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JANUARY 1966



# FBI

## LAW ENFORCEMENT BULLETIN

*Congress of THE United States*  
*begun and held at the City of New York, on*  
*Wednesday the fourth of March, one thousand seven hundred and eighty nine*

*THE Convention of members of the States, having at the time of their adopting the Constitution, expressed a wish, in order to prevent animosities  
between of the persons, that further declaring and articles, should be added, and as attending the general of public confidence in the Government, will best ensure the benefit and of its institutions  
**RESOLVED** by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses  
concurring that the following Articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all or any of which Articles, when ratified by three fourths of the  
said Legislatures, be valid to all intents and purposes, as part of the said Constitution, viz<sup>o</sup>*

*ARTICLES in addition to, and amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures  
of the several States, pursuant to the fifth Article of the original Constitution*

*Article the first. After the first*

*which*

*Article*

*the second*

*Article*

*the third*

*Article*

*the fourth*

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*the fifteenth*

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*the twenty-first*

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*the twenty-third*

*Article*

*the twenty-fourth*

*Article*

*the twenty-fifth*

*Article*

*.....The right of the people to be secure in their persons,*

*houses, papers, and effects, against unreasonable searches*

*and seizures, shall not be violated, and no Warrants shall*

*Article the eighth. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which  
district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process  
for obtaining witnesses in his favor, and to have the assistance of Counsel for his defense*

*Article the ninth. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in  
any Court of the United States, than according to the rules of the common law*

*Article the tenth. Congress shall not lay any new tax on imports or exports, nor on any article of commerce, except on the article to which it is applied*

*Article the eleventh. The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people*

*Article the twelfth. The power not delegated to the United States by the Constitution, nor prohibited to the States, are reserved to the States respectively, or to the people*

*ATTEST,*

*Frederick Augustus Muhlenberg Speaker of the House of Representatives*

*John Adams, Vice-President of the United States, and President of the Senate*

*John Beckley, Clerk of the House of Representatives  
James A. Kent, Secretary of the Senate*

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

JANUARY 1966

VOL. 35, NO. 1



THE COVER—*The fourth amendment of the Bill of Rights. See "Search of the Person" on page 2.*

# FBI

LAW ENFORCEMENT BULLETIN

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# MESSAGE FROM THE DIRECTOR

THE YEAR 1966, when historically recorded, may prove to be one of the most significant in the annals of law enforcement. Whether the references will reflect a service in keeping with the highest traditions of our profession depends primarily on the efforts of each enforcement officer.

Events of the past year give some indication of the monumental tasks facing us in the months ahead. While 1965 was a year of growth and progress, events further pointed up the need for law enforcement to measure up in the fullest extent to the professional concepts of its duties.

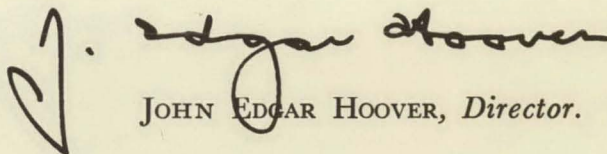
As a guardian of justice and order, the police officer cannot dictate the terms or circumstances under which he must meet his obligations. Although law enforcement is not responsible for the social or political conditions which ferment unrest, civil disobedience, and violence, the officer is not free to rationalize or to hedge in the execution of his duty. There are those who charge "police brutality" to detract from their misdeeds, to gain publicity and sympathy for their causes, and to discredit all peace officers. Even so, the

policeman is sworn to remain courageously calm and to exercise self-restraint in the face of scorn and ridicule. He cannot afford to be goaded into actions which lend credence to such allegations.

Public trust is built on the respect and confidence inspired by outstanding service. In discharging its responsibilities, law enforcement can follow the objectives and ideals of professional police service to avoid a breach of this trust.

In 1966, we must chart a course of action based on integrity, ability, and perseverance. Each officer of the law should resolve to be a living symbol of trustworthiness and dependability. He must honor his pledge to serve mankind, to protect lives and property, to shield the weak against oppression and the peaceful against violence and disorder, and to respect the rights of all persons to liberty, equality, and justice.

In short, the answer to many of the grave challenges facing law enforcement in the new year lies in a strict adherence to professional and ethical standards.



JOHN EDGAR HOOVER, *Director*.

JANUARY 1, 1966



# SEARCH of the PERSON

The accompanying article is the first of a series discussing the Federal law on "search of the person." This subject is of particular importance to all officers—city, county, State, and Federal—now that the Supreme Court of the United States has held that the

Federal constitutional standards of a reasonable search and seizure enforced against city, county, and State officers through the 14th amendment are the same as those enforced against Federal officers by the fourth amendment. *Ker v. California*, 374 U.S.

23 (1963); *Aguilar v. Texas*, 374 U.S. 108 (1964).

The material in these articles was prepared and written by Insp. Dwight J. Dalbey and Special Agents John B. Hotis and John A. Mintz in the Training Division of the FBI.



“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

—The Fourth Amendment to the Constitution of the United States.

## INTRODUCTION

To understand the structure of the law concerning searches of the person, it is necessary to begin with an examination of the fundamental legal rights involved. The fourth amendment provides that “the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated. . . .” This right is in the nature of a guarantee of privacy, the right to be let alone, and may be invoked by any person, whether guilty or innocent. In addition, the amendment was intended to secure the undisturbed enjoyment of one’s property, free from unwarranted intrusions by officers of the State. A further “and intimately related protection is self-protection; the right to resist unauthorized entry which has as its design the securing of information which may be used to effect a further deprivation of life or liberty or property.” *Frank v. Maryland*, 359 U.S. 360, 365 (1959).

However, these rights must, in some instances, yield to the overriding public need to maintain the general order and security. The amendment therefore does not prohibit all searches and

seizures but only those searches and seizures which are unreasonable.

Until recently, the States were free to fashion their own rules, and the legality of the seizure was decided not by Federal standards, but rather, by local definitions of reasonableness. Moreover, where the State made no provision for the exclusion of illegally seized evidence, the question of whether the seizure violated Federal constitutional standards could not be raised by the accused in a State forum. Thus, the State officer had little reason to be concerned with Federal law. Few of the cases on which he worked were Federal, and in State cases in which a search and seizure question was raised, the final decision in the case, for all practical purposes, rested with the highest court of the State.

However, several far-reaching changes have occurred in this area of the law within the past few years, with the result that the Federal law of search and seizure now has assumed a new importance for the officer of the State, county, and city jurisdiction. Perhaps the most significant change is that the conduct of local officers must now conform to the fundamental criteria set forth by the Constitution. This trend was initiated in

1961 by the landmark case of *Mapp v. Ohio*, 367 U.S. 643 (1961), when the Supreme Court, as a matter of constitutional law, imposed the exclusionary rule of evidence upon the States. The Court there ruled for the first time that evidence material taken in an unreasonable search and seizure cannot be used in any court, State or Federal, against the person from whom it was improperly obtained.

This is not to say that the Federal law on search and seizure now totally replaces or displaces State law in that area. Such is not the case. As the Supreme Court has pointed out, nothing decided in the *Mapp* case prevents the States from devising their own legal rules on search and seizure so long as those State rules do not allow techniques and procedures which violate the Federal constitutional standards laid down in the fourth amendment. *Ker v. California*, 374 U.S. 23 (1964). A State is free to adopt rules of search and seizure more strict than those stated in either the fourth amendment or the Federal statutes. It is free to adopt rules less strict than those stated in the Federal statutes on search and seizure, for these statutes, unlike the fourth amendment, do not apply to the States.



For example, a Federal statute requires that all Federal search warrants be served in 10 days, but the fourth amendment mentions no specific period of time. There is nothing in the Federal statute to prevent a State from adopting a rule that all State search warrants may be served in 12 days, although there is, of course, some point in time at which service could be so long delayed that it would be unreasonable as a matter of constitutional law. In short, *Ker* merely set a minimum standard or floor below which no State search or seizure may fall. That minimum standard or floor consists of the fundamental requirements of reasonableness under the fourth amendment. As a Federal court pointed out recently, whatever the differences which may exist between State law and Federal law on search and seizure, "the State standard must at least measure up to or include the constitutional standard." *U.S. ex rel. Mancini v. Rundle*, 337 F. 2d 268 (1964).

Since the officer of State jurisdiction is now required to make his searches and seizures in a manner that agrees with the fourth amendment requirement of reasonableness, it is obvious that he must understand the basic Federal rules. As stated by the Supreme Court of Wisconsin, "... the decisions of the U.S. Supreme Court as to what acts constitute unlawful searches and seizures under the fourth amendment are by that decision [*Mapp*] made controlling on all State courts. The *Mapp* decision also enhanced the weight to be accorded to other Federal court determinations in this sphere." *Barnes v. State* (Wis.), 130 N.W. 2d 264 (1964). Those same decisions of the Supreme Court of the United States, and of other Federal courts, are controlling on all law enforcement officers of State jurisdiction. Since they control, they must be understood. "The right of the people to be secure in their per-

sons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated . . ."—*Fourth Amendment*. For that reason we present here a study of the Federal standard of reasonableness as it applies to searches of the person and seizures made from the person.

### I. Search by Search Warrant

Search warrants have been little used for searches of persons, but the infrequency of use should not obscure the fact that they can be so used and would be the preferable method of search in some cases. One such case would be that in which the officer has adequate advance information that an *apparently innocent* person will be carrying upon his person, by mistake or by the fraud or trickery of another, some instrumentality, fruit, or contraband of crime which is subject to lawful seizure. No other method of search would be entirely appropriate. An attempted consent search might result in no consent being given, or a consent held to be illegal because not given voluntarily. This latter possibility would be of no concern if the person searched was entirely innocent, but should he later be discovered to be a participant in the crime, the search would be unreasonable and the evidence so obtained could not be used against him. A search incidental to arrest would be equally undesirable. Since the person to be searched appears to be innocent, there is no probable cause on which an arrest can be based. The arrest would be illegal and this fact alone would make the resulting search unreasonable as to him. *Wong Sun v. U.S.*, 371 U.S. 471 (1963); *U.S. v. Di Re*, 332 U.S. 581 (1948). But should he be searched by use of a search warrant for his person, assuming time enough to obtain a warrant, and then prove to be implicated in the crime, the search would be reasonable and the evidence found would provide the basis for his

lawful arrest for the crime.

Search warrants for search of the person have been issued under Federal law, *U.S. v. Stoffey*, 279 F. 2d 924 (1960), and the law of at least some of the States, *Collins v. Leary* (Calif.), 9 Pac. 173 (1885); *State v. Slamon* (Vt.), 50 Atl. 1097 (1901); *Griffin v. State* (Md.), 194 A. 2d 80 (1963); *U.S. v. Schwartz*, 234 F. Supp. 804 (1964) (Pennsylvania Warrant).

State officers interested in a warrant for search of a person should check the law of the State. One point of interest is whether the law of the State allows a clause of arrest to be written into the search warrant. Such a clause is prohibited by some statutes (47 Am. Jur. 521). If an arrest clause is prohibited, there may be a problem of where to search the person named in the search warrant. This problem may possibly be solved as it was in *Griffin v. State* *supra*. In that case police officers obtained a search warrant "to search the person and clothing of the said previously named or described person . . . and seize all paraphernalia used in or incident to the operation or conduct of said criminal activities." Defendant, named in the warrant, was stopped and asked if he cared to read the warrant; he replied that he did not. The officers then took him to the police station where a search revealed lottery slips in his clothing. Appealing his conviction, defendant contended that he had been illegally arrested when he was taken to the station. The court of appeals affirmed the conviction, admitted that the search warrant could not be used as an arrest warrant, but upheld the "conditional arrest" made by the officers for the purpose of executing the search warrant. The court said:

The warrant here directed the officers "to search the person and clothing of the said previously . . . described person (the appellant)." We know of no practical method of executing such a command, e



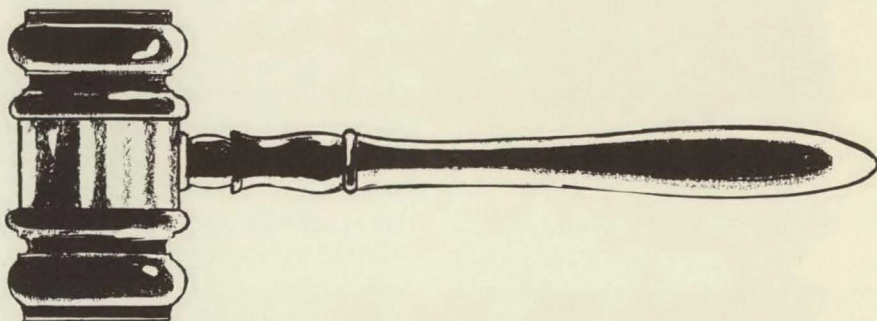
cept perhaps on those occasions when one alleged to be violating the criminal law could quietly and supinely submit and consent to a search of his person, other than by arresting the person to be searched. As the search warrant itself must be founded upon probable cause, we do not think that conditional arrest for the purpose of executing the warrant is illegal or unreasonable. And we find nothing unreasonable in the police taking appellant to a nearby station house to conduct the search. It was in December, and the nature of the evidence named in the warrant was such that it could be concealed in his shoes or clothing close to his body. It would not have been conducive to public morals and quite probably embarrassing to him to undress him on the city streets, and to disrobe him in the police car may have endangered his health.

Unfortunately the decisions on search warrants for search of the person are too few to answer a question of prime importance to the officer executing the warrant. May he seize only the things named or described in the warrant, or is he allowed to take anything else bearing on this crime or others? May the officer seize weapons with which the person being searched might attack him?

In *State v. Slamon*, *supra*, it was held that State constitutional provisions prohibited an officer executing a search warrant to search the person for stolen property from taking from that person a letter not mentioned in the warrant. This decision was overruled, however, in *State v. Stacy* (Vt.), 160 Atl. 257, 266 (1932).

