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JULY 1971



FBI

LAW ENFORCEMENT BULLETIN



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

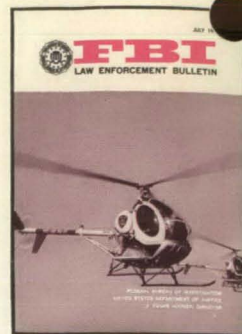
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THE COVER — Police helicopter patrol in Oakland, Calif. See article beginning on page 2.

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MESSAGE FROM THE DIRECTOR . . .

. . . To All Law Enforcement Officials

LIBERTY, IT HAS BEEN SAID, is the right to do what the laws allow. Liberty is not, as some present-day protesters seem to think, the right to overrun the rights of others, and the law does not allow it.

The sentiment appears to be growing among some people that a person has a right to break the law if he is motivated by so-called political or moral issues. Further, some groups insist on the privilege of violating the rights of others while expressing their dissent in such wild schemes as trying to "shut down the Government." They are visionary rich and judgment poor.

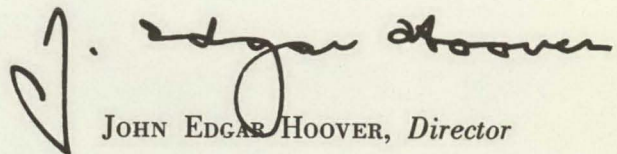
Indeed, with respect to the Mayday demonstrations in the Nation's capital, the most neutral and objective observers must have felt that some influential components of our society, judging from their reactions, were sympathetic to the rebelling hordes who vowed "to bring the Government to a halt."

As elementary as it may seem, commonsense and public morality are necessary parts of lib-

erty under the law. In the recent past, we have seen some ridiculous incidents in the name of rights, liberty, and freedom which were completely devoid of commonsense and morality. In fact, many such events were staged as if to perpetuate degradation and depravity rather than anything so uplifting and noble as rights and freedoms. Also, to my mind, we are right to question the sincerity of petitioners, regardless of their cause, who haul down the Nation's flag and destroy and burn government property.

Citizens taking to the streets to air their grievances should remember that they are exercising a most cherished right under the system of law. Their presence, however restrained and controlled, creates some degree of inconvenience and hardship for others, not to mention the costs involved which must be borne by the local and/or Federal Governments. These conditions are understandable. However, when demonstrators deliberately defy authority and violate the rights of others, let them know that the same system of law which willingly grants the opportunity to be heard will quickly and effectively curb their excesses. Liberty without law is a myth.

JULY 1, 1971



JOHN EDGAR HOOVER, *Director*



By
CAPT. PALMER STINSON
Police Department,
Oakland, Calif.

A Police Helicopter Program

"On virtually every day an apprehension is made or an incident controlled solely because of the unique capabilities of the helicopter."

A police helicopter awaits tower clearance for takeoff for aerial patrol of city streets.



A little over a decade ago, police departments began using helicopters, primarily as emergency vehicles. Today, however, a number of law enforcement agencies have found that routine helicopter patrol over an extended period of time is practical. The pioneering helicopter programs furnished facts about cost-effectiveness and crime reduction which encouraged an ever-increasing number of urban police departments to implement similar programs. In fact, the use of rotary wing aircraft as police patrol vehicles has even spread to law enforcement agencies in relatively small suburban communities. Several Southern California suburbs are presently realizing the benefits of a shared helicopter service, and other small agencies in Northern California are organizing a similar program.

Planning Period

In Oakland planning for the acquisition of police helicopters spanned a 3-year period. This west coast city, typical of most large cities with crime problems, has a difficult time meeting the burgeoning demands for municipal services solely from tax revenues. As a consequence, worthy programs which require a major capital outlay must, on occasion, necessarily await the availability of tax dollars.

During the planning period several plans were examined in an effort to minimize the implementation costs of a helicopter program. First, a pooling arrangement, whereby Oakland



The Helicopter Unit Sergeant is a qualified flight instructor who supervises flight check routines, including autorotations.

and one or more neighboring cities would share the use of a helicopter, was evaluated. Preliminary studies suggested, however, that an adequate aerial patrol for the city would require the exclusive use of two helicopters.

In November 1969, the research and development division of the police department was assigned the task of developing a helicopter program which could be worked into the budget. Purchase versus lease/purchase alternatives were first examined. We ultimately decided that a lease/purchase agreement would be most desirable during the initial year of operation. A number of agencies with grant funds were then approached. The National Highway Safety Bureau (NHSB), Department of Transportation, offered encouragement. The NHSB was interested in evaluating the use of helicopters for traffic-related activity in an urban environment. Our department subsequently submitted a proposal to the NHSB agreeing to commit 40 percent of all flight time to traffic prob-

lems. This proposal was accepted, and a significant amount of the first-year costs was covered by a Federal grant.

The project daily flight plan stipulates that during the peak traffic hours there will be approximately 4 hours devoted to aerial patrol of Oakland's busiest arterials. During these flights the surveillance emphasis will be on traffic congestion. The helicopters are also used to patrol traffic movement whenever a special event is scheduled at the Oakland Coliseum.

In-Flight Activity

Each helicopter flight has a specified primary mission. Sometimes, however, a high priority need will temporarily interrupt the regular assignment. Frequently, for instance, during a crime investigation flight the helicopter crew will observe and take action on a traffic incident. The reverse often occurs when criminal activity is noted on a traffic surveillance flight. All in-flight activity is logged at the conclusion of each flight, and the ac-

tivity trade-offs can therefore be carefully evaluated at the conclusion of the first year of operation.

A 3-month training period preceded the operational phase of the project. Regular patrol operations began on December 1, 1970, and although it is too early to characterize the helicopter program as an unqualified success, the immediate results have been extremely gratifying. On virtually every day an apprehension is made or an incident controlled solely because of the unique capabilities of the helicopter. The following excerpt from a police report is illustrative of the many unusual arrests that are being made:

"On January 26, the police helicopter was conducting a traffic surveillance patrol in East Oakland. The crew observed a vehicle traveling at a high rate of speed, southbound on 62nd Avenue. As the helicopter flew over and in front of the speeder, the observer played the searchlight on the vehicle and street to slow the car down. The vehicle then pulled over to the curb and stopped. Two occupants got out and started walking west on East 14th Street. The observer directed a ground unit to check the vehicle while the helicopter followed the two occupants who walked approximately two blocks from the scene and entered a store. The ground unit, after determining that the abandoned vehicle was stolen, was directed to the hiding place of the suspects by the helicopter crew. The suspects were then taken into custody for car theft by the ground unit."

Some police administrators are unfamiliar with the unique matters which must be considered when starting a helicopter program. The major areas of concern are described in the following paragraphs.



Chief Charles R. Gain.

Training and Safety Measures

Most of the crashes involving non-military rotary wing aircraft are the result of pilot error. As a consequence, the success of a police helicopter program is critically dependent on the quality of training afforded its pilots. Only a few of the established flying schools presently have helicopter flight training that is geared to police services. Nevertheless, the importance of this part of a new program justifies considerable effort to identify and choose a facility with the necessary specialized training.

Ordinarily, law enforcement helicopter pilot training programs call for 200 hours of in-flight training. This is a minimum figure. Ideally, a police helicopter pilot should have 300 hours, and agencies starting new programs would be wise to budget for the higher figure. There are also definite cost advantages to selecting fixed-wing pilots for helicopter training, as the ground school period is considerably shortened.

Except in emergency situations, the police helicopter should not fly at altitudes less than 500 feet. Assuming a normal flying speed and a 4 to 1 descent ratio, the pilot then has up to 2,000 feet of lateral movement possible to seek a landing spot in the event of power failure. Regularly scheduled autorotations (powerless

landing) must be practiced daily in order to maintain pilot skill and confidence in the maneuver.

Equipment

Radio communication in the police helicopter presents special problems. The pilot's hands and feet are continuously occupied while flying the aircraft, and, as a consequence, a rather sophisticated switching arrangement must be built into the aircraft's cyclical control. The situation is complicated by the need for a VHF flight radio link, an intercom between pilot and observer, a multiple band police radio, and a public address system. The matching and balancing of the various circuits is an extremely complex technical task that requires special expertise.

Avionics is the name applied to the industry specializing in aircraft radio installations. Radio installation by unqualified technicians is likely to result in a totally inadequate communications package. Decisions must also be made by the police administrator relative to the use of rescue litters and nighttime illuminators.

Insurance

Most general liability policies carried by cities have exclusionary clauses in regard to helicopter operations, and special policy coverage must be obtained. In some cases an agency's existing liability policy can be broadened; however, a separate policy is usually required. Limits ordinarily are established in increments of a million dollars. Many smaller governmental entities are satisfied with a \$1 million policy while the larger cities may be covered for \$5 or as much as \$15 million.

Life insurance policies also often do not cover deaths resulting from the operation of a helicopter; and, as a consequence, some police agencies

purchase special life insurance policies for their pilots.

Skill Pay

The excitement associated with flying is attractive to policemen, and there are usually more volunteers than pilot openings. When a helicopter program is in the offing, the question of supplementary pay is not a significant factor in recruiting pilots. Most police agencies do, however, offer skill pay. The amounts vary widely, usually ranging from 5 to 18 percent of the base salary.

Heliport Facilities

Cities with large commercial airports within their environs often locate their police helicopter operation at the established facility. There are

obvious cost advantages in this arrangement and the airport managers are usually grateful for the additional police presence. On the other hand, certain problems are associated with large airports. The air traffic does increase collision hazards. Furthermore, the necessity of obtaining take-off and landing clearances can be burdensome at times.

Surprisingly, the costs of a heliport can be modest, particularly if an appropriate site is already owned by the agency. Most law enforcement helicopter experts recommend the development of a special police heliport facility.

Maintenance of Helicopters

Helicopter maintenance is the single most costly item to be budgeted. Because airworthiness is so important,

maintenance must be kept in the hands of qualified mechanics. Most lease agreements will, in fact, stipulate that only mechanics who are trained and approved by the manufacturer can work on the aircraft. Some agencies with successful ongoing helicopter programs have hired their own aircraft maintenance people; but the wisest, and safest, course of action in a new program is to contract with an established firm for the upkeep service.

Selection of Pilots and Observers

Although there is a growing labor pool of exmilitary helicopter pilots, it is vital that pilots in police helicopter programs be police officers. A number of veteran pilots contacted the Oakland Police Department; however, only one was interested in becoming

An Oakland police helicopter patrols traffic on streets bordering Lake Merritt.





An observer and a pilot discuss a flight plan prior to takeoff.

a policeman as well as a pilot.

Initially, the implementation plan was to train four pilots for the two aircraft. This figure was subsequently increased to five. During the training period, the supervising sergeant qualified himself as a flight instructor and one Vietnam veteran pilot joined the force, thereby raising the total number of pilots to seven.

The first five pilots were chosen from a group of 38 volunteers. A panel consisting of a Federal Aviation Agency flight instructor, a deputy chief, and a captain considered such factors as motivation and career interest. A practical consideration—the higher cost of training candidates with no prior flying experience—also influenced the selection process, and as a consequence, three of the five picked for the training were fixed-wing pilots.

Observers must develop a familiarity with the various helicopter systems, and the orientation is best handled by the pilot training facility. It is recommended that a relatively large number be trained to permit regular

(Continued on page 32)

A police pilot and an observer complete pre-flight checks and maintenance.



Fingerprinting:



A Story of Science vs. Crime

The history of modern law enforcement has proven that science and crime are natural opponents: science flourishes with discovery while crime thrives in concealment. The conflicting relationship between the two was emphasized dramatically on August 30, 1968, when experts of the 47-year-old Identification Division in Washington, D.C., identified, from latent fingerprints found on a ransom note, a kidnaper who held a 4½-year-old boy he had taken at gunpoint from a California mother only 2 days before.

