him who assume part of his work responsibilities or even by a committee that meets to make his decisions for him. In one instance, where leadership had failed at the top, one captain held training sessions where part of the time was actually devoted to working out problems which the chief had created and finding means to keep him from compounding the errors. In effect, this group of officers covered up and carried the chief for several years at which time the captain moved to a new position, the meetings were discontinued, and without that marked effort by all, the leadership deteriorated to where the chief was replaced within a year's time. In the short run, ineffective leadership seldom produces problems that cannot be patched up. This patching and makeshift covering up of errors of administrative omission and commission, while quite easy to discover, are quite something else to resolve. If allowed to persist, these errors become points of increasing friction and pressure that divert organization efforts and energies from the work and goals of the organization.

"A lack of information for budgetary planning is also one of the major reasons for a failure to obtain necessary funds for an adequate law enforcement program."

Absence of Factual Information for Planning

Law enforcement organizations possess a certain inertia that allows them to continue even in the absence of planning guideposts such as programs, policies, and procedures. The absence of planning is easier to discover than the absence of innovation or a lack of leadership. While decisions based on intuition and hunch come easy, they are no substitute for hard data generated from past actions and a careful assessment of future operating conditions. It is quite surprising to many administrators that rather sizable amounts of data exist in most areas where decisions are to be made. When the quality of decisions begins to deteriorate, lack of information, or sometimes even misinformation, is usually a significant causal factor of this problem. Moreover, proposed solutions to problems may not be well thought out, and a certain panic becomes apparent in the decisions and daily efforts of all supervisory personnel.

A lack of information for budgetary planning is also one of the major reasons for a failure to obtain necessary funds for an adequate law enforcement program. The top administrator in a subdivision of a large metropolitan area never kept statistics and data for planning. Subsequently, he just took whatever his city board of governors felt like giving him for budget increases. Equipment soon was inadequate to serve a growing population, and the size of the force was far too small to provide quality law enforcement. The result was that a subordinate developed some plans and information for presentation to the governing board. The total request was granted much to the embarrassment of the chief.

Lack of Clear-Cut Goals

There are two types of goals found in every law enforcement organization: philosophical and operational. Philosophical goals give a broad general direction to administrators but seldom are applied directly to day-to-day decisionmaking. Operational goals are the day-to-day and week-to-week standards that provide the basis for work activity and motivation of officers and employees. As an organization begins to stagnate, the decisionmakers often exhibit a lack of direction as to what the objectives really are. As they search and expend departmental efforts in a variety of ways, careful methodical effort gives way to "windmilling" and inefficiency.

"By the time a law enforcement department or unit reaches the advanced stages of stagnation, those who are served by the organization often find it difficult to get service on even routine matters."

At this point, it is common to find coordination between departments and levels beginning to break down. This breakdown in coordination is due to a

lack of common, clear-cut goals between departments. Moreover, to make matters worse, when decisions are made, they are put into effect without consulting other parts of the organization, thus creating confusion and delay in serving constituents. Goal confusion and fuzziness slow the organization response to its public, and they begin to search for other places where their needs will be served.

Failure to Come to Decisions

Indecision is a marked symptom of organization stagnation. While this condition normally stems from a lack of clear-cut operating goals, it can, and does, in some instances, exist independently. Some police administrators find decisionmaking difficult even when the organization has few, if any, problems. When stress is added, such individuals can become completely immobilized with the result that time and circumstances determine the destiny of the organization rather than marked and forceful actions.

> ***"A lack of adaptation to changes in the need and demand for services points to stagnation more forcefully than any other symptom."***

In one midwestern city, the chief of police was absolutely unable to make a decision and would urge his subordinates to make the decisions. If any problems arose, he did not stand behind his subordinates and, in fact, at times joined in with harsh criticism. Needless to say, within a few years' time no one would propose new ideas or tentative solutions to old problems as they had lost their respect for their chief.

As any situation deteriorates, there is a major effort by many organization members to force decisions which begin to polarize factions into separate opposing camps, further forestalling actions to get the organization going again. There appears little to be done about the indecisive person other than to replace him if such actions are possible. Typically, replacement comes at a time so late in the stagnation period that months or years may be required to implement the major reorganization necessary to revitalize the organization.

Failure to Delegate

In and of itself, failure to delegate authority to subordinates does not necessarily indicate organization stagnation is beginning. However, coupled with any one or more of the above early-stage symptoms, failure to delegate becomes a significant indicator of stagnation. The leader of any group that fails to delegate limits the quantity and quality of work that the organization can complete. The reason is obvious. Since he must approve everything and the hours in the day are limited, there is a level of output beyond which it is impossible to go That level is determined directly by the amount of time the leader or supervisor is willing to give to the organization.

In one law enforcement organization where the chief demanded to make all of the decisions—even small ones—the organization was severely paralyzed. Since the chief did not delegate, his subordinates did not have a chance to make decisions and plan. As such, the organization came to a point where 30 percent of its top administrative personnel would retire in 5 years' time and few, if any, were capable of moving up, as they had not been able to develop skills in planning and decisionmaking.

Failure to delegate, as the organization begins to encounter difficulty and crisis, is reinforced by a manifold increase of problems. Lack of delegation is precisely what the organization does not need. Instead of a highly centralized, ever-tightening control by one person, it needs more authority in the hands of lower administrators for meeting and resolving the problems when they arise and where they find them.

The early-stage symptoms do not cause deterioration at any predictable rate. Moreover, a factor such as increased effort can compensate for a limited amount of organization inflexibility and stagnation. The presence of several of the early-stage factors tends to accelerate the stagnation process. While a clear demarcation point between early and advanced stages is difficult, the later stages are characterized by symptoms that generally keep the organization in disequilibrium, or an opposite extreme of severe overbureaucratization and red tape that have brought meaningful law enforcement activity to almost a standstill.

Advanced-Stage Symptoms

By the time a law enforcement department or unit reaches the advanced stages of stagnation, those who are served by the organization often find it difficult to get service on even routine matters. Moreover, those who are in positions of authority are either unwilling or unable to do anything about the difficulties of stagnation and final organization breakdown.

There are three major symptoms of the advanced or later stages of organization stagnation. All of the early-stage symptoms may be present, but they are, in the large part, eclipsed by three problem areas that have the attention of everyone. These major symptoms are: Management by crisis; communications breakdown; and a lack of organization adaptation.

Management by Crisis

Management by crisis is also known as "brush-fire law enforcement." It is

(*Continued on page 27*)

By

J. T. FRANCISCO, M.D.*

Chief Medical Examiner,
State of Tennessee,
Memphis, Tenn.

*Dr. Francisco is a native Tennesseean and received his advanced education in that State, where he presently serves as professor of pathology at the University of Tennessee in Memphis. He is certified by the American Board of Pathology and is a consultant to a number of local, State, and Federal agencies. Dr. Francisco has authored many articles on pathology and in the field of forensic medicine.

Law Enforcement and the Forensic Pathologist

"The forensic pathologist is a specialist and has expert knowledge of factors in homicidal crimes. He very often makes significant contributions to the investigation of a homicide and . . . allows a successful conclusion of the investigation."

The need for public awareness of the difficulties inherent in many law enforcement responsibilities is never more important than in suspected homicide investigations. Homicide is a crime that always attracts great public attention. Because of the frequent use of the homicide theme in novels and radio and television dramas (where the crime is nearly always solved!), the difficulties faced by the law enforcement officer in the investigation of homicides are not completely understood by the average public. For that matter, the problems

"The forensic pathologist, acting as a consultant to, or in the capacity of, a medical examiner or coroner, may contribute to a homicide investigation in the following areas: Cause of death, identity of the deceased, time of death, manner of death, and weapon used."

that law enforcement faces in the investigation of a homicide are not fully appreciated by all law enforcement officers.

Because the victim in a homicide is not available for an eyewitness identification of the assailant, the needs of law enforcement in a homicide investigation vary tremendously. Many scientific talents are needed to overcome the lack of eyewitness testimony to the crime.

Scientific Specialists

This need for scientific expertise requires an elaborate organizational arrangement so that each expert's input can be correlated into a logical story to explain the crime and, sometimes, to identify the culprit. The scientists that may participate in this type of investigation include many physicians and doctors in other specialties, such as serology, anthropology, chemistry, and toxicology.

The physician's contribution to the homicide investigation is always necessary and frequently, if a miscarriage of justice is to be prevented, mandatory. Of the physicians that may participate in this type of investigation, there are two general groups: those known by the title of coroner or medical examiner and those known as forensic pathologists.

The title coroner or medical examiner varies from State to State. In many States, the physician is called a coroner. In other States, he is called a medical examiner. The term is really not material, as long as the medical investigation of this type of crime is handled by a person trained in medicine.

The forensic pathologist is a specialist and has expert knowledge of factors in homicidal crimes. He very often makes significant contributions to the investigation of a homicide and, thus, allows a successful conclusion of the investigation.

In many areas, the forensic pathologist occupies the position of medical examiner or coroner in addition to his consultant role as a forensic pathologist. In this article, the assistance given a homicide investigation by the forensic pathologist is presented as if he were acting as medical examiner or coroner in addition to the consultation role.

Definition

Before we get into the contribution of the forensic pathologist, I think it would be well to identify the type of training and experience that distinguishes a forensic pathologist from a pathologist. After a person obtains the doctor of medicine degree, there are certain prescribed specialty training courses that he may undertake. One of the broad fields is pathology. Pathology is divided into subspecialty fields. Forensic pathology is one of these fields. The other two major subspecialty fields are anatomic pathology and clinical pathology. The forensic pathologist is trained in one or both of the fields of anatomic and clinical pathology. The length of time for the training after receiving the M.D. degree is as follows: 4 years for anatomic and clinical pathology and 1 additional year for forensic pathology.

The pathologist who practices in the hospital or university setting is many times trained in the anatomical or clinical area without the special training in forensic pathology. This pathologist, however, has much information that can be contributed to the homicide investigation, but he oftentimes lacks the experience of participation and does not know what information is needed in this investigation.

The forensic pathologist, acting as a consultant to, or in the capacity of, a medical examiner or coroner, may contribute to a homicide investigation in the following areas: Cause of death, identity of the deceased, time of death, manner of death, and weapon used.

Cause of Death

Obviously, before any homicide investigation can proceed, it is necessary to determine the cause of the person's death. If the cause of death is a natural disease process having nothing to do with the participation of any other person, then it is not a homicide.

Many times we can recognize that a homicide probably has been committed because there is a noticeable wound present on the body. This may be a shotgun wound to the chest, a stab wound to the back, multiple bruises and tears to the scalp, or other such injuries. Finding these injuries, however, is not proof that the wounds were fatal.

The presence of a wound on a dead body does not necessarily indicate that somebody else inflicted the wound. Suicide must always be considered a possibility in these cases. It is extremely rare to find a wound that could not have been self-inflicted. Therefore, one must consider the

location of the wound, the size, the shape, the character, and the type before the death is considered a homicide.