Unless advised to the contrary by competent legal authority, the officer executing a search warrant for a search of the person should follow the rules for search warrants generally in deciding what he will seize. The general rule is that he may seize only those things mentioned in the warrant, *Marron v. U.S.*, 275 U.S. 92 (1927). If, however, while making a reasonable search for those things, he happens upon some other article which is clearly recognizable as an instrumentality, fruit, or contraband of this or any other crime, he

may seize that thing also even though it is not mentioned in the warrant. *U.S. v. Barbanell*, 231 F. Supp. 200 (1964); *Johnson v. U.S.*, 293 F. 2d 539 (1961); *Woo Lai Chun v. U.S.*, 274 F. 2d 708 (1960); *Bryant v. U.S.*, 252 F. 2d 746 (1958). This would include a weapon carried in violation of the law. As to other weapons, it would appear that since the officer has a lawful right to protect himself during the search, Mr. Justice Frankfurter in *U.S. v. Rabinowitz*, 339 U.S. 56 at 72 (1950); *Costner v. U.S.*, 252 F. 2d 496 (1958); *U.S. v. Joseph*, 174 F. Supp. 539 (1959), *aff.* 278 F. 2d 504, *cert. denied* 364 U.S. 823, he



may take those weapons and keep them until the search is completed. At that time the weapons should be returned if they can be made harmless without destroying or damaging them. Otherwise, it would appear that the officers should be allowed to retain the weapons in order to cover their departure, notifying the person searched where and when he can regain his property under circumstances more favorable to the officers. This would be in the police station in most cases.

It is assumed that in the execution of a search warrant for the search of a person, the officer may enter premises under the same circumstances and in the same manner allowed in the execution of an arrest warrant, and that he may use all force reasonably necessary to effect the search just as in the case of a search warrant for

premises or a vehicle. No other rule would be consistent with the established principle that a search warrant is a command of the sovereign by which it was issued, and that the officer has all necessary power to make the search commanded therein.

Things properly seized by search warrant may be used as evidence in prosecution for both the crime shown in the affidavit and any other crime which they tend to prove. *Gould v. U.S.*, 255 U.S. 298 (1921).

Generally, a search warrant should be obtained to authorize a search of body cavities. See discussion of "Things in Body Cavities," *infra*.

## II. Search Incidental to Arrest

### A. In General

English and American law has always recognized the right on the part of the Government "to search the person of the accused when legally arrested to discover and seize the fruits or evidences of crime." *Weeks v. U.S.*, 232 U.S. 383 at 392 (1914) (dictum); *Abel v. U.S.*, 362 U.S. 217 (1960). No one questions the right of the officer, without a search warrant, to search the person after a valid arrest. *U.S. v. Rabinowitz*, 339 U.S. 56 at 60 (1950). "The law on this subject has long been so well settled that it is useless to do more than state it whenever occasion arises." *Lefkowitz v. U.S. Attorney*, 52 F. 2d 52 (1931), *aff.* 285 U.S. 452. With authority so strong as this, no officer



should ever hesitate to search a person whom he has lawfully arrested.

The officer's right to search is not limited to arrest for felonies but applies also to misdemeanors where the accused is lawfully taken into custody. (See discussion *infra*, page 7, regarding arrests for minor traffic offenses.) *U.S. v. Snyder*, 278 F. 650 (1922); *Davis v. U.S.*, 328 U.S. 582 (1946); *Cogdell v. U.S.*, 307 F. 2d 176 (1962), *cert. denied* 371 U.S. 957. The right to search also follows arrest on administrative warrants such as those used for deportation purposes. *Abel v. U.S.*, *supra*.

The reasons for allowing a search of the person on valid arrest by an officer apply with equal force to an arrest by a private person. *U.S. v. Viale*, 312 F. 2d 595 (1963), *cert. denied* 373 U.S. 903.

### B. Purpose of the Search

The purpose or objective of the law in giving the arresting officer a right to search the person of his prisoner has often been stated by the courts. As Judge (later Justice) Cardozo observed, "The peace officer empowered to arrest must be empowered to disarm. If he may disarm, he may search, lest a weapon be concealed." *People v. Chiagles*, 237 N.Y. 193, 142 N.E. 583 (1923). However, the rationale behind the rule was perhaps best expressed by Mr. Justice Frankfurter in *U.S. v. Rabinowitz*, 339 U.S. 56, 72 (1950), where he stated the justifications for such a search are: "First, in order to protect the arresting officer and to deprive the prisoner of potential means of escape . . . and secondly, to avoid destruction of evidence by the arrested person." Note the order of precedence in the reasons given. See also *Abel v. U.S.*, 362 U.S. 217, 236 (1960), and *Preston v. U.S.*, 376 U.S. 364 (1964). But the officer is not expected to pause during the course of the arrest and reflect on the character of each item found on the

person of the accused. He may seize any and all articles in the arrestee's possession, including those which, on their face, appear to be personal and purely evidentiary in nature. See discussion below concerning "Scope of Reasonable Seizure."

Police experience amply proves the need to search. For example, *Barbee v. Warden*, 331 F. 2d 842 (1964), records the misfortune of an officer who failed to make an adequate search. When the officer took his prisoner to a callbox, the man drew a gun, shot the officer, and fled. Failure to make a proper search is said to be a circumstance in 19 percent of the cases in which police officers are shot. *Police Officer Shootings—A Tactical Evaluation*, The Journal of Criminal Law, Criminology and Police Science, March 1963. In *Espinoza v. U.S.*, 278 F. 2d 802 (1960), *cert. denied* 363 U.S. 827, *Mont v. U.S.*, 306 F. 2d 412 (1962), *cert. denied* 371 U.S. 935, and *U.S. ex rel. Manduchi v. Tracy*, 233 F. Supp. 423 (1964), the person arrested attempted to destroy the evidence by swallowing it.

The courts could well have added yet another reason for allowing the

search—to protect the life of the person arrested. Suicidal tendencies are sometimes found in persons who run afoul of the law. In *Palakiko v. Hawaii*, 188 F. 2d 54 (1951), the arrested person swallowed iodine in an obvious attempt to commit suicide. The New York Mirror of May 17, 1961, page 5, records the case of a bank robber who popped something into his mouth at the moment of arrest, but lost it when an arresting officer struck him a blow on the jaw. The object was a cyanide pill, taken to commit suicide in the event of arrest.

### C. Arrest Must Be Lawful

Search of the person incidental to arrest requires an arrest that is lawful. If the arrest is unlawful for any reason, any search of the person made incidental thereto is automatically unreasonable. *Wong Sun v. U.S.*, 371 U.S. 471 (1963); *U.S. v. Di Re*, 337 U.S. 581 (1948); *Brandon v. U.S.*, 270 F. 2d 311 (1959), note 5, *cert. denied* 362 U.S. 943; *Bynum v. U.S.*, 262 F. 2d 465 (1958); *Williams v. U.S.*, 237 F. 2d 789 (1956); *U.S. v. Bosch*, 209 F. Supp. 15 (1962). "Of course a search without warrant in





incident to an arrest is dependent initially on a valid arrest." *U.S. v. Rabowitz*, 339 U.S. 56, 60 (1950).

Both experience and the cases indicate that most of the searches of the person which are declared unreasonable arrive at that unfortunate result because the arrest was illegal and this, in turn, was because the arresting officer acted without probable cause. It can be expected that arrests made without warrant will be attacked by the defense almost routinely. When the search turns up the positive proof that the crime was committed, as so often happens, the only defense alternative is to show, if possible, that the arrest was illegal and thus destroy all lawful basis for the search.

The best assurance of probable cause for arrest is a warrant. It should be an inflexible rule of all law enforcement agencies that a warrant of arrest is to be obtained whenever time and other circumstances permit. The officer need not have the warrant in his actual possession when the arrest is made. *Bistram v. U.S.*, 253 F.2d 610 (1958).

If the defendant was arrested in a foreign country and brought here for trial, and claims that the incriminating evidence found on his person is the product of an unreasonable search because the arrest was illegal, the burden is on him to prove the illegality of the arrest under the law of the foreign country. *Hardin v. U.S.*, 324 F.2d 553 (1963).

Although the law on the point is not entirely clear, the decided cases favor the view that if an illegal arrest is made by a private person not connected with law enforcement in any way, the Government may use in evidence the things found in the incidental search by the private person who made the arrest. The prohibitions of the fourth amendment are directed against the Government only, not against private persons. *Burdeau v. McDowell*, 256 U.S. 465 (1921).

The following decisions support the use in evidence by the prosecution of things found by private persons in searches of such a nature that had they been made by law enforcement officers, they would have been held unreasonable: *Moody v. U.S.*, 163 A.2d 337 (1960); *Geniviva v. Bingler*, 206 F. Supp. 81 (1961); *U.S. v. Culver*, 224 F. Supp. 419 (1963); *U.S. v. Frank*, 225 F. Supp. 573 (1964); *U.S. v. Goldberg*, 330 F.2d 30 (1964); *People v. Randazzo*, 34 Cal. Rptr. 65 (1963), and other State cases cited in *Randazzo*. But see *Williams v. U.S.*, 282 F.2d 940 (1960), and *U.S. v. Williams*, 314 F.2d 795 (1963).

#### **D. Arrest Must Be Bona Fide**

No matter how valid the arrest may be in a technical sense, if the court finds that it was used simply as a convenient excuse or pretext for making a search of the person for a different offense for which the officers had no arrest warrant, probable cause to arrest, or search warrant, the search incidental to arrest is unreasonable. *Taglavore v. U.S.*, 291 F.2d 262 (1961). See also *U.S. v. One 1963 Cadillac Hardtop*, 224 F. Supp. 210 (1963); *U.S. v. Lester*, 21 F.R.D. 376 (1957); *Pampinella v. U.S.*, 131 F. Supp. 595 (1955); *Worthington v. U.S.*, 166 F.2d 557 (1948); *Henderson v. U.S.*, 12 F.2d 528 (1926); *State of Montana v. Tomich*, 332 F.2d 987 (1964). In *Taglavore*, for example, facts brought out in testimony convinced the court that the officers wanted to search the accused for narcotics (which they found), and that they had arranged to make the search by arresting him on a warrant for a vehicle violation committed the previous day. The court found the traffic arrest not bona fide, held the resulting search of the person to be unreasonable, and reversed the conviction because the narcotics had wrongfully been allowed into evi-

dence. "An arrest may not be used as a pretext to search for evidence." *U.S. v. Lefkowitz*, 285 U.S. 452 (1932). In *Taglavore* and *One 1963 Cadillac Hardtop* it was said that when the arrest is a sham for making a search, both the arrest and the search are illegal.

Traffic regulations and offenses have sometimes been used as a pretext for arrest and search directed at some other objective. In view of the extension of fourth amendment prohibitions to local searches and seizures, it would appear that these practices will no longer stand up under close Federal scrutiny. See *Ker v. California*, *supra*. Moreover, the pretext arrest has been ruled unlawful by a number of State courts. See *Byrd v. State* (Fla.), 80 So.2d 694 (1955); *People v. Gonzales* (Mich.), 97 N.W.2d 16 (1959); *People v. Mayo* (Ill.), 166 N.E.2d 440 (1960); *Barnes v. State* (Wis.), 130 N.W.2d 264 (1964). "This court has never sustained a search where the evidence as reflected by the record convinced it that the arrest was a subterfuge for the search." *Brinegar v. State* (Okla.), 262 P.2d 464 (1953). A minor traffic violation of the type for which a summons is usually issued will not generally justify a search of the driver and the vehicle. *U.S. v. One 1963 Cadillac Hardtop*, *supra*; *People v. Mayo*, *supra*. Exceptions may be allowed in those cases in which the driver is driving a vehicle with an out-of-state license and the officer is under orders to make a full physical custody arrest of such persons and bring them to the station lest they escape punishment for the offense. See later discussion of "Arrests Made in Vehicles."

#### **E. Who May Search**

Although there is little Federal law on the point, officers would do well to

(Continued on page 22)





Hon. James C. Hagerty.

# Better Public Relations Urged for Law Enforcement

Law enforcement must do a better job of keeping the citizenry informed on its activities if it hopes to overcome public apathy and engender support for its important work.

This was the theme of the address given by Hon. James C. Hagerty, vice president, Corporate Relations, American Broadcasting Cos., Inc., before graduates of the 76th session of the FBI National Academy on November 3, 1965, in Washington, D.C.

Mr. Hagerty told the graduates that law enforcement has lost touch with the public and that "law enforcement authorities are going to have to develop public information officers and give them the authority and the backing to do the job, to cooperate with the news media, to keep the citizens

of the community informed on how the department is serving and protecting them."

Public indifference, Mr. Hagerty explained, is due in no small measure to the fact that most enforcement officials make no special effort to keep the public informed.

"Widespread active and continuous public support can be gained," he added, "but it has to be earned. It is not going to be easy and it's not going to happen overnight. You are going to have to work at it harder than ever before to obtain the public support you all so badly need for your department, for the essential work you are doing."

Hon. Werner P. Gullander, president, National Association of Manu-

facturers (NAM), also spoke to the graduating class. He too stressed the need for better understanding between law enforcement and those it serves particularly the necessity for "two way communication" between business and law enforcement. He urged the graduates to "find ways in your own communities to get businessmen to come in and see firsthand what your achievements are and what your problems are and you will find you will get more sympathetic understanding than you think." The NAM president told the officers that two-way communication leads to understanding and understanding leads to cooperation.

The 96 law enforcement officers in the class represented 39 States, the



District of Columbia, the U.S. Park Police, the White House Police, the U.S. Air Force, the U.S. Army, and Puerto Rico. Also included in the class were foreign officers from Brazil, Canada, East Pakistan, Iran, Malaysia, the Republic of Korea, the Republic of the Philippines, Singapore, and West Pakistan, thus swelling the ranks of National Academy graduates to a total of 4,836 men of which 28 percent are heads of agencies.

Diplomas were presented by Assistant Attorney General Edwin L. Weisl, Jr. Dr. Edward L. R. Elson of the National Presbyterian Church, Washington, D.C., delivered the invocation and benediction for the exercises. A musical program was furnished by the

U.S. Marine Band, conducted by Capt. James B. King.

In ceremonies prior to graduation, Insp. Floyd E. Tidwell, San Bernardino County Sheriff's Office, San Bernardino, Calif., was awarded the John Edgar Hoover Medal for Excellence in the Study of Law Enforcement. The American Legion FBI National Academy Firearms Proficiency Award was presented to Capt. James W. Kennon, Glenn County Sheriff's Office, Willows, Calif.