Notwithstanding the importance of this identification in the sleepless efforts of FBI Agents to return the ransomed child unharmed to the safety and comfort of his parents, the overriding significance of this latent fingerprint identification lay in the certainty with which scientific method

has enabled law enforcement to identify an individual from the billions of persons who inhabit this earth. By its ability to expose the criminal and his acts, science has indisputably asserted itself as the precursor of modern law enforcement and mankind's hope for the future in its age-old struggle with crime.

At daybreak on August 29, 1968, an FBI Agent at Friendship Airport, Baltimore, Md., was handed an envelope which had arrived by a commercial airliner departing from Los Angeles, Calif., late the previous evening. Alerted that the package contained a ransom note found the day before in the investigation of a kidnapping case by the Los Angeles FBI Office, the Agent lost no time in rushing it directly to FBI Headquarters in Washington, D.C.

Typewritten in capital letters of a common style on a piece of unwatermarked white bond paper torn from a larger piece, the note stated:

"HAVE 250,000.00 DOLLARS
IN USED 20 DOLLAR BILLS.
PUT BILLS IN A CLOTH BAG
LIKE A LAUNDRY BAG. DO
NOT HAVE WRAPPERS ON
BILLS PUT THEM IN THE
BAG LOOSE FOLLOW DIREC-
TIONS CLOSELY OR YOU
WILL NEVER SEE THE BOY
AGAIN HIS SAFETY DE-
PENDS ON MY SAFETY

BE AT CORNER OF LA
CIENGA & BEVERLY BLVD.
AT 7:30 PM TONIGHT I WILL
CONTACT YOU BY THE
PHONE AT BEVERLY PARK
ON BEVERLY BLVD."



Using an ultraviolet viewer, a fingerprint examiner checks evidence for latent prints.

Examination by experts in the FBI Identification Division later that same morning produced two latent fingerprints on the note. However, comparison of these with the fingerprints of known or suspected kidnapers, extortionists, and strong-arm criminals effected no identification.

Surveillance and Apprehension

The Los Angeles FBI Office in the meantime, with the cooperation of the victim's parents, was involved in hectic surveillance attempting to cover numerous ransom payoff locations which the wary kidnaper changed repeatedly during the evening of August 28th, and the following day, through telephone messages to the victim's father and by cryptic notes left at prearranged locations. In the course of this round-the-clock surveillance, Agents observed shortly before midnight on August 29, 1968, in the vicinity of one of the designated payoff locations an unknown male furtively copy a pay telephone booth phone number

and thereafter depart in a car. Immediately checking the license plate number observed on the car, the Agents discovered it was registered to a recently paroled convict who had been convicted in Federal Court 4 years earlier for transporting a stolen motor vehicle across State lines.

Descriptive data concerning this suspect were telephonically furnished to the FBI Identification Division in the early morning hours of August 30th, where an arrest record for him, based on fingerprints, was found. These fingerprints were then compared with the two latent prints on the ransom note and found to be identical.

The investigators were relentlessly closing in around the kidnaper with a swiftness that he could not have possibly imagined. Within a few hours following his identification, the kidnaper, with the victim child, was spotted by FBI Agents as he attempted to intercept an intermediary who carried the ransom money in a laundry bag to a prearranged drop. Appar-

ently sensing that something amiss, the desperate kidnaper fled the area in a car, with the victim, before the payoff could be made. Although realizing his desperation and potential to carry out his threat to harm the child should his own safety be at stake, investigating Agents had no choice but to pursue him in a high-speed chase. While his car careened through a business section of Los Angeles at dawn on August 30th, the kidnaper emptied his revolver firing at pursuing Agents, wounding one of them in the arm. Finally, the pursuing FBI cars gained positions in which they could force the kidnaper to stop. The defiant kidnaper, clutching his young victim as a shield, continued to "fire" his gun at the first Agent who approached the car. Fortunately, the empty revolver resounded only with the "click" of its firing pin striking empty cartridges. Most fortunately, the kidnaped child was not seriously harmed and suffered only the trauma of his abduction and a few minor abrasions from being tossed about in the speeding automobile.

Before Scientific Methods

In the identification and arrest of the kidnaper, science again demonstrated that it is an extraordinary ally in the exposure of crime and criminals. The kidnaper's record in the FBI Identification Division cataloged his arrests for nearly a dozen serious crimes in seven States spanning a period of 21 years. Knowledge of these facts caused FBI Agents to take the necessary forthright action in effecting his apprehension and releasing his helpless captive.

Had this kidnaper been arrested a century ago when scientific methods first began to illuminate law enforcement procedures in identifying criminals, his previous background of lawlessness would most likely have gone unnoticed. Since using an alias was

The practice of felons even before the advent of fingerprinting, it would have been improbable for police to associate an arrested person with any crime—particularly in a distant area—other than the one for which he had come to their attention. Police in those days relied only on their memories, sketchy descriptions, and a few photographs of some widely sought fugitives in establishing the identity of arrested persons. These methods were not always reliable. By the simple expedient of furnishing a new name with each arrest, criminals were quite successful in concealing their past nefarious activities. The absence of an infallible identification system obliged law enforcement agencies to deal with crime on a catch-as-catch-can basis. No procedures were available to law enforcement officials for accurately assessing crime nor was there any basis of knowledge for devising programs and techniques to control crime.

Latent Fingerprints

Serious research into fingerprinting did not begin until the mid-19th century. Moreover, it was not until 1892 that identification of a latent fingerprint impression found on a wooden door figured in the solution of crime—a double murder in Argentina. Students of fingerprinting recognized early in their research that skin secretions of body fluids often leave clear fingerprint impressions on many objects that are touched. Later it was discovered that these latent impressions can be photographed and lifted by adhesive material without marring their identifying characteristics.

Latent fingerprints are of paramount importance in the solution of crime since they frequently, as in the case of the kidnaper, furnish an indelible and indisputable record of a criminal's presence at a crime scene. To the

few who had long studied the subtle ridge patterns on human fingers, there was never any doubt of the momentous significance of their labors.

The singularity of fingerprint impressions had been recognized even in ancient societies as a special mark. However, the possibility of devising a workable system of identification from these curiously distinctive patterns on the tips of fingers did not materialize until the last half of the 19th century.

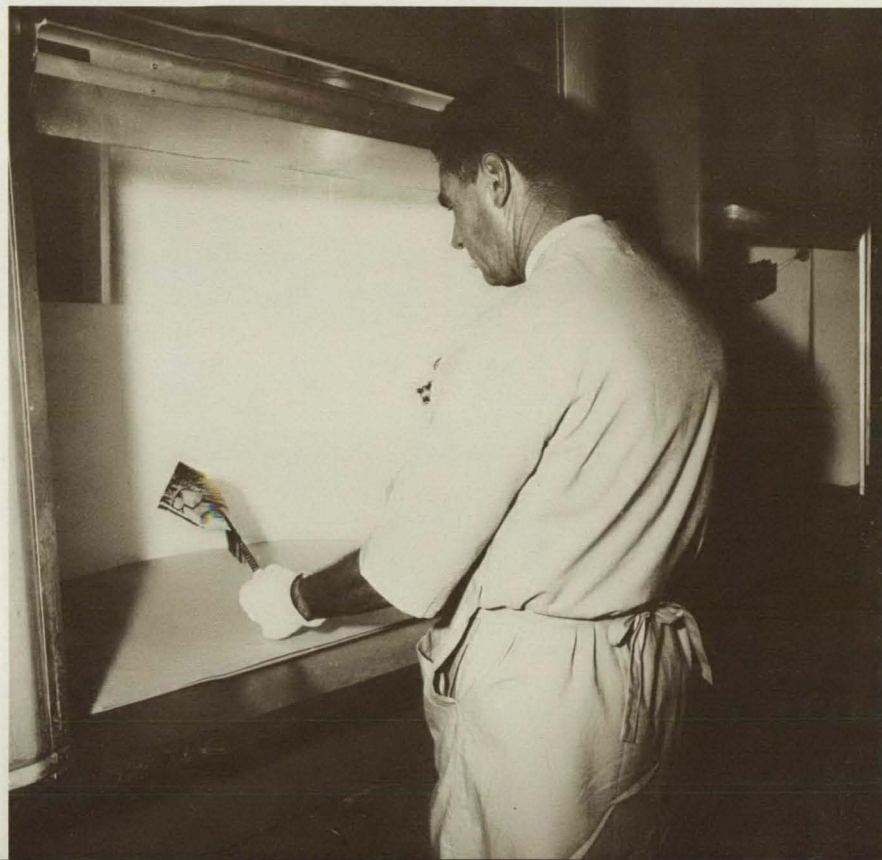
Henry Classification System

In 1901, England and Wales officially introduced fingerprinting for criminal identification. The English system was based on a classification formula designed by Sir Edward Richard Henry, then Inspector General of Police in Bengal, India, who had been stirred by the work of other fingerprinting pioneers. Using his gift of analysis and organization, Henry soon devised a workable identification process for the immutable and dis-

tinctive characteristics of fingerprints. It is the basic Henry Classification System, with modifications and extensions, which is used by the FBI and identification bureaus throughout the United States today.

Following introduction of fingerprinting in police departments in England, fingerprint identification departments were increasingly established throughout United States law enforcement agencies. Despite the vastness of this country and its substantial population, it did not, in the early 20th century, provide a true test for the newly found science of fingerprint identification. Compelled by an historical enmity toward centralized political—particularly police—power, the American experience produced an intricate array of law enforcement agencies whose jurisdictions honored the profuse political and geographical areas that emerged in the country's expansion westward. The complexity of this law enforcement network inhibited the growth of fingerprint iden-

A fingerprint technician uses a chemical process to develop latent fingerprints on a piece of evidence submitted to the Identification Division for examination.



tification departments as well as cooperation among those few police departments that adopted this identification procedure.

Valuable Fingerprint Collection

In 1896, the International Association of Chiefs of Police had established the National Bureau of Criminal Identification in Chicago, Ill., for the compilation and exchange of criminal identification data; this Bureau was later moved to Washington, D.C., where it gradually acquired a valuable fingerprint collection. However, it was not until 1924 that the full potential of fingerprint identification was realized in United States law enforcement. In that year, the FBI Identification Division was founded with little more than 800,000 fingerprint records comprised of those from Leavenworth Penitentiary and the National Bureau of Criminal Identification. Today,

fingerprint records in the FBI's Identification Division represent over 86 million persons. However, less than 20 million of these individuals have prints in the criminal files; the remainder are in the civil files.

With thousands of contributing law enforcement agencies which, by the end of 1970, had grown to nearly 15,000, the FBI Identification Division has brought to realization the most ambitious dreams of fingerprinting pioneers and has given testimony of the value of scientific methods and procedure in the detection of criminals. FBI technicians have never found two fingerprints exactly alike in all details unless they were produced by the same finger. Throughout FBI history, nearly 43 million fingerprints of criminals and more than one-half million fugitives have been identified through its fingerprint files. In 1970, nearly 75 percent of all arrest prints received were identified with

fingerprints of persons having prior criminal records.

One of the most important services in the detection of crime is provided by the FBI Identification Division's Latent Fingerprint Section. Classified under a special system are the fingerprints of a selected group of notorious criminals. This special latent fingerprint section of the criminal files makes it possible for a single latent print uncovered at the scene of a crime to be searched for a duplicate among the single fingerprint impressions of these felons whose past criminal background suggests their continued involvement in serious crimes.

