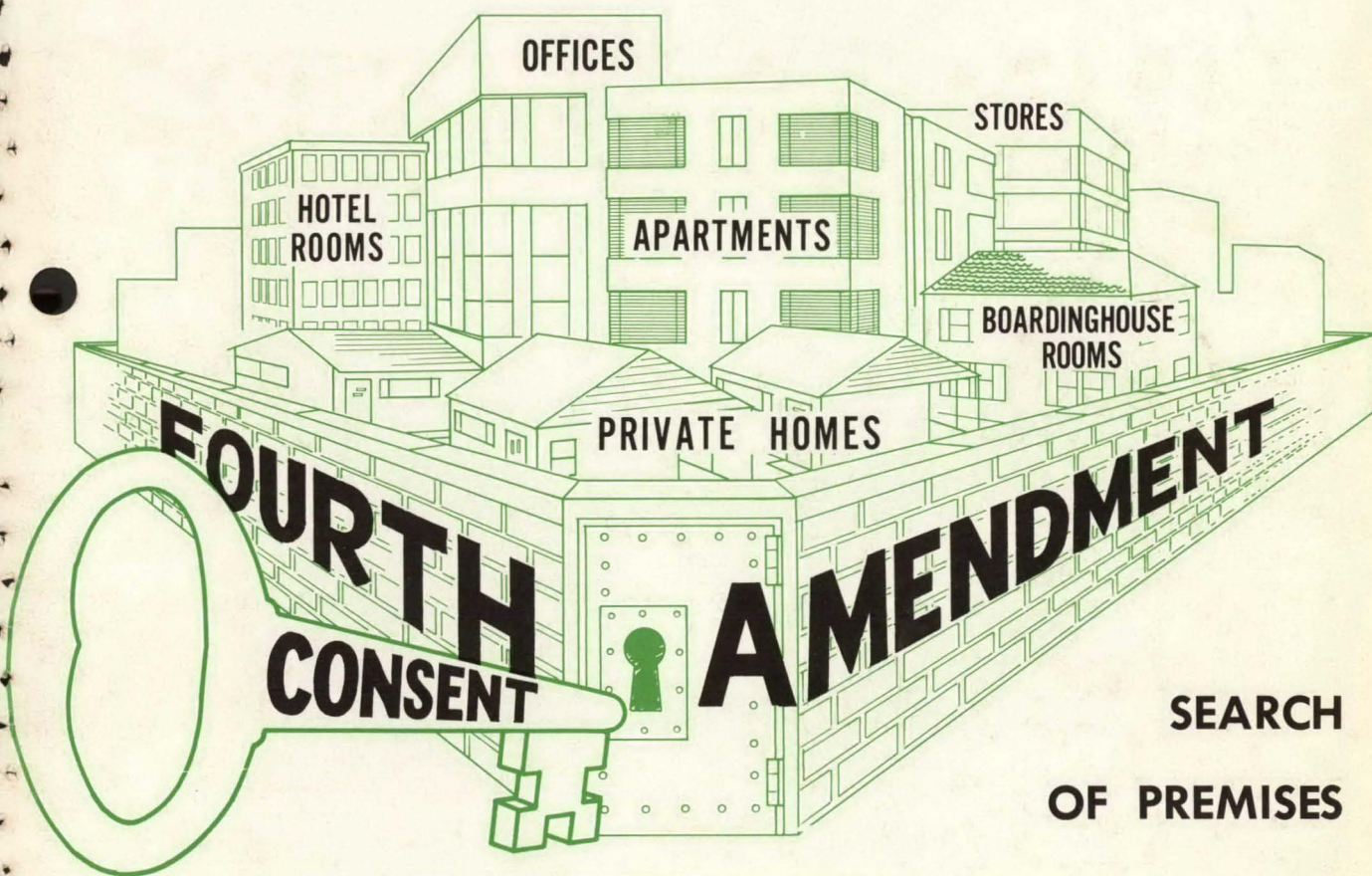


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MARCH 1968



FBI

LAW ENFORCEMENT BULLETIN



SEARCH
OF PREMISES

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

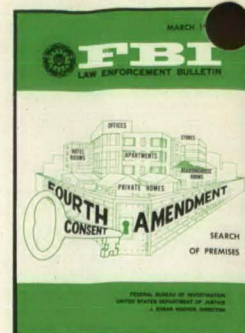
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Published by the
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THE COVER—Search of premises by consent. See page 6.