Lt. Vincent J. Anderson, Yonkers, N.Y., Police Department, president of the graduating class, spoke on behalf of his fellow officers. He expressed their gratitude for the privilege of attending the Academy, stating that dur-

ing their weeks of training, study, and research a spirit had been born to which they referred as "the Spirit of '76." "And, like those early patriots this phrase calls to mind, we, too, are filled with determination. We are determined that the knowledge gained here shall be put to good use; that the principles for which this Academy stands shall be furthered to the best of our abilities; and we are determined that the confidence placed in us shall be justified."

The address of Mr. Hagerty follows:

Mr. Director, Dr. Elson, distinguished guests, Captain King and the members of his Marine Corps Band, ladies and gentlemen:

Shown after the graduation exercises, from left to right, are: Mr. Jay Royan, manager of public relations, NAM, Washington, D.C.; Lt. Vincent J. Anderson, president of the graduating class; Maj. Gen. Carl C. Turner, The Provost Marshal General, U.S. Army; Hon. Werner P. Gullander, president of NAM; Director J. Edgar Hoover; Hon. James C. Hagerty, vice president, Corporate Relations, American Broadcasting Companies, Inc.; Assistant Attorney General Edwin L. Weisl, Jr.; and Dr. Edward L. R. Elson of the National Presbyterian Church, Washington, D.C.





Edgar, I thank you very much for that most generous introduction, and in return I think that I owe you a favor. I've heard much this morning about the weight scales of the FBI. I would like to tell you how you can reduce weight without exercise and without dieting. Have a job in Washington and then leave it! You have no idea what it does for your weight, and incidentally, your disposition.

Some 80 years ago, Sir William Gilbert expressed the classical lament of all law enforcement officers everywhere when he wrote:

"Our feeling we with difficulty smother  
When constabulary duty's to be done  
Oh, take one consideration with another  
A Policeman's lot is not a happy one."

Several years earlier, Montesquieu wrote: "The tyranny of a Prince in an oligarchy is less dangerous to the public welfare than the apathy of a citizen in a free Republic."

These two quotations—one from a satirical operetta, the other from an erudite essay—are, I think, apt texts for the comments I would like to make today.

A hard, exacting, and at times dangerous job of law enforcement and an all too often public apathy toward the performance of that job. Doesn't that represent one of the basic difficulties confronting law enforcement agencies in our Nation today? I'm afraid it does.

And I'm also afraid that it will continue until an overwhelming majority of American citizens—who would honestly be shocked to be charged with contributing to a growing national disrespect for law and order through collective indifference—realize their shortcomings, wake up, and do something about it. More about that in a moment.

But, first, lest you think that I am overlooking traditional customs of commencement exercises, permit me, if you will, to pay my respects and admiration and to extend my congratulations to the members of this graduating class of the FBI National Academy—to the 96 officers from 39 States, the District of Columbia, Puerto Rico, and 9 foreign countries who are being honored here today.

I am delighted to join with your friends in wishing you well. All of you must have been darn good officers in the first place or you wouldn't have been chosen by your home departments to be here. And today, as you graduate after 12 weeks of intensive FBI training, you attain new stature in your chosen profession by joining an elite group of Academy alumni who have been trained to be leaders. And I have a strong hunch that is what you will become when you return home to serve your department and your community. So again, congratulations, all my best, and Godspeed.

In addition to the pride I have in being invited to participate in the ceremony, I have a special personal pleasure in being here.

For J. Edgar Hoover is one of the men in the United States for whom I have the highest respect and admiration. During the years I was in Washington, I had the privilege of working rather closely at times with him and many of the members of the Bureau. He and they were then—and are now—tops in my book for proficiency, for dedication, and devotion to their jobs and to the protection of the internal security and general welfare of the Nation.

I particularly admire Mr. Hoover and the FBI for the enemies they have—the punks and hoodlums, the cheap and bigtime crooks, the gangsters, and those who think they are

master criminals; the Communist Party and their fellow travelers of the extreme left; the Ku Klux Klan and all other self-appointed superpatriots of the extreme right. They all hate Mr. Hoover and the FBI like the Devil hates holy water. And for good reason. The FBI has them pegged for what they are—a minute minority of undesirables who seek in their own insidious way to strengthen themselves by trying to break down and weaken national respect for law and order.

Now let alone the criminal element, the ultra right and left wings really have a lot in common. When you come right down to it, both extremes are entirely totalitarian in nature. Both seek ultimately to destroy basic American principles of freedom and the rights of the individual, subjecting the many to the control of the few. And that is why they have targeted all law enforcement agencies—standing as you do between the attainment of their ultimate goals and the proper functioning of our free society—for a deliberate campaign of slander, abuse, lies, and malicious gossip.

Personally, I am getting fed up with their attempts to discredit Mr. Hoover, the FBI and all your departments. And I sincerely hope that the great majority of Americans—those apathetic ones I spoke of earlier—are beginning to get fed up too and will speak up in increasing numbers against the false and irresponsible charges these extremists level with shotgun regularity against law enforcement in general.

Now please don't misunderstand me. I am not making a blanket endorsement of all police activities. You know as well as I do that there are outstanding and flagrant examples of police mismanagement in this country, of police brutality, of police and local court interference with due process of law—particularly in regard to the proper and legitimate struggle being presently waged by and for many of our people to obtain the constitutional rights guaranteed to all citizens. This cause is right because it is just.

And any police officer who attempts to inject himself into a position where he is deliberately taking sides by opposing the fulfillment of these constitutional rights is just plain wrong. He is betraying his oath of office, he is becoming a partisan, he is destroying his usefulness as a police officer. To me, gentlemen, it is as simple as that.

But, just as I cannot give a blanket endorsement to all police officers, as a citizen I resent and object to the blanket indictment of law enforcement agencies being circulated by irresponsible demagogues



Officers of the National Bureau of Investigation, Manila, Philippines, are shown with Mr. Hoover. They are, from left to right: Mr. Leonardo C. deLeon, assistant director, and Supervising Agent Felix Buonan Valencia, Jr., a member of the graduating class.





Officers from Baltimore County, Towson, Md., are shown with Director Hoover following graduation exercises. They are, from left to right: Mr. Robert J. Lally, chief of police, Baltimore County Police Bureau; Mr. Hoover; Brig. Gen. James P. S. Devereux, director, Department of Public Safety; and Chief Insp. Ellison W. Ensor, Baltimore County Police Bureau, a member of the 76th session.



Shown with Director Hoover, from left to right, are: CWO Robert L. Spohn, U.S. Army; CWO Reis R. Kash, U.S. Army; and Maj. Gen. Carl C. Turner, The Provost Marshal General, U.S. Army. Both Messrs. Spohn and Kash are members of the 76th session.

the extreme right or left. And the pity of it is that too often they are joined by too many innocents or some well-meaning citizens who do not recognize—or close their minds if they do—that these attacks are part of a planned campaign of disparagement, deliberate and calculated.

These attacks do represent an increasing danger and threat to the basic American principles that you and I hold dear. They are a dangerous threat unless they are met head on and brought to an immediate public examination whenever or wherever they are raised. Such attacks are designed to give the impression that law enforcement officers are acting as oppressors rather than defenders of the law—and I don't think you the public should let them get away with

If, for example, some of the charges are

true—and they will be from time to time—law enforcement agencies must admit them and move speedily to correct any injustices.

If they are false—and the great bulk of them will be—law enforcement agencies must not let them fester unchallenged, but bring them out in the open and publicly prove their worthlessness.

If there is one major recommendation that I would like to make today, it is this: You've got to move to defend yourselves. You have got to move to inform the public. You have got to get out in the community and tell your story.

Now just as almost every business and profession has long since recognized, law enforcement authorities are going to have to realize that public information officers are as essential to the operation of any department as the officer on the beat, the

detective investigating a crime, the research associate in the laboratory, or the chief or the commissioner who heads that department. Law enforcement authorities are going to have to develop public information officers, and by public information officers—I'm using that in the broad term—I mean those that can have community relations, press relations, industrial relations, and all of the rest. But they're going to have to develop public information officers and then give them the authority and the backing to do the job, to cooperate with the news media, to keep the citizens of the community completely informed on how the department is serving and protecting them.

It is not going to be easy, gentlemen, and it's not going to happen overnight. You are going to have to work at it harder than





Hon. James J. Kelly (left), commissioner of police, and Lt. George H. Heuermann, member of the 76th session, both of the Nassau County Police Department, Mineola, N.Y., are shown with Director Hoover after the exercises.

ever before to obtain the public support you all so badly need for your department, for the essential work you are doing. You must reach out and gain a rapport with the overwhelming majority of Americans who are fundamentally law-abiding citizens and instinctively on your side.

Admittedly, at present, most of them are guilty of public apathy, are indifferent to your problems. But many times, believe

me, this indifference is due in no small measure to the fact that you, as police officers, haven't made a special effort to keep them informed of your activities. You have lost touch with them as they have lost touch with you, and your public image with them is less than bright. Now, I'm talking about the common public reaction, not just the planned extremist campaign. But I'm also convinced that widespread active

Lt. Tilmon B. O'Bryant, Metropolitan Police Department, Washington, D.C., receives his diploma from Assistant Attorney General Edwin L. Weisl, Jr.



and continuous public support can be gained, but it has to be earned. No one is going to walk up to you and volunteer. It will not automatically come about. It must be based on knowledge, on a gradually increasing respect for your work through understanding of it.

And, not so incidentally, a better informed public many times can be extremely helpful in getting those budgetary requests you all need. It is no political secret that enthusiastic public support has a way of loosening public purse strings. But it's hard to get anyone enthusiastic about something no one ever heard about.

There probably isn't any law enforcement agency in the Nation that doesn't have budgetary problems—that doesn't need additional funds to improve and strengthen its operations. Frequently, during budget time, the average citizen—if he hears about it at all—just hears the overall figure for the department and he probably thinks it is sufficient or even a little too high.

He hardly ever gets a breakdown on what you are trying to do, of why you need funds for such and such or this and that. The particular items in the budget are seldom dramatized publicly, and the average citizen, not having personal knowledge, doesn't become personally involved in helping back your requests—except in rare instances.

Let me try to illustrate what I mean by citing two examples where additional funds are needed but where many departments haven't, at least in my opinion, brought the case for these funds forcibly enough to public attention. Incidentally, I wouldn't have known much about them either if Mr. Hoover and his associates hadn't pointed them out to me.

*Example No. 1.*—Today, both general and special training of police personnel is one of the greatest needs of law enforcement. The profession needs men and women with good educational background who can assimilate the many specialized techniques essential to effective police work. By virtue of their education, such potential officers can command good salaries in other fields of endeavor. Today, mainly because of budgetary problems, some departments, particularly in smaller communities, do not have sufficient funds to pay such salaries and are forced to accept individuals who have not even had the equivalent of a high school education but who can be employed at lower salaries within the range of your budgets.

(Continued on page 26)



# Report Writing

**JAMES CHAMBERS**

**Chief of Police, Newark, Calif.**

Police chiefs throughout the Nation are faced with that age-old problem of providing an adequate records system on the one hand and a maximum use of their available manpower on the other hand. It is not uncommon for these two needs to be at odds with each other because the officers who are employed to carry out the police function of protection of life and property are spending excessive amounts of time on report writing.

There are, of course, many report writing systems in use. These range from a system of penciled notes which are placed on a spindle or a system wherein the officers type their own reports, coming to the station either during or after their shifts for this purpose, to a system which has become prominent in recent years involving the use of dictating equipment by the officers in the field with a pool of typists transcribing the information.

## *Pressure of Work*

In the course of police operations, there are also additional pressures which the police administrator must face. Among these pressures is the need for an effective, rapid reporting system so that the information can be disseminated to those who need it, such as investigative divisions within the department, the prosecuting attorney, the courts, and the press. When a big case breaks, everything else gives way and the necessary information is disseminated one way or another.

But the police do not deal in big cases for the most part. They deal in the average day-to-day matters that are not big cases. These are important cases, however, particularly to the people involved in them, and they, too, must be handled efficiently if the image of the department is to remain intact.

Police clerk places a report in the plastic guide sheet preparatory to making a master copy.







With master copy in place on the fluid duplicator, a 3 by 5 card is run through for indexing of the report.

I began to realize that we had to solve these problems in the Newark Police Department early in 1964 when the monthly overtime for each patrolman reached an average of 11.5 hours. The bulk of the overtime was attributable to the problem of report writing at the end of each shift.

Our department operates with less than one police employee per thousand of population, so that there is little time during the shift which can be utilized for report writing because of the level of called-for services and our limited force. There were other issues, too, and uppermost among these was our desire to keep our police officers in the field doing police work, not in the headquarters typing reports, whether this activity was during or after their regular tour of duty.

Other departments in our area have developed reporting systems which utilize modern duplicating machines in combination with old-fashioned

handwriting. This approach appeared to have tremendous potential, and I assigned Lt. William Morrison to examine these systems and design one that would be adaptable to our operation.

Lieutenant Morrison developed a system which was placed in operation in our department early in December 1964. We are very happy with the results. Our overtime in the patrol division attributable to report writing has virtually been eliminated; reproduction of reports and their distribution are accomplished with the speed equal to our previous system; and indexing time has been reduced to a fraction of the time previously devoted to this function.

### Forms

Lieutenant Morrison developed our forms for use in this system, and these were printed on an existing city-

owned press. We utilize nine forms in our operation; however, the number of forms desired is not limited. All of our forms are laid out on 8½ by 11 stock with the printing running along the 11-inch axis. In this manner we have provided an area for the narrative on the left-hand side of the report, which is approximately 5½ inches wide. On the right-hand side of the report there is a space which is exactly 5 inches wide, and this space contains the pertinent information which is used in indexing and statistical files. The information along the right-hand edge of the report can be laid out to meet the needs of any department. The 8½-inch length provides available space for approximately 28 lines of information.

By utilizing nine different forms we have provided sufficient leeway to include the specialized information necessary for any area of our activity. For example, our traffic accident form contains the information necessary for indexing and statistical files dealing with traffic accidents, while the right-hand edge of the crime report contains the necessary information for indexing and statistical files as well as modus operandi information.