Statistics

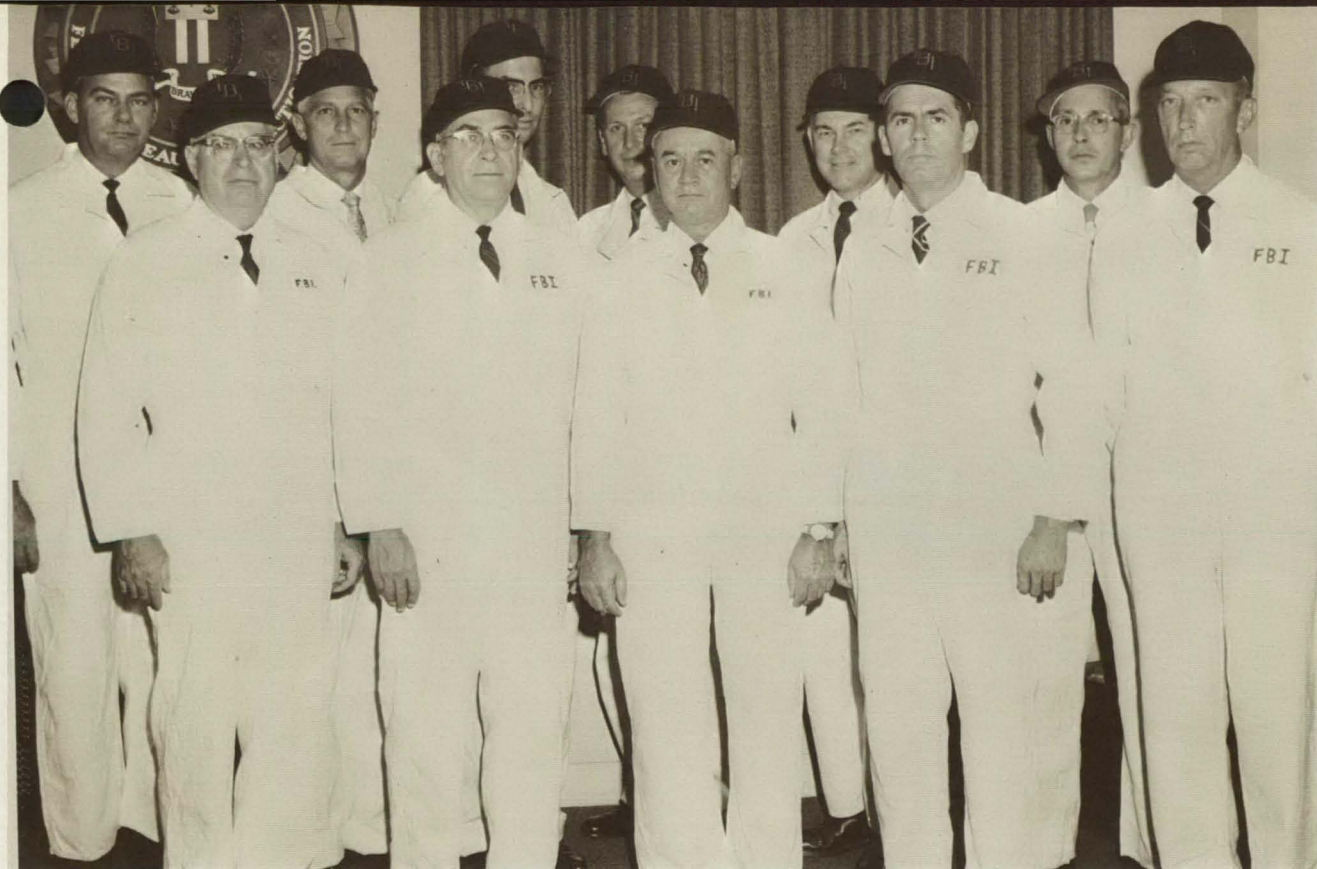
In fiscal year 1970 the Latent Fingerprint Section received 30,339 requests for latent print examinations. In these cases 3,555 suspects were identified, and more than 292,000 pieces of evidence were examined. In the past 7 years the number of latent fingerprint cases submitted to the FBI Identification Division has more than doubled, while the number of suspects identified in examinations during this same period has more than tripled. This significant rise in latent fingerprint cases in recent years is indicative of improved law enforcement training in scientific examination of crime scene evidence.

Aside from the detection of crime and criminals, the FBI fingerprint records have also served humanitarian interests in the identification of victims of major tragedies. Since 1940, the FBI Disaster Squad of identification experts has furnished assistance in 90 major disasters. In the last 75 disasters in which this squad rendered aid, it was possible to identify through fingerprints or palm prints more than 76 percent of an estimated 1,876 victims.

Most striking, however, in this era of rising lawlessness have been the



Current fingerprint cards are searched by classification in the main fingerprint files of the FBI Identification Division.



FBI Disaster Squad members are fingerprint identification specialists who provide on-the-spot assistance at the scene of various types of disasters.

Achievements of the FBI Identification Division in the solution of crime. Scarcely 11½ hours after two police officers were last seen alive, their bullet-punctured bodies were found in the early morning of May 5, 1964, behind a shopping center in Fredericksburg, Va. A total of nine gunshots had snuffed out the lives of these officers. One was found slumped behind the steering wheel of the police patrol car while the other officer's body lay on the pavement outside the passenger side of the car. Fingerprint examination of the patrol car uncovered more than 60 latent impressions which were submitted to the FBI Identification Division for examination.

Three days later in faraway Inkster, Mich., police attempted to stop a suspicious driver, who, surprisingly, reacted by speeding away. In the course of his flight with the police in pursuit, the suspect's car collided with another, killing an innocent driver. The suspect's car proved to be stolen and con-

tained the revolvers and handcuffs of the slain Fredericksburg police officers. The suspect steadfastly insisted in subsequent interrogation that an accomplice shot the officers while he waited in a nearby car; however, his fingerprints, after being submitted to the FBI, were matched with one of the latent prints found on the murdered officers' patrol car. This evidence and the fact that the existence of his alleged accomplice could not be established were instrumental in his conviction for the murders.

Investigation of Plane Crash

One of the most unusual crime identifications experienced by FBI experts resulted from the crash of a commercial airliner in a pasture at Danville, Calif., in May 1964. The last radio message from this ill-fated flight was that of an agonized male voice, presumably the pilot, shouting, "We've been shot, we've been shot. Oh my God

help!" A few moments later the plane disintegrated in a thunderous impact with the ground which killed all three crewmembers and the 41 passengers aboard. The mutilated remains of the victims as well as fragments of the aircraft were strewn over a half-mile area. Among this grisly debris were found a revolver with six empty shell casings still in its chambers and the severed hands of one of the crash victims.

Fingerprints of the hands were identified with prints of a foreign passenger who was visiting the United States. Investigation determined that he had purchased the gun found at the crash scene the evening before the flight and told an acquaintance the day of its departure that he intended to shoot himself. The identification of these hands with a gun-toting passenger in a suicidal frame of mind led to other evidence at the crash scene which formed a persuasive argument

(Continued on page 26)



By
CAPT. VICTOR H. SMITH, JR.
Police Division,
Flint, Mich.

The hammer slams forward! The weapon recoils with a violent explosion, and the projectile speeds on its course. Penetration of the frail human body occurs within .0035 of a second, producing mushrooming and disintegration of 158 grains of lead. The jagged metal particles begin their destruction, ripping flesh, smashing bone, and shredding organs. The larger particles tear a ragged exit as

The Safety of the Police Weapon in the Home

A .38 caliber revolver is temporarily disabled by a set of handcuffs passed through the trigger guard and behind the trigger.





A padlock may also be used to keep the trigger from being pulled.

they erupt from the victim, leaving a path of hideous devastation. Massive hemorrhaging and shock are instantaneous. Agony or death follows at a rapid pace.

A battle casualty from the front lines of war? Not so. Scenes such as this are occurring on a daily basis in the inviolable privacy of the home. Reported accidental gunshot deaths in the home claimed the lives of 4,300 men, women, and children in the United States during the 3-year period 1967 through 1969; and the puzzling, senseless slaughter continues without precedent.¹ An additional 23,000 annual firearms accidents complete the grisly picture.² A recent national report reveals that there were an estimated 90 million firearms in the United States as of July 28, 1969, with one-half of the Nation's 60 million households containing at least one firearm. The report further indicates that there are an estimated 24 million handguns in the Nation, and private ownership is continuing to rise at a rapid rate.³ Twenty-two million household occupants included self-defense

as one reason among many for retaining a firearm in the home.⁴

Right To Keep and Bear Arms

The second amendment to the Constitution of the United States proclaims the right of the people to keep and bear arms. As a foundation for current laws, this right certainly furnishes innumerable home occupants with a means of security from outside intrusion by the criminal parasites who infest our society. Although it has not been accurately determined what deterrent effect this has on the would-be criminal, surely many a potential burglar has hesitated invading the private home, fearing a confrontation with the armed occupant. (Of 8,000 annual firearms homicides, studies in several cities indicate killings in the home by robbers and burglars account for 2 to 3 percent of all criminal homicides.⁵ Surveys conducted in Los Angeles, Calif., and Detroit, Mich., indicate that about 2 percent of home robberies and two-tenths of 1 percent of home burglaries

resulted in the death or injury of the intruder at the hands of the occupant.)⁶ However, the person who utilizes the second amendment as justification for possessing a weapon in the home must understand that he assumes a burden of responsibility when retaining a loaded weapon in his dwelling. The firearm can unquestionably become an instrument of sudden and violent death. Failure to exercise stringent safety measures in relation to firearms is courting disaster!

Firearms in the Home

While investigating accidental firearms deaths occurring in the home from 1964 through 1966, one large life insurance company learned that age and relationship are definitely not prohibitive factors. Of 143 recorded deaths, 11 percent of those shot to death were under the age of 10 years. Forty percent of the victims ranged in ages from 10 to 24 years and the remainder continued on to age 64. A large proportion of the deceased included teenagers. Fathers, mothers, sons, brothers, and friends participated in the carnage, killing themselves and each other. Accidental firearm discharges occurred while some persons cleaned, oiled, or repaired the weapon. Several deaths resulted from the victim's touching the trigger while holding the weapon between the knees with the barrel pointed at the head. Some accidents occurred while a person playfully pointed the gun at the victim. Others played "Russian Roulette." Many shot themselves or others while target and/or game shooting in their yards, demonstrating the mechanics of the weapon, or scuffling for possession of the firearm. The toll exacted: 59 dead from gunshot wounds to the head. Forty-four expired from wounds to the lungs and heart. The remaining 40 died from severe wounds in the abdominal region. (See statistical chart.)⁷

FIREARMS ACCIDENT DEATHS IN THE HOME 1964 through 1966

Activity	Total	Weapon discharged by				Type of weapon		
		Victim	Member of victim's family	Friend	Not specified	Rifle shotgun	Hand	Not specified
TOTAL	143	81	24	19	19	85	39	19
Cleaning, oiling, repairing weapon.	29	24	4	1		20	7	2
Playing with weapon.	26	8	8	9	1	15	10	1
Demonstrating or examining weapon.	14	6	3	5		10	4	
Target practicing, shooting at birds, squirrels, etc., in yard.	12	10		2		12		
Scuffling for possession of the weapon.	5		4	1		1	4	
Playing Russian Roulette.	4	4					4	
Searching for prowlers.	2	2				2		
Other specified.	15	12	3			9	5	1
Unspecified.	36	15	2	1	18	16	5	15

At 9 p.m. on April 18, 1970, 52-year-old Joseph Moore⁸ and his only son Richard are discussing firearms. The elder Moore, who has recently purchased a .44 magnum revolver, displays the fine new weapon to his son. Joseph's 73-year-old mother becomes alarmed. Both her son and grandson have been consuming alcohol. She insists that Joseph give the handgun to her, and he reluctantly complies. While accepting the weapon, the grandmother's hand brushes the trigger and the revolver explodes. A soft-nose slug slams into the grandson's chest, and chunks of bone, metal, and flesh plow through his body and lodge in the living room wall. Before medical aid can be applied, Richard perishes from profuse bleeding and shock. The grief-stricken and tearful grandmother informed the police in-

vestigators: "I loved that boy. It was an accident, I don't know anything about guns. I was better to my grandson than I am to my own son. He loved his Granny."