CONTENTS

<i>Message From Director J. Edgar Hoover . . .</i>	1
<i>Police-Community Relations, by Col. Curtis Brostron, Chief of Police, St. Louis, Mo. . .</i>	2
<i>Search of Premises by Consent (Part II) . . .</i>	6
<i>Investigators' Aids</i>	11
<i>The Garda Siochána: The Irish Police Force, by Commissioner Patrick Carroll, The Garda Siochána, Dublin, Ireland</i>	12
<i>Processing of Law Enforcement Applicants . .</i>	17
<i>Wanted by the FBI</i>	24

MESSAGE FROM THE DIRECTOR

THE PUBLICATION AND SALE of obscene material is BIG business in America today. Degenerate sex pictures and pornographic literature, covertly peddled and sold in most cities and communities, net greedy smut merchants millions of dollars annually.

It is impossible to estimate the amount of harm to impressionable teenagers and to assess the volume of sex crimes attributable to pornography, but its influence is extensive. Sexual violence is increasing at an alarming pace. Many parents are deeply concerned about conditions which involve young boys and girls in sex parties and illicit relations. While there is no official yardstick with which to measure accurately the reasons for increases in any criminal violation, we must face reality. Pornography, in all its forms, is one major cause of sex crimes, sexual aberrations, and perversions.

Is our society becoming so wicked that we are turning from virtue and integrity to immorality and degradation? Are we becoming morally bankrupt and letting our principles of conduct and decency deteriorate? Are we forsaking the simple teachings of right over wrong and good over bad?

Let us look about us. In the publishing, theatrical, and entertainment fields, are the good, enlightening, and educational qualities of their products being overshadowed by too much emphasis on obscenity, vulgarity, incest, and homosexuality? Many people believe this to be true. But the legitimate productions of these media are rather mild when compared with the "hard-core" pornography flooding the country in the forms of

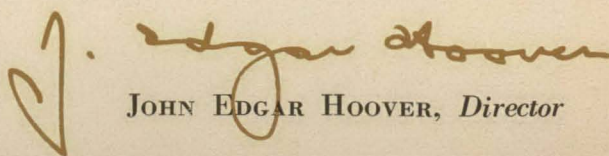
films, "playing" cards, "comic" books, paperbacks, and pictures. Such filth in the hands of young people and curious adolescents does untold damage and leads to disastrous consequences.

Police officials who have discussed this critical problem with me unequivocally state that lewd and obscene material plays a motivating role in sexual violence. In case after case, the sex criminal has on his person or in his possession pornographic literature or pictures. Under these conditions, it is not surprising to note that forcible rape in 1966 increased 10 percent over the 1965 total, a violation occurring every 21 minutes. Since 1960, forcible rape has increased 50 percent.