Obviously, the best evidence that a wound was, in fact, inflicted by someone else is having an eyewitness to the wounding. We are all aware, however, of the fact that the eyewitness may be mistaken, lying, or unable to give his statement in an understandable form. This fact requires corroboration of the statement of the person who witnessed the alleged crime by the examination of the body. The forensic pathologist participates in this area since he is in a position because of his examination of the wound to answer: (1) How recent is the wound? (2) Is this a wound that occurred shortly before death? (3) Is this a wound that has been present for several days? In determining the "age" of the wound, it is then possible to determine if the wound is consistent with the statement given by a witness or with the probable time at which the person died.

Figure 1.—Torn spleen.

Some wounds seen upon a dead body may be wounds that are known as post mortem wounds (wounds occurring after death). Animals will produce significant wounds upon the body after death, and these wounds can be misinterpreted as representing a wound inflicted upon the body while alive. Such a wound cannot represent the cause of death. The forensic pathologist can make the distinction between the wound produced before death and the wound that is produced after death. Post mortem wounding is particularly prevalent in bodies that are found in the open or that have been penned up with pet animals. Wild animals will produce wounds upon the body, especially about the face and hands. Pet animals, if penned up with a dead body without food, will also produce these types of wounds. This is true even if the animal is a beloved pet of the deceased. Hunger will most often drive the animal to use the body as a source of food.

If the body has no external wounds, then the death may still be a homicide, for the significant lethal injury may be present inside the body. For example, the spleen is an organ located on the left side of the body inside the abdomen. When a blow has been sustained to the left side of the body, the spleen may be partially torn at the time of the blow, yet the injured person may not be aware that this serious wound exists. Several days after the blow has been sustained, the spleen may tear again, causing the person to die from internal hemorrhage.

In one case, the victim related the story of how he and his "friends" were involved in a fight. The victim had a tear in the skin above his left eye. This tear was sutured by a local physician, and the victim was asked to return to the office to have the stitches removed. While waiting in the office several days later, he collapsed to the floor and died. There was no wound visible on the body except the small tear above the eye. The autopsy, however, showed a torn spleen (See fig. 1.) and a large amount of bleeding inside the abdominal cavity. Examination of the fat tissue next to the spleen showed that the injury to this organ was approximately the same "age" as the time of the fight. Because of this information, the assailant was indicted for manslaughter. Without the autopsy examination, there would have been no way of establishing the

"The forensic pathologist . . . should participate not only in the obvious homicide inquiry, but also in the investigation of deaths of individuals in unusual circumstances in which homicide is a possibility."

cause of death of this individual, and, thus, the recognition of a homicide would have been undetected.

This type of story repeats itself many times. There is no history that the deceased has been injured until the autopsy examination reveals it and the probability it was produced by external violence. It is only after the autopsy examination is complete that it can be determined that a homicide is suspected. The forensic pathologist, then, should participate not only in the obvious homicide inquiry, but also in the investigation of deaths of individuals in unusual circumstances in which homicide is a possibility.

Even in the obvious homicide, where an assailant shoots the victim and is witnessed by many people, the witnesses' statements may vary. One witness may state that the deceased was running away at the time he was shot. Another witness may state that the deceased was charging the assailant at the time he was shot. If the latter statement is believed, it thus gives weight to a claim of self-defense on the part of the accused.

"The forensic pathologist is in the best position to know which experts need to be called in order to more firmly establish identification [of the body]."

The autopsy examination of the body can determine where the entrance wound is located. If the entrance wound is present on the back, then obviously the statement that the man was charging the assailant is erroneous. If the entrance wound is present on the front, then that statement has some credibility. The autopsy examination can, on most occasions, determine with precision and certainty which is the entrance wound and which is the exit wound. There are situations in which this determination presents problems, but most of the time the entrance wound is identifiable to the eye of the experienced forensic pathologist. When the determination can be made with certainty, law enforcement investigations can proceed with confidence or be spared wasteful effort.

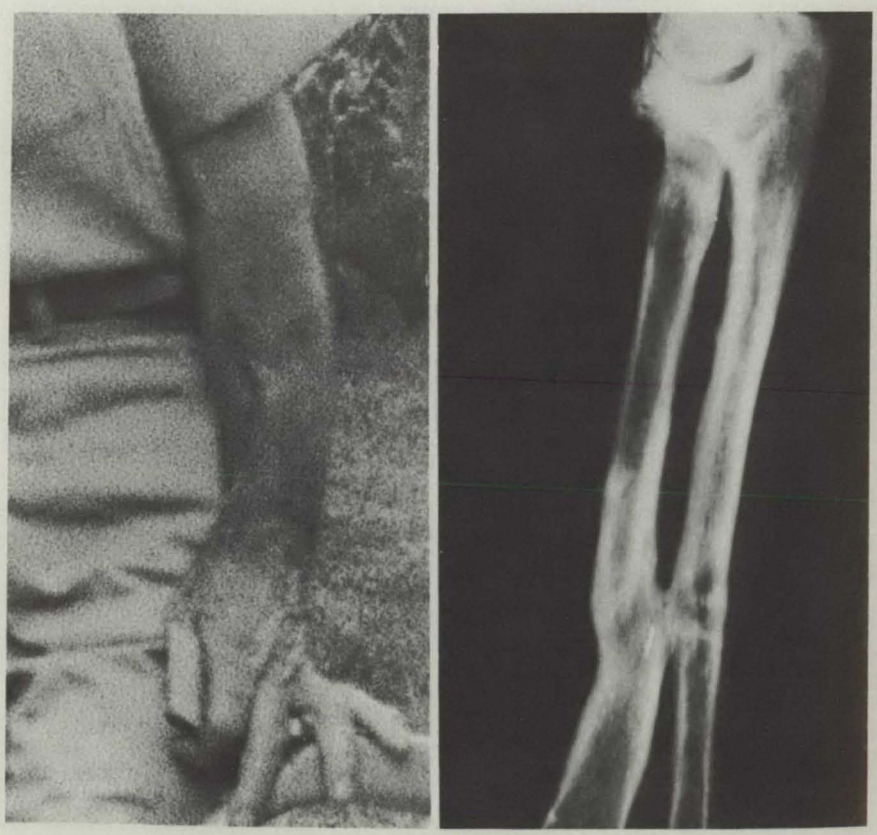
Identity

The identity of a deceased is of obvious importance in investigating a homicide. The indictment against an assailant usually must identify the victim. Without knowing the identity of this person, it becomes difficult to prepare a proper indictment. Without knowing the identity of the deceased, of course, it becomes a more difficult matter to establish the identity of the person responsible for his death.

The forensic pathologist can participate in many ways in the identification of a dead body. The determination of identity is, in its simplest form, a matching of known values from the dead body with values that are known for the individual whom the dead body is believed to represent. For instance, the tentative identification on the dead body was John Doe. John Doe was known to be male, Chinese, and 5 feet and 10 inches in height. He was also known to have had his appendix removed, to have broken his collarbone 3 years ago, to have had a mole removed from his back several years ago, and to have had a glass eye and a previously amputated right great toe. If all of these features (in this purposely exaggerated example) are found to be true of the dead body, one can make an identification with little fear of error.

Many of these identifiers can be determined by the physician who examines the body, but there are many features that require the expertise of

Figure 2.—Photograph of arm before death and X-ray of arm after death.



the pathologist in order to make a match between a suspect identity and a dead body. In one instance, the photograph of an arm of an individual made several years before his death and the X-ray of the deceased's arm made at the time of the autopsy examination provided enough comparative features for the pathologist to conclude they were the arm of the same individual. (See fig. 2.) The various features of the arm in the photograph and those in the X-ray were sufficiently matched to strongly support a positive identification of the deceased. This match, however, may require the expert services of a radiologist.

The forensic pathologist is in the best position to know which experts need to be called in order to more firmly establish identification. In some cases, the physical anthropologist may be required to match a set of skeletal remains to a possible individual. In others, the services of a dentist may be required to match the teeth of a dead body with the previous records of a person who is suspected of being the deceased.

Time of Death

Ascertaining the deceased's time of death is not only difficult, but the process is subject to error. The time of death is a somewhat imprecise scientific determination. It is based upon an appreciation of a large number of variables which can lead an experienced pathologist to a reasonable estimation of the deceased's time of death. This time cannot be precisely determined and must be estimated usually within a range of hours. Even after this range has been established, there is still room for error.

This significance of the time of death is obviously important in a homicide investigation, but the time of death should never be used as the sole proof that a particular person is responsible for the victim's death. The use of time of death, without independent corroboration, could lead to a grave miscarriage of justice and the conviction of an innocent person.

The best pathological determination as to time of death would quite likely be stated within a 4-hour period. In other words, it would be stated that death probably occurred at 9 a.m. but could have been at any time between 7 a.m. and 11 a.m.

"It is . . . very important that law enforcement provide the forensic pathologist with all the information at its disposal so that he in turn may use this information to its maximum value in his examinations."

The forensic pathologist is very much aware of this necessary latitude even when using the best testing methods for the determination of time of death. The input of the forensic pathologist lessens error in the determination of time of death because he is in a position to accurately evaluate physiological factors of the deceased which most accurately suggest when he was last alive. The pathologist can estimate a period of time—within which death most likely occurred—that allows the investigators to concentrate their efforts within the time span most likely to produce corroborative evidence.

As an example, let's assume that an elderly female with multiple stab wounds in the back is found dead in her bed. The investigation reveals this elderly female was last seen 2 days ago in her home by a neighbor. The neighbor states the victim was then preparing to eat a supper consisting of lettuce, green beans, ground beef, peaches, and slaw. The autopsy examination shows that the stomach contains a large quantity of these materials which are not well digested. The pathologist is in a position to state that the death occurred sometime shortly after she consumed the evening meal, 2 days before she was found. This allows the investigation to concentrate on that time and to proceed more efficiently and with less wasted effort. The pathologist could not give an opinion that this lady died at 6 p.m. on the day she was last seen because our present knowledge is insufficient to be that precise.

Manner of Death

In the investigation of a traumatic death, one must always consider that a wound may be self-inflicted. There are very few things that a person cannot do if he is determined to take his own life. There are very few wounds that the person cannot inflict upon himself.

It is commonly reported that John Doe could not have killed himself because the wounds inflicted were too painful, and thus the wounds had to be inflicted by someone else. There is no such thing as a wound that is too painful for a person to inflict upon himself if he is determined to take his own life.

The pathologist can, with the facts of his autopsy and supporting investigation by law enforcement, persuasively conclude that the death was due to self-inflicted wounds and, thus, is not a homicide. This contribution by the forensic pathologist is of obvious benefit to law enforcement because the law enforcement officer is not spending his time investigating what appears to be a homicide when, in fact, the death is a suicide.