In this manner we have made it possible to do all of our indexing on the duplicating machine in the same manner and at the same time as the reports are reproduced. We can index each of the 28 lines of information on the right-hand edge of the report by the simple method of shifting over one line for each successive 3 by 5 index card.

### Equipment

Our system utilizes handwritten reports which are completed in the field and then reproduced on a copying machine and a fluid duplicator. The duplicator is equipped with a foot control to allow the operator to



use of both hands in the reproduction process. The total cost of the equipment was about \$1,100.

The fluid duplicator was selected on the basis that it has dry register rolls which are situated at the end of the feed tray. These provide a foolproof system of feeding the 3 x 5 cards into the machine. We found that we had difficulty positioning index cards on other brands of duplicators and that, as a result, cards were wasted and time was lost. In using the fluid duplicator, the cards are pushed flush against the dry register rolls where they are in perfect position every time. A 1/4-inch-thick sheet of clear plastic is utilized to make the guide for indexing across the form. The plastic guide lies on the bottom of the feed tray. The surface of the plastic sheet is notched so that the notches serve as a guide for the index cards. By placing a card against a specific guide notch only that portion of the report form desired will be recorded on the card for indexing.

### The System

Under our old system our officers wrote their notes in a notebook and then transcribed these notes onto the appropriate forms at police headquarters. This was a duplication of effort and, inasmuch as our officers were not all accomplished typists, it was time consuming as well.

In our present system the officers carry the blank forms into the field and, when they must write a report, they use the forms provided. In this manner the information which is initially collected in the field is recorded directly onto the appropriate form, thereby completing the report at the scene. In many instances the report is finished by the time the officer leaves the victim's premises. There are other occasions when the officers make additional comments on the re-

port after leaving the scene; however, this can be accomplished while the officer remains on his beat. As the officers become accustomed to the system, they become more adept at putting the information down on the form in a style which is satisfactory as a finished product.

### One or Many

When the officers come into the headquarters at the conclusion of their shift, the handwritten reports are filed in the records section where they are processed by the supervisor. We have provided a space in the lower right-hand corner of the report for routing information, and, as the supervisor processes the report, he circles the appropriate routing keys, thereby in-

dicating the number of copies needed. The report is also cleared or assigned to followup at the same time, and the report is then ready for reproduction.

Our clerks do the reproduction work. The original handwritten report is placed in a plastic guide sheet with a master and run through the copy machine. The original emerges intact and becomes the permanent or records copy of the report. The master is used on the fluid duplicator in the reproduction process, and once the report has been reproduced and indexed on the fluid duplicator, the master is destroyed. If additional copies are needed at a later date, we have the alternative of making a photocopy if only one copy is needed or a repeat of the original process if multiple copies are needed.

*Newark Criminel 4-27-65*  
*Buf. # 63-4296-31*

### HIDDEN EVIDENCE

Stolen credit cards, auto registrations, and similar items are swiftly hidden from sight by some motoring thieves when stopped by police.

The incriminating items are kept fastened to the window on the driver's side with transparent tape, and the window is lowered into the door if the car is pulled over. This scheme works especially well where the window is electrically controlled.

Unless police raise the window during a search, the stolen papers remain hidden.

### KEEPING RECORD CLEAN

Because the law requires that arresting officers must knock on the door and announce their intentions before entering, one bookmaker literally wipes his slate clean of any incriminating evidence on his premises. He records his telephone bets on a slate and can easily wipe it clean.

### PICTURE PROOF

The California State Motor Vehicle Department is now issuing to applicants under the age of 21 driver's licenses bearing profile or sideview photographs. Adults continue to receive the customary license with a front-view picture.

In the past police have had difficulty with minors changing the birth date on their licenses in order to purchase alcoholic beverages and attend nightclubs. There will be little incentive to change the age now as the profile photo will be a sure indication that the holder is under the age of 21. As a further precaution, since September 17, 1965, applicants for driver's licenses have had to furnish proof of their age through birth certificates, baptismal records, and other acceptable documents.

The minor holding a license showing a profile photo may apply for an adult's license with full-face picture immediately upon reaching his 21st birthday.

*WFO Criminel 3-4-65*  
*Buf. # 63-4296-53*

*San Diego Criminel 9-3-65*  
*Buf. # 63-4296-46*



# BURGLARY—

## Its Drain on the Public

*Burglaries, which represented 1,100,000 of the more than 2,600,000 serious crimes committed in 1964, showed a 5 percent increase during the first 9 months of 1965.*

If only from the sheer weight of numbers, burglaries constitute one of the major problems facing law enforcement today. A survey conducted by Utah prison officials in December 1964, for example, revealed that approximately one-fourth of the penitentiary population—the largest single criminal group—was serving time for some variation of the State burglary statutes. Uniform Crime Reports releases show that over 1,100,000 of the more than 2,600,000 serious crimes committed in the United States during 1964 were burglaries. The first 9 months of 1965 showed a 5 percent rise over the same 1964 figures.

### **Selecting Victims**

The different systems used by professional burglars in selecting pros-

pective victims range from the simple, and often accidental, to the more complex and carefully planned schemes which sometimes verge on the fictional. One Ohio hoodlum explained that he got his start in this field after a chance remark overheard in a local bar. When a fellow drinker stated that he was preparing to leave town on his vacation, the interested listener casually followed him home, studied the area, and returned a week later to plunder the house at his leisure.

Under somewhat similar circumstances, a midwestern veterinarian admitted having turned to burglary as a sideline when numerous wealthy citizens left their pets with him while taking extended trips and he realized that their homes would be unguarded in their absence.

Other individuals have used either

real or pretended employment as door-to-door salesmen, laundrymen, or photographers in order to further their housebreaking operations. Still others rely merely on chance observation, looking for residences with the shades drawn, newspapers scattered about the lawn, grass unmowed, an accumulation of mail jammed in the box, airconditioning units turned off in hot weather, or milk bottles stacked up on the porch. As further corroboration the owner's absence is generally verified by one or more telephone calls before actual entry is attempted.

In a midwestern State, a burglar who specialized in sex crimes claimed that he had selected his victims by looking for female names on the mail boxes in apartment houses. His advice to the investigating officers was that women should use their initial





rather than their first and middle names on such boxes. Similar caution with respect to listings in telephone directories is recommended.

### *Newspapers Studied*

Research-minded burglars have been reported to: Study the local newspapers closely to determine which prominent citizens are taking trips, attending social functions, or otherwise leaving their homes unoccupied for any length of time; make a list of coin collectors, based upon articles and advertisements in various publications; cull background data relating to biographical material, town-and-country addresses, unlisted telephone numbers, and photographs of society figures from the publication known as the "Celebrity Register";

check out the owners of expensive cars seen driving around town; maintain a map of recent burglary locations based upon published accounts to determine which areas of town might be under intensive police scrutiny; and watch television in order to identify the winners of valuable prizes on contestant-type programs. British police suspect a gang of jewel thieves of using television and newspaper coverage of famous homes to plan future "scores."

### *Wealthy Victimized*

One culturally inclined burglar advised that he had selected his "marks" by attending the opera, concerts, plays, and other such events in order to spot women wearing expensive furs and jewelry. A west coast

city hoodlum, on the other hand, secured employment with a leading restaurant through which he gained access to the records of persons making advance dinner reservations. When the hoodlum came across the name of someone he recognized to be wealthy or prominent, he alerted his accomplices and arranged to have them burglarize the diner's residence while he stood watch over the unsuspecting victim.

In London, England, police broke up a gang which had stolen more than \$100,000 worth of property after using an expensive, chauffeur-driven limousine to case homes in exclusive neighborhoods without attracting attention.

Cases involving a number of burglars over the past 2 years indicate that—just as some specialize in vic-



timizing apartment dwellers while others concentrate on single-family residences—the time element is purely a matter of personal preference.

Hoodlums in some areas stated that they usually operated during the early evening hours when people are more preoccupied, less inclined to be suspicious, and often out to dinner. A burglar operating in the Southeast expanded the time element to include everything between 6 p.m. and midnight, whereas housebreakers in two cities 3,000 miles apart said they rarely started before 1 a.m. and tried to finish up between 5 a.m. and daybreak.

### *Vacation Signs*

The more aggressive housebreakers, however, are rarely content to rely on chance observations or passive research in selecting potential victims. Criminals from one east coast area, for example, have reportedly stationed themselves near bridges, tunnels, and interstate expressways on weekends and holidays, looking for local automobiles carrying packed luggage racks or other signs of extensive travel. The license numbers are then traced to ascertain the addresses of the cars' owners, and checks are made to determine the feasibility of burglarizing their homes during their absence.

Lately, however, there has been a noticeable trend toward what might be called "sunlighting." While the Uniform Crime Reports figures for the first 9 months of 1965 show that all burglaries increased 5 percent over that period in 1964, daytime residential burglaries soared 12 percent. Part of this change was accounted for by a Puerto Rican burglar who explained that "at night, the life of a housebreaker is in danger, as the owner of the house may come after him with a revolver . . . . By day it is very different because the housewife leaves the door open while



she goes to talk and socialize with her neighbors."

### *Gaining Entry*

As a general rule, there are two main ways of gaining illegal entry—by force and by guile. Those who specialize in the latter method, according to at least one hoodlum, are known in the trade as "classical" thieves.

Of all the tools used by the "non-classical" burglars, probably the simplest and most common is the shim. Generally made of some strong, but pliable, materials, such as light metal, plastic, or celluloid, it is also referred to by certain segments of the criminal element as a "cheater" or a "shove knife." Table knives, pocket calendars, and pieces of venetian-blind stripping are a few of the easily transported and easily concealed items which may be used as shims. In a process sometimes referred to as "rab-

bit stripping," the shim is inserted between the vertical strip molding and the door facing, thereby striking the beveled edge of the door bolt and forcing it open. A variation of this technique was attributed to a Canadian who committed a series of housebreakings by melting a nylon comb in the flame of a candle he carried with him, inserting the pliable mass into the door jamb where he thought the locking bolt was located, waiting several seconds for the nylon to harden, and then maneuvering the comb remains to release the bolt on the lock.

### *Tools Used*

Other common tools include screwdrivers, glass cutters, lock pullers, vise-grip pliers for twisting door-knobs and wrecking the interior mechanisms, lock picks, and fishhooks for use as lock picks. Equally effective—though less widely employed—



have been such items as ski ropes, rags, and a large wooden crate.

An Oregon thief, for example, used a braided, nylon ski rope to trip the latch of a door he wanted to open. Taking advantage of the fact that the rope was both flexible and easily flattened, the thief formed a knotted loop on one end, mashed it, and slid it under the door in question. He then worked the rope up the vertical crack between the door and the jamb until he was able to hook the loop around the latch inside and release the catch.

Police were recently called to investigate a case centering around some tar and an old shirt. According to the officers, the tar was applied to the glass panel of a door near the handle, the shirt pressed against the tar, and the panel rapped sharply through the shirt, which muffled the sound of the blow. The shirt was then pulled away, bringing the broken glass shards with it and enabling the burglar to reach in and open the door.

### **Subterfuge**

The growing tendency towards daytime operations, however, has produced an ever-increasing need for subterfuge in place of, or to accompany, some of the standard techniques set forth above. To begin with, it is necessary to conceal the burglary tools and subsequent loot in such items as salesmen's sample kits, laundry bags, suitcases, and the like. At least two housebreakers were caught carrying their implements in shaving kits, and a third had constructed a minute lock-picking set from an inexpensive, three-bladed knife and a piece of ground-down Allen wrench.

Although one of the main advantages to the thief of plying his trade in the daytime is the fact that so many houses and apartments are left unlocked, a major drawback is the likelihood of being seen by an observant neighbor or passerby. In West

Germany, two burglars covered their activities by depositing a large wooden crate containing an accomplice and a removable side panel next to the front door of the victim's house. Screened from the street and neighboring houses by the crate, which was prominently marked "television console," the concealed burglar removed the side panel, picked the door lock, crawled through the opening, gathered up his loot, and returned to the crate in time to be picked up by his partners and returned to the delivery truck in which he had arrived.

Excessive foliage was employed as a cover by housebreakers in a Midwest city who parked a truck in front of the victim's house, set up a sign reading "Men at Work in Trees," and proceeded undisturbed with their operations.

### **Athletic Prowess**

Physical build, appearance, and condition have also played an important part in enabling certain burglars to gain illegal entry. In one large city, an athletic teenager kept in shape for a string of at least 80 successful burglaries—before being caught—by using his school gymnasium to practice karate, body building, and rope climbing. In Detroit, a fast-moving thief would secrete himself in the corridor of an apartment house and then quickly plunder the victim's rooms when the latter responded to a fake call to pick up a package on the ground floor. In another city, a slender jewel thief squeezed through a milk chute less than 16 inches square, and female impersonators allegedly hired out as maids in order to burglarize expensive homes.

According to several sources, cautious residents who make a point of not leaving their keys under the doormat or in the mailbox are being countered by burglars who use a pliable material to make key impressions

from the locks or remove the cylinder from a door that is seldom used—such as those leading to apartment house laundry rooms or storerooms—take it to a locksmith, and have a master key made for the whole building.

### **Trickery**

In one east coast city, burglars who had cased the house of a wealthy individual were frustrated by an inability to get their prospective victim out of the house long enough to crack the safe in which his money was kept. Finally, learning that the man and his wife were avid connoisseurs of antique furniture, the burglars obtained an invitation to an antique furniture show and sent it through the mail. Not knowing the source of their invitation, the couple accepted, nevertheless, and were successfully burglarized during their absence.

### **Precautions**

Although modern law enforcement methods have shown the fallacy of the old saw that "it takes a thief to catch a thief," much can still be learned by talking to an experienced hoodlum. In one such instance, a man suspected of 75 "cat burglaries" furnished police an eight-page summary of techniques and procedures which he had found to be generally effective over the years. With respect to security precautions he took in setting up his crimes, the suspect said that he had told no one of his activities, not even his wife; obeyed all traffic regulations; operated primarily during inclement weather—when he figured that police would be less alert; adopted a "hillbilly" accent to cover his New England twang; altered his normal walking gait; wore women's high-heeled shoes inside larger men's shoes, both to increase his apparent height and to mislead police into



looking for someone with larger feet; trained himself not to panic when challenged by potentially vicious dogs; and carried such items as a weak flashlight to avoid waking sleepers or alerting neighbors, a small bottle of water to forestall possible coughing spells, and a pair of opera glasses to check his automobile and the surrounding terrain for a police surveillance after completion of an operation.