"Russian Roulette"

At 2:30 p.m. on October 28, 1970, 12-year-old William Crocker,⁹ accompanied by his neighborhood friend, Robert Kesley, 13 years of age, go to William's home. They are alone. Robert begins exploring the home and discovers a small collection of firearms in an unlocked gun cabinet. The youngster removes a fully loaded .38 caliber revolver and, after partially emptying the weapon, begins playing "Russian Roulette" with William. Tiring of this, Robert acquires a .45 semiautomatic pistol from the cabinet,

cocks the hammer, and playfully aims the weapon at his young companion. Fearing that the weapon may be loaded, William protests and begins to run out the rear door. He never made it! A lethal brass-jacketed slug struck him in the back of the head. Death occurred instantaneously.

The term "accidental gunshot death" suggests the incident is not preventable and occurred without known cause or by chance. More often, the so-called "accidental gunshot death" may be attributed to careless storage and/or handling of the weapon, failure to properly familiarize oneself with the firearm, and ignorance. As can be seen, the ultimate penalty for disregarding basic safety procedure is immeasurable grief for the survivor and a horrible death for the victim.



Chief James W. Rutherford.

Sorrow and regret notwithstanding, our society demands a reasonable regard for firearms safety. Using Michigan Criminal Law as an illustration, we find that the reckless, careless, or

negligent use of a firearm in which another is killed or injured is a misdemeanor. To recklessly, heedlessly, willfully, or wantonly use, carry, handle, or discharge any firearm without due caution for the rights, safety, or property of others is also a misdemeanor and is punishable by 2 years' imprisonment and a \$2,000 fine. The intentional aiming of a firearm at another without malice is again a misdemeanor and is punishable by imprisonment for 90 days and a \$100 fine. To discharge a firearm intentionally but without malice while aiming at another is a misdemeanor and is punishable by 1 year's imprisonment and a \$500 fine. The intentional pointing of a firearm at another without malice but with death resulting is a felony manslaughter and is punishable by 15 years' imprisonment and a \$7,500 fine. Any firearm used in these offenses is forfeited to the State of Michigan.¹⁰

The civil and criminal implications for leaving a firearm and ammunition accessible to a minor will of course depend upon the particular circumstances surrounding each situation. As a broad general principle, and recognizing a split of authority, it has been held that a presumption of negligence is established by showing the defendant permitted an inexperienced or incompetent youth to have a dangerous gun, or that he left the weapon and ammunition in a place where he should have reasonably foreseen that they would come into the hands of such a minor.¹¹ Over 700 of the home firearms accidents during 1969 involved young people under the age of 24.¹²

Personal Experience

During 1947, this author was privileged to become a member of the Flint

(Continued on page 28)

Inserting a handcuff around the frame and through the opening normally occupied by the cylinder is a means of preventing a revolver from being fired.





An officer of the Navajo Police Department, Window Rock, Ariz., demonstrates proper fingerprinting techniques to a Bureau of Indian Affairs police officer assigned to the Southern Pueblos Agency in New Mexico.

Lawmen for the Reservation



By

GEORGE S. METARELIS*

**Administrator,
U.S. Indian Police Academy,
Roswell, N. Mex.**

The course of our Government's relations with Indians began in early colonial days and underwent several subsequent evolutions. The Continental Congress created the first Indian commissioners—among whom were Patrick Henry and Benjamin Franklin—to oversee trade with Indian tribes and cement military alliances. When the period of land purchases began shortly after the United States became an independent nation, the effort was initiated to exchange Indian lands in the East for land in

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an Territory carved from the Louisiana Purchase. As America's population grew, western land became more in demand and the United States' Indian policy became one of military force. Later, Indian reservations were established.

The historical development of law enforcement by American Indian police may be traced back to pre-Civil War days when the Cherokee Indian Nation created and maintained its own tribal police force. Additionally, police forces were organized in the 1860's and 1870's by Indian agents assigned to reservations by the Federal Government. Some of the Indian nations that had such police forces were the Apache, Blackfeet,

Chippewa, Klamath, Modoc, Navajo, and Pawnee. By 1890 most Indian agencies had their own police serving the Indian population on reservations.

Law and order programs at the agency or reservation level are generally joint operations which are conducted by the tribe and the Bureau of Indian Affairs. On some reservations the Bureau of Indian Affairs will provide all of the protective services, and on other reservations the tribe will provide all services except those which involve major crimes. The Federal Bureau of Investigation also has jurisdiction over certain major crimes on Indian land.

Today the Indian Police Service consists of some 550 Bureau of In-

dian Affairs and tribal enforcement officers who provide protective services to an estimated Indian population of approximately 300,000 located on 83 reservations situated in 14 States.

Inadequate Training

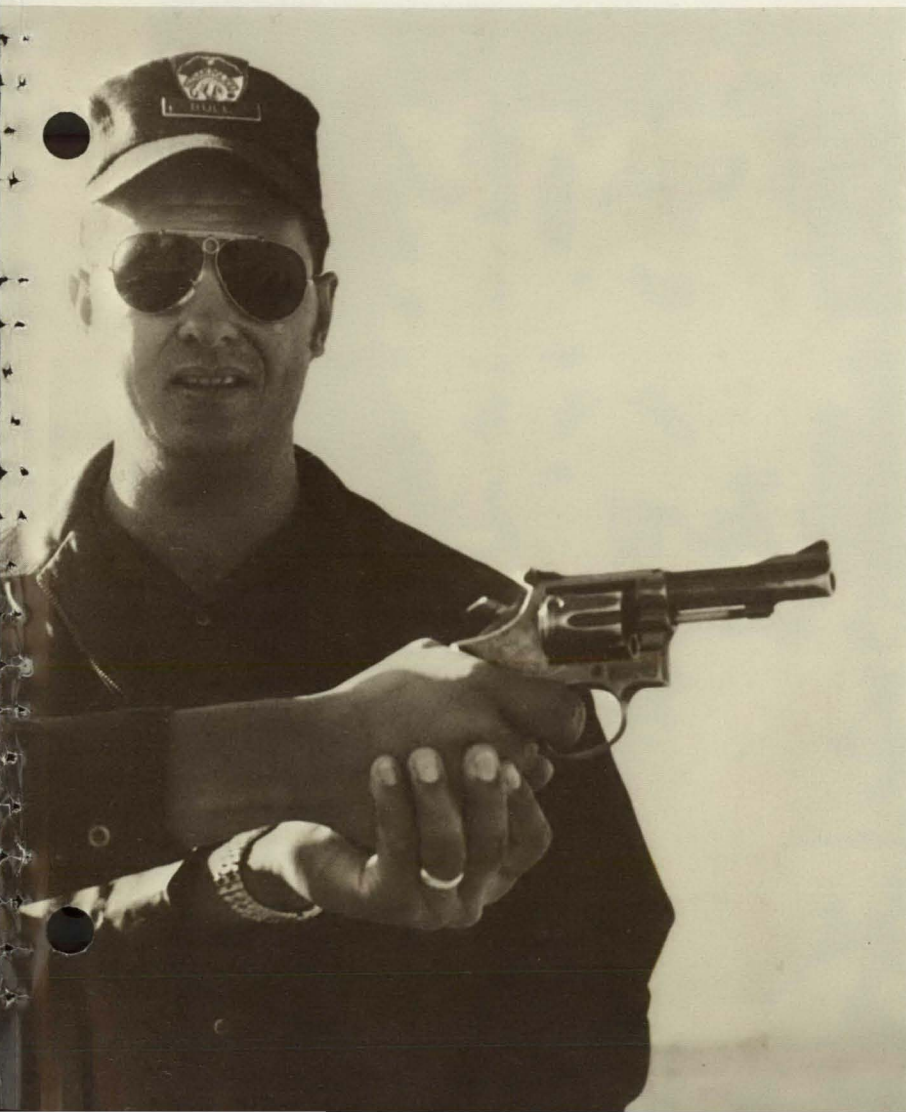
The authority for all Bureau of Indian Affairs enforcement personnel to act as such is derived through the chief special officer who has police power under section 3055, title 18, United States Code. This same section permits him to grant other persons authority to assist him in his functions. Additional authority for the employment of police personnel on reservations may be found in section 13, title 25, United States Code, and since 1939 in the annual Federal Appropriations Act which contains authorization for utilization of Federal funds in the maintenance of law and order on Indian reservations. Mr. Eugene F. Suarez, a progressive administrator who has had a great deal of experience administering Indian law and order programs, is the chief special officer.

For the most part, experience on the job supplemented with some formalized inservice training on a local or regional basis was the most prevalent method of learning police skills for the Indian police officer. This approach was inadequate for today's more complex and sophisticated system of laws and judicial rules of procedure, and the U.S. Indian Police Academy was established in March 1969 to provide a centralized training location for Indian police officers. Each class comprises approximately 40 Indian police officers from throughout the United States.

Indian Police Academy

The Indian Police Academy is located in Roswell, N. Mex., and is a part of the Roswell Employment

Close individual supervision is given U.S. Indian Police Academy students as they spend numerous hours on the firearms range qualifying and familiarizing themselves with the most commonly used police weapons.



Training Center. The Center is funded by the Bureau of Indian Affairs and has the responsibility to provide vocational, basic-educational, and social skills training for the American Indian single adults and families who make up its student body.

After being selected by their respective tribes, applicants for the Indian Police Academy are screened by the Bureau of Indian Affairs. Upon arrival, new officers are issued uniforms and supplies necessary during the 12-week Basic Police Training Program. Officers are given a thorough briefing and orientation by Academy officials. The briefing outlines the basic purposes, policies, and operations of the Academy and emphasizes what the officers will experience during their stay at the Academy.

Important to the operation and effectiveness of the Academy is the immediate exposure of the students to a well-disciplined, well-planned organization. For this reason the student is issued a full uniform as soon

as he arrives. The uniform is worn at all times during the program, except during afterclass hours. The Academy's students quickly take pride in their appearance and realize a clean-uniformed class promotes a high level of morale.

All enrolling officers are given an achievement test. Test results are used to determine each individual's level of proficiency in basic education. Those officers who need improvement in a specific academic subject are given specialized instruction.

A Successful Venture

The U.S. Indian Police Academy, in cooperation with the local school administration, provides each officer who does not already have a high school diploma an opportunity to obtain a high school equivalency certificate. This is accomplished through basic education instruction and general education development courses offered during the evening hours. Ap-

proximately 121 students have matriculated at the Academy without a high school diploma. Of this number, 99 obtained their equivalency certificates while at the Academy.

With the graduation of class No. 8 on January 22, 1971, a total of 285 students have completed the Academy course in less than 2 years. The graduates of the Academy are from 19 States and include representatives from 76 tribes.

The current 602-hour curriculum of the Indian Police Academy's Basic Police Training Program offers the type of training which meets today's demands on the law enforcement officer. It includes instruction in the following general areas:

1. Social relations.
2. Government and administration.
3. Physical activity.
4. Laws, courts, and judicial procedure.
5. Patrol functions.

A guest lecturer speaks to a class on family crisis intervention.





Flag etiquette is part of a course of instruction entitled "Drills, Ceremonies, and Inspections" at the Academy.

6. Traffic functions.
7. Police science and investigation.
8. Police report-writing and records.
9. Miscellaneous.

Social relations is the largest block of instruction in the Academy's curriculum and includes such specific subjects as: The Role of the Police Officer in Community Development, Professional Ethics and the Police Image, Public Speaking, Public Relations, Nature and Contributing Factors of Common Crimes, Corrective and Procedural Methods for Crime Control, Human Development, Police Problem-Solving and Decision-Making, Abnormal Behavior, Community Leadership, Delinquency Control, Probation and Parole, Family Crisis Intervention, and Alcoholic Studies. There has been the tendency in the

past on the part of the public, and to some degree the officer himself, to see his major responsibility as being purely the enforcer of law and order. This misconception and lack of direction have limited the total involvement of police officers in overall community affairs. The social relations portion of the curriculum at the U.S. Indian Police Academy is an effort to re-educate each officer in the broad application of his job responsibilities.

For Best Results

To further achieve this end meaningfully, the Academy holds talk sessions for the officers and focuses on individual abilities to identify and solve personal problems and to strengthen personal relationships. As a result, the officers consider their job as one requiring personal interest in

the people and active concern about the communities they serve. These talk sessions are, on occasion, recorded on video tape and played back to the students. This technique allows each student to see himself as others see him and, thereby, provides a reason for self-improvement.