A man's body that was found floating in a river had injuries present on its face and chest. (See fig. 3.) Since the conclusion from the autopsy was that the man probably did not drown, these wounds were of particular concern. It was necessary to determine how these wounds occurred in order

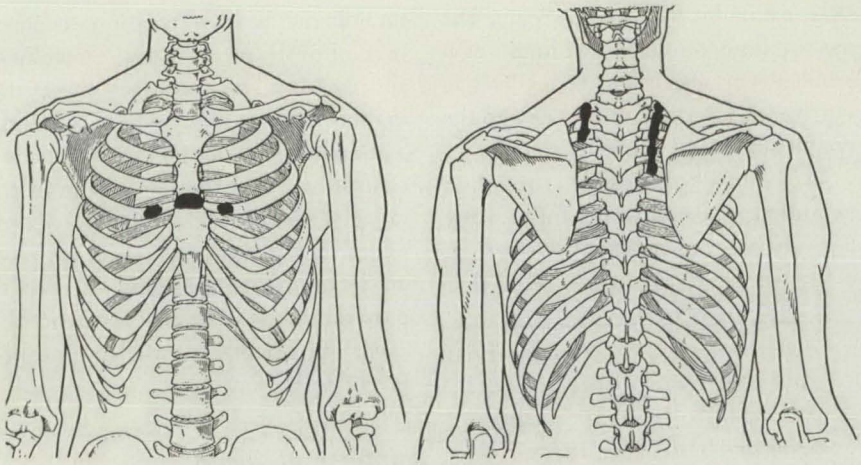
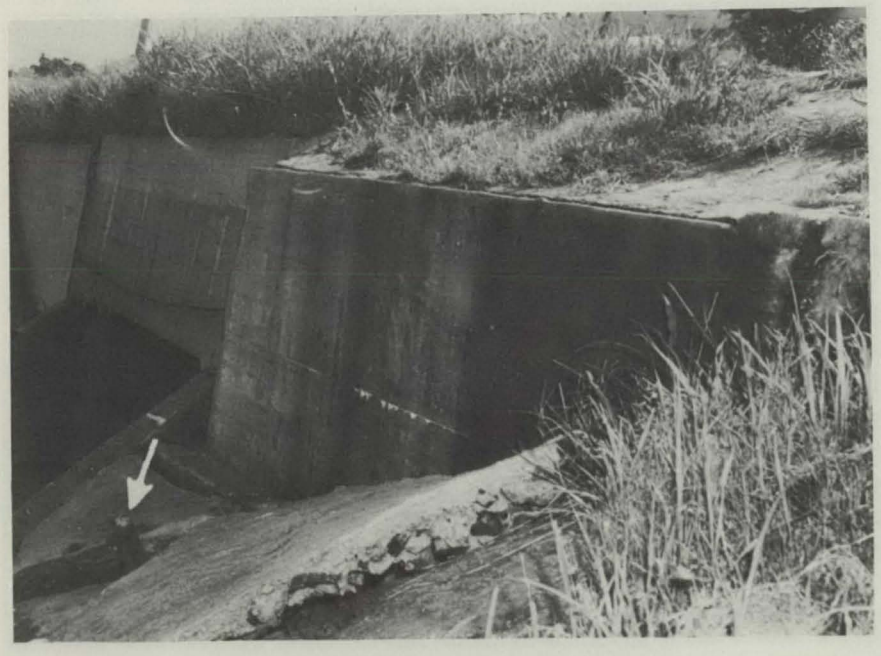


Figure 3.—Chart showing rib fractures.

to know if the deceased was the victim of a homicide. The autopsy also determined that the victim had been dead for approximately 2 days. The time of death was during a period when heavy rain fell in the area and the ground was quite wet. A reexamination of the general area where the body was found revealed a large concrete embankment with a large stump at the base. (See fig. 4. Arrow indicates the stump.) Several pieces of physical evidence from the deceased were found in the general area. An assessment of the entire circumstances, the autopsy, the scene, and the climatic conditions at that time made it circumstantially clear that this individual, who had a very high alcohol level at the time of death, had been walking along the embankment during the heavy rain. He had slipped and fallen, striking his chest on the stump and, thus, producing the injuries that were seen in the autopsy. He was killed by this fall and then rolled into a sluiceway which carried the body into the river. This correlation of medical and investigative evidence allowed a conclusion of an accidental death rather than a homicide which had been initially suspected.

Figure 4.—Concrete embankment with large stump at base.



Weapon

Sometimes the autopsy examination can reveal a specific type of weapon, allowing an investigation to proceed to a successful conclusion. This is especially true in gunshot wounds. If the barrel of the gun is tightly applied to the skin, then, a certain configuration to the wound is produced that allows the pathologist to conclude that a particular type of weapon was responsible for the death. In some cases, a double-barrel shotgun when applied tightly to the body will leave the imprint of the second barrel, allowing the conclusion that the weapon was probably a double-barrel type of weapon.

One cannot measure the diameter of a gunshot entry wound and determine the caliber of the weapon that fired the shot. You can get an approximation from this measurement, but it is not precise enough to determine caliber. The only way to determine the caliber of the bullet that produced the death is to recover the bullet and measure it.

It is possible to make some prediction about the weapon from examination of wounds. The finding of an extensive gaping wound to the face and the determination that it is due to a gunshot would allow the forensic pathologist to conclude the weapon was not an ordinary handgun but a weapon using high velocity ammunition. Thus, the search for a weapon would be limited to those in that category.

If the forensic pathologist is to make a contribution to law enforcement, it is mandatory that he receive the full cooperation of the homicide investigators. There are many, many

(*Continued on page 29*)

A University of Alabama Program—

A New Image For Campus Police

The role of the student has gained increased importance in our society in recent years. It is important to the entire law enforement profession, particularly those having jurisdictional responsibilities in campus communities, to learn of the new approaches many university police departments are taking to secure the confidence and cooperation of the growing student segment of our population.

By
COL. FLOYD H. MANN
Special Assistant to the President,
University of Alabama,
University, Ala.

In the spring of 1970, the prevalent feelings of students on university and college campuses throughout the United States were those of unrest and dissatisfaction. With the continuous smoldering of these feelings throughout the year, it became obvious to Dr. David Mathews, president of the University of Alabama, that each man within the University of Alabama Police Department needed to become more conscious of these feelings in order to interact more capably with the students. At the same time, it became obvious that the students needed to become more aware of the attitudes and objectives of the campus policemen.

In order to effect the desired reciprocal understanding between the campus police and the students, new directions were sighted. Dr. Mathews, during the first part of 1971, appointed a special assistant on community relations. As a result of this new position being established, the university police department began a

"Before a police officer can serve and protect a college community, he must be capable of understanding and communicating with the students."

comprehensive critical analysis of its duties and obligations.

Before a police officer can serve and protect a college community, he must be capable of understanding and communicating with the students. He must be able to build bridges, or positive relationships, between himself and the students.

It is the purpose of this article to describe the existing and improved relations between students and campus police at the University of Alabama. To discuss existing relations also entails a description of the process of developing better relations. Also, an exposition on the methods utilized to promote mutual understanding between the students and the campus police, as well as the methods utilized to promote mutual involvement in fulfilling the respective needs of the two groups, must be presented. At the same time, since relations sometimes are frustrated and conflicts arise, techniques must be described for dealing with student disturbances and police improprieties.

Goals

First of all, the role of the individual police officer was reviewed, and his goals were established. Besides checking windows, rattling doorknobs, and making sure the burners are turned off in the chemistry laboratory, it was felt that the contemporary campus police officer should employ more relevant means of serving and protecting the community of which he is a member.

In October of 1970, the members of the police department manifested their intent to function primarily as service-providing agents of the community by drastically changing their physical appearance. At that time, each officer stepped out of his traditional military-style uniform and into a tailored, fashionable suit. The modern "uniform" consists of a navy blue blazer with a white breast pocket emblem, which bears "The University of Alabama Police" and the rank of the officer, and a pair of gray slacks. A white shirt and a crimson tie complete the uniform.

The reaction of the university community to the modern "uniform" has been one of wholehearted acceptance.

Colonel Mann talks informally with students.

"Besides checking windows, rattling doorknobs, and making sure the burners are turned off in the chemistry laboratory, it was felt that the contemporary campus police officer should employ more relevant means of serving and protecting the community of which he is a member."

It is believed that the new uniforms have been a tremendous asset in reducing the barriers that had been developing prior to 1970. These new uniforms blend in with the style of apparel common to the majority of people in the community.

There are three additional steps the police department has undertaken to serve and protect the university community better.

First of all, the primary contact a police department has with the majority of people is through the motorist. The police officers, of course, direct traffic during daily rush periods as well as during special events held on campus, such as footbball games.

In an effort to provide an additional community service, the police department purchased four sets of battery jumper cables to help start cars with dead batteries. Several men of the department carry their own personal tools to assist motorists in situations which require something other than the use of battery cables. During the past year, the campus police have aided over 750 motorists having car trouble.

Secondly, when a person becomes injured or is in need of help, the first agency he or she normally turns to is the police department. The university police department is more than willing to provide any service within its capacity.

This past year campus police officers took 278 students in patrol cars to the Student Health Center and to a hospital in Tuscaloosa, Ala. In cases involving a seriously injured person, an officer will call for an ambulance and accompany the injured party to the hospital.

Departmental policy requires that each man in the department attend a standard first aid training course sponsored by the American National Red Cross. Over half the men asssigned to patrol duty have advanced training in first aid treatment of the injured.

Thirdly, the University of Alabama Police Department continues to supply officers when requests come in for someone to speak to civic organizations about police-community relations matters.

During the past year, several of the police officers have presented numerous speeches to educate the public about such matters as the possible results of misusing drugs, first aid to the injured, and safety precautions against theft.

"In an effort to provide an additional community service, the police department purchased four sets of battery jumper cables to help start cars with dead batteries."

Understanding

At the same time, other concrete efforts are being made to promote better relations between police officers and students. Theoretically, a person is able to serve another better when he has a genuine understanding of the person he serves, and personal contact is the basis for any valid understanding between all human beings. For this reason, one of the most important measures taken by the university police department has been the continual encouragement of the officers to talk with the students. The officers are advised to gain firsthand knowledge by listening to what the students say about their thoughts, attitudes, and beliefs.

One of the means utilized to understand the students better is the "corner man" post which produces a tremendous amount of two-way communication between various segments of the campus community and the campus police officers. The corner man post consists of an area located in the central part of the university campus where large arteries of municipal and university traffic converge. Since the post is manned from 8 a.m. until 5 p.m., the officer has many oportunities to converse with people connected directly and indirectly with the university.

Another beneficial element of furthering good relations between police officers and students is the trend to acquire younger men who have a closer affinity to the problems faced by today's youth. The university police department is fortunate in being able to employ several officers who have been students on college campuses. Officers who have been members of the department for several years are voluntarily returning to the classroom as students. These men have a sincere interest in improving their ability to deal effi-

"Officers who have been members of the department for several years are voluntarily returning to the classroom as students. . . . Being in the classroom gives the officers firsthand knowledge of some of the pressures the students encounter. The classroom also offers a common ground where the students and officers mingle together."

ciently with students. Being in the classroom gives the officers firsthand knowledge of some of the pressures the students encounter. The classroom also offers a common ground where the students and officers mingle together.

In trying to establish closer communications and better work relationships with students at the University of Alabama, the university employed a capable student to be a public relations officer. Through his untiring efforts a growing bond has been established between many students and the university's police department. During freshman orientation classes, the public relations officer presents, among other topics, lectures on the policies of the campus police department and the services it offers. It was a public relations officer who inaugurated the annual campus police-student softball game which continues to meet with fantastic success.