### ***Diverse Acts***

One burglary gang reportedly monitored the local police radio to determine the location of each car and, if any were in the vicinity of the site to be burglarized, acts of vandalism would be committed in another part of town or fake telephone calls would be made to divert the patrol units elsewhere. In Mexico City, numerous housebreakings have been committed by a gang which specializes in chloroforming its victims to prevent their offering any resistance. And, in both Pittsburgh and Washington, D.C., there have been reported instances of burglars using water pistols loaded with ammonia to ward off watchdogs.

### ***Use of Makeup***

To render identification more difficult, some second-story men reportedly use makeup on their faces and adopt accents, while others burn their clothing and have their shoes resoled and reheelled after every job. Still others wear suits and ties or bogus uniforms and drop their loot out a convenient window so that no one will suspect them of anything as they leave the building. An experienced burglar advised that he had avoided apprehension on several occasions by grabbing a sack out of a garbage can and boldly walking past searching policemen in the guise of a laborer on his way to work.



When Omaha police arrested a pair of hoodlums who confessed having committed approximately 110 housebreakings in less than a year, they found that the burglars had traveled to and from their crimes in an old automobile which had been purchased and registered under a false name. One forgetful burglar who wanted to make certain that he did not overlook any safety precautions or likely concealment places for loot was found to be carrying a checkoff list which he consulted as he went along.

The more aggressive burglars, however, have been taking increasingly positive steps to protect themselves of late. According to the Italian National Police, apartment house thieves use sand or salt crystals as a warning device when operating above ground level. Sprinkling the grains inside the main entrance to the building, they quickly enter an upper apartment and go about their plundering until a loud scraping noise warns them that someone has just opened the front door. They then gather up their loot and saunter downstairs as if they were fellow residents or legitimate visitors to the building.

An escape-minded burglar on the east coast always made a practice of

securing the night chain on the front door to slow down the returning owner and propping open the back door to facilitate his own exit, although no thought was apparently given to the possibility that the owner might reverse the process some day. A teenage gang hid part of its loot about the victim's house—in hopes of possibly discrediting his reliability as a potential witness—and another blocked the owner's entrance to his apartment by inserting a BB into the lock. While the owner went to seek help in opening his door, the thieves departed by a rear exit.

### ***Counter Measures***

In general, a number of techniques and procedures have been found effective throughout the country in combating the rising menace of both daytime and nighttime burglaries. One which has been adopted by some of the larger police departments and which is patterned after the FBI's "Top Ten" program consists of publicizing the most wanted burglars in a given area. Photographs, descriptions, and background data are furnished to all members of the department with a request that they be alert to watch for the listed criminals. Whereas some departments restrict their lists to the local "Top Ten," others are considerably more inclusive. One east coast city sets forth nearly 50.

### ***Reminders***

A second popular technique is the dissemination—through newspaper publicity, handbills, brochures, or letters—of advice to residents preparing to go on vacation. Included are reminders to have the milk and newspaper deliveries suspended, the lawn mowed, the mail picked up by a neighbor, all doors and windows securely locked, and the police noti-





officer, admitted that he was the subject of the intensive investigation.

In San Diego, police took a page from the book of a thief who selected his victims by studying the society pages of the local newspapers. Realizing that the victims were being picked from articles about future parties and accompanying guests lists, investigating officers stationed themselves at the homes of the absent guests and successfully trapped the burglar when he appeared at one of the guarded houses.

And, in a Kansas community a series of housebreakings was solved by a combination of careless thieves, a careful police officer, and tiny slivers of glass. Reasoning that many burglaries involved the breaking of glass in either doors or windows, the officers instituted a procedure of checking the upholstery of all suspected automobiles for unexplained slivers. Since the glass had obviously come from the suspects' clothing and could not be accounted for otherwise, a number of violations were cleared up by confessions on the part of the criminals.

### Conclusion

As long as there are individuals in our society who have a disdain for hard work and who lazily seek a course to easy money, burglary will continue to be a menace to all law-abiding citizens. Burglary may never be eliminated from our society, but it can be limited if all citizens are made aware of the circumstances that make this crime one of the most popular for those who want to live off the toil of others. The crime of burglary can be minimized if all citizens make a determined effort to take every precaution in safeguarding their homes and places of business. In this way the so-called easy "mark" will be removed, and the road to easy money will become a difficult journey for the burglar.

## DISTRICT ATTORNEY LAW

A bill has been signed by the Governor of Oklahoma authorizing a district attorney system which replaces the county attorney operation in effect since 1907.

Heretofore, the 77 counties in Oklahoma elected a county attorney as the prosecuting attorney. The new bill creates 27 district attorneys with 4-year terms who will be paid by the State at a higher salary than most counties could afford to pay a prosecuting attorney. Also, each county can have a resident assistant who can be paid from 60 to 90 percent of the district attorney's salary and can work part time at his law practice, provided his earnings do not exceed 65 percent of the district attorney's salary.

Oklahoma authorities feel the bill will greatly improve local law enforcement throughout the State and especially in the smaller counties. The first district attorneys will be elected in 1966, with the system going into effect in 1967.

## DISHPAN HANDS

Three juveniles were identified recently as the guilty persons involved in a series of coin box burglaries in the laundry room of an apartment building.

In an effort to trace the culprits, the police had thoroughly dusted the coin boxes with a clinging fluorescent powder.

When the juveniles were identified and their hands examined, only one of the three showed traces of the powder. Upon questioning, the other two advised that they were both employed as dishwashers in a local restaurant and had successfully used a straight solution of strong bleach to "wash their hands of the matter."

fied of the length of absence, in an effort to thwart potential burglars driving around looking for a "score."

Still other methods which have helped are the use of police reserves for house checks—thereby releasing regular officers for more pressing duties—and the publicized use of special post office boxes to which people may send anonymous information about crime and criminals. This plan has been credited by one major metropolitan police department with the solution of some 5,000 burglaries.

### Trapped

Specific answers to specific problems are often as imaginative as they are practical. In a California city a "cat burglar" was finally trapped after 50 housebreakings by the judicious use of a piece of chalk. Since the burglar concentrated on a certain part of town during the early morning hours, a cruising patrolman started marking the tires of automobiles parked along his route and, when an unmarked car showed up shortly before dawn one morning, he quietly instituted a stakeout. Before long, the driver showed up wearing tennis shoes and, following a few preliminary questions by the persevering



## SEARCH

(Continued from page 7)

assume that the search of the person incidental to arrest should be made by the arresting officers, not by some other officer separated from the arrest action. In one case, on a motion to suppress evidence, the defendant contended that he was arrested in a store by one officer, taken to the hotel where he worked, and there searched by the officer's superior. The court said that if a subsequent hearing on that point should reveal that the arrest and search were made in that manner, the search of the person would be unreasonable. "There is no rule of law that, after a man has been taken into custody, any officer who could lawfully have arrested him before he was taken into custody can lawfully search him afterward." *U.S. v. Grieco*, 25 F.R.D. 58 (1960).

Federal officers should not search persons incidental to State arrests and vice versa. As one Federal court said, "But even if the Colorado arrest was lawful, and we believe it was, we know of no rule justifying a Federal search made as incident to a State arrest. Here there was no Federal arrest and the search was conducted by the Federal agent. In fact the Colorado police had waited for the Federal agent's arrival for the very purpose of allowing him to conduct the search." *Sirimarco v. U.S.*, 315 F. 2d 699 (1963), *cert. denied* 374 U.S. 807 (search of vehicle). *Williams v. U.S.*, 323 F. 2d 90 (1963), *cert. denied* 376 U.S. 906 (search of vehicle), also holds that a Federal search cannot be based on a State arrest. Nothing said here, however, prevents a State jail officer from searching a person arrested by Federal officers and brought to the State jail for incarceration. As shown later, the jail officer has his own independent reasons, and authority, for making a search of a person being confined in his jail.

The *Grieco* and *Sirimarco* decisions

**"The judicial approach to the problem, of course, must be in a spirit of cooperation with the police officials in the administration of justice. They are directly charged with the responsibility for the maintenance of law and order and are under the same obligation as the judicial arm to discharge their duties in a manner consistent with the Constitution and statutes. The prevention and punishment of crime is a difficult and dangerous task, for the most part performed by security and prosecuting personnel in a spirit of public service to the community. Only by the maintenance of law and order may the rights of the criminal and the law-abiding elements of the population be protected."**—Mr. Justice Reed of the Supreme Court of the United States dissenting in *Upshaw v. U.S.*, 335 U.S. 410 (1948).

are consistent with both the rationale of the law and, at least in most cases, the practical realities of police work. As discussed earlier, the law gives the arresting officer a right to search for three important reasons, the first of which is to protect himself. The law recognizes the need of the arresting officer, and it is that officer who should exercise the power of search which the law provides. As to the practical side, a study of police officer shootings found that failure to properly search the person or the place of arrest was identified as a circumstance in 19 percent of the cases. *Police Officer Shootings—A Tactical Evaluation*, cited earlier. For a recent example of the harm that can come from failure to search, see *Barbee v. Warden*, 331 F. 2d 842 (1964), cited earlier. Similarly, Federal officers receiving a prisoner transferred from State custody are entitled to conduct their own search of the person. The law does not require the officers to assume that an adequate search has been conducted by the transferring agency.

The rule that the search of the person should be made by the arresting officers does not interfere with the right of the jailer to make his own search for custodial purposes. The jailer also has a right, and a duty to make sure that the person to be held does not possess a weapon, con-

traband, or other thing offensive to prison security. The jailer's search for custodial purposes has its own justification in law. *Abel v. U.S.*, 362 U.S. 217 (1960).

Although the courts are not known to have had occasion to comment on the point, we shall assume that another exception to the rule requiring search by the arresting officer will be made for strip searches—the final and complete search—when the prisoner and the arresting officer are of different sexes.

A private person making a citizen arrest also has the right to search. *U.S. v. Viale*, 312 F. 2d 595 (1963), *cert. denied* 373 U.S. 903. But as previously noted, the prohibitions of the fourth amendment are directed against the Government only, not against private persons, therefore, lawfulness of such a search is not crucial for purposes of prosecution.

### **F. Search Must Be Contemporaneous**

It is a fundamental rule, too well established to require extensive citation of decisions, that a search made incidental to arrest is not reasonable unless it is made contemporaneously with the arrest. *Preston v. U.S.*, 376 U.S. 364 (1964). The search cannot, in good logic, be made before the arrest; to do so would put the cart before the horse. It is the arrest and



the arrest alone—there being no search warrant or consent—which provides the legal authority for the search. Obviously, the arrest must be made first, and until it has been made, there is no right to search. Also, once the arrest has been made, the search must follow thereafter as soon as reasonably possible under the circumstances. A search made incidental to arrest is not contemporaneous if the arrest is made today and the search tomorrow.

The reasoning for the rule should appeal to officers in cases of search of the person. As stated earlier, the law gives the officer a right to search the person of one lawfully arrested in order to (1) protect the life of the officer, (2) prevent escape of the arrested person, and (3) prevent the destruction of evidence. These three objectives are of immediate and urgent importance once an arrest has been made, and the officer obviously should search as soon as he can in order to comply with them. See *Preston v. U.S.*, *supra*. When the law so perfectly recognizes the officer's practical and personal reasons for making an immediate search, and gives him the power to make it, he should act with as much speed as circumstances permit.

The technical difficulty in enforcing the rule that all searches made incidental to arrest must be contemporaneous with the arrest is in defining the word "contemporaneous" as applied to the facts of the case being decided. There is no absolute measurement of time which can be applied uniformly to all cases. The fourth amendment does not use the word "contemporaneous," much less attempt to define it, and the only searches which it prohibits are those which are unreasonable. The result is that in each case the definition of contemporaneous is influenced greatly by the facts and circumstances of that case.

The general rule which each officer should remember and follow as closely as possible is that the search must follow the arrest, not precede it. If the search precedes and provides the basis for the arrest, the search is unreasonable. *Johnson v. U.S.*, 333 U.S. 10 (1948); *White v. U.S.*, 271 F. 2d 829 (1959); *U.S. v. Hamm*, 163 F. Supp. 4 (1958); *U.S. v. Royster*, 204 F. Supp. 760 (1961). In the *Royster* case, *supra*, four officers, having probable cause to arrest for possession of counterfeit U.S. currency, proceeded to the suspect's home, gained entrance peaceably, and found the defendant in his bedroom. There was sharp conflict in the evidence as to the events that followed, but the trial court accepted the following version as true. The officers asked Royster for some form of identification. He took his wallet from the rear pocket of his trousers and began looking over several cards in an open pocket of the wallet. Royster appeared extremely nervous and was unable to select any identification card. One of the officers offered to help and Royster handed the wallet to him. After a cursory inspection of the identification cards, the officer unzipped a closed pocket of the wallet and found therein three counterfeit \$10 bills. The officers then told Royster that he was under arrest for possession of counterfeit money and a further search was conducted on the premises. The defendant's motion to suppress as evidence the counterfeit money taken from the wallet was granted on the grounds that the search was unreasonable because it was begun before the arrest, to which it was claimed to be incidental. In the language of the court "The search was not an incident to the arrest but the arrest was incident to the search." *U.S. v. Royster*, *supra*, at 763. Evidence obtained by unreasonable search is not admissible in court, and any conviction obtained in a trial in which such evidence is

used must be reversed. *Mapp v. Ohio*, 367 U.S. 643 (1961).