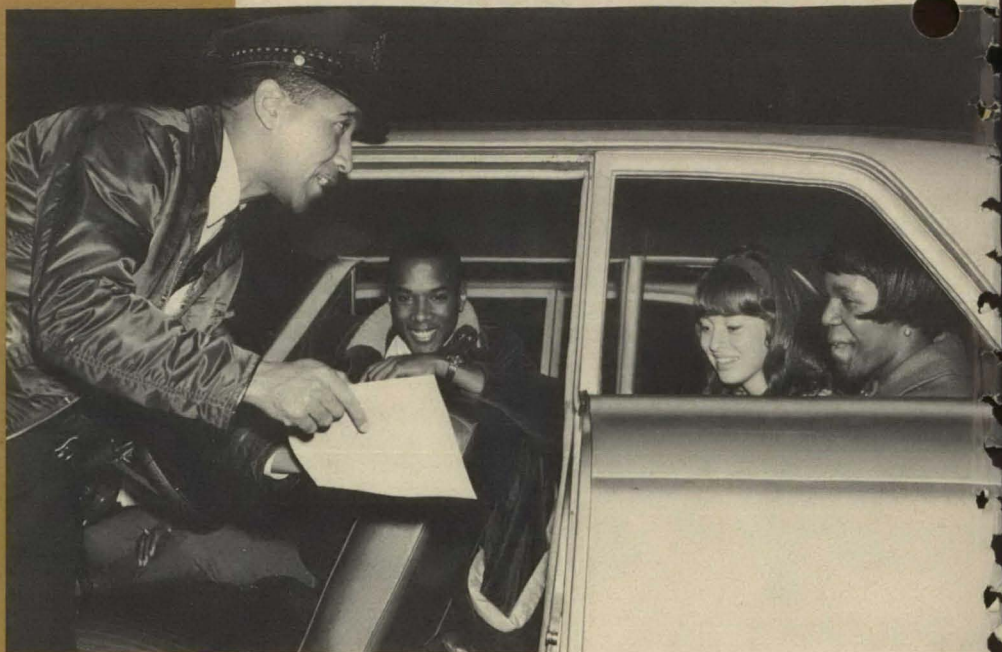
Obviously, all that is being done to combat the sale and traffic in obscene material in the Nation is not enough. Sound and workable laws are needed, and, where they do exist, they should be vigorously enforced. Since many courts seem to judge obscenity on the basis of the moral standards in the community, the public has a vital role in upgrading the level of community morality. When obscene material is discovered, it should be exposed and citizens should complain to proper authorities. When pornography is received in the mails, postal authorities should be advised. Citizens should come forward and cooperate in the prosecution of offenders.

Obscene material is indeed evil, but it is not a necessary evil. If the illicit profits in pornography were replaced with stiff punishments for the filth purveyors, this evil would be brought under control.

MARCH 1, 1968


JOHN EDGAR HOOVER, *Director*

"Communication
is the first
important step."



COL. CURTIS BROSTRON
Chief of Police,
St. Louis, Mo.



POLICE- COMMUNITY RELATIONS

INADEQUATE police-community relations are a problem born of our times for which we must find a solution.

One question that should be answered early is, why must we police officers bear the burden of effecting a change of heart among the citizens we are working hard to protect?

There is only one answer. The policeman's job to protect life and property today must include the improvement of police-community rela-

is because we need the support and cooperation of citizens in order to do an effective job of law enforcement.

Cause of the Problem

Most policemen feel that the police-community relations problem is caused by factors over which they have no control—lack of jobs, poverty, frustration, and others. If more people in our slum areas had jobs and adequate housing, tensions would be reduced. Alleged brutality, accusations of improper search and seizure, clamor for civilian review boards, and public apathy are a culmination of citizens' misunderstanding and mistrust of police in general. It is this misunderstanding and mistrust which we must seek to abolish through community relations programs. When groups get to know one another, suspicion and mistrust usually fade away.

Not many years ago everybody knew the policeman on the beat, and he was accepted as a member of the neighborhood. People in his area

knew him by name, and he could count on them to help him, just as they could count on him.

With the advent of the automobile and the two-way radio, concepts of police administration and patrol planning began to change. It became obvious that the mobile criminal would have to be apprehended by a mobile police officer using a two-way communications system that keeps him in close, but impersonal, contact with the public.

As the police officer was taken off his beat, placed in a car, and rotated from one patrol area to another, he began to lose the close contact he had enjoyed with the citizens. It soon became evident to administrators that, although this mobilization enabled the officer to patrol and make apprehensions in a more thorough and speedy manner, it was depriving law enforcement agencies of their main source of information—the citizens. People no longer knew the officer patrolling their area, and he no longer had time to stop and talk to them and get to know them personally. Admin-

istrators saw the gap widen as cooperation slackened and certain hostile feelings toward the police grew.