As is the case with most police departments throughout the country, one of the most frequent calls for police service on the reservations evolves from domestic disturbances. Training in family crisis intervention in a rural setting is provided by the Academy staff. Following the classroom portion of this training, arrangements are made with the local drama club to provide actors to perform in a practical exercise.

The setting is something like this: A couple is quarreling violently. The air is turning blue. Two officers arrive

and attempt to calm the fighting couple and settle the argument. The police officers are abused verbally, and in some cases physically. They are berated for interfering. The whole scene gets hectic and tempers flare. Quiet is finally restored.

Domestic Problems

In a few minutes another argument commences and a different team of officers responds to another type of disturbance call. Before the evening is over, officers have responded to several such calls covering the whole spectrum of domestic discord from jealousy to money problems to excessive drinking. Each team of officers puts into use the techniques taught in the classroom. Each team is criticized by staff members and fellow students. Even the actors get involved in criticizing the students. One of the actors who has been most interested in this type of training is one of the local assistant district attorneys. The students at the Academy, reflecting upon their unrehearsed interventions in the quarrels, write the last act.

This is one example of the practical exercises the students of the Indian Police Academy become involved in during their course of training.

Although laboratory and practical teaching situations are an important part of the method of teaching at the Academy, most of the curriculum is presented in lecture-discussion form. Qualified visiting instructors represent local, State, and Federal law enforcement agencies, including the Federal Bureau of Investigation, as well as several universities and other institutions of higher education. These instructors are leaders in their respective fields and, as professionals, welcome the opportunity to teach at the Academy.

Bureau of Indian Affairs experts provide instruction in the critical area of legal jurisdictional matters, which

often pose sensitive problems for Indian police officers.

To increase the students' knowledge of Indian country jurisdictional matters, the Academy provides instruction in the following:

Definition and Jurisdiction of Indian Reservations and Indian Country.

History of Indian Law and Order.

U.S. Constitution and Title II, Public Law 90-284 (often referred to as the Indian Bill of Rights).

Authority of Indian Police.

Federal Indian Liquor Laws.

Civil Jurisdiction and Civil Process in Indian Country.

In a general sense, "Indian country," for the purpose of Federal criminal jurisdiction, may be defined as tribal land or right-of-way over and across Indian reservations.

In addition to jurisdictional matters, a large portion of the Academy's curriculum deals with legal matters. Emphasis is placed on recent court decisions as well as procedural elements. Proper background in legal matters is provided by such courses as: Laws of Arrest, Laws of Search and Seizure, 14 Major Crimes, Other Federal Crimes and Assimilated Crimes Act, and Due Process (*Miranda* Decision).

Outside the Reservation

In the performance of their everyday duties, Indian police officers assist, in many instances, in the enforcement of State laws. This sometimes includes arrests of violators who are not Indians, and frequently Indian officers apprehend persons who have violated State laws outside of Indian reservations. Often, Indian police officers are required in the course of their duties to seize stolen property and contraband and to ob-

tain evidence of the violation of State laws, which acts may occur on or off Indian reservations.

Police patrol and traffic functions are not neglected in the Academy's curriculum, which devotes more than 76 hours of its 602-hour program to courses of instruction such as Police Patrol Methods and Operations, Roadblock Procedures, and Accident Investigation, just to mention a few.

Instructions Given

Investigative techniques and elements of police science are also taught at the Academy in such courses as:

Techniques of Interviewing and Interrogation.

Auto Theft Investigations.

Crime Scene Searching.

Latent Print Procedures.

Photography and Crime Scene Sketching.

Collection, Identification, and Preservation of Evidence.

Plaster Casting.

Fingerprinting and Identification.

Death Investigations.

Narcotic and Drug Abuse Investigations.

Sex Crimes.

Arson Investigation.

In addition to a midterm and final examination, weekly examinations are required of all students. After the test papers are graded, a critique is conducted.

Following classroom instruction in safety, range procedures, and basic design and nomenclature of weapons, each officer spends numerous hours on the firearms range qualifying and familiarizing himself with the most commonly used police firearms. Crowd control gases and other weapons from a typical police arsenal are demonstrated on the range.

(Continued on page 30)



"All aspects of the law of arrest, a branch of the law broad in scope and complex in detail, are of interest to the law enforcement officer, but one phase of particular concern is the subject of arrest power, that is, the legal authority to make a criminal arrest."

State Arrest for Federal Crime

By

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PART I

No step taken by the American law enforcement officer in the performance of his duty is of greater moment than the act of arrest, for every apprehension of a person on a criminal charge affects the vital balance that must be kept true between the right of the community to be protected against crime and the right of the individual to be free from unlawful restraint of his liberty. The significance of the act of arrest was articulated by a court in the following passage: ¹

"While it is universally conceded that the very life of our country, its government, and its citizens depend in great measure upon the prompt apprehension, speedy

trial, and punishment of willful offenders, it is equally important that the citizens should not be deprived of those guaranties which the law affords for securing their personal rights and liberty."

Those guaranties which come to the fore in the making of an arrest are set out in the language of the fourth amendment to the Constitution of the United States which reads: ²

"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 prob-

able cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

This amendment, applicable to the States through the "due process" clause of the 14th amendment and enforceable against them by the same sanction of exclusion of evidence unreasonably obtained as is used against the Federal Government,³ applies to warrants of arrest as well as to search warrants⁴ and does not prohibit, as such, arrest without a warrant.⁵

Mistake by the officer in the understanding or execution of the law governing this traditional police action may lead to such unfortunate consequences as the tainting of cogent evidence of guilt beyond redemption, his exposure to civil and even criminal liability, the imperiling of his life and limb, and the escape of a criminal. Thus, however viewed, the vital character of this responsibility stands out in sharp relief.

All aspects of the law of arrest, a branch of the law broad in scope and complex in detail, are of interest to the law enforcement officer, but one phase of particular concern is the subject of arrest power, that is, the legal authority to make a criminal arrest. It is clear, of course, that the power of arrest was granted to peace officer

and private person alike under the common-law rules which underlie the law of arrest in our country, and that both could arrest with or without a warrant. Although under the general rule an arrest could not be lawfully made until a warrant was issued by a magistrate or judge, arrest without a warrant was permitted in the interests of the public safety, security, and peace in certain specified situations, for example, when a felony or breach of the peace was committed in the presence of the arresting party. Today, the subject of arrest authority is extensively dealt with by statute in the various American jurisdictions, but, generally, the statutes are mere codifications of the common law with only slight modifications.

By reason of our Federal system of government, where crimes are committed not only against the people of the individual States of the Union, but also against the people of the United States in their social aggregate capacity, there arises the "interesting question," as the high court of the State of Kentucky once put it,⁶ of the power of a State officer to arrest for a Federal crime. It is to this limited aspect of the law of arrest that this discussion is confined. Other aspects of arrest law, for example, the question of whether probable cause exists to justify a particular arrest where officers are empowered to arrest in general, are not considered.

In the usual case where a State officer makes an arrest and criminal prosecution follows in Federal court, no problem as to his authority to effect the apprehension is involved, since he will have initially acted strictly in vindication of State law.⁷ A typical example would be the arrest of a person for speeding or other violation of State motor vehicle laws where the determination is made that the automobile is actually a stolen car being driven interstate by the offender with knowledge of its stolen char-

acter, thus constituting a violation of the Federal Dyer Act.⁸ Another example would be the arrest of a person for robbery of a State bank whose funds are insured by the Federal Deposit Insurance Corporation. In such a case, the single act for which he was arrested will at one and the same time constitute a breach of State law and the Federal Bank Robbery Statute.⁹

"... it clearly appears from the decisions that have been handed down by the State and Federal courts that State officers also possess the power to apprehend Federal offenders without a warrant."

Thus, in circumstances such as the foregoing, there is no question as to the State officer's power to arrest. Where the question does arise, however, is in the relatively rare instance where a State officer arrests for an act which is a violation of Federal law, but no State statute is applicable.

Arrest With a Warrant

Due to the exigencies and practical demands of everyday law enforcement, the question of the power of a State officer to arrest for Federal crime can normally be expected to arise in cases where the arrest is made without a warrant rather than under a warrant. Nevertheless, it is first necessary to determine if he possesses the authority to arrest for a Federal offense under the command of a warrant. The short answer is that he does have this power under Federal law. The source of this authority is an early statute enacted by the First Congress in 1789.¹⁰ This law, as enacted, states:

"That for any crime or offence against the United States, the offender may, by any justice or judge of the United States, or by any justice of the peace, or other magistrate of any of the United States where he may be found agreeably to the usual mode of process against offenders in such state, and at the expense of the United States, be arrested, and imprisoned or bailed, as the case may be, for trial before such court of the United States as by this act has cognizance of the offence."

The original provisions of this 18th century law have been altered to correspond to increasing regulation of the arresting process, but, despite the varying statutory forms in which they have been couched, they remain substantially similar to this day.¹¹

In construing this Federal law providing for State arrest for a Federal crime by judicial process, State courts have pointed out that its language does not mean that magistrates or judges are to make an arrest in person, but that they are rather to cause an arrest to be made "agreeably to the usual mode of process against offenders in such state." The usual procedure, of course, is for the judicial officer to issue a warrant of arrest upon a sworn complaint filed before him which he then directs to a regular law enforcement officer, for example, a police officer or deputy sheriff, who executes the warrant by the arrest of the offender.¹²

A California court explained the salutary national purpose of this law in these words:¹³

"From the beginning of our history, in order to give effect to federal statutes, which are the Supreme Law of the land, and passed under the Constitution to promote the general welfare, use has been always made of the ad-

Administrative agencies of the several states—sometimes with and sometimes without the express consent of the states. . . .

"Irrespective of the reasoning by which it has been arrived at, but, nevertheless, based upon a progressive spirit of state and federal comity, and a developed nationality as opposed to mere sectionalism, the rule seems to be well established in our country that the federal government may, by statute, avail itself, to a limited extent, where necessary, of the executive functions of state officers to assist in enforcing valid federal statutes enacted under the Constitution to promote the public welfare."

Arrest Without a Warrant

1. In General

Although a Federal legislative basis exists for the authority of State officers to arrest for Federal crimes when they are armed with a warrant issued by a State or Federal judicial officer, no act of Congress lays down a general rule for the making of such arrests without a warrant.¹⁴ So far as judicial authority is concerned, moreover, there is no extensive body of case law on this topic; but, nevertheless, it clearly appears from the decisions that have been handed down by the State and Federal courts that State officers also possess the power to apprehend Federal offenders without a warrant.

In some cases the courts have held without any detailed analysis or discussion that State officers have the "legal right," or the "right and duty" to make such arrests, or that they are authorized "by law and fully empowered to enforce a Federal criminal statute," and in other cases the courts have simply ruled that the Federal arrests made in such cases by the State officers were valid.¹⁵ In still other

cases, the courts have declared that State officers have the authority to arrest without a warrant for Federal offense and have based their decisions, in the main, on the firm foundation of the "supremacy" clause of the Constitution of the United States alluded to by the California court, above, in its discussion of State arrest for Federal crime by warrant.¹⁶ This constitutional provision declares: ¹⁷

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

The "supremacy" clause is immediately followed in the text of the Constitution by the "oath of office" clause, which reads: ¹⁸

"The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and *all executive and judicial Officers*, both of the United States and *of the several States*, shall be bound by Oath or Affirmation, to support this Constitution." [Emphasis added.]

In regard to the supremacy clause, the Supreme Court of the United States once said: ¹⁹

"It must always be borne in mind that the Constitution, laws and treaties of the United States are as much a part of the law of every State as its own local laws and Constitution. This is a fundamental principle in our system of complex national polity."