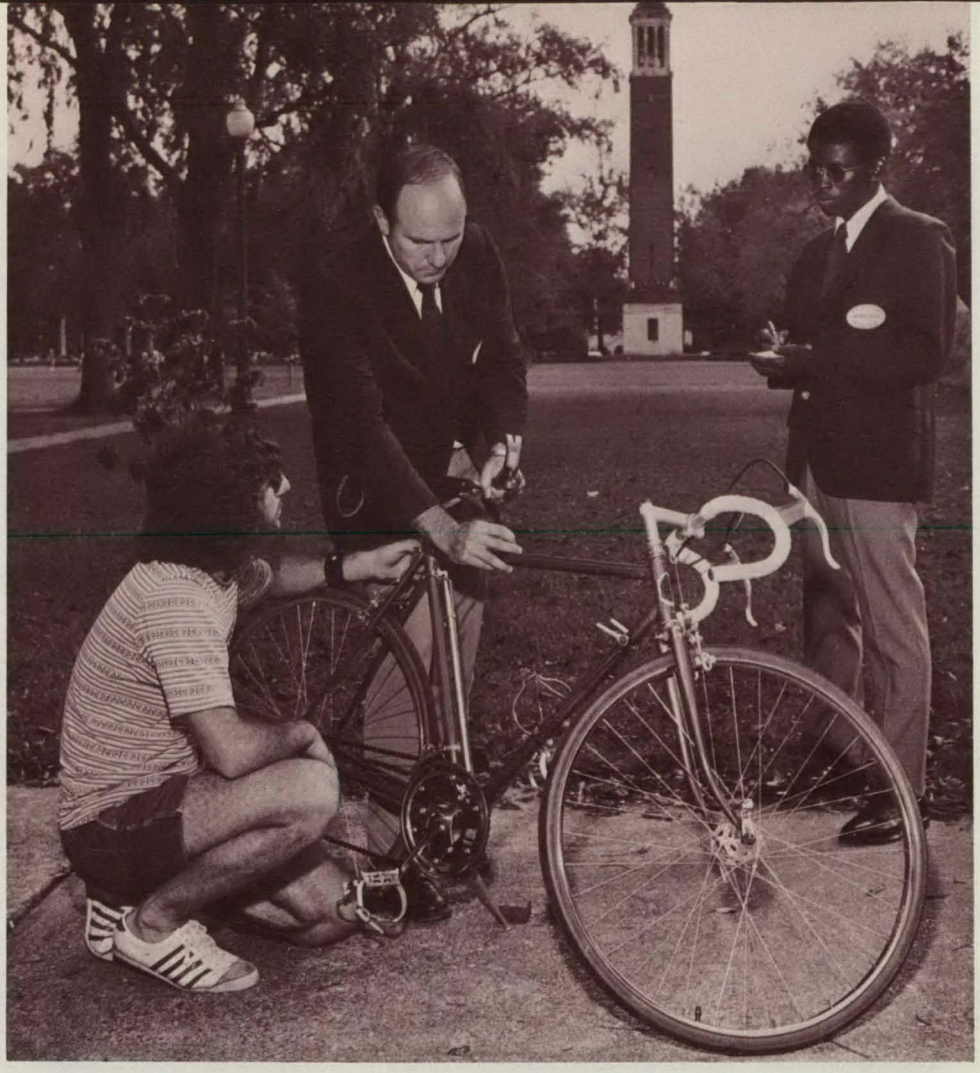
The public relations officer together with the campus police department's training officer sets up panel discussions to be held at some of the department's monthly training schools. Each panel consists of four or more students representing different segments of the university community. The nature of these panel discussions allows a free and open examination of student and police attitudes, of problems relating to these attitudes, and of possible solutions to these problems.

On other occasions, the department's training officer arranges for experts in their respective fields to conduct classes for the campus police officers on community and student public relations-orientated topics.

The panel discussions and the monthly training schools both aim at developing a better understanding of the thoughts, attitudes, and positions, not only of students but also of police officers. This yields a good insight into the actions of some of the students and also the motivations behind these actions.

An "open door" policy maintained by everyone connected with the police

A campus policeman directs traffic while students change classes.



Police help a student repair his bicycle.

department is extended to all members of the community. At any time a student, as well as a student group, has either a problem or something about which he is concerned, he is encouraged to come to the police department for help or advice. Periodically, student leaders from major campus organizations as well as representatives from minority groups are invited to attend the police department's monthly training schools for around-the-table discussions. Similar groups also attend informal get-togethers with police department supervisors. When any major development results from these meetings, the information is given to the campus newspaper and, in turn, is made available to all people interested in activities at the university.

Another area of police-community communication, and an area involving student participation in community safety, is the bicycle safety campaign sponsored by the university police department. Through radio and newspaper coverage, the public is reminded to be on the alert for bicyclists, and operators are reminded of the safety procedures for riding their cycles. Bicyclists also are encouraged to register their bikes with the university police department. In the event that a stolen bicycle is recovered, there is a greater possibility that it will be quickly returned to the rightful owner.

A second way used to increase student involvement in the maintenance of public order and safety is the employment of 15 students to assist the police department in the duties of building- and dormitory-security details. While working these details, the students also come in contact with other aspects of police work that give them a more complete idea of the responsibilities of the police department.

(*Continued on page 30*)

". . . one of the most important measures taken by the university police department has been the continual encouragement of the officers to talk with the students."

(Submitted by Missouri State Highway Patrol Dept. of Public Safety
Jefferson City, Missouri

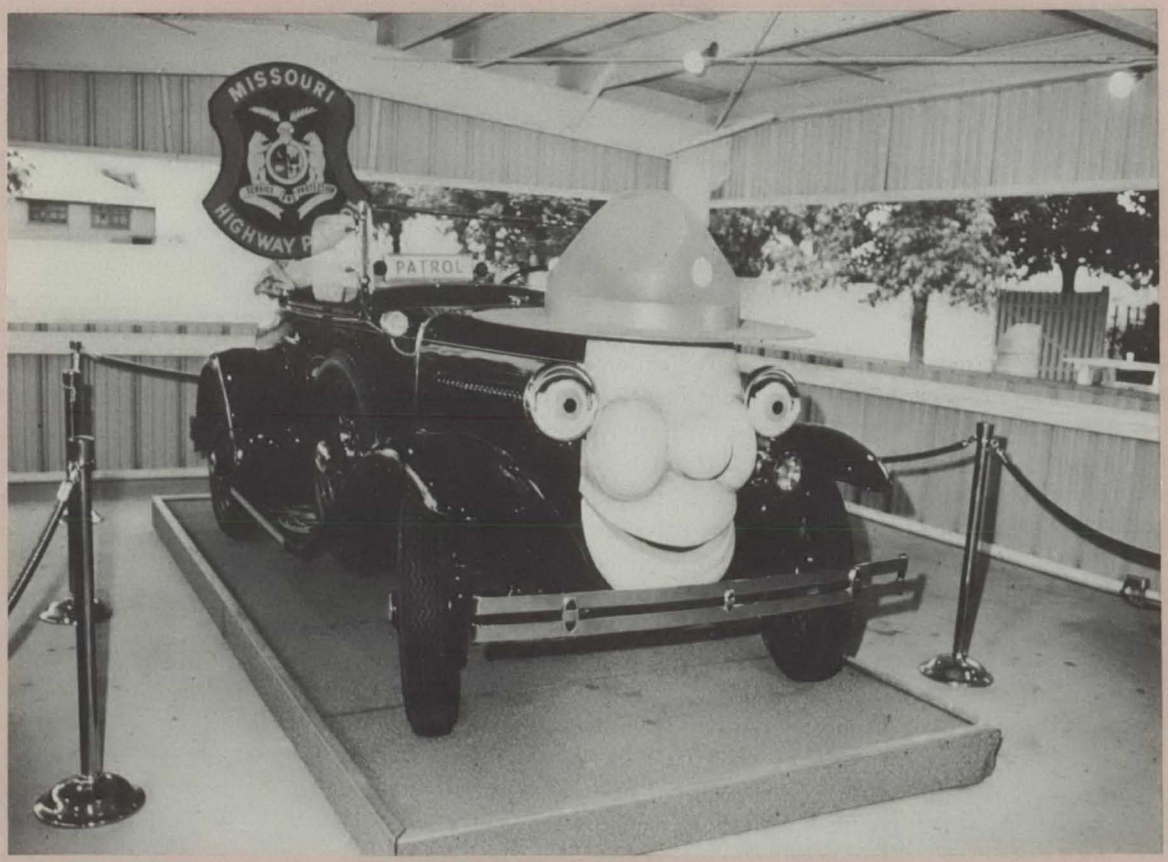
"Otto"—The Talking Car

At various public events the Missouri State Highway Patrol displays a 1931 Model A Ford roadster that "talks." Known as "Otto"—The Talking Car, the exhibit has a fiberglass face and a large trooper hat mounted on its radiator. Otto moves his mouth in synchronization with the sound of his voice. He also blinks his eyes (the two headlights), blows smoke from under his hat, and honks his horn. This exhibit has helped to strengthen the department's image with youth and has initiated a program which should mature into respect for law enforcement with these adults of tomorrow.

The 1931 patrol car is the type automobile used by the Missouri State Highway Patrol when it was first organized. Plans originally called for the roadster to be driven in parades around the State. Later it was decided to give the automobile a little "life" by giving it a face and a voice.

It takes a two-man team to bring Otto to life. One trooper stands in front of the car exhibit as a master of ceremonies and encourages the public to talk to Otto and keeps the conversations moving. Another trooper is stationed in a building away from the exhibit and is the eyes and voice of the talking car. He can see the public

"Otto"



in front of Otto by means of a closed-circuit television monitor and controls the blinking of the long-eyelashed eyes, the smoke which shoots out of Otto's radiator, and the sound of the idling engine.

Otto is a delight to the public, especially the children, and everyone is encouraged to ask questions dealing with safety and traffic laws. Youngsters marvel at the things Otto says and does when asked a question or when carrying on a conversation with one of the troopers assigned to the exhibit. Fan letters from youngsters have been received by the department addressed personally to "Otto—The Talking Car."

Otto—The Talking Car has proven invaluable to the Missouri State Highway Patrol's public relations program and is likely to have a long tenure of service.

The voice of Otto is a trooper stationed in a building away from the exhibit.

Youngsters and adults are encouraged to ask questions of Otto dealing with safety and traffic laws.

"... for ... adults of tomorrow."

OPINION

CAPITAL PUNISHMENT*

By
DANIEL F. McMAHON
Sheriff of Westchester County, White Plains, N.Y.

*This is a statement presented by Sheriff McMahon on behalf of the New York State Sheriffs' Association before the New York State Assembly Codes Committee on October 16, 1972. Sheriff McMahon is first vice president of the New York State Sheriffs' Association, chairman of its criminal law committee, and the sheriffs' representative on the New York State Combined Council of Law Enforcement Officials. He is a former Federal prosecutor; former chief of the Criminal Division, U.S. Attorney's Office, Southern District of New York; former Public Safety Commissioner of Yonkers, N.Y.; and sheriff of Westchester County for the past 5 years.

The issue of capital punishment has been one of the most continuous and fiercely debated in our history. Since 1846, several States, some 15 in number, have completely abolished capital punishment, and of these, 11 have reinstated the death penalty. Of these 11, 3 have reabolished capital punishment. At the moment, there are only 10 States of the 50 that have totally abolished the death penalty. As evidence of the strong support for capital punishment, the House of Representatives, on October 2, 1972, by a majority of 354 to 2, voted the death penalty for aircraft hijackers.