Reestablishing Relations

By 1955 the St. Louis Police Department recognized that some positive steps were needed to reestablish the lost communication between citizens and police. In that year the first National Institute on Police and Community Relations was held at Michigan State University (MSU), and from this institute came the idea for a police-community relations program in St. Louis.

Several representatives from the National Conference of Christians and Jews, Missouri Region, attended the MSU Institute. Upon their return they contacted police and civic leaders of St. Louis and convened a conference of their own to attempt to interest these people in a police-community relations program for this city.

The 60 police and community officials who attended this conference decided that there was a need for such a program, and they established the movement by forming the St. Louis Committee for Better Police-Community Relations. In 1957 the committee changed its name to the St. Louis Council on Police-Community Relations, and it still exists today.

Between October 1955 and February 1956, the committee organized district committees in those areas where the crime rate was the highest. This neighborhood concept was decided upon as the best way to reach the citizens and reestablish communication with them. The district committees were composed of private citizens who conducted public education programs on crime prevention and police-community relations (PCR) and met regularly with police officials in their district to discuss the PCR problem.



St. Louis citizen receives a certificate for his outstanding assistance to law enforcement. Col. Edward L. Dowd, president of the Board of Police Commissioners, presents the award as Col. Clifton W. Gates, vice-president of the Board, looks on.

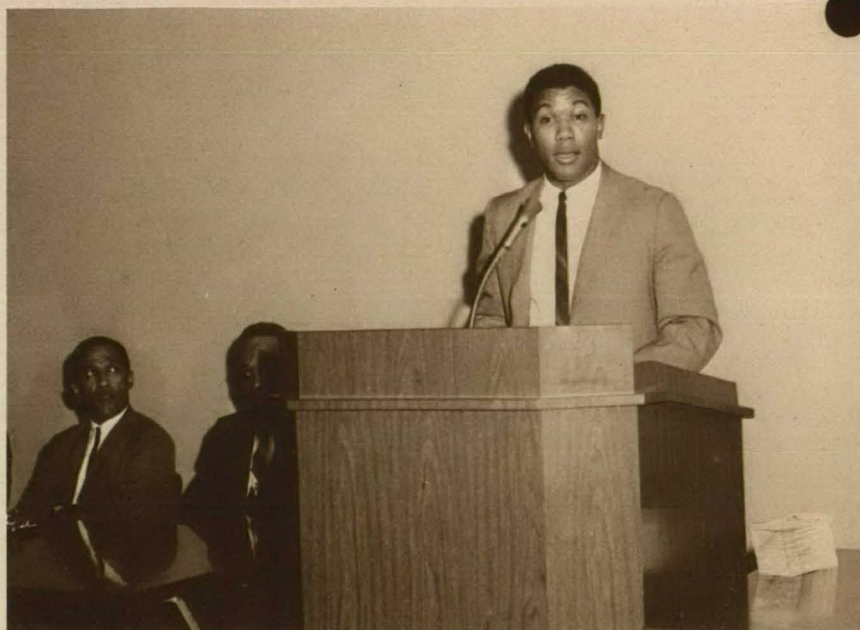
In 1957 the St. Louis Board of Police Commissioners furthered the program by establishing the Police-Community Relations Division within the police department. Headed by a full-time civilian director, it was the first such division to be established in any police department and totally supported by funds from the departmental budget. This division is now known as the Office of Police-Community Relations and functions as a separate entity of the department. The St. Louis Council on Police-Community Relations acts as an advisory to this office.

Community Relations Today

The police-community relations program in St. Louis today is still based on the original concept of the district committee. In each of the nine police districts, the Police-Community Relations District Committee has a civilian membership of about 600 persons, making a total citywide membership of more than 5,000. Separate branches of district committees are being organized in housing projects.