On this same point, the U.S. Court of Appeals for the Fifth Circuit, after

pointing out that all executive officers of the several States are bound by oath or affirmation to support the Constitution of the United States, declared: ²⁰

"It was at an early date questioned whether the Congress could constitutionally impose upon state officers the power and duty to enforce federal criminal law . . .; but that issue has now been settled in the affirmative upon the basis of the supremacy clause, and of 'the fact that the States of the Union constitute a nation.' *Testa v. Katt*, 330 U.S. 386. . . . There the Court definitely 'repudiated the assumption that federal laws can be considered by the states as though they were laws emanating from a foreign sovereign.'"

The Volstead Act

It seems that the earliest cases raising the question at hand occurred in the State of New York during the so-called "Prohibition Era," following the ratification in 1919 of the 18th amendment to the Constitution. This amendment provided that Congress and the several States had concurrent power to enforce it by appropriate legislation. Congress exercised this power in the same year by enacting the National Prohibition Act, popularly called the Volstead Act. The act expressly made the provisions of the Federal statute based on the early act of September 24, 1789, authorizing State arrest by warrant for Federal crimes, applicable to its enforcement, and also authorized State magistrates and judges to issue search warrants in liquor cases. It further provided that the Commissioner of Internal Revenue, his assistants, agents, and inspectors, and all other officers of the United States who enforced criminal laws had the authority to enforce its

provisions. In a section of the act dealing with the transportation of illicit liquors, a misdemeanor offense, it was stated that if the foregoing designated officers, "or any officer of the law," discovered any person in the act of transporting intoxicating liquors in any vehicle in violation of the law, it was their duty to seize the liquor, take possession of the vehicle, and arrest the person in charge of the conveyance.

Thus, it is noted that in the enforcement of the foregoing transportation provision of the law, unlike the sequence of events encountered in the usual criminal case, the arrest followed the search of the vehicle and the seizure of the liquor and conveyance. In the famous *Carroll* case,²¹ decided by the Supreme Court of the United States in 1925, the Court ruled that a search of an automobile by prohibition agents without a warrant and the seizure of illicit liquor under this act did not violate the fourth amendment where the action was taken on the basis of probable cause, that is, upon a belief, reasonably arising out of the circumstances known to the officers, that the vehicle contained contraband liquor. The Court said that the search of the car in such cases was independent of the power of arrest; in other words, the right of the officers to search and seize did not depend upon the right to arrest the offender in the first instance.

State Prohibition Laws

Up to the time of the 18th amendment, the exclusive power to prohibit the manufacture, sale, and transportation of alcoholic beverages was in the States, and many of them, including the State of New York, had enacted prohibition laws of their own. In 1923, however, New York repealed its law, thus leaving the Volstead Act as the only prohibition law in effect within its borders. Consequently, any

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

arrest made without a warrant by State officers in New York for a violation of this Federal law raised the question of their authority to do so. Intertwined with this question, due to the manner in which the transportation provision of the Volstead Act was enforced, was the problem of the admissibility in Federal court of evidence obtained through search and seizure by State officers. During this era, the common-law doctrine prevailed in New York holding that evidence is not rendered inadmissible in State court by the fact that it was obtained through unlawful search and seizure. On the other hand, at a trial in Federal court evidence obtained by Federal officers by means of an unreasonable search and seizure was excluded by virtue of the fourth amendment. The landmark decision of the Supreme Court, however, which established the latter Federal exclusionary rule²² declared that evidence unreasonably obtained by State officers, who were not acting under a claim of Federal authority, could be used in Federal court since the fourth amendment was not directed to "misconduct of such officials."²³

In the prohibition-era case of *Gambino v. United States*,²⁴ New York State Troopers searched a vehicle, seized illegally transported liquors, and arrested the defendants for violation of the Volstead Act. The

defendants and the illicit whisky immediately turned over to Federal authorities for prosecution under the act. After trial and conviction in Federal court, they ultimately appealed to the Supreme Court of the United States. The Supreme Court reversed their conviction, however, finding under the facts and circumstances of the case that probable cause had not existed for the action taken by the State troopers, and ruling that their wrongful search and seizure rendered the illegally transported liquors inadmissible against the defendants at their trial in Federal court.

Inadmissible Evidence

In reaching this decision, the Court stated that the term "any officer of the law" used in the National Prohibition Act in designating those who could enforce its provisions did not include State officers and did not make them agents of the United States in arresting those illegally transporting liquor. In this case, however, the Court said, the State troopers were acting solely on behalf of the United States, there being no suggestion that the defendants were committing or had committed any State crime at the time of the arrest, and, therefore, the evidence obtained by their wrongful search and seizure was inadmissible in Federal court.

In the course of its opinion, the Supreme Court noted that some cooperation between the States and the Federal Government was contemplated by the National Prohibition Act so far as its enforcement is concerned. The act, for example, as noted above, made the provisions of the Federal statute authorizing arrest by State officers under a warrant for Federal crimes applicable to its enforcement, and also specified that State magistrates could issue search warrants in liquor cases. Furthermore, the Court stated in 1923, when the Gov-

Mayor of New York approved the repeal of the New York prohibition law, he had declared that all State peace officers were required to aid in the enforcement of the Federal law "with as much force and as much vigor as they would enforce any State law or local ordinance," and Federal authorities had accepted and acted upon this State aid.

(Continued Next Month)

FOOTNOTES

- ¹ *Lenski v. O'Brien*, 232 S.W. 235, 236 (1921).
- ² U.S.C.A., Constitutional Amendment IV.
- ³ *Wolf v. Colorado*, 338 U.S. 25 (1949); *Mapp v. Ohio*, 367 U.S. 643 (1961).
- ⁴ *Giordenello v. United States*, 357 U.S. 480 (1958).
- ⁵ *Beck v. Ohio*, 379 U.S. 89 (1964).
- ⁶ *Bircham v. Commonwealth*, 238 S.W. 2d 1008, 1014 (1951).
- ⁷ *Swinney v. United States*, 391 F. 2d 190 (1968); *Massey v. United States*, 358 F. 2d 782 (1966); *Myricks v. United States*, 370 F. 2d 901 (1967).
- ⁸ 18 U.S.C. 2312.
- ⁹ 18 U.S.C. 2113.
- ¹⁰ Act of Sept. 24, 1789 (ch. 20, sec. 33, 1 Stat. 91).
- ¹¹ 18 U.S.C. 3041. This modern counterpart of the Act of Sept. 24, 1789, was formerly 18 U.S.C. 591 and R.S. 1014.
- ¹² *Harris v. Superior Court of Sacramento County*, 196 P. 895 (1921); *Goulis v. Judge of District Court*, 196 P. 895, 897, 900 (1921).
- ¹³ *Harris v. Superior Court of Sacramento County*, 196 P. 895, 897, 900 (1921).
- ¹⁴ *United States v. Di Re*, 332 U.S. 581, 591 (1948).
- ¹⁵ *United States v. Bumbola*, 23 F. 2d 696 (1928); *People v. Lopez*, 196 C.A. 2d 651 (1961); *United States v. Holloway*, 391 F. 2d 267 (1968); *Theriault v. United States*, 401 F. 2d 79 (1969); *Davida v. United States*, 422 F. 2d 528 (1970).
- ¹⁶ *Marsh v. United States*, 29 F. 2d 172 (1928); *In re Schuetze*, 299 F. 827 (1924); *United States v. One Packard Truck*, 55 F. 2d 882 (1932); *Whitlock v. Boyer*, 77 Ariz. 334 (1954). See also *People v. Lafaro*, 250 N.Y. 336 (1929).
- ¹⁷ U.S.C.A., Constitution art. VI, cl. 2.
- ¹⁸ U.S.C.A., Constitution art. VI, cl. 3.
- ¹⁹ *Havenstein v. Lynham*, 100 U.S. 483, 490 (1880).
- ²⁰ *Henderson v. United States*, 237 F. 2d 169, 175 (1956).
- ²¹ *Carroll v. United States*, 267 U.S. 132 (1925).
- ²² *Weeks v. United States*, 232 U.S. 383 (1914).
- ²³ Needless to say, in the course of time, the Supreme Court held in *Wolf v. Colorado*, 338 U.S. 25 (1949), that the fourth amendment by virtue of the fourteenth amendment prohibited unreasonable searches and seizures by State officers; in *Elkins v. United States*, 364 U.S. 206 (1960), that evidence obtained by State officers during a search which, if conducted by Federal officers, would have violated the fourth amendment was inadmissible in a Federal criminal trial even when there was no participation by Federal officers in the search and seizure; and, finally, in *Mapp v. Ohio*, 367 U.S. 643 (1961), that the fourth amendment was enforceable against the States by the same sanction of exclusion of evidence unreasonably obtained as is used against the Federal Government.
- ²⁴ 275 U.S. 310 (1927).

INVESTIGATORS' AIDS

General Investigative Division

THEFT OF LABOR UNION FUNDS INVESTIGATED BY FBI

The FBI investigates violations of the Labor-Management Reporting and Disclosure Act which penalizes the embezzlement, stealing, or conversion of funds or other assets of a labor union by an officer or employee of such organization. Investigations

of these violations usually require examinations of books and records by accountants of the FBI. The penalty upon conviction of this type violation is imprisonment for a maximum of 5 years, fine of not more than \$10,000, or both.

FEDERAL PROTECTION FOR CONGRESSMEN

Under title IV of the Organized Crime Control Act of 1970, which became effective January 2, 1971, it is a Federal violation to (1) kill; (2) kidnap; (3) attempt to kill or kidnap; (4) conspire to kill or kidnap; or (5) assault a member or member-elect of Congress. Violations of this statute have been placed within the investigative jurisdiction of the Federal Bureau of Investigation.

Will Wilson to Dir. Memo

Daunt to Bishop memo
IMMEDIATE RESULTS

Within 2 hours after the recent opening of the Anchorage, Alaska, NCIC terminal, an Alaska State Trooper stopped a speeding car and ran NCIC inquiries.

While the NCIC checks on the car and driver were negative, a hit was obtained on the passenger which indicated he was wanted in Oregon. The proper authorities were contacted and arrangements were made to extradite the fugitive.

4-7-71

COOPERATION PAYS OFF

Recently, an Arizona Highway Patrolman requested an NCIC inquiry on a vehicle he had stopped for a minor traffic violation. When the dispatcher advised that the power supply to the computer was temporarily cut, the patrolman released the vehicle.

Later, the patrolman requested the NCIC check again and learned that the vehicle was stolen in New Jersey. The check further showed that a suspected bank robber, armed and dangerous, was believed to be traveling in the stolen car.

California authorities were alerted, and the vehicle was subsequently spotted by a California Highway Patrolman who called for assistance. The vehicle was stopped and its occupants were taken into custody. A search of the vehicle uncovered approximately \$284,000, later identified as loot from a New Jersey armored car holdup. The FBI was notified and the suspects were held on Federal charges of Interstate Transportation of Stolen Property.

SCIENCE VS. CRIME

(Continued from page 11)

that he was responsible for the apparent midair shooting of the pilot. Unfortunately, the exact events that led to this crash will be forever lost in the silence of its victims.

Criminals have frequently attempted to conceal or obliterate their fingerprints to avoid detection in the course of lawless pursuits. These efforts have been to no avail. An unusual case in point occurred in the summer of 1968 at a county seat and manufacturing center of a northwest State. At 2 p.m. on an August afternoon, two armed, masked men entered a bank of this city where they took at gunpoint more than \$2,000 of the day's cash receipts. One of the bandits carried out his role with more than usual confidence for such a dangerous crime. Taking the precaution of coating his hands in a plastic film before the robbery, he believed that he would leave no tell-tale fingerprints at the crime scene.

The robber and his accomplice escaped in a getaway car which they abandoned a few blocks from the bank and departed the area in a second vehicle which could not be traced to

them. In the excitement and haste of switching cars, however, the cautious bandit unwittingly peeled the plastic film from his hands, the shreds of which he left lying on the front seat of the abandoned car. FBI Agents examining the getaway car discovered the plastic film the inside surface of which contained the imprint of the bandit's palm and fingerprints. FBI latent fingerprint experts identified these prints with a man who was then being sought as a fugitive from a prior crime. This fingerprint identification disclosed both bandits' involvement in a series of other bank robberies in the United States and led to their eventual capture in Canada.