In 1965, New York State abolished the death penalty, with certain exceptions. On June 29 of this year, the U.S. Supreme Court, by a five to four decision, held unconstitutional the laws of Georgia and Texas, which authorized the death penalty. Two of the three cases before the Supreme Court were rape cases, not involving homicide. The decision has been widely misconstrued to hold that capital punishment was abolished for all purposes. This is not a fact, as a reading of the decision will clearly show. Each of the nine Justices had a written opinion, and only two of the nine clearly support complete abolition. In any event, this is an unfortunate decision, because it has left confusion and uncertainty in its wake. There was no legal precedent for this decision, even though the issue had been before the Supreme Court on previous occasions. Also, it is noted that the framers of our Constitution explicitly authorized capital punishment. The fifth amendment of the U.S. Constitution makes this abundantly clear.[1]

Since the abolition of the death penalty in our State, we have had a

EDITOR'S NOTE: The views expressed in this statement should not be construed as those of the FBI nor is their publication here intended to imply FBI endorsement. They are set forth as the opinions of a responsible official on a topic of special concern to the law enforcement profession.

continuous increase in the homicide rate. As a matter of fact, over the past 2 years, we have had one record after another broken with the number of murders. New York City had 1,466 murders in 1971, an increase of 31 percent over the previous year. During the first 5 months of 1972, New York City had a record of 614 homicides and an unprecedented number of 57 homicides for the first week in July of this year. It is noteworthy that this 1-week record came immediately following the announcement of the U.S. Supreme Court decision.

The greatest significance of these homicide figures for 1972 is the fact that during the same period of time the total of serious crime in the city was decreasing by 21 percent. The trend of soaring homicides is similar throughout the entire State of New York. The total recorded in the State for 1971 was 1,817, in contrast with 1,439 the previous year, representing a 26 percent increase. The circumstance of soaring homicide rates, with the aggregate of other serious crime leveling or dropping, is also true outside New York City.

It is interesting to note England abolished capital punishment in 1965. Their experience has shown a marked increase in homicides, even though their homicide rate is substantially below ours in this country. Nevertheless, responsible groups are banning together, urging the reestablishment of capital punishment.

I recognize very well that the statistics that I have set forth do not *prove*, with absolute certitude, that capital punishment is a deterrent to murder. Likewise, I would dispute the claim of the abolitionist that statistics *prove* their position. This word seems to be very loosely used in this debate. But, I do submit the statistics above stated do serve as a basis for a sound, commonsense conclusion that the nonexistence of the death penalty has direct relationship with homicides, which are now reaching epidemic proportions. Nowhere was this dramatized more than the Brooklyn Chase Manhattan holdup this past August. The holdup man, while holding eight hostages in the bank for many many hours, told a reporter that if the cops stormed the bank, "I could kill. I will shoot everyone in the bank. The Supreme Court will let me get away with this. There's no death penalty. It is ridiculous. I can shoot everyone here, then throw my gun down, and you can't put me in the electric chair."

This is positive proof that the penalty, or lack thereof, was very much on the mind of one armed criminal, a potential killer. It is unreasonable to contend that the death penalty does not enter the minds of some other killers. Such being the case, commonsense dictates that at least some will be deterred. To suggest otherwise is to contend that individuals do not fear death. *I strongly urge, if one potential murderer is deterred annually and one innocent life spared, it justifies capital punishment.* This is particularly so for homicides involving premeditation.

On March 17, 1971, J. Edgar Hoover testified before the congressional subcommittee that 19 of the killers of police officers during the 1960's had previously been convicted of murder. In 1971, when we had no executions, there were an estimated total of 17,630 murders in our country, as compared with approximately 9,000 in 1960—a 96 percent increase.

One of the unfairest arguments used by abolitionists is: In recent years the executions have dropped to zero, proving the disfavor of the penalty. This is not true. The very same abolitionists are the ones who have started massive legal attacks on capital punishment across our country, dating back 5 or 6 years. This has caused the sentencing authorities to pause, and appropriately so, pending the final word from our highest authority, the Supreme Court. It does not follow that capital punishment is in disfavor—as the polls and referendums have clearly shown. Unfortunately, the Supreme Court has not given a final word, rather a very indecisive decision.

Those in State government in the executive branch and in the legislature, in the area of criminal justice, have been motivated by an overriding concern for rehabilitation of the criminal. I acknowledge their sincerity and high purpose. I fully support efforts to rehabilitate the criminal, but not at a cost of sacrificing the rights of society. A proper balance can be and must be struck. But the authorities have achieved little in accomplishing their purpose, and, worst of all, they have created an imbalance which has neglected the average citizen. Our citizens in cities and suburbs live in greater fear than at any time in modern history. It can only end when the legislature returns to the fundamental and basic principle: We must have swift and certain punishment for wrongdoing. We must show greater concern for our citizens and the victims of crime than for the criminal. The first and imperative step is to reestablish capital punishment.

FOOTNOTE

[1] The pertinent portion reads as follows: "No person shall be held to answer for a *capital*, or otherwise infamous crime, unless. . . ." (Emphasis added.)

The Entrapment Defense

By
JOHN DENNIS MILLER
Special Agent,
Federal Bureau of Investigation,
Washington, D.C.

I. Introduction

"Society is at war with the criminal classes," Justice Roberts wrote four decades ago, "and courts have uniformly held that in waging this warfare, the forces of prevention and detection may use traps, decoys, and deception to obtain evidence of the commission of crime." [1]

Society may be at war indeed with the criminal classes; but with apologies to those who hold dear old adages, all is not fair in the course of this warfare. Such a statement can hardly be equated with a state secret, for the law enforcement officer is well aware of the availability of unfair courses of police conduct, such as the unlaw-

A man cannot be punished ". . . for the commission of an offense of the like of which he had never been guilty, either in thought or deed, and evidently never would have been guilty if the officers of the law had not inspired, incited, persuaded, and lured him to attempt to commit it."

ful arrest, illegal seizure, and coerced confession or admission.

These examples are by no means all inclusive, there are other instances in which the officer's conduct is open to examination. Such an examination may occur in those cases in which a defendant asserts entrapment as his defense.

Although the defense presumably can be utilized in any type of criminal case,[2] it arises most often in the so-called vice crimes, especially liquor and narcotics violations and bribery.[3]

Law enforcement officers, local, State, and Federal, should comprehend the various aspects of the defense so that they will be able to investigate crimes confidently and in a vigorous yet judicially approved manner. This discussion of the subject will indicate investigative techniques that may be employed to achieve the ultimate goal of a successful prosecution untainted by encroachment upon the letter or spirit of the law.

Accordingly, this article attempts to analyze the defense by defining the general rule on entrapment, its development and basis, the manner in which it is implemented by the courts, and its application to the activities of police officers, informants, and third persons.

II. Formulation of the General Rule

A. Definition of the Rule

In 1932, the U.S. Supreme Court established entrapment as a defense in *Sorrells* v. *United States*.[4] In that case, a revenue agent, working in an undercover capacity, visited Sorrells' home, evidently after receiving information that Sorrells was violating the National Prohibition Act. The agent and Sorrells entered into a conversation during which the agent asked his host for liquor several times without success. Finally, after the agent steered the conversation to reminiscences of World War I and noted that both men had served in the same outfit, he again made his request. This time Sorrells departed and returned in about 30 minutes with liquor. He was arrested, and at the trial, the judge found as a matter of law that there was no entrapment and refused to submit the issue to the jury.

The Supreme Court reversed the conviction, ordered a new trial, and held the issue of entrapment should have been submitted to the jury. In announcing the general rule, the Court quoted favorably from *Butts* v. *United States*.[5] The Court said that a man could not be punished ". . . for the commission of an offense of the like of which he had never been guilty, either in thought or deed, and evidently never would have been guilty if the officers of the law had not inspired, incited, persuaded, and lured him to attempt to commit it."[6]

B. Development of the Rule

Before examining the implementation and application of the rule, it is useful to begin with the historical development of the defense and its legal basis. While a basic concern of law enforcement officers is compliance with existing rules, being cognizant of the background of a rule and aware of the reasons for its continued existence enables the officer better to understand the rules and related court decisions.

Those readers whose interests run in historical veins will recall that a variation of entrapment was argued as a defense in history's first reported case: "The serpent beguiled me, and I did eat." *Genesis 3:13.* (The defense was denied in a *per curiam* opinion.)

In more recent times, a postal inspector using an assumed name wrote a photographer, Grimm, for a price list of the obscene photographs Grimm was selling through the mail. Grimm argued that his subsequent conviction could not be sustained because his letter was deposited in the mail at the Government's insistence. The Supreme Court upheld the conviction, finding that it was not the purpose of the inspector to induce the commission of a crime, but to ascertain whether

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

". . . a variation of entrapment was argued as a defense in history's first reported case: 'The serpent beguiled me, and I did eat.' Genesis 3:13."

Grimm was engaged in an unlawful business.[7] Grimm's prior activity and the absence of an intention to entrap him combined to deny him an effective entrapment defense.

It appears that in 1915 the defense was first used successfully. In *Woo Wai, et al.* v. *United States,*[8] an immigration officer hired a detective to involve Woo Wai in a plan to import aliens illegally. Once the defendant was convicted, the officer reasoned, he could bring enough pressure on the defendant to force him to reveal what the officer suspected Woo Wai knew about the illegal activities of some other persons. After a year and a half of persuasion by the detective, Woo Wai agreed to participate in the importation scheme. He did so, was arrested and convicted. The court reversed the conviction and stated that the jury should have been allowed to consider the issue of entrapment. Noting that the suggestion of the criminal act came from the Government and that the whole scheme originated with them, the Ninth Circuit Court of Appeals said it was against public policy to sustain a conviction obtained in the manner disclosed by the evidence.

Other cases followed to the extent that the defense is now recognized in not only Federal courts but all State courts, with the exception of Tennessee.[9] Florida has repealed the statute which eliminated the defense in bribery cases.[10] Thus, although somewhat late in being formulated, the rule is now firmly entrenched.

". . . freedom from entrapment is a right protected under the due process clause."

C. Basis for the Rule

The National Prohibition Act provided liquor was not to be sold. Sorrells sold liquor. Why shouldn't he be convicted irrespective of the conduct of the undercover agent? Why allow the defense of entrapment?

The answer has been the subject of continuing debate and sharply divided the Court in *Sorrells* and again in *Sherman* v. *United States.*[11]

From the brief quotation from *Sorrells* given above, it would appear that the basis for the defense is that public policy forbids conviction of one who was enticed by the Government into committing a crime he otherwise would not have committed. But the majority of the Court in *Sorrells* based its decision on a different rationale. The majority concluded that Congress did not intend the National Prohibition Act be used to punish those who were lured into committing a violation.

Such reasoning was strongly disputed by Justice Roberts who wrote a concurring opinion in *Sorrells.* He thought the basis for the defense lay in the supervisory power of the court to "preserve the purity of its own temple." In other words, public policy dictates that this type of activity has no place in law enforcement, and the courts should see to it that it does not prevail by exercising their supervisory power.