Each district committee has a chairman, vice-chairman, and secretary-treasurer who are elected yearly by the general membership of the committee. The district committee chairman then appoints four subcommittee chairmen who in turn select five members from the general membership to work on their subcommittees. The following subcommittees are operative in each of the nine Police-Community Relations District Committees: Law Enforcement Committee, Juvenile Committee, Sanitation Committee, and Businessmen's Committee. Every year our Office of Police-Community Relations assigns special projects and activities to each subcommittee.

In each district we took an officer off patrol and gave him the title of Police-Community Relations District Officer. He reports to the director of



Bill Triplett, professional football halfback, works on the PCR program from January through July by talking to high school students about police operations and the necessity of staying in school and getting a good education.

police-community relations as well as to his district commander whose support he needs. This plan helps to promote a close working relationship between the two. The district officers have proved to be so valuable that men are taken off patrol to replace them when they go on vacation.

In the hope of bringing police officers and citizens closer together, we are implementing a new program. A citizen in each police patrol area is appointed as a civilian patrol leader. At weekly meetings with the sergeant who supervises his patrol area, the citizen can state any problems he has encountered. He can provide such services as aid in identifying wanted persons, information on trouble spots, and assistance in encouraging neighbors to testify. Also, we will have a known loyal supporter in each neighborhood if trouble develops in that part of the city.

PCR Programs

An effective PCR program must continuously reach all segments of so-

ciety and citizens of all ages. Separately our PCR programs are not big dramatic projects that make headlines—but added up, they do a sizable job. Some examples of what is being done in police-community relations in St. Louis follow.

Communication Programs: The Board of Police Commissioners and the chief of police meet with civil rights leaders to discuss problems of police-community relations. Meetings are also held with representatives of St. Louis news media to exchange information and create a better understanding of community problems. Meetings with the Urban League, National Association for the Advancement of Colored People, Human Development Corporation, and other community organizations keep the channels of communication between them and the department open at all times.

Mass Media Relations: Through newspapers, radio, and television, including media which have appeal to various minority groups, a constant attempt is made to keep the public in-



Open house is held by the respective PCR District Committees on Law Enforcement Day in May each year. In the past nearly 3,000 citizens have visited each district station to see police exhibits and meet police officials.

formed of all police activities, policies, and miscellaneous items, such as how to avoid becoming a victim of a crime, how to prevent crimes, and what new laws may go into effect. Interviews, feature articles, and programs are provided to help the public better understand the department.

In one program we cooperate with a leading newspaper in publishing pictures and short biographies of two officers each week. This, of course, shows that policemen are human. The diskjockey on a local radio station schedules interviews with seven policemen a day. Only first names are used, and the officer dedicates a record to the youngsters in the area where he works. In another project a tabloid runs pictures of officers assisting citizens, such as helping the sick, directing traffic, and providing other normal services, as a contrast to pictures which often reflect unfavorably upon police.

Speakers' Bureau: Speakers from the police department are available to any organization or group from the Speakers' Bureau. About 30 pro-

grams are given each month by police officers who explain the functions and organization of the department.

School Program: The police-community relations program reaches students on all levels. Meeting the officer as a friend and human being, not just as a police officer, is stressed in all school programs. Beginning with the Head Start program, an officer instructs preschool children in pedestrian safety and gives them a chance to talk to a policeman—to actually touch his uniform and get to know him as a friend.

Progressively advanced pedestrian safety programs, including films, are given to students in grades 1 through 8. In each of the city's 200 eighth grade civics classes, a police officer gives an hour lecture on the role of the police department in the community.

In the high schools Bill Triplett, professional football halfback, presents a film on police work and gives a talk in which he brings out some personal observations. The idea of staying in school and getting a good

education is stressed as much as the police-community relations element in the high school program. Bill is often accompanied by an employment agency representative who discusses with the students the current employment opportunities in St. Louis. A police officer, usually the district commander, is also present most of the time.