Attempt to Change Pattern

Intentional mutilation of the fingers has also been attempted by criminals in order to disguise or obliterate their fingerprint patterns. While these attempts have a history among criminals dating back to the very origins of fingerprint records, no successful case of evading identification by intentional mutilation has ever come to the attention of the FBI.

One recent case involved the arrest of a swindler by a Nevada police

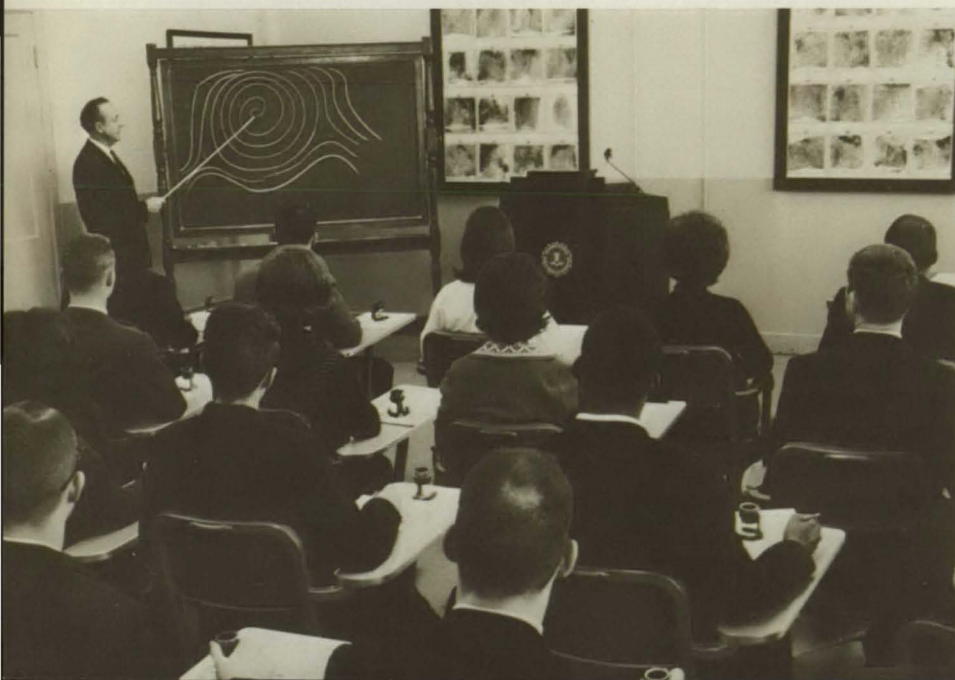
department. His fingerprints show the core areas of all 10 fingers bore scars which obliterated the central portions of the patterns. During a previous incarceration at a California penitentiary, and with the encouragement of a fellow inmate, he had cut an "X" in the center of the fingerprint pattern on each of his fingers and thereafter cauterized the wounds with a red-hot soldering iron. Painful though this procedure was, the swindler took comfort in the assurances of his prison "friend" that he would never again be identified with a crime through fingerprints.

The FBI Identification Division, however, was able, through the remaining patterns of his fingerprints, to identify them with his prior fingerprint records, which traced his involvement in crime over a 15-year period.

Research has shown that in superficially scarred skin tissue the original ridge detail which forms a fingerprint pattern reappears with time. In an event, mutilation and skin grafts, which have also been used in an attempt to conceal fingerprint identity, themselves may form a distinctive pattern which is identifiable.

On the afternoon of May 10, 1969, a young female graduate student and part-time social worker had a chance meeting on a Baltimore, Md., street with a woman laden with groceries who asked for help in carrying her packages to a nearby apartment house. Arriving at the apartment, the student was accosted by a male, noticeably inebriated, who would not permit her to leave. He raped the young woman in the apartment and held her against her will for several days. In telephone calls to her father, the captor demanded \$10,000 for the girl's release. He later sent demand notes to the father. FBI Identification Division experts found on these notes latent fingerprints which positively identified the abductor and his female ac-

Training classes for fingerprint technicians are conducted in the Technical Section of the FBI Identification Division.



mplice. Subsequently both were apprehended and charged with extortion. The man was sentenced to 60 years' imprisonment, and the woman was sentenced to 25 years.

Science and Law Enforcement

Science in general, and specifically in fingerprint identification, has given law enforcement a far greater capacity to detect those who commit crime. While the science of modern law enforcement has developed a remarkable proficiency, the increasing opportunities for crime in our open society and the mobility of our population have often permitted the criminal that necessary step ahead to escape detection and apprehension.

To learn the true identities of criminals hours or even days following a confrontation by arrest, interrogation, or their association with crime through evidence quite often is not enough to secure their whereabouts or establish guilt beyond a reasonable doubt. The easy flight of felons to remote sanctuaries following the first signs of suspicion linking them with a crime, together with the ever-present possibility of their destruction or concealment of vital evidence, makes it imperative that a law enforcement officer have necessary criminal identifying information available to him at the time and place when most needed. Often this is while the officer is routinely walking his beat or patrolling a highway. To bridge this gap between confrontation of the criminal and discovery of his background requires that a law enforcement officer, at all times, be within easy access to essential law enforcement information that will permit him to discharge his duty with the swift decisiveness that the occurrence of serious crime demands and the public has a right to expect.

Again, with science in the forefront, the gap is narrowing. Development



Replies to law enforcement agencies which have submitted current fingerprint cards are prepared in the Fingerprint Correspondence Section.

contracts, underway over the past several years, are nearing fruition in the effort to computerize the FBI's massive fingerprint files. This system will have the ability to electronically read, classify, and retrieve a previously entered record. With high-speed, computerized exchange of information already established in the Nation's law enforcement communications network, the FBI's National Crime Information Center, the fingerprint files of the FBI Identification Division will provide a lightning-fast response to inquiries concerning crimes and criminals. No longer will a dangerous wanted criminal be able to continue his flight after having been arrested on a minor charge and released while his identity and criminal background are being determined. No longer will a clever suspect's protestations during interview serve him in concealing his criminal record or prevent his immediate association with fingerprint evidence found at a distant crime scene. In time and with additional research in this area, it is anticipated that latent fingerprints uncovered at a crime scene could be, with

appropriate computer classification, transmitted instantly to the FBI Identification Division for matching or elimination purposes. In the future it is quite conceivable that a criminal's identity may be instantly determined by simply placing his hand on an electronic scanner unit at police headquarters—or perhaps one mounted in a patrol car!

Promise For the Future

The story of modern law enforcement contains many feats of scientific methods in crime detection. The promise that science holds for the future of law enforcement, however, bids to far outrival its most notable accomplishments of the past. This century of modern law enforcement began with scientific methods of identifying criminals, and this basic police science, now secured in fingerprinting, is experiencing a startling renewal with the advent of computer technology. The pursuit of concealment goes on, but the margin for the criminal is narrowing. In this, all law enforcement and the public can rejoice. (FBI)

POLICE WEAPON

(Continued from page 15)

Police Division. As a newly appointed recruit patrolman, I was issued the necessary equipment required for the performance of police duties, which of course included a .38 caliber service revolver. As the father of two young children, I was aware that eventually the problem of "child v. firearm in the home" would have to be faced. The conventional means of firearms storage in the home—a secured cabinet, the locked drawer, or the prohibited closet—appeared to be the answer to safety. Several days later I was startled to find my son standing atop a chair as he searched the closet shelf for the service weapon. Obviously, the carefully selected hiding place, the lock and key, and punishment were not the sole answer. It was apparent that my son's strong yearning and curiosity for the forbidden would have to be satisfied within practical limits.

To fulfill this natural desire, I found it helpful to partially implement the firearms instruction and training I had received while serving with the U.S. Marine Corps and later as a re-



A padlock closed around the frame of a revolver is another means of "locking" it.

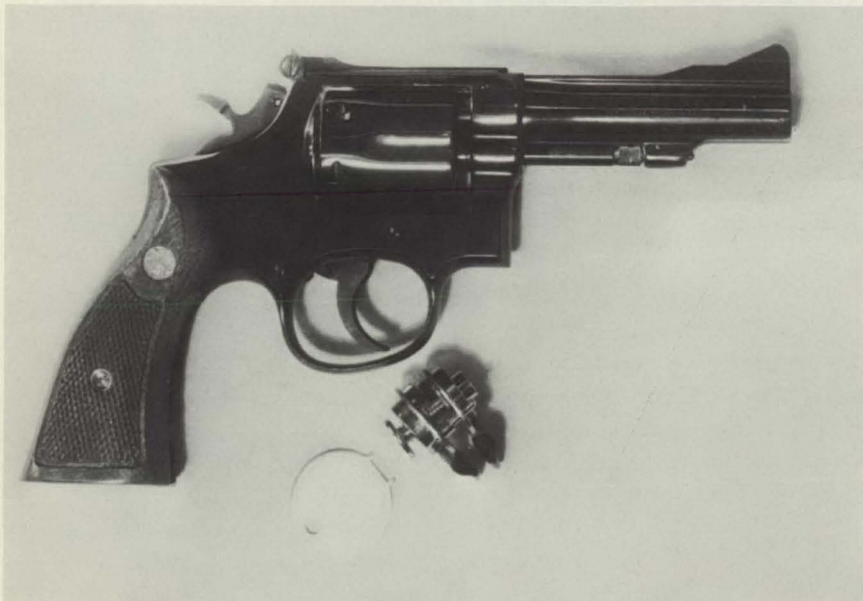
cruit-patrolman. While cleaning the service revolver at home, I took the time to acquaint the two youngsters with the mechanics and operation of the handgun, always emphasizing that it is not a toy, but a dangerous weapon. They were cautioned that all firearms are considered loaded until visual examination has proven otherwise. In the simplest terms possible, I answered the many questions that had formulated in their young minds.

Eventually my son asked to handle the weapon and to release the cylinder. He was allowed to do so, after which he was reminded to ask permission whenever he wanted to view or handle the weapon. The revolver was then secured in a safe manner.

Both children, particularly my son, frequently asked to examine the weapon. He soon became proficient in releasing the cylinder latch and checking the cylinder to determine if the weapon was clear of ammunition before further handling. Over a period of time the children's curiosity and interest seemed to subside somewhat. The weapon was again placed on the closet shelf after being rendered temporarily inoperable with a locking device. The children were given final instructions not to touch the weapon without having first obtained permission.

Safety First

As the years followed, we often journeyed into northern Michigan. During these periods I would take the service revolver and a supply of ammunition for target practice in an isolated area. On one occasion, to further familiarize the youngsters with the



A trigger-locking device like the one shown may be used on a .38 caliber revolver.

arm, I pointed the revolver at a makeshift target and allowed each of them to squeeze the trigger while I held the weapon. I will long remember the expression on their little faces when the revolver discharged with a loud report. It was obvious that both children were deeply impressed with the great responsibility and potential danger involved in handling the firearm.

Since that time, our family has been blessed with three additional children. The same precautions were taken with each of them, employing common-sense safety factors, instilling self-discipline, and familiarizing them with the handgun. The desired results were achieved—no accidental gunshot victims in our home.