Both sides found support 16 years later in the *Sherman* decision, where the majority followed "the intent of Congress" basis, while the minority, in an opinion by Justice Frankfurter, adopted the argument of Justice Roberts. The reason for the rule, Frankfurter argued, is not that Congress did not intend to have laws enforced b ytempting innocent persons, but that these methods of the Government simply cannot be permitted.

Another illustration of the need for the defense is found in *Butts* v. *United States* [12] where a narcotics officer arrested a morphine user, Rudolph, but promised to release him in return for help in catching other violators. Rudolph was acquainted with Butts and knew that Butts had undergone many operations for a bone disease and was addicted to morphine when in pain. The evidence showed that the defendant was not and never had been engaged in the sale of morphine, but Rudolph persuaded him to obtain some morphine and sell it to him. At trial, the issue of entrapment was not submitted to the jury. The court reversed the conviction and ordered a new trial, finding there was ample evidence to submit the issue to the jury.

To guard against entrapment activities by irresponsible informants has been cited as another reason for the rule.[13] Other reasons put forth include protection of the innocent [14] and discipline of the police.[15]

It has been unsuccessfully argued that there is a constitutional basis for the rule, i.e., freedom from entrapment is a right protected under the due process clause.[16]

Thus, despite the language of the majority in *Sorrells* and *Sherman*, it seems that the true basis lies in the broad concept of public policy. Shortly after *Sorrells*, Judge Hand wrote, "The whole doctrine derives from a spontaneous moral revulsion against using the powers of government to beguile innocent, though ductile, persons into lapses which they might otherwise resist," but added, "Such an emotion is out of place if they are already embarked in conduct morally indistinguishable, and of the same kind." [17]

III. Implementation of the Rule

Two approaches have been suggested for implementing the rule, and they differ from one another in two distinct areas.

The prevailing view is that the trial court considers the conduct of the police and the defendant, as well as the defendant's predisposition to commit the offense. If it finds a clear showing of entrapment, the court orders the indictment dismissed. In the absence of a clear showing, the issue is submitted to the jury which applies a subjective test to all the relevant facts, i.e., the conduct of the police and the defendant, as well as the defendant's predisposition to commit the offense.

The other approach was presented by a minority of the Court in *Sorrells* and *Sherman*. They submitted that the judge, not the jury, should decide the issue, and that in making this determination, only the conduct of the police should be considered. In *Sherman*, Justice Frankfurter, in a concurring opinion, argued that the court should apply an objective test by examining police conduct to see if it falls below a fixed standard. The standard should be drawn to allow only that conduct "to which common feelings respond for the proper use of governmental power," [18] that is to say, did the police induce in such a manner as is likely to induce only those persons engaged in criminal conduct and predisposed to commit additional crimes if given the opportunity. Under such a test, the defendant would not be faced with the dilemma which confronts him under the majority view: Not use the defense or run the risk of being convicted on the basis of a prior record, since evidence of prior activities may be introduced on the issue of predisposition. The concept of equal justice for all, Justice Frankfurter thought, does not include the latter possibility.

Furthermore, he pointed out that by allowing the jury to decide the issue, the court "fails to preserve the purity of its own temple" and additionally gives no guidance for future police conduct. The police would have no written court opinion to guide them, merely the knowledge of that conduct the jury did or did not allow in each individual case.

Thus, the minority view differs from the prevailing view in that the issue is always decided by the court, never the jury; and, only the conduct of the police is considered, the conduct and predisposition of the defendant being irrelevant.

A. The Majority View

1. Role of the Court

a. Clear Cases—A Matter of Law

Sherman v. *United States* [19] furnishes an example of a factual situation in which there was a clear showing of entrapment, i.e., entrapment as a matter of law. Kalchinian, a Government informant, met Sherman at a doctor's office where both were receiving treatment for drug addiction. After several subsequent accidental meetings, Kalchinian asked Sherman to furnish him some narcotics or a source of supply. Sherman tried to avoid the issue, but after a number of requests, predicated on Kalchinian's sufferings, he secured the desired narcotics. Several sales followed before Kalchinian related Sherman's activities to Government agents who witnessed three more sales.

Finding entrapment as a matter of law, the Supreme Court reversed the conviction and ordered the indictment dismissed. Thus, in cases in which it is clear that the defendant was entrapped by the police or their informants, the rule is implemented by dismissal of the indictment.

There is another side of the coin. The issue of entrapment need not be submitted to the jury where there is not a scintilla of evidence to indicate the police planted any idea in the defendant's mind.[20]

"Thus, in cases in which it is clear that the defendant was entrapped by the police or their informants, the rule is implemented by dismissal of the indictment."

b. Disputed Cases—A Question of Fact

In the absence of such a clear showing the prevailing view is that the court is to allow the jury to decide whether or not the defendant was entrapped by applying a subjective test to all the relevant facts, including the behavior of the police and the defendant, as well as the defendant's predisposition to commit the offense.

2. Role of the Jury

a. Test To Be Applied

The jury's task is to draw a line between the "trap for the unwary innocent and the trap for the unwary criminal." [21] To draw this line it must consider facts of the case and decide if the Government merely afforded a willing defendant the opportunity or facilities for the commission of the crime, or if the defendant's criminal conduct was ". . . the product of the creative activity of its own officials." [22] Put another way the test is with whom did the intent to commit the crime originate—the police or the defendant?

The test is not applied until the defendant shows, by cross-examination or otherwise, that he was induced. Once inducement is shown or becomes apparent, the burden is on the Government to disprove entrapment. The burden of proof required is not clear in this area.[23]

b. Facts To Be Considered

To reach its decision, the jury is furnished with all the relevant facts of the case. The *Sorrells* Court stated that if the defendant raises the defense of entrapment his predisposition and criminal design are relevant. The Government cannot object to evidence of activities of its agents in relation to the accused, and the defendant cannot complain of an appropriate and searching inquiry into his own conduct and predisposition as bearing on that issue. If in consequence he suffers a disadvantage, he has brought it on himself by the nature of his defense.[24]

Thus, it is clear that all relevant facts concerning the conduct of the law enforcement officer, his informants, and the defendant are proper for the jury's consideration. Furthermore, since the defendant's conduct prior to the commission of the offense bears on his predisposition to commit the crime, his entire background, including his reputation, is suitable for jury consideration on that issue.

The prosecution has great latitude on the issue of predisposition and is restricted only by the rule of relevance. For example, in *Hill* v. *United States*,[25] a Government agent offered testimony about the defendant's prior convictions, as well as complaints he had received from a neighbor concerning the defendant's activities. In *Neill* v. *United States*,[26] the court stated that when the defendant raises the defense of entrapment, the Government can reply by showing the reason for trapping the defendant. This reply can be hearsay, and the Government can testify to complaints or informant reports about the defendant. In *Sorrells*, three Government witnesses testified that Sorrells had a reputation as a rumrunner, and in *Sherman* prior convictions for sale and possession of narcotics were placed into evidence. (The former being 9 years prior to trial, and the latter 5 years was insufficient to prove his readiness to sell narcotics.) [27]

Proof of this nature is not essential to reply to the defense of entrapment,[28] but, as stated, when it is used it must be relevant. Thus, in a trial for selling illegal pills, the Government was not allowed to introduce evidence of a prior conviction for the practice of medicine without a license on the issue of predisposition to commit the offense.[29]

The prosecution cannot anticipate the defense and introduce evidence of the defendant's predisposition until he raises the defense by cross-examination or some other method such as direct testimony.[30]

B. The Minority View

Recent interest has been shown in the approach suggested by Justice Frankfurter in *Sherman*. In *United States* v. *McGrath*,[31] the defendant and other persons set in motion a scheme to print over $1 million in counterfeit bills. McGrath purchased the proper type of paper and ink necessary to complete the plan and made inquiries about a printer. About this point in time the Secret Service learned of the plan, infiltrated the conspiracy, took direction of it, arranged for and supervised the printing of the counterfeit bills. As soon as the bills were delivered by an undercover agent to McGrath, he was arrested.

The court found the Government's activities "shocking to our sense of justice" and finding entrapment as a matter of law, reversed the conviction for unlawful possession of counterfeit bills, but sustained the conviction for conspiracy to produce such bills.

Since the court examined only the conduct of the Government agents, it was of no consequence that the intent to commit the crime originated with the defendant or that he was predisposed to commit the offense. Entrapment as a matter of law was established by facts showing that the officers took over direction of the conspiracy, manufactured the contraband, delivered it to McGrath, and then arrested him for possession of it.

The Fifth Circuit Court of Appeals may have adopted the minority view, at least in part, in *United States* v. *Bueno*,[32] in which the court held that where the defendant's uncontradicted testimony was that he was furnished narcotics by one Government agent and then sold it "to a second agent at the direction of the first" entrapment as a matter of law was established, and it was no answer that the defendant entered into the first agent's plan willingly.

The court stated, however, that this case is consistent with the established law on entrapment and that if on retrial the Government can contradict the defendant's account of the facts, then the issue is to be submitted to the jury. Thus it is clear that the Frankfurter view was not adopted in its entirety, if at all, for it is not necessarily a departure from the majority view of *Sorrells* and *Sherman* for the trial court to find entrapment as a matter of law in cases in which the defendant enters into an illegal plan willingly.

Over a strong dissent the Ninth Circuit Court of Appeals reversed a conviction in *United States* v. *Russell* [33] without deciding upon which of the two views to base the decision, explaining that adoption of either required a finding of entrapment as a matter of law.

In *McGrath* and *Bueno* the defendants were convicted for possession of the very items of contraband provided them by the Government, and in *Russell* the Government provided a chemical indispensible to the manufacture of the contraband. (The dissent in *Russell* pointed out the defendant

previously had obtained the chemical from third persons.)

It may be that those jurisdictions which adopt the minority view will reserve it for use in cases such as these, and continue to employ the majority approach in the usual entrapment cases. The *Russell* case, currently before the Supreme Court, on a petition for certiorari, may provide additional guidance on this point.

(Continued next month)

FOOTNOTES

[1] *Sorrells* v. *United States*, 287 U.S. 435 at 453 (1932), separate opinion.

[2] *Magee* v. *Williams*, 329 F. 2d 470 (7th Cir. 1964).

[3] Tiffany, McIntyre, and Rotenberg, Detection of Crime, Boston: Little, Brown & Co., 1967. Part III, Encouragement and Entrapment by Daniel L. Rotenberg.

[4] *Supra* footnote 1.

[5] 273 F. 35 (8th Cir. 1921).

[6] *Sorrells* v. *United States*, *supra* footnote 1 at 444, 445.

[7] *Grimm* v. *United States*, 156 U.S. 604 (1895).

[8] 223 F. 412 (9th Cir. 1915).

[9] *Warden* v. *State*, 214 Tenn. 398, 381 S.W. 3d 247 (1964).

[10] 22A Florida Statutes Annotated, sec. 838.11.

[11] 356 U.S. 369 (1958).

[12] *Supra* footnote 5.

[13] Donnelly, Judicial Control of Informants, Spies, Stool Pigeons, and Agent Provocateurs, 60 Yale L.J. 1091.

[14] *Woo Wai* v. *United States*, *supra* footnote 8.

[15] *Trice* v. *United States*, 211 F. 2d 513 (9th Cir. 1954), and Hitchler, Entrapment as a Defense in Criminal Cases, 42 Dickinson L. Rev. 195.

[16] *United States ex rel Hall* v. *Illinois*, 329 F. 2d 354 (7th Cir. 1964), cert. denied, 379 U.S. 891.

[17] *United States* v. *Becker*, 62 F. 2d 1007 at 1009 (2d Cir. 1933).

[18] *Sherman* v. *United States*, *supra* footnote 11 at 382.

[19] *Supra* footnote 11.

[20] *Murray* v. *United States*. 250 F. 2d 489 (9th Cir. 1958). In *Lopez* v. *United States*, 373 U.S. 427 (1963), the court suggested that the showing of entrapment was so weak that the judge might have refused to instruct the jury on it had he been asked. (The defendant did not ask for a charge to the jury on entrapment, but the judge gave one anyway.)

[21] *Supra* footnote 11 at 372.

[22] *Supra* footnote 11 at 372.

[23] Compare *Whiting* v. *United States*, 321 F. 2d 72 (1st Cir. 1963). with *United States* v. *Landry*, 257 F. 2d 425 (7th Cir. 1958).

[24] *Sorrells* v. *United States*, *supra* footnote 1 at 451, 452.

[25] 328 F. 2d 988 (5th Cir. 1964), cert. denied, 379 U.S. 851.

[26] 225 F. 2d 174 (8th Cir. 1955).

[27] *Crafty* v. *United States*, 163 F. 2d 844 (D.C. Cir. 1947), and *Trice* v. *United States*, 211 F. 2d 513 (9th Cir. 1954); but see *United States* v. *Washington*, 20 F. 2d 160 (Dist. Ct. of Nebr. 1927).

[28] *United States* v. *Masciale*, 236 F. 2d 601 (2d Cir. 1956), footnote 1, p. 603, affirmed 356 U.S. 386 (1958).

[29] *Marshall* v. *United States*, 293 F. 2d 561 (10th Cir. 1961). Reversed on other grounds 360 U.S. 310.

[30] *Supra* footnote 26.

[31] *United States* v. *McGrath*, — F. 2d — (7th Cir. 1972). For a similar factual situation and holding, see *United States* v. *Chisum*, 312 F. Supp. 1307 (C.D. Calif. 1970).

[32] 447 F. 2d 907 (5th Cir. 1971).

[33] 459 F. 2d 671 (9th Cir. 1972). Cert. granted, — U.S. — 1972, decision pending in No. 71-1585.

STAGNATION

(*Continued from page 6*)

a situation wherein the administrators are kept busy reacting to problems as they arise and are unable to take effective actions to head off problems of the future. Planning either does not exist or it is almost totally ineffective. This situation is a most critical one, for decisions are often being made in haste without regard to long-term effects.

From an operations standpoint, management by crisis is exemplified by work performed continually behind schedule, people assigned jobs for which they have few, if any, qualifications, and work often being duplicated by several departments or persons in the organization. Human relations problems are created hour after hour and, at times, seemingly without end. And, for many in administration, a certain desperation begins to pervade the decisionmaking and implementation processes.

In one community, the chief law enforcement administrator was kept so busy reacting to crisis after crisis that the lack of planning actually brought on problems that could have been avoided or prevented by some effort at preparation for the future. In this instance, the quality of effort deteriorated for officers, and their superiors suffered a morale breakdown with everyone griping about his job in particular and law enforcement in general. Attitudes became so negative that officers purposely feigned overwork to avoid answering calls. Law enforcement at an acceptable level ceased to exist in that community.

Communications Breakdown

Another marked characteristic of advanced organization stagnation is a breakdown in communications. The deterioration of communications does not occur suddenly but develops over time, and the seriousness of its effects is not immediately discernible to everyone. However, those in the organization are usually quite well aware of them through daily interaction with one another in trying to keep the organization going.

Very commonly there is a screening of information upward. Subordinates, in such instances, are reluctant to send information upward that reflects poorly on themselves and especially on the organization's performance. The reason for this is quite obvious—disappointing or poor performance usually brings criticism from superiors, especially if the data is subject to critical review by a governing board. Such practices, while sparing the subordinates the unpleasantries of criticism, only complicate a deteriorating situation as the decisionmakers do not have an accurate picture or assessment of what is happening.

"Very commonly there is a screening of information upward. Subordinates . . . are reluctant to send information upward that reflects poorly on themselves and especially on the organization's performance."

As problem after problem arises and effective solutions are not forth-

"When law enforcement organizations reach the point of exhibiting advanced-stage symptoms, they usually have human relations problems that make them unpleasant places to work."

coming that reverse the tide of poor performance, there is also a tendency for personnel to fragment into two or even three hard-core groups. Each group attempts to make a scapegoat of the other and subsequently blames the other for the problems of the organization. Particular individuals are singled out, and each new problem or reversal is pointed to as further evidence of that individual's incompetence. The result is that coolness and aloofness lead to less and less interpersonal communication just when increased communication is necessary. This state of affairs is most serious, and only a marked reshuffling of persons and duties will provide the atmosphere for the chance of a change in attitude on the part of organization participants.

Lack of Adaptation

A lack of adaptation to changes in the need and demand for services points to stagnation more forcefully than any other symptom. As an organization begins to age, its inability to adapt becomes apparent. Many feel that the major variable for measuring the age of an organization is its ability to adapt and respond to the needs of its public and constituents.

Since by this time management is usually very busy responding to and going from crisis to crisis, there is little evidence of presence of an overall effort to adapt to the basic problems that come to plague the organization. The lack of adaptation traces back to a lack of planning, for through planning one is able to determine many problems before they arise.

Adaptation is hampered also by a lack of teamwork and confidence among the middle and top decision-makers in the organization. Adaptation requires teamwork throughout the organization and, since strong factions have polarized around certain individuals or even issues, innovations are blocked and adaptation is thwarted.

Another stagnation factor that makes adaptation all but impossible is the lack of flexibility as found in separate departments wherein the means of operation become ends in themselves. This is a most unfortunate situation. As problems arise, the response by management is often one of tightening control in the form of rules and regulations with strict enforcement. Personnel soon come to find that it is more important to follow procedures than serve the public. The result is that to avoid criticism or discipline from superiors the rules are followed no matter what happens.

By this time, the organization is a victim of a cycle or chain of problems that not only are a cause of one another, but also reinforce one another making it all but impossible to break the chain. The management, by crisis, is a cause of the breakdown of communications, and as communications break down, it creates more crises that must be met. But it becomes less and less flexible, and with planning and adaptation at a minimum there is in turn the ever-increasing unanticipated crisis situation, and the cycle begins all over. This is a most frustrating and disheartening situation for those who must contend with the problem. When law enforcement organizations reach the point of exhibiting advanced-stage symptoms, they usually have human relations problems that make them unpleasant places to work. Seldom are such organizations rescued and brought back to life. It is regrettable when stagnation takes place, and only strong and vigorous efforts can forestall it. The problem is to be keenly aware of the symptoms and remedy them before they become serious.

"The potential elements for stagnation are present in every law enforcement organization."

Summary

Organizations tend to stagnate at different rates of decline. Even so, they tend to exhibit the same symptoms of distress. The stagnation usually has two rather distinct stages, and the major differences in the stages concern the degree to which the symptoms or problems are present. Specifically, when dire problems of communications, management by crisis, and a lack of adaptation are found together, the organization is probably in a rather advanced state of stagnation, where great efforts are being made just to exist and resolve its internal problems.

An alert law enforcement administration does not allow the early-stage symptoms to become severe and critically compromise the operation and life of the organization. It is in the early stages that corrective action is most successful with the least amount of difficulty and inconvenience to the people involved. It is scarcely too much to state that the quality of administration in any law enforcement unit can be measured by the degree to which stagnation symptoms are present and causing problems. How about your own law enforcement unit—does it exhibit stagnation symptoms or is it a healthy, vigorous organization?

THE FORENSIC PATHOLOGIST

(*Continued from page 12*)

questions that he may answer that will be useful to law enforcement. It is thus very important that law enforcement provide the forensic pathologist with all the information at its disposal so that he in turn may use this information to its maximum value in his examinations. This type of cooperative effort will lead to more homicide solutions and minimize the possibility of the crime going unsolved or an innocent person being implicated.

What are some of the bits of information that the pathologist will need to have from the investigating officers? These include photographs of the scene of death from many angles. One cannot have too many scene photographs. These photographs need to be made before the body is moved, but even after the body is moved, there are many photographs that can be of value in leading to a successful conclusion in the investigation.

Detailed diagrams of the homicide scene giving scale descriptions of the various rooms in the building or of the geographic area if the death occurred outside are most helpful.

The statements of witnesses also become very helpful. There are certain statements that can be determined to be wrong by a proper investigation by a forensic pathologist. Knowing that these statements are wrong can be of great help to the investigation.

Physical evidence is often invaluable. The physical evidence may include anything, such as bits of leaves, pieces of glass, slivers of metal, twigs, and wadding, which may be found at the scene. The forensic pathologist may be in a position to know the significance of the physical evidence based upon his examination of the body. For example, a small piece of wire was found adjacent to a gunshot wound. (See fig. 5. Arrow indicates wire.) The pathologist was able to determine a statement that the shot had been fired through a screen door was correct because a portion of the wire was found embedded in the skin around the wound. If, at the time the autopsy was started, this information was not known, then this small piece of wire might have been missed. Even if it was found, its significance might not have been known to the pathologist if he was not an actual participator in the investigation of this case.

Cooperation

In conclusion, there are many scientific facts that the forensic pathologist may contribute to the successful investigation of a homicide. But maximum use of these facts can only be obtained if the investigator and the forensic pathologist work together in the interpretation of the many bits, pieces, and fragments of evidence that are gleaned from this investigation. No man can operate in a vacuum, least of all, the law enforcement officer and the forensic pathologist.

Figure 5.—Piece of wire adjacent to gunshot wound.

CAMPUS POLICE

(*Continued from page 17*)

Disturbances

Even in the best of relationships, conflicts sometimes do arise. The most effective technique of dealing with any disturbance is to prevent it. All the elements mentioned earlier in this article about student-police relations outline the department's program for preventing disturbances. In the event that any disorders do occur, however, the police department also has made other preparations. Each year 25 student marshals are selected from a cross section of the campus leaders to assist in controlling students in any situation that might develop. It is felt that students working with students will help reduce the tension aroused by a large gathering of people.

If conditions ever do become too unruly for a smooth operation, it is advisable to have impartial observers on the scene to bear witness to the actual events. Twenty-five law school students are selected each year to be unbiased observers and additional buffering agents at possible disorders. Their function is to record factually all events taking place in any given situation.

Only once since the inauguration of these new programs has there been a problematic situation develop. On July 28, 1972, a rock group from England presented a concert at the university's Memorial Coliseum. Weeks in advance 16,000 tickets were sold. Since disruptions accompanied previous performances the group had given in the United States, there was some concern about their appearance on campus. During other performances property had been damaged and people had been injured. To prevent these things from happening at this campus, a plan was designed to avert trouble and to handle any that could not be averted.