Programs on police work are also presented in the junior colleges and teachers colleges in St. Louis. We try to give these students a better understanding of what the police department does.

We set up a schedule in which each public and parochial school has at least one program given by an officer. Most have about three. In addition, there are visits by juvenile officers.

Youth Council: A youth council on police-community relations is composed of representatives from all high schools in St. Louis, one student from each of the four classes and one from the school newspaper. They meet with police officials five times each year to discuss the current programs in the high schools. They make arrangements for the police department programs and the auditorium sessions presented by Bill Triplett. These young people also distribute crime prevention literature in the high schools.

Cruiser Tours: Each month about 16 high school students are taken on a tour of St. Louis in unmarked police cars and allowed to watch officers perform their duties. The students usually write an article about their experiences for their school paper.

Lock Your Car Campaign: Literature distributed in parking lots requests citizens to help prevent auto theft by locking their cars and not leaving valuables displayed in them.

Citizens Against Crime Program: In the first phase of this program, 600,000 St. Louis citizens received citizens against crime cards. These

(Continued on page 20)

In speaking of the rule excluding from evidence those things obtained by unreasonable search and seizure, one court said:

"We should be mindful that while the judge-made sanction supports the right of the individual to be free from wrongful invasion by the State, it tends to deny him protection from grievous invasion by the criminal. For unless we can assume that offenders set free by suppression of patent proof of their guilt will not resume a criminal course, we must recognize that the pain of the sanction of suppression will be felt, not by some abstraction called the 'police' or 'society,' but by tomorrow's victims, by the innocent who more likely than not will be the poor, the most exposed and the least protected among us. Nor can we fail to note that while the sanction supports the high value inherent in freedom from unwarranted search, yet in another aspect it works against public morality because the suppression of the truth must tend to breed contempt for the long arm of the law. Such are the stakes, and it is in their light that the unreasonableness of a search must be measured."—Chief Justice Joseph Weintraub, Supreme Court of New Jersey, speaking in *State v. Davis*, 231 A. 2d 793 (1967).

Search of Premises by Consent

This is the second of a series of articles discussing the Federal law on search of premises by consent.

IV. Possessory Interests in Particular

A. Owner

If the owner of the house, office, or other protected premises to be searched enjoys the current right to possession and he is physically present, his consent must be obtained. This rule applies whether the search is to be made of the entire premises

or of specific suitcases, boxes, or other personal property located therein. It is the fact of his possession which triggers the fourth amendment protections and his physical presence which makes it mandatory for any waiver of his constitutional rights to come directly from him.

A valid consent to search given by the owner-possessor-occupant is effective against himself and any third person who has no possessory right in the premises. Evidence collected during the course of such a search may be used against the third party as well as the person giving consent because

the exclusionary rule is inoperative where either there was no fourth amendment right at the time of search or such rights as existed at that time were effectively waived.

If the owner-possessor is *not* physically present when a search is desired, authorization may be obtained from any other person having the requisite capacity to permit a search of the protected premises. In some cases this may be a partner, spouse, agent, or joint occupant. See later discussion under these headings.

Where the owner of the premises to be searched is not entitled to in-

mediate possession, he cannot give a consent valid against all other persons. He can, of course, waive whatever interest he has remaining in the premises, but, lacking the current right of possession, his consent is not effective against one who does have such right. A common example is that of the house, apartment, hotel room, office, or business building which the owner has rented to a tenant. Some officers, in cases in which the tenant was the accused, have made the mistake of searching the premises by consent of the owner during a temporary absence of the tenant. Searches of this kind are unreasonable. *Chapman v. U.S.*, 365 U.S. 610 (1961) (house); *Stoner v. California*, 376 U.S. 483 (1964), *reh. denied*, 377 U.S. 940 (hotel room); *U.S. v. Burke*, 215 F. Supp. 508 (1963), *aff'd*, 328 F. 2d 399 (1964), *cert. denied*, 379 U.S. 489, *reh. denied*, 380 U.S. 927 (rented room in roominghouse); *Cunningham v. Henize*, 352 F. 2d 1 (1965), *cert. denied*, 383 U.S. 968 (rented room in private home). The owner is not the one in possession and his consent is not valid against the current tenant. His right, as landlord, to enter the premises to inspect for misuse, or to do housekeeping or other maintenance work, does not extend so far as to allow him to authorize officers to search the tenant's home for their purposes.

Occasionally the owner of premises will lease them to a tenant except for some part, such as a bedroom in which he lives or a room for storing his property. The owner possesses that reserved room, and in his capacity as the lawful possessor he can consent to a search of it. Evidence found in that room can be used against the owner, or against any third person having no possessory right therein, such as the tenant of the remainder of the premises.

The owner may consent where the present exclusive possessory interest

of his tenant is terminated and he regains the right to immediate possession. For example, if a tenant has abandoned the premises, the owner or landlord may repossess and thereby acquire the legal capacity to consent. *Abel v. U.S.*, 362 U.S. 217 (1960), *reh. denied*, 362 U.S. 984; *Frank v. U.S.*, 347 F. 2d 486 (1965), *cert. dismissed*, 382 U.S. 923. This rule applies even where abandonment occurs prior to the time the rental period is up. *Feguer v. U.S.*, 302 F. 2d 214 (1962), *cert. denied*, 371 U.S. 872. Similarly, the landlord may give consent to search following termination of the tenant's right to possession where there is formal eviction for non-payment of rent, *Paroutian v. U.S.*, 319 F. 2d 661 (1963), *cert. denied*, 375 U.S. 981; or, where the landlord terminates a tenancy-at-will, *U.S. v. Farese*, 242 F. Supp. 574 (1965); or otherwise asserts his right to regain possession, *U.S. v. Cudia*, 346 F. 2d 227 (1965), *cert. denied*, 382 U.S. 955, *reh. denied*, 382 U.S. 1021. But the right to possession remains in the tenant, even though the rent is unpaid, where there is an agreement to that effect, *U.S. v. Olsen*, 245 F. Supp. 641 (1965); or, where the landlord has not yet repossessed the premises, *Chapman v. U.S.*, 365 U.S. 610 (1961); *Smith v. U.S.*, 243 F. Supp. 222 (1965).

The "landlord-tenant" relationship is no bar to a search by voluntary consent of the landlord where the premises are being used by both in a conspiracy to violate the law. The law will look to the real relationship of the parties and where, as a part of a conspiracy, both have a current right to possession, either may give a valid consent to search good against the other. *U.S. v. Cudia*, 346 F. 2d 227 (1965), *cert. denied*, 382 U.S. 955 (1965), *reh. denied*, 382 U.S. 1021; *Drummond v. U.S.*, 350 F. 2d 983 (1965), *cert. denied sub nom. Castaldi v. U.S.*, 384 U.S. 944. Com-

pare *U.S. v. Botsch*, 364 F. 2d 542 (1966).

The owner or other occupant having the current right to possession of the premises has the capacity to consent to a search for the purpose of locating and removing property stored on his premises by a trespasser. Perhaps the best example of such a situation is found in *Cutting v. U.S.*, 169 F. 2d 951 (1948), where information was received that an electric range stolen from the U.S. Government was stored in a small building located immediately to the rear of a private house. The owner gave voluntary consent, and it was held that the range, found during the course of the authorized search, was good evidence against a third party accused of the crime. See, also, *Von Eichelberger v. U.S.*, 252 F. 2d 184 (1958); *U.S. v. Rees*, 193 F. Supp. 849 (1961). Compare *Holzhey v. U.S.*, 223 F. 2d 823 (1955).