Despite the general rule that a reasonable search incidental to arrest must follow the arrest, not precede it, some searches made a few moments before the arrest to which they were incidental have been upheld. A review of these exceptional cases shows the pattern of circumstances under which the exception is allowed. The officers have the right to arrest—on a warrant or probable cause—and they intend to arrest, but because of a sudden emergency or a dangerous situation threatening harm to them, escape of the person to be arrested, or destruction of evidence, they first grab the weapon, narcotics, or other thing to be seized and then make the arrest. Circumstances of this type are illustrated by *U.S. v. Devenere*, 332 F. 2d 160 (1964). Federal narcotics officers legally entered an apartment to make an arrest. As they did so, the defendant tried to grab a bag (later found to contain narcotics), but one officer was quicker and got it first. The defendant was then arrested. The courts upheld the seizure as reasonably made incidental to arrest, taking the position that the fact that the search and seizure may have preceded by a few moments the formal announcement of arrest is not vital. The same position is taken in *U.S. v. Boston*, 330 F. 2d 937 (1964), and in *Dickey v. U.S.*, 332 F. 2d 773 (1964), where the courts upheld the action of the officers in grabbing a package of narcotics, to prevent destruction, moments before they made the intended arrest. But see *Holt v. Simpson*, 340 F. 2d 853 (7th Cir. 1965), where the court upheld a prior search despite the absence of immediate threat of destruction to property or potential danger to the officer, and *U.S. v. Cangelose*, 230 F. Supp. 544 (1964) (dictum).

This exception allowing a search of the person made moments before the



arrest to which it is incidental may be used, but it should not be abused. It should be used in those special circumstances where the officers have the right to make a lawful arrest, intend to arrest before searching, but find on an emergency basis that they must first take from the arrested person or a place immediately adjacent to him something which he or someone else is trying to dispose of, destroy, or use to harm the officers or himself, or use in escaping. Unless circumstances of this type are present, the search of the person must follow the arrest to which it is incidental. Otherwise, the search of the person before arrest is unreasonable even where the officer had grounds for making a legal arrest. *U.S. v. Hamm*, 163 F. Supp. 4 (1958).

The possibility of making a legal search of the person *prior to arrest* under the authority of a State statute, such as the *Uniform Arrest Act*, is discussed later under section III, "The Frisk for Dangerous Weapons." In this connection it is of interest to note, in passing, that to give officers a statutory right to search for weapons prior to arrest may save many an officer's life. A study of cases in which police officers have been shot reaches the conclusion that the greatest hazard to an officer occurs after his approach and while he is (1) issuing a citation, (2) interrogating, or (3) using his radio. *Police Officer Shootings—A Tactical Evaluation*, The Journal of Criminal Law, Criminology and Police Science, March 1963.

Returning now to the general rule that under the circumstances of most arrests, a contemporaneous search of the person incidental to arrest means a search made *after* the arrest, not before, how soon after the arrest must the search be made? Within what space of time after the arrest is the search contemporaneous? What do the Federal courts consider reasonable in this respect?

Here again, as described earlier in *Devenere* and other cases, the courts allow minor deviations from the strict rule when a deviation seems sensibly required under the facts and circumstances of that case. They do not hold a stopwatch over the officers to make sure that the search begins within a split second. For example, in *U.S. v. Jones*, 184 F. Supp. 328 (1960), customs officers took their suspect from the gangplank of an incoming ship to an Army terminal one-half mile away for a search of his person and baggage. The court upheld this action, stating that "A proper search could not have been performed on the pier itself, but only in the privacy which a room nearby the pier affords. The lack of convenient and immediate searching facilities on the pier itself should not invalidate a lawful regulatory measure, nor frustrate the objectives of our customs laws."

In *Baskerville v. U.S.*, 227 F. 2d 454 (1955), Secret Service agents arrested the defendant in Denver and took him to the county jail where he was searched by jail officers (see *U.S. v. Grieco*, discussed earlier) who took items of evidence from him and placed them in an envelope. The courts held this search as sufficiently contemporaneous with the arrest. "The fact that the search was not made until Baskerville was taken to the county jail from the point of arrest in Denver, which was only a comparatively short time, did not, in our opinion, prevent the search from being an incident to a lawful arrest."

In *Abel v. U.S.*, 362 U.S. 217 (1960), officers of the Immigration and Naturalization Service arrested the defendant in his hotel room and after a preliminary search allowed the defendant to pack and take with him a suitcase full of personal property. On arrival at the first place of detention, the property in the suitcase was examined more carefully and certain

evidence of espionage was taken and used at trial. The Supreme Court upheld this search as reasonable, saying "We do not think it significantly different, when the accused decides to take the property with him, for the search of it to occur instead at the first place of detention when the accused arrives there, especially as the search of property carried by an accused to the place of detention has additional justifications, similar to those which justify a search of the person of one who is arrested."

From a review of the decisions in which the Federal courts have allowed some short interval of time to elapse between the arrest and the search, it appears that the practical need of the officer to protect himself is a more compelling reason for an immediate search than any time limitation imposed by the courts as a matter of law. The law will allow a short interval for public decency—to avoid a strip search on the sidewalk—or any other reason which makes sense under the circumstances. The wise officer, however, will see that this lapse of time between the arrest and the search is as short as possible, both for reasons of his own personal safety and certain compliance with the rule that the search must be contemporaneous with the arrest on which it is based.

The rule that the search must be contemporaneously made does not prevent the officers from making a detailed and protracted examination of the things seized, as where they are sent to a laboratory for examination or held for study in connection with other information developed in the case. *Abel v. U.S.*, 362 U.S. 217 (1960); *Robinson v. U.S.*, 283 F. 2d 508 (1960), cert. denied 364 U.S. 919; *U.S. v. Pardo-Bolland*, 229 F. Supp. 473 (1964). See also *Baskerville v. U.S.*, 227 F. 2d 454 (1955); *Maxwell v. Stephens*, 229 F. Supp. 205 (1964).

(To be continued in February)





## FBI NA LUNCHEON

A special luncheon for graduates of the FBI National Academy was held for those attending the International Association of Chiefs of Police Convention at Miami Beach, Fla., in October. FBI Assistant Director Joseph J. Casper extended greetings to some 250 guests on behalf of Director J. Edgar Hoover, and Mr. J. Preston Strom, chief, South Carolina Law Enforcement Division and immediate past president of the NA Associates, spoke briefly. Some of those present are shown in the accompanying photographs.





## NA GRADUATION

(Continued from page 12)

Now, Mr. Gullander, I doubt that few, if any, businessmen in these communities would consider hiring a person lacking a high school education for anything more than rather menial jobs. And I just can't believe that if they were fully informed of the necessity, they would permit one of the most important functions of government—the enforcement of our laws—to be entrusted to totally unqualified persons. I am sure that if the situation were thoroughly explained to them and other community leaders, the necessary funds would be forthcoming to attract, through decent salaries, better qualified officers.

*Example No. 2*—The demands on law enforcement officers are so complex, so exacting today, that I believe even top graduates of our best law schools might be baffled by the many legal questions which police officers have to face almost daily.

For example, you are faced—under recent court decisions—with the impossible and incredible task of trying to decide technicalities of constitutional law on the spur of the moment and often in moments of physical danger. How anyone without some legal guidance or training can make these split second judicial judgments really amazes me, particularly in view of the fact that our learned justices, with years of judicial experience and with time for lengthy study and contemplation, cannot decide such decisions in unison among themselves. But you are supposed to make those decisions on the spur of the moment.

Yet if you, because of lack of legal guidance or training, make a mistake, and your actions are judged in retrospect, you can be penalized and the criminal can be set free even if he is known to be guilty.

Under the law, trained legal counsel is required for every accused criminal—and that is as it should be. But what about the law enforcement officer, where does he come in? Many law enforcement agencies haven't the budget to hire legal officers or to train their men in at least the basic concepts of constitutional law. Instead, the men of those departments can turn only to the local prosecutor, already overburdened with the tasks of his office, for legal guidance.

Again, I'd be willing to bet that if this situation, which is getting more serious each day, were explained publicly, it would receive public support, and the necessary funds for legal officers within police depart-

ments and for legal training of all personnel would somehow become available.

As you can see, I keep coming back to my major theme: How does law enforcement get the public support it deserves? How do you increase public respect for your work?

Well, as a start, I return to my suggestion of incorporating within all departments trained public information or public relations officers who would have the knowledge and, most important, the authority to keep the community informed.

And one of the major ways of informing the public is to do so through the various news media—the newspapers, magazines, the radio, and television stations. And here, of course, is where the police public information officers could be of immeasurable value. They would be the link between your department and the press.

I have always believed that there is a certain natural affinity between law enforcement and the news media. As a matter of fact you have many common interests.

Historically, the news media in our country have been one of the staunchest guardians of liberty and freedom—and that's your job too. They are covering news—you are making it. They are opposed to unnecessary restrictions on the free flow of information. You are also opposed to the growing demand from some quarters for severe limitation on information that can be disclosed publicly concerning criminal activities.

Now I also know that some departments do an excellent job in their relations with the news media, but I am sorry to say, partly from personal experience, that there are many more who do not. To those who do not, may I make a few observations.

Set up within your department basic regulations governing the release of information to the news media. Require that all except emergency releases be cleared through a central source, and I would hope that source would be the trained public information officer.

Learn to trust the representatives of the news media and get them to trust you. Don't think you can kid them or lie to them. If you can give them the information, give it to them straight. If you can't give them information, tell them that you can't and, if possible, explain why. In other words, don't play games with them—it's one you can't win.

Most news representatives, like you, have a decent respect for due process of the law and realize that law enforcement officers have a primary duty to protect the innocent, rather than to identify an alleged

criminal. News representatives respect officers who restrict their comments about a crime to accurate statements of fact and who avoid any expressions or suggestions of opinion which tend to indicate guilt or innocence of an accused. For if you turn out to be wrong on your information, and the news media use it, they are wrong too.

Not so long ago, Mr. Hoover said: "The key to meaningful cooperation between law enforcement and the news media is intelligent understanding of the role and procedure of both professions."

And he was so right. Meaningful cooperation between law enforcement and the news media is essential in the constant struggle to maintain law and order.

I am sure that the news media of the Nation will always meet you more than halfway, will be willing to assist you in every possible way to carry out your difficult assignments.

All I ask is that you welcome that assistance, that you adopt procedures within your departments to improve that relationship. But, one final warning! Do not expect them to cover up your mistakes, your misdeeds. That they can never do—for they, too, have a public obligation to report the facts, to uncover abuses, to tell the people the truth.

But working together, in cooperation, they can help you expose the slander and the lies which the ultra extremists are leveling against you. They can change public apathy, even public disgust, to public support.

You are both working to preserve freedom and to protect the rights of the individuals. Isn't it natural, then, that you at least should find a reasonable way to work together. I believe both of you can, and I am sure both of you will.



Hon. Werner P. Gullander.



Following is the address given by Mr. Gullander:

Mr. Hoover, Dr. Elson, President Anderson, distinguished guests, members of the graduating class, ladies and gentlemen:

The Director was not fooling. The last time I was in his office, he told me the story of how he slimmed down the FBI, including the Director. I didn't have the courage to come back until I'd lost 30 pounds. That's a tribute to the influence of this man in our society.

I also want to point out that Mr. Hoover commented on the fact that I was a true "Paul Revere." Well, he didn't know how close he came to the truth because a few months ago the Governor of the Commonwealth of Massachusetts made me a member of "Paul Revere Patriots," and gave me some cuff links, which I'm wearing today, which have the seal of the great Commonwealth of Massachusetts, and, more important, gave me a certificate. And this certificate entitles me to 10 prerogatives in the Commonwealth of Massachusetts, and I'll only mention 2 of them. One is that for me there is no speed limit between Lexington and Concord provided I'm on the back of a horse. Second, on the green in Lexington, I can not only practice musketry but I am also privileged to shoot any man I see in a red jacket provided I can see the whites of his eyes.

I know the reason why these gentlemen are here in the graduating class—because before they came here they demonstrated themselves as being such successful law enforcement officers. And you know, gentlemen, the old story is that behind every successful man, there stands a woman. And most speakers will identify that woman as being your wife. But I believe in dealing with the truth and nothing but the truth, so help me. And here it is. It is true that behind every successful man there stands a woman. But if you'll look over your shoulder very carefully, you'll notice it's a most amazed mother-in-law.

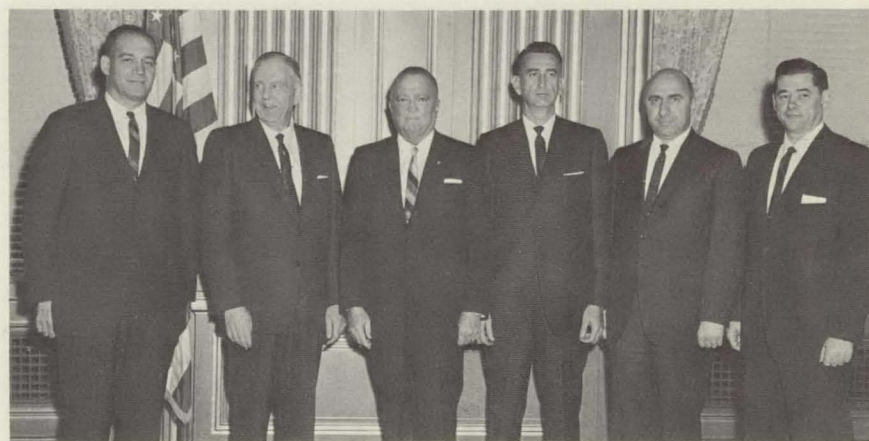
Gentlemen, on behalf of American industry, may I congratulate this 76th class on your graduation, on your performance to date, and what it will mean in your own communities, in your own lives, and the lives of your associates.

I want to bring out a few points this morning and they're all going to directly or indirectly relate to you and your activities.

Well, first I want to say that I'm delighted to be here because it gives me an opportunity to talk to law enforcement officers, and it is vital that industrialists throughout



Shown, from left to right, after the exercises are: Hon. Austin Wortley, commissioner of police, Coatesville, Pa.; Mr. James D. Dougherty, chief of police, Coatesville; Mr. Hoover; Mr. Robert C. Gilroy, superintendent of police, Tredyffrin Township, Berwyn, Pa., a member of the 76th session; and Capt. Jerry DiLiberato, security supervisor, Lukens Steel Co., Coatesville, Pa.



Officers of the New York State Police, Albany, N.Y., are shown with Director Hoover. They are, left to right: Capt. Saverio Allen Chieco; Hon. Arthur Cornelius, Jr., superintendent; Mr. Hoover; Insp. Donald G. Brandon, a member of the class; Mr. George Infante, assistant deputy superintendent; and Maj. Thomas H. Denlea.

America talk to law enforcement officers. But it is equally important that law enforcement officers talk to industrialists in America.

You cannot have communication unless it's two-way communication and you cannot have understanding unless you have communication. If you do not have understanding, you do not have cooperation. And many of the areas in which you work require far greater efforts than you or your organization can provide. Your communities must be behind you. There is a partnership between law enforcement officers and industry, just as there is a partnership between all government and all industry.

And I'm going from the Atlantic to the Pacific and from the gulf coast to the

Canadian border telling American industry that it's high time we recognized that everybody in business has a partner. Since February 1, 1913, we've had a profit-sharing partner because that's the date on which the income tax laws took effect. One percent, incidentally. But we've had a profit-sharing partner and we've gotten so accustomed to the profit-sharing partner we don't complain because he's a partner—we just complain about the share of profits he takes. But we have a decisionmaking partner in the form of government at the local level, at the State level, and at the National level. And as time marches on, this partner of ours is more and more a decision-making partner in making decisions in the area of our business. Many decisions we



prefer to make ourselves, but the fact of life is: Here is our partner.

Now those of you who come from New England may well have seen old desks that came into being, I think, perhaps in England and certainly were evident throughout New England for many years. These are partners' desks. A partner desk is a very wide desk with kneeholes on either side so two men can sit facing one another as partners running their business. And many of the early businesses, of course, were partnerships. Now they sat facing one another for two reasons: One, you could communicate both ways. You could talk about prices, customers, sources of supply and markets, whatever is involved in your business. And, second, you could watch your partner.

Now, government and industry must, at least psychologically, sit at partners' desks. We are already watching each other, but we've also got to start communicating far more than we ever have before. Now, communications give benefits and dividends to both sides, to both communicators. And I commend to you a means of communication with the business community and the industrial community that will help you perform your job better. Let me give you an illustration.

Two and one half weeks ago, my wife and I had one of the most delightful weekends of our lives. We spent Thursday, Friday, and Saturday at the U.S. Military Academy at West Point as the guest of the Superintendent of the Academy. There were seven couples he invited. I audited eight classes and saw the boys at work in classes. I saw them in their gym. I saw them in their parades. I saw them in their obstacle courses. I saw them in their dormitories. I ate in the messhall with them. I came away from West Point as one of the greatest advocates of as fine a job being done by the U.S. Army at the Military Academy in West Point as you can find in industry, and I'm sure the other six men who were with me felt the same way.

This was a very wise thing for this Superintendent to do because he didn't try to sell us a bill of goods. He showed us what he was doing. And as a result, we're good salesmen for these jobs that they are doing.

And I might say, incidentally, in view of what we've seen on American campuses, I was thrilled to see boys, who are subject to great discipline, who, in their classroom, are relaxed where the communication with themselves and their instructors is very vital and easy and where there was complete



Class officers are shown with Director Hoover and Assistant Director Joseph J. Casper following the presentation of plaques bearing the National Academy seal. From left to right, they are: Insp. Floyd E. Tidwell, vice president, who was also the recipient of the John Edgar Hoover Medal for Excellence in the Study of Law Enforcement; Lt. Vincent J. Anderson, president; Mr. Hoover; Insp. Eugene L. Barksdale, secretary-treasurer; and Mr. Casper. A plaque was presented to Mr. Hoover as a mark of appreciation from the 76th session of the FBI National Academy.

academic freedom—complete freedom—to say what they thought and think what they say in class, and still be very, very rigidly disciplined boys. If this can work at West Point with chosen people, maybe, to a degree, it can work elsewhere as well.

I wish more industrialists could come to Washington and see what the FBI and Director Hoover are doing to this program of the National Academy. If so, we would have far less difficulty in encouraging and inducing industrialists to provide funds to make more of this possible.

I commend to you again: Find ways in your own communities to get businessmen to come in and see firsthand what your achievements are and what your problems are and you will find you'll get more sympathetic understanding than you think.

A number of weeks ago I had the privilege of attending the first session that our President, Mr. Johnson, had, where he brought industrial leaders, labor leaders, and most of his Cabinet together. I was privileged to speak for industry at that dinner meeting. And the last thing I said was, "I wish to commend our President because he had the wisdom to bring together industrial leaders, labor union leaders, and the Cabinet. While all of you can never hopefully expect us to agree on everything, there is absolutely no excuse for not understanding one another and understanding one another's position." And, so, I commend to you more two-way communication.

Now, I can't pass up this opportunity with this kind of an audience to pay tribute to this great institution, the FBI, and to J. Edgar Hoover, a man whom I have admired since I was a small boy (and he was almost a small boy then, too). One tribute I want to pay is: Here is a man and here is an institution which have taken on an assignment to improve the competence of local law enforcement officers and agencies without any attempt to usurp the prerogatives of local enforcement, without any attempt to end up, long range with a national police force.

Ladies and gentlemen, this is one of the things that makes America great and powerful today. We have public servants who by virtue of their competence and performance, can achieve and have within their grasp great power, who do have the dedication and understanding of our way of life to use that power to train you and not to control you.

Now I'd like to commend the FBI and Mr. Hoover because they are one of the greatest bulwarks against communism we have in America today. And, sir, I commend you for your letter to the lieutenant in Vietnam, Lieutenant Connell, I believe his name was. I hope more people read that letter than read Ann Landers' letters in the paper.

We have the problem of communism and we can't expect the FBI to do the whole job. We can't expect just our law enforcement



ment officers to do the whole job. We have to communicate and one area in which we must communicate better is with young people—young idealistic people. We don't want to lose their ideals, but they are more susceptible to communistic doctrine than they will be later in life. And we've got to learn how to reach them. And we've got to be able to teach them that it isn't just a question of freedom, which is really fundamental, but it's also a question of economics and their own economic standing in the future. Let me give you an illustration of what I mean about trying to reach them.

One of our very fine medium-size colleges follows the policy of an open door—that anyone who has a philosophy or principle to talk about they'll let him come in and talk about it, even though the faculty may be opposed to it, on the theory if you expose the student body to both sides of a story, they'll accept the right one. They had a most competent successful orator come in and speak on the subject of socialism. He really was talking communism, but his subject was socialism. And he was so good and such a great salesman that the president was terribly concerned that he had exposed his student body to a man who perhaps had sold them on communistic doctrine.

So he said, "Will you come down and talk to the same student body, all four classes, about free enterprise?" and I said, "No, Doctor, I will not. When you ask the president of the NAM to come down to talk about free enterprise, nobody buys a ticket because they say we've heard all the clichés, we know exactly what that fellow's going to say. We've heard it all before." "But," I said, "I'd love to come down and talk to them, but not about free enterprise."

So I went down and one of the things I explained to the student body was that one of the basic differences between our society and communistic society is how we employ capital, not whether you have capital. Every society, regardless of its nature, must have capital because capital is nothing more or less than the tools you use to produce your goods, to make your life more comfortable, to transport you, to house you, to feed you, and what not. So every society must have capital, but in the communistic society the determination of how you use that capital, the decisionmaking, is made at the peak of the political authority. In our society, a competitive free enterprise—I didn't use free enterprise—a competitive society, the decisions are made at a very low level. Tentative decisions are made at a fairly high level in individual corporations,

but they're "tentative" decisions, which are either confirmed or rejected by the marketplace, which is 180 million people. They are confirmed or rejected because that's where the decisions are made. Now, I said, that sounds academic. Let me give you an illustration.

A number of years ago one of our largest corporations decided that it had finally figured out what kind of an automobile the American public wanted and needed. So it invested a tremendous amount of money and built an Edsel. That was a tentative decision made by the Ford Motor Co. The marketplace rejected that decision and said we will not confirm that decision. So this great corporation lost close to a third of a billion dollars because it made the wrong decision.

Now, that same great company more recently decided again it knew what kind of an automobile the American public wanted. So it came out with a Mustang. And that decision, the marketplace said, we will accept. This is a sound decision. Now, I said to the freshmen, the sophomores, the seniors, and the juniors, "What do you want? If you were in Russia, if you were in the Soviet, or if we had communism in this country, the decision made at the peak would have been to build an Edsel and we'd have built Edsels by the millions and you'd still be driving Edsels. Now, do you kids want to drive Edsels or Mustangs?" And the student body said, "Mustangs!" This is teaching free enterprise. This is showing them that if you want communism, you better sacrifice something more than just your freedom—your economic free choice as well.

Now this is really a very simple matter because the difference that we're talking between communism and our society is, where do you make decisions? At what level? I spent 32 years in industry before I started this kind of occupation, and I learned in those years that one fundamental principle is that you should make your decisions at the lowest practicable level where the facts are more readily at hand, more readily understood, and where the consequences of a good or a bad decision feed back to you right now. When you've made an error, you know it today, not 8 months from today when a report comes through from some laboratory. And when you have a success, you know about it today. So, I say, particularly to foremen, "Never let yourself make a decision that a man at the bench can make better than you, and try not to let your superintendent make a decision that you can make better than he."

And he should try not to let his factory manager make a decision that he can make better. This is not because I'm so much in favor of the lower fellow making the decisions but only because he can make them better if he's qualified to do so.

Now, this applies also in our social order which changes from time to time and from decade to decade because our society moves and changes. But, fundamentally, local decisions should be made at the locality when those decisions are better made there. They should be made at the State level if those decisions are better made at the State level. But they shouldn't be made at the State level if the local level has a better decision. The same is true with the Federal Government. The Federal Government should not make decisions which can be better made at the State or local level. And as a corollary to that, the State and local should not be making decisions that the Federal Government can make better and more ably. So, when you find businessmen speaking up from time to time in opposition to legislation or proposals for decisionmaking at a given location, it's not because of a dogma, it's because in our judgment the decision may be better made at a different place.

This is also true with respect to an individual. And the greatest difference between Americans today and almost all Europeans on both sides of the Iron Curtain is that we have the privilege of making more decisions ourselves in relation to the total than is true of our European counterparts. This is certainly true in industry and business: that American businessmen have a greater opportunity to make a higher percentage of decisions than their French counterparts, their Swedish counterparts, and certainly their British counterparts.

The NAM has undertaken to convince industrialists of America—and we're meeting great success—that more than just to manufacture goods and to distribute those goods—we have a broader responsibility. And that is, the people who have the competence to direct industries, to direct enterprises, must share some of that competence in solving problems in their own communities, in their States, and, of course, on a national level. We must become problem-solving people. We should quit complaining when government undertakes to spend tax dollars to solve problems that either are real or we think are real, if we aren't doing anything about them. And if we don't like government's doing these things, then we better demonstrate to our public officials that we can do better. But we better go out and do it and not just say we can do better.



Now those are easy words, but how do you do it? Well, unemployment is a problem, high school dropouts are a problem, and you, gentlemen, know what happens with high school dropouts—that's where I suspect an important percentage of your law violations come from because a fellow did not stay on at school and get the right kind of economic life he wanted. We knew that we were not smart enough as an association to know how to solve all dropout problems or all unemployment problems. But we did know there were as many unemployment problems as there were individuals willing and able, or potentially able, to work who didn't have a job. And you can't categorize them, you can't classify them. There's one for every man in such a situation or woman in such a situation.

So we said there must be people around America, people of good will, in all walks of life who found ways and means of solving these problems in their own communities. And that if we're not smart enough to determine how to solve them, we think we're smart enough to find the successful solutions that have already been created, and we will be the national distributor of these ideas so other communities can do the same. So we searched America and we found in Milwaukee, we found in Indianapolis, we found in Bedford, Ohio, we found in Racine, Wis., we found all over the country, unusual solutions to particular problems of which there are counterparts all over America.

Now, I don't want to mislead you by saying we've made some great solutions, but I spent some time in Los Angeles only a short time ago with 180 businessmen whose one concern was: What do we do about Watts? And we said, gentlemen, we don't know what you can do about Watts. That's your problem, but here we will present to you 50 cases of what other people have done under circumstances which may be comparable to Watts. So here are the experience and knowledge gained by other people. And here are the people you can contact directly who will be glad to help you—to help solve your Watts problem.

When the Civil Rights Act became the law of the land, title 7 was the only area on which we as an association representing the manufacturers and employers had any right to really speak up. This is the section which relates to equal employment opportunity. When it became the law of the land, we said, "Now our job is to be sure that industrialists understand it, because you can't obey it unless you understand it, and you can't operate your business

satisfactorily unless you understand it." So we had 60 seminars around America in cooperation with government and with the National Urban League to teach industry what title 7 was and what it was not. As a result, I am sure there was less confusion, less upset, less fear, and more success because of title 7.

Another program we're trying to do that Director Hoover had the courtesy to mention is that we are trying to encourage industry to do something specific in the area of local law enforcement officer training. And that is to support this program from which you now are graduating. We wish to encourage industries to participate in all community activities. But it's up to you, gentlemen, and your associates, to make the contacts in your own communities so they can find out what you're doing and learn how they can help.

So let's all hope for better communication which will give better cooperation in the solution of more local problems. Again, I say congratulations to you, gentlemen, for a job well done and best wishes for a great future. And congratulations to the men of the FBI and the Director, in particular, for making this possible in the manner in which they do. And I hope, since your president has referred to you as the class with "the Spirit of '76," you take that spirit home and keep the fundamentals in the spirit of America forever.

The members of the graduating class of the 76th session of the FBI National Academy are:

William L. Albott, Kansas Highway Patrol.  
 Vincent J. Anderson, Yonkers, N.Y., Police Department.  
 Herbert Barber, Oklahoma Highway Patrol.  
 Eugene L. Barksdale, Memphis, Tenn., Police Department.  
 Robert U. Best, Kissimmee Fla., Police Department.  
 Benjamin F. Bowen, Jr., Tampa, Fla., Police Department.  
 Billy A. Brandon, Kerrville, Tex., Police Department.  
 Donald G. Brandon, New York State Police.  
 Thomas A. Bulcock, Manchester, N.H., Police Department.  
 Robert E. Burton, Mississippi Highway Safety Patrol.  
 John William Carpenter, Hermosa Beach, Calif., Police Department.  
 Lawrence J. Cassanova, Jr., New Orleans, La., Police Department.  
 John Robert Colister, Maryland State Police.

Jorge L. Collazo Torres, Police of Puerto Rico, San Juan, P.R.  
 Eugene Crickenberger, Federal Bureau of Investigation.  
 Hugh R. Darby, Auburn, Wash., Police Department.  
 Richard Carmine Davis, Department of Police, Virginia Beach, Va.  
 Charles Francis Dawley, Mount Pleasant S.C., Police Department.  
 Fred F. Drenkhan, Bay Village, Ohio, Police Department.  
 Dale Edward Dye, Ravalli County Sheriff's Office, Hamilton, Mont.  
 James W. Edmundson, Janesville, Wis., Police Department.  
 William Harrison Ellis, Carmel-by-the-Sea, Calif., Police Department.  
 Ellison William Ensor, Baltimore County Police Bureau, Towson, Md.  
 Gholam-Ali Eshghipoor, General Police Administration, Tehran, Iran.  
 Thomas Elmer Fitzgerald, Staunton, Va., Police Department.  
 William F. Furlong, Carson City, Nev., Police Department.  
 Robert C. Gilroy, Tredyffrin Township Police Department, Berwyn, Pa.  
 Frank W. Gleason, Middletown Township Police Department, Middletown, N.J.  
 Wesley D. Greenan, Mason City, Iowa, Police Department.  
 John Habecker, Reading, Pa., Police Department.  
 George H. Heuermann, Nassau County Police Department, Mineola, N.Y.  
 Charles W. Higginbotham, White House Police, Washington, D.C.  
 Wilbur Lyle Hockema, Corvallis, Oreg., Police Department.  
 Donald L. Homen, Middletown, R.I., Police Department.  
 John M. Homola, Jr., Mount Prospect, Ill., Police Department.  
 Mohammad Isa, Police Service of Pakistan, Dacca, East Pakistan.  
 William H. Jones, New Canaan, Conn., Police Department.  
 Carl M. Kalinowski, Erie, Pa., Police Department.  
 Jerome M. Kalota, North Tonawanda, N.Y., Police Department.  
 Reis R. Kash, U.S. Army.  
 James W. Kennon, Glenn County Sheriff's Office, Willows, Calif.  
 Donald J. King, Denville, N.J., Police Department.  
 John F. Liesman, National City, Calif., Police Department.  
 Oren C. Lowder, Illinois State Highway Police.  
 James F. Lynch, Boston, Mass., Police Department.



Walter Robert McEwen, U.S. Park Police, Washington, D.C.  
 William H. McGee, Texarkana, Tex., Police Department.  
 Raymond L. McLean, Montclair, Calif., Police Department.  
 Martin A. McNerney, Federal Bureau of Investigation.  
 C. J. McNew, Eugene, Oreg., Police Department.  
 James F. Majury, Metropolitan Toronto Police Department, Toronto, Ontario, Canada.  
 Ronald L. Maley, Federal Bureau of Investigation.  
 Walter E. Markel, Ironton, Ohio, Police Department.  
 Fernando Marrero Colon, Police of Puerto Rico, San Juan, P.R.  
 Frederick A. Mead, Palm Beach, Fla., Police Department.  
 Robert Edward Minnie, El Paso, Tex., Police Department.  
 Stewart C. Moody, Montgomery, Ala., Police Department.  
 Brian Mottishaw, Layton, Utah, Police Department.  
 Nasir bin Mohd. Diah, Royal Malaysia Police, Ipoh, Malaysia.  
 Millard E. Nickerson, Maine State Police.  
 Nisar Ahmad, Police Service of Pakistan, Lahore, West Pakistan.  
 Filmon B. O'Bryant, Metropolitan Police Department, Washington, D.C.  
 Thomas G. O'Hehir, Brooklyn Center, Minn., Police Department.  
 Phang Cheow Hock, Singapore Police Force, Singapore.  
 Loren M. Pittman, River Rouge, Mich., Police Department.  
 Daryl A. Plath, Fairmont, Minn., Police Department.  
 Joseph B. Quigley, Mesa, Ariz., Police Department.  
 Thomas E. Randel, Fort Lauderdale, Fla., Police Department.  
 Benjamin P. Rideout, Sr., Morris Township Police Department, Morristown, N.J.  
 Frank M. Robertson, II, Arkansas City, Kans., Police Department.  
 John William Ross, Jr., U.S. Air Force.  
 Ernest E. Saunders, Florida Highway Patrol.  
 Richard T. Schmeding, Fort Wayne, Ind., Police Department.  
 Ray Shoaf, Winston-Salem, N.C., Police Department.  
 Murray L. Sills, Vicksburg, Miss., Police Department.  
 George R. Siter, Jr., Berkeley Heights, N.J., Police Department.  
 James Robert Solt, Ohio State Highway Patrol.

Jesus B. Sosa, New Mexico State Police.  
 Domingos Fernandes de Souza, Department of Civil Police, Rio Grande do Sul, Porto Alegre, Brazil.  
 Robert Leon Spohn, U.S. Army.  
 Philip B. Stevenson, Shasta County Sheriff's Department, Redding, Calif.  
 Wood Stringer, Jr., Mississippi Highway Safety Patrol.  
 Jae Kun Suh, National Police Headquarters, Seoul, Korea.  
 Loyce A. Tate, Birmingham, Ala., Police Department.  
 L. G. Bud Tatum, Oklahoma State Bureau of Investigation.  
 Glenn L. Terry, South Bend, Ind., Police Department.  
 Floyd E. Tidwell, San Bernardino County Sheriff's Office, San Bernardino, Calif.  
 Roy Lee Titler, Pennsylvania State Police.

Kenneth N. Thompson, Westchester, Ill., Police Department.  
 Will H. Tomlinson, Jr., Anchorage, Alaska, Police Department.  
 Felix Bunoan Valencia, Jr., National Bureau of Investigation, Manila, Philippines.  
 Arnold E. Van Dam, Muskegon, Mich., Police Department.  
 Everett E. Wilcox, Kentucky State Police.  
 Kater W. Williams, Mobile, Ala., Police Department.  
 Robert H. Winley, Victoria, Tex., Police Department.  
 Ralph M. Wood, North Dakota Highway Patrol.  
 Raymond J. Wright, Lexington, Ky., Police Department.  
 Edmund Robert Wynn, Greensboro, N.C., Police Department.  
 John W. Zindar, Sheboygan, Wis., Police Department.

## LIFELESS LIKENESS

Two inmates of a prison medical facility, serving 5-years-to-life terms, escaped from their cells and from the institution during the night. They made their exit by sawing out two bars in a window, cutting a hole in the inside security fence, and scaling the outer perimeter fence.

The escape was discovered when a correctional officer found a lifelike dummy, complete with human hair and dressed in a prisoner's uniform,

in the bed of each of the escaped convicts.

A search of the institution brought to light a pair of heavy-duty lineman's pliers that had been used to cut a hole in the security fence and two hacksaw blades and a bar of soap, which had apparently been used to lessen the noise or to lubricate the blades as the window bars were cut.

The two missing inmates were apprehended a week later in a neighboring State.



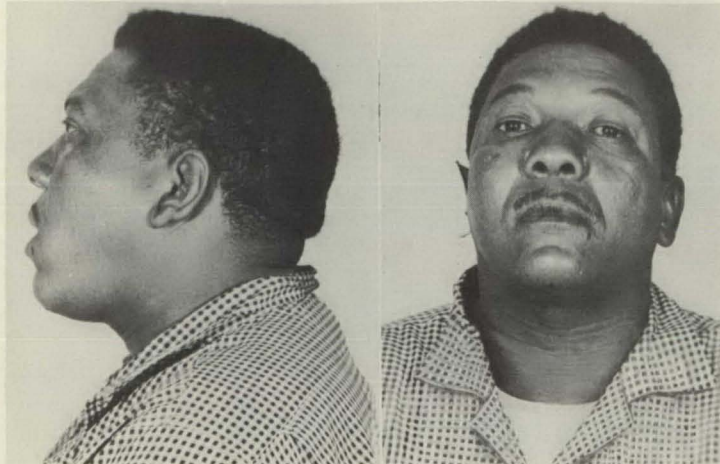
Lifelike dummy constructed by prison escapees and found in their cells.

*San Francisco Criminel, 5-13-65*

*Bufile #63-4296-47 Ser. #970*



# WANTED BY THE FBI



**ORA DAVID LOTT, also known as: Dave Lott, Ora Dave Lott, "O. D."**

## **Interstate Flight—Murder; Armed Robbery**

ORA DAVID LOTT is currently being sought by the FBI for unlawful interstate flight to avoid prosecution for murder and armed robbery. A Federal warrant for his arrest was issued on August 20, 1964, at Houston, Tex.

## **The Crime**

On July 17, 1964, Lott allegedly robbed a Houston, Tex., liquor store at gunpoint. After obtaining money from the cash register and the proprietors of the store, Lott reportedly shot and killed one of the men without provocation.

## **The Fugitive**

Lott is 6 feet 2 inches tall and weighs over 300 pounds. He has cut scars on his right cheek and right ear and has been employed in the past as a cement finisher and laborer.

## **Caution**

Since Lott is being sought for a murder in which the victim was shot

with a .38-caliber revolver, he should be considered armed and dangerous.

## **Description**

Age----- 34, born April 20, 1931,  
McDade, La. (not supported by birth records).  
Height----- 6 feet, 2 inches.  
Weight----- 300 to 310 pounds.  
Build----- Heavy.  
Hair----- Black.  
Eyes----- Brown.  
Complexion.. Medium.  
Race----- Negro.  
Nationality-- American.  
Occupations- Cement finisher, laborer.  
Scars and Cut scars on right ear and  
marks. right cheek.  
FBI No----- 817, 442 E.  
Fingerprint 6 M 1 T II 6  
classification. S 17 R III

## **Notify the FBI**

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

20535, or the Special Agent in Charge of the nearest FBI field office, the telephone number of which appears on the first page of most local telephone directories.

*Letter from ETV 9-23-65  
+ ETV P. 11 Release*

## **POLICE TRAINING**

### **VIA TV**

The South Carolina Law Enforcement Division under the direction of Chief J. Preston Strom, immediate past president of the FBI National Academy Associates, has initiated a statewide police training program by closed-circuit television. This is reported to be one of the first of its kind in the United States.

Utilizing the facilities of the South Carolina Educational Television Network, the series will provide training on the latest investigative methods and techniques, and the lecturers will be experts in various fields from throughout the State and Nation.

Chief Strom pointed out that since the network has closed-circuit facilities in each county throughout the State, every officer is within a few miles of one of these outlets. Therefore, by going to a public school at a scheduled time, all officers may receive the same information. Heretofore, it has taken weeks to conduct individual training sessions and much expense has been involved.

The programs will be recorded on video tape and rebroadcast from time to time for officers who, because of shift changes or other duties, miss the initial broadcasts.

## **DON'T DELAY**

Information concerning fugitive on the move should be dispatched swiftly and widely. Delay may result in other officers' bypassing a fugitive car while not knowing the driver is wanted. *Salt Lake City Conference 8/1*  
*Bufile #83-11941*

**FBI Law Enforcement Bulletin**

U.S. GOVERNMENT PRINTING OFFICE: 1965 O-794-225



## FOR CHANGE OF ADDRESS

Complete this form and return to:

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FEDERAL BUREAU OF INVESTIGATION  
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(Zip Code)

*Detroit Criminal  
2-2-65, Bufile 65-4296-15*

### PROTECT RIOT EQUIPMENT

Not to be overlooked in riot control procedures is the protection of a department's equipment. One midwestern department has assured the protection of its two tanks, a "duck,"

an armored car, and other items against sabotage by placing all the equipment behind floor-to-ceiling steel fences in its storage area. Each piece of equipment is wired with a burglar alarm, and a 24-hour guard is maintained in the area.

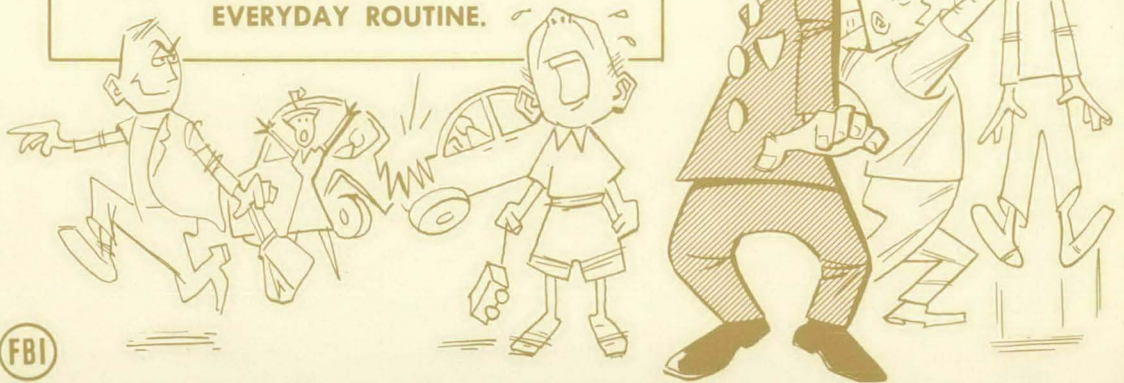
*"Cooperation, The Backbone of  
Effective Law Enforcement" +  
DOCUMENT addition by  
IDENTIFICATION reviewing agency*

Documents submitted for fingerprint examination should be identified by attaching a slip of paper giving necessary information rather than by any markings on the document itself.

## Helpful Hints

### SELF-CONTROL

A POLICE OFFICER MUST ALWAYS  
BE SELF-POSSESSED. PRESSING  
SITUATIONS ARE A PART OF HIS  
EVERYDAY ROUTINE.



FBI



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

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## QUESTIONABLE PATTERN



The pattern presented this month is classified as a loop with seven ridge counts and is referenced to an accidental-type whorl with an inner tracing. It should be noted that the ridges at point A are ending ridges and do not meet or join to form the looping ridge that would be necessary for preferential classification as a whorl-type pattern.