The student marshals and the law school observers were called upon to help. They were issued arm bands and assigned to specific locations in the Coliseum. All other local agencies were kept informed of events and were prepared to assist the university police department in the event the department's efforts to keep order failed. Their efforts were successful. The group came to and departed from the campus without any incidents. Student marshals assisted by a campus police officer were able to stop any improprieties which occurred during the show. This concert turned out to be one of the most orderly performances given by the group. It is the department's opinion that disturbances were forestalled by the concise preventive measures undertaken.

Continuing Efforts

The University of Alabama Police Department also believes that, even though there still is much room for improvement, solid first steps have definitely been taken. Only through continued efforts to achieve understanding and efficiency can the department better serve its public and prevent problems seen in the past. FBI

"The University of Alabama Police Department . . . believes that . . . solid first steps have definitely been taken. Only through continued efforts to achieve understanding and efficiency can the department better serve its public. . . ."

(Pg. N, "Fingerprint Identification," reprint re Ident. Div.)

HISTORICAL ANECDOTES

Mr. Gilbert Thompson of the U.S. Geological Survey, while in charge of a field project in New Mexico in 1882, used his own fingerprint on commissary orders to prevent their forgery. This is the first authenticated record of official use of fingerprints in the United States.

The New York State prison system claims 1903 as the date of the first practical, systematic use of fingerprints in the United States for the identification of criminals. As early as March of that year, fingerprints of prisoners were taken and classified, and on June 5 the fingerprint system was officially adopted.

Use of the fingerprint system greatly expanded when, in 1904, the U.S. Penitentiary at Leavenworth, Kans., and the St. Louis, Mo., Police Department both established fingerprint bureaus. The St. Louis bureau was inaugurated with the assistance of a sergeant of London's Scotland Yard, who had been trained in fingerprint technique and was then serving at the St. Louis Exposition guarding a British exhibit. The Leavenworth bureau became the first to offer facilities on more than a local basis when the scope of its operations developed so as to include a free fingerprint exchange service among a growing list of contributing peace officers.

NATIONWIDE CRIMESCOPE

(NCIC Newsletter, 11-72)

NCIC ACTIVITY

Stolen livestock, such as cattle, horses, sheep, or swine, having a unique serial number may now be entered in the NCIC Stolen Article File. Often these animals are inoculated against disease and a serial number tag placed in one ear. This type of number may also be tattooed on the animal's ear or on the lip.

As of January 1, 1973, there was a total of 4,120,314 active records in NCIC with the breakdown showing 119,780 wanted persons, 897,169 vehicles, 205,732 license plates, 711,167 articles, 560,725 guns, 1,371,876 securities, 6,889 boats, and 246,976 criminal offenders (computerized) criminal histories). In December 1972, NCIC network transactions averaged 87,789 daily.

HOBBS ACT

The FBI has investigative jurisdiction concerning extortionate demands made upon business organizations (banks, department stores, hospitals, hotels, and others) with threats that bomb explosions or other violence will occur unless large amounts of money are delivered to payoff sites. Investigation of such commercial extortion cases requires expeditious action in order to afford coverage of payoff sites with a view to the identification and apprehension of persons committing these crimes. Federal prosecution of any person responsible for this activity will be considered on charge of a violation of the Hobbs Act (18 U.S.C. 1951) which provides a penalty upon conviction of a maximum fine of $10,000, imprisonment for a maximum of 20 years, or both.

(Bolz to Gebhardt memo 1-29-73, captioned "Law Enforcement Bulletin.")

(Pages 24-7 Annual Report 1972)

DISSEMINATION OF INFORMATION

During fiscal year 1972, more than 345,000 items of criminal intelligence information developed by the FBI were disseminated to other Federal, State, and local agencies. Included was information resulting in more than 660 raids, the apprehension of some 3,200 organized crime figures, and the confiscation of over $2 million worth of cash, property, weapons, and wagering paraphernalia.

DESTRUCTION OF AIRCRAFT OR MOTOR VEHICLES

The FBI investigates violations involving willful destruction or damage to civil aircraft or passenger-carrying motor vehicles engaged in interstate, overseas, or foreign commerce. Attempts to destroy or damage civil aircraft, as well as false reports threatening to do so, are also investigated.

A total of 2,140 matters in this category were investigated during fiscal year 1972, a 30 percent increase over fiscal year 1971. (FBI Annual Report 1972, p 12)

FEDERAL FUGITIVES

During the first quarter of the 1973 fiscal year, 11,623 Federal fugitives in FBI investigations were located. This was an increase of 1,065 over the same period in fiscal year 1972.

(Memo Row to Soyars 10/11/72)

BANK ROBBERY AND INCIDENTAL CRIMES

A downward trend was noted in the number of violations of the Federal Bank Robbery and Incidental Crimes Statute during fiscal year 1972. Violations decreased by more than 5 percent compared with the previous year, the first decrease in this category since 1966.

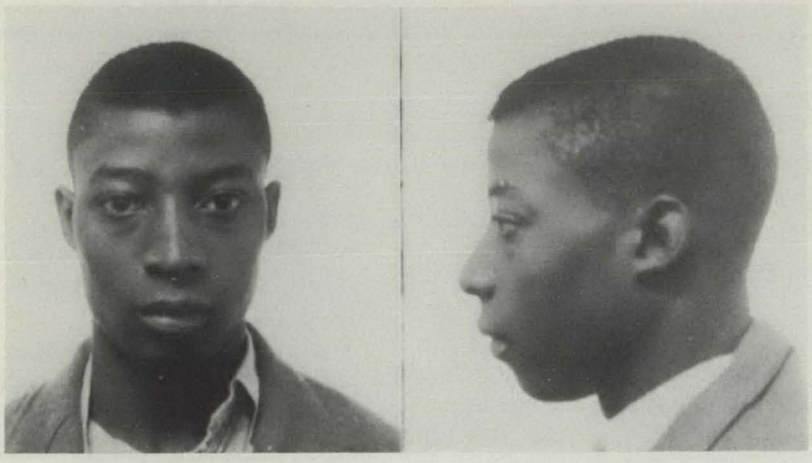
A total of 3,172 violations were recorded during the fiscal year, including 2,600 robberies, 360 burglaries, and 212 larcenies.

Covered under the statute are robberies, burglaries, and larcenies of financial institutions which are members of the Federal Reserve System; insured by the Federal Deposit Insurance Corporation; or organized or operated under the laws of the United States. Federal savings and loan associations and other savings and loan associations insured by the Federal Savings and Loan Insurance Corporation are also covered, as are Federal Credit Unions, which are insured by the National Credit Union Administration.

Convictions in cases investigated by the FBI and prosecuted in Federal courts reached an alltime high of 1,712. Several of those convicted were responsible for more than one offense. Savings and recoveries amounted to $4,866,388; fines totaling $163,800 were imposed; and 824 fugitives were located during these investigations.

(Pages 10+11 FBI Annual Report 1972)

WANTED BY THE FBI



FRANKLIN OGBURNE MEEKINS

Fugitive—Escaped Federal Prisoner

Franklin Ogburne Meekins is being sought by the FBI for unlawful escape from a penal institution while serving sentences for bank robbery. A Federal warrant for his arrest was issued on October 1, 1970, at Richmond, Va.

On that date, while serving State and Federal sentences for bank robbery, Meekins escaped from the Virginia State Penitentiary, Richmond, Va. He reportedly used a pipe bomb to blow open window bars on the outside of his cell block. His prison clothing was discovered hidden in a cemetery located approximately 6 blocks from the Virgina State Penitentiary.

Caution

Meekins has been convicted of bank robbery. He should be considered armed and dangerous.

Description

Age	28, born April 21, 1944, Richmond, Va.
Height	5 feet 11 inches.
Weight	156 pounds.
Build	Medium.
Hair	Black.
Eyes	Brown.
Complexion	Medium brown.
Race	Negro.
Nationality	American.
Occupations	Taxicab driver, has knowledge of woodworking.
FBI No.	190,057 G.
Fingerprint classification	8 1 U II O 5 2 a U II M Ref: 1 1

Right index fingerprint.

Notify the FBI

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

DRIVE AGAINST ORGANIZED CRIME

Marked by a continuing series of major gambling raids, the confiscation of some $3.25 million worth of cash, property, and wagering paraphernalia, and the conviction of more than 750 racket figures, the FBI's drive against organized crime reached an all-time high during fiscal year 1972.

Between February 1, 1972, and May 1, 1972, a series of FBI raids resulted in the arrests of more than 1,300 hoodlum, gambling, and vice figures on a wide assortment of charges. During these raids, FBI Agents broke up large-scale gambling operations which handled over $1.2 billion annually in wagers.

In addition to the FBI's own arrests in the organized crime field, information developed by Special Agents and disseminated to other Federal, State, and local agencies during fiscal year 1972 enabled the recipients to conduct more than 660 raids. These raids resulted in the apprehension of some 3,200 organized crime subjects and the confiscation of over $2 million worth of cash, property, weapons, and wagering paraphernalia. (Fiscal year-end press release dated 7-13-72)

FOR CHANGE OF ADDRESS ONLY

(Not an order form)

Complete this form and return to:

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

_____
(Name) *(Title)*

_____
(Address)

_____
(City) *(State)* *(Zip Code)*

(Memo from SAC, Dallas 9-6-72)

Suction-Cup Purse Used in Shoplifting

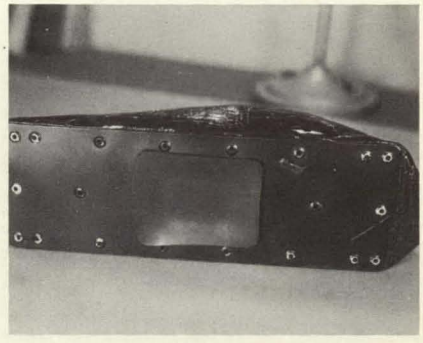
During an authorized search of the apartment of a well-known hoodlum, police officers in a western State recovered what at first glance appeared to be a woman's purse. Upon closer examination, however, it was discovered that a suction cup had been installed in the bottom of the purse similar to devices used by glass company employees in moving or holding large pieces of plate glass. The device, when activated, is capable of lifting some smooth-surfaced objects weighing up to 100 pounds.

The purse containing the device could easily be carried into a jewelry or department store by a woman, accompanied by a companion who diverts the attention of sales personnel. The bag is then placed on a glass counter, and the countertop is lifted, making it possible for the person to slip her hand under the glass to remove jewelry or items from within the counter. Such objects are then placed in the purse, the suction device is deactivated, and the thief picks up the purse and walks away.

An ordinary looking purse with suction-cup device inside.

Suction-cup device can be activated by a lever inside the purse.

Bottom of purse with suction-cup device in retracted position.



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

OFFICIAL BUSINESS

ADDRESS CORRECTION REQUESTED

POSTAGE AND FEES PAID
FEDERAL BUREAU OF INVESTIGATION
JUS-432

THIRD CLASS

INTERESTING PATTERN

The pattern presented this month is classified as a loop with 11 ridge counts. The interesting and unusual aspect of this pattern is that the plain arch-type ridges appearing above the loop make the finger impression appear as if it were upside down.