B. Tenant

"Tenant" is broadly defined to include one who, by express or implied agreement, acquires possession but not ownership of a ranch, farm, business building, office, house, apartment, room, or other place regardless of the duration of the contract. As long as the occupant has the sole right to possess the premises, whether it be by mutual agreement or simply until the owner orders him to leave, he, and he alone, has the legal capacity to consent to a search of those premises that would be good against himself. If he consents, any evidence of crime uncovered can be used against him and against any other person having no immediate possessory right to the leased premises or the things found therein.

If the tenant is not physically present or is otherwise unavailable, a consent search directed against his premises cannot be made unless the officers

are able to obtain consent from someone else lawfully exercising the possessory right in the premises. Here, the owner is *not* authorized to consent. He surrendered his right of possession when he agreed to the tenancy and retained no implied authority to waive the tenant's constitutional rights. See later discussion of joint occupants, partners, spouses, and agents.

The tenant of an office building, apartment house, or rooming house, etc., may sublease parts of the premises, in which case the subtenant assumes lawful possession of the portion leased solely to him and only he can consent to a search of that area.

Close questions can arise as to the precise limits of the space in lawful possession of the tenant. The general rule appears to be that the tenant possesses only that part specifically described in the lease or commonly understood from the circumstances to be reserved for his exclusive use, e.g., the interior of the office, apartment, or hotel room bearing a certain number. Other parts of the building used for the landlord's purposes alone and those used by everyone in common (elevators, stairs, and hallways), and not leased specifically to any tenant, remain in the possession of the owner and can be searched on his consent. *McDonald v. U.S.*, 335, U.S. 451 (1948); *Marullo v. U.S.*, 328 F. 2d 361 (1964), *reh. denied*, 330 F. 2d 609, *cert. denied*, 379 U.S. 850. Note, however, that by lease or other understanding the tenant may be allowed to store his personal things in a basement locker or a cupboard standing in a public hallway. In this event the tenant also possesses that specific place. *U.S. v. Lumia*, 36 F. Supp. 552 (1941); *Holzhey v. U.S.*, 223 F. 2d 823 (1955).

The tenant, like the owner or landlord [*Thomas v. U.S.*, 154 F. 2d 365 (1946)], must exercise his possessory interest in order to enjoy the fourth amendment protection. Should he give

the premises over to the use of another, he, not being in possession even though he pays the rent, is not protected. *Curry v. U.S.*, 192 F. 2d 571 (1951).

C. Joint Tenants and Common Occupants

There are relatively few decisions on the search problem where two or more persons (not husband and wife) jointly and equally occupy a house, apartment, hotel room, or other premises and one or more of them become suspects in a criminal investigation. The law allows a search of the parts mutually possessed, effective against all of the occupants, on consent given by one of them. "One having equal authority over premises may authorize a search of them." *Drummond v. U.S.*, 350 F. 2d 983, 989 (1965), *cert. denied* sub nom., *Castaldi v. U.S.*, 384 U.S. 944. Such a search was upheld in *Nelson v. California*, 346 F. 2d 73 (1965), *cert. denied*, 382 U.S. 964, where police officers were admitted to an apartment by a woman living there with the appellant. She gave the officers consent to search the premises, and in a cupboard they found evidence used against the appellant at trial. See, also, *U.S. v. Sferas*, 210 F. 2d 69 (1953), *cert. denied* sub nom., *Skally v. U.S.*, 347 U.S. 935; *Teasley v. U.S.*, 292 F. 2d 460 (1961) (as to entry only).

In view of the dearth of authority, it must be assumed that consent given by one common occupant is *not* effective against another who is on the premises at the time and objects to the search. See *Lucero v. Donovan*, 354 F. 2d 16 (1965); *Tompkins v. Superior Court (California)*, 378 P. 2d 113 (1963). Officers also should make sure that in searching on the consent of one, in the absence of the others, they search only those parts of the premises which he possesses independently and those which he oc-

cupies in common. Areas reserved for exclusive use by any or all of the others remain fully protected by the fourth amendment. For example, if the premises contain two bedrooms and one bath, with A and B occupying bedroom # 1 only, and C and D occupying bedroom # 