Although the intended purpose of a gun cabinet is to properly secure firearms, many are manufactured primarily as display cases, with little attention paid to security. Cheap locks, glass fronts, or no fronts at all, and wooden crossbars are not adequate. Cabinets of this type should be reinforced. Heavy, reliable locks should be installed, and wooden crossbars replaced with steel bars. When a firearm is placed in storage, the chamber, bore, and magazine or clip should be checked and cleared of ammunition. If



The locking device screws on the trigger housing and prevents the gun from being fired.

a shoulder weapon can be rendered inoperative by removing the bolt, etc., so much the better. Never store a *loaded* weapon, and never assume that a firearm is unloaded until you have made a visual examination. Store the ammunition under lock and key in a location separate from the firearm. Temporarily disabling a revolver for storage can be accomplished by passing a padlock or a set of handcuffs through the trigger guard and behind the trigger. Locking devices may also be inserted around the frame and

through the opening normally occupied by the cylinder. (See illustrations.) There are several varieties of commercially manufactured trigger-locking devices which will accommodate revolvers, semiautomatic pistols, rifles, and shotguns. (See illustrations.) Preferably the individual should retain the key on his person, especially if children occupy the home. If the key is to be left in the dwelling, never hide it repeatedly in the same location. Rotate the key from one place to another, and place it in an area remote from the weapon. When removing a firearm from storage, always follow the same careful precautions. Do not accept another's word that the weapon is unloaded, and do not rely on your memory. Visually check the weapon!

Expert Care

As a police officer, I have spent many years traveling throughout the United States as a competitor in police combat pistol tournaments. During this period, I have on occasion examined the many and varied handguns being used by law enforcement officers throughout the country. In several instances the sidearms were rendered extremely dangerous through alteration and modification by the "do-it-yourself" gun expert. Internal actions had been honed to produce the so-called "hair trigger." Safety bars had been removed, rebound springs had been clipped, mainsprings shaved and weakened, and mainspring tension screws tampered with to such a degree that the weapon would not fire from a double action stage or the single action operation could be set in motion with a slight jarring of the weapon. A law officer carrying a firearm such as this is a menace to himself, his fellow officers, and to the public. He should be severely dealt with. Necessary adjustments, servicing, and repair of

The trigger of a semi-automatic pistol can be locked with the device as shown.



firearms should be performed by a qualified armorer only.

Professionalism

As police officers, we are entrusted by the public we serve to carry and use sidearms while performing our duties. At public expense, we have been schooled and trained in all phases of the police profession, both academically and through practical application on the street. We have been taught the nomenclature, specifications, velocity, range, and intended use of the handgun. We have learned to unholster our weapon under certain circumstances and to

leave it holstered under other situations. We have been instructed never to point our sidearms at an object unless we intend to shoot. We have qualified as marksmen, sharpshooters, and experts with the handgun. We are now expected to exercise sound judgment, with no tolerance for ineptness—and rightly so! The law enforcement field demands proficiency and professionalism. There is no room for the clumsy, inattentive, and horse-playing clown. One fatal moment of carelessness or stupidity when handling a firearm cannot be reversed. Only through constant observance and strict application of commonsense safety meas-

ures can we avoid becoming an executioner or a gunshot statistic.

FOOTNOTES

¹ Accident Facts, published by the National Safety Council, 1970 edition.

² National Commission on the Causes and Prevention of Violence—1969.

³ Ibid.

⁴ Public Opinion Survey conducted for the President's Commission on Law Enforcement and the Administration of Justice—1966.

⁵ National Commission on the Causes and Prevention of Violence—1969.

⁶ Ibid.

⁷ The Metropolitan Life Insurance Co., statistical bulletin, July 1968.

⁸ Flint Police Division homicide files (names and dates changed)—1970.

⁹ Ibid.

¹⁰ Michigan Police Law Manual—1966 edition.

¹¹ See 68 A.L.R. 782 et seq.

¹² Accident Facts, published by the National Safety Council, 1970 edition.

THE RESERVATION

(Continued from page 20)

While half of the class is on the firearms range, the other half is in the classroom where a meaningful emergency first aid course is taught with the cooperation of the New Mexico State Police. The course at the Academy does not limit itself to the small cut or the scraped knee; it also covers the treatment of serious injuries a policeman frequently encounters and must deal with immediately in order to save lives and to minimize pain.

Again, field application is the test of classroom instruction in this course. The instructors spend hours preparing mock scenes complete with live, screaming "victims." Using a specially designed kit of rubber wounds, plastic bones, and chemical blood, the instructors position the "victims" around wrecked cars or some other type of disaster scene.

Smoke bombs are ignited and placed in the cars to simulate a fire. Reporters from the local community and onlookers from the immediate area are urged to go to the scene and observe the students in action to help add to the realism of the scene.

Having been divided into smaller groups, the students are inside taking a written examination when a police officer bursts into the room and tells the classroom monitor of a "serious accident." The students are rushed to the mock scene by police units, using red lights and sirens to clear the way to the "accident" several blocks from the Academy building.

The students find themselves faced with a massive automobile accident. "Bleeding" bodies are lying in the roadway and to the sides. "Cries" of pain fill the air and the instructors are yelling for action. It is a gory, chaotic scene the students encounter, but not unlike the real accident they are sure to face someday while on the job. The knowledge and the ability to take control of the situation are emphasized while the students work under stress.

Many hours of a police officer's time are spent behind the wheel of a patrol car. With this in mind each officer at the Academy must demonstrate his ability to safely and effectively operate a motor vehicle under unusual driving situations. This includes defensive driving in heavy traffic, emergency turns and stops,

maneuvering in confined spaces, and other actions designed to make the officer aware of the capabilities of both himself and his car.

Being physically fit and able to cope with an attack are musts for any law enforcement officer. Regular classes in physical fitness, defensive tactics, baton usage, and techniques of arrest are conducted throughout the period of training for all Academy officers.

Life at the Academy is not all classroom and field exercises. Each student shares a duplex with three other officers. They are responsible for keeping their living quarters clean and ready for periodic inspections.

The duplexes are adjacent to the family housing for Indian students of the Roswell Employment Training Center (RETC). This offers Academy students an opportunity to meet new friends and, in some instances, renew old acquaintances from their reservations, who are involved in other vocational training pursuits at the center. Three times a day, 7 days a week, Academy students are served well-balanced meals at the RETC cafeteria.

Following a successful experimenter, qualified individuals who are poten-

Police officers have been allowed to enroll in the Academy under the auspices of the Division of Employment Assistance of the Bureau of Indian Affairs. These individuals take the full course of instruction and upon their graduation are placed in positions with law enforcement agencies. This program has prompted many agencies to inquire concerning graduates of the Academy to fill vacancies within their ranks.

The 12 weeks of instruction at the U.S. Indian Police Academy are long and demanding. All students look forward to the day when they will pack their bags for the trip home. When they go home, the graduates of the Indian Police Academy return as more informed, better educated, and more sharply motivated individuals who are better qualified to protect and serve the Indian people.

Graduation day arrives amid the fanfare of ceremony, complete with a general turnout of the RETC student body and staff and other friends and families of the Academy students. Many officials of the tribes the students represent are on hand for this

occasion. This final tribute is well deserved, for they have worked hard for self-improvement in their chosen profession.

The guest speakers offer congratulations; friends utter farewells. Soon the diplomas are handed out and the day of graduation is over. The 12 weeks were intense, but rewarding.

To supplement the basic program, the Academy recently held a criminal investigator's course. This course was attended by 40 Indian police officers, a large number of whom are graduates of one of the eight basic courses the Academy has conducted. The 161-hour course began on January 25, 1971, and concluded on February 19, 1971.

Special Workshop

A class for juvenile officers is being planned for the near future. As the curriculum for this course is developed, much attention is being paid to the results of a recent special week-long workshop which brought together 38 police officers representing 40 Indian tribes or nations and police

personnel from six cities contiguous to American Indian reservations. The workshop, funded under a training grant from the Office of Juvenile Delinquency and Youth Development of the U.S. Department of Health, Education, and Welfare, had youth and juvenile problems as its prime target. The workshop emphatically emphasized the need for delinquency control programs on the reservations that were represented.

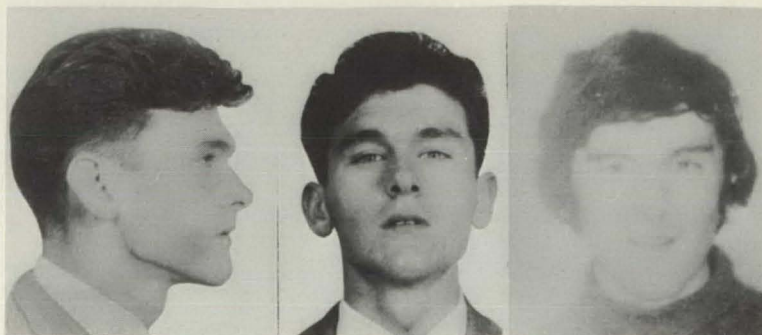
The U.S. Indian Police Academy is making history in improving the protective and law and order services available to the American Indian and his property. It is fast becoming a well-known institution of police instruction. The Academy has been certified by the State of New Mexico Department of Education for achieving its goals as a vocational training school.

Visitors from distant areas are a part of the weekly scene at the Academy. A recently produced 11-minute color film about the institution has created much interest in it and prompted many inquiries from throughout the United States. FBI

"Accident" victims are treated by students at a mock accident scene. The Academy offers approximately 30 hours of emergency first aid instruction.



WANTED BY THE FBI



RICHARD THOMSON FORD, also known as: **Richard Arthur Gagnon** (true name), **Joseph Michael Fitzgerald**, **Richard Thomas Ford**, **Frederick H. Harrison**.

Interstate Flight—Escape, Assault With Intent To Murder

Richard Thomson Ford is currently wanted by the FBI for unlawful interstate flight to avoid prosecution for escape and assault with intent to murder.

On December 27, 1967, officers from the Lawrence, Mass., Police Department attempted to arrest Ford on a local warrant; as he tried to escape through an alley, shots were exchanged between Ford and the arresting officers. As a result, Ford was wounded, taken into custody, and charged with assault with intent to murder.

On December 8, 1968, Ford and three other prisoners escaped from the Essex County House of Correction in Lawrence, Mass. Three of the escapees were subsequently arrested, but Ford remains at large. A Federal warrant for his arrest was issued on March 18, 1970, at Boston.

Caution

Ford reportedly possesses a shotgun and should be considered dangerous.

Description

Age	26, born June 6, 1945, Lowell, Mass.
Height	5 feet 10 inches to 5 feet 11 inches.
Weight	165 to 175 pounds.
Build	Medium.
Hair	Dark brown.
Eyes	Hazel.
Complexion	Medium.
Race	White.
Nationality	American.
Scars and marks	Scars between left thumb and left index finger, scar on abdomen, and scar on left ankle. Tattoo: "Dick" on left forearm.
Occupations	Carpenter's helper and golf course maintenance worker.

FBI No.	93,884 F.
Fingerprint classification:	
13 O 13 U 000	Ref: 13
I 21 U 000 16	17

Notify the FBI

Any person having information which might assist in locating this fu-

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

HELICOPTER PROGRAM

(Continued from page 6)

rotation through the program. Rotation of assignment is designed to avoid the creation of an elite specialty group and to enhance the working relationships between ground and air units.

Public Reaction

A few citizen complaints about a new helicopter program are inevitable and criticism can be expected. The strongest protests will come from dissidents who oppose anything that makes the police more efficient, whether it be chemical mace or helicopters. Some justifiable complaints about noise may be received, and a program administrator must make sure that both flying techniques and equipment minimize this potential problem.

Adverse reaction from the citizenry will not be a problem if an agency's program is properly publicized during its development phase. The favorable cost-effectiveness aspects of the operation can also be communicated to the public by regularly reporting significant helicopter activities to the daily press.

One of the most impressive reactions associated with a new helicopter program is the positive effect on police morale. The harried cop on the beat now truly has "someone to look up to," and when the situation on the street is tense, there is something very reassuring in knowing that the "bird" is watching the action.

FOR CHANGE OF ADDRESS ONLY

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FBI Visitor



Honorable Robert W. Rust, United States Attorney, Southern District of Florida, Miami, Florida, was greeted by Director J. Edgar Hoover during his recent visit to FBI Headquarters.

Crime Records

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

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QUESTIONABLE PATTERN



Although this impression has the appearance of a whorl, close examination reveals that a complete circuit is not made and there is no recurve in front of the right delta formation. Therefore, this pattern is classified as a loop with one ridge count. Because of the appendage attached between the shoulders of the recurve, the pattern is referenced to a tented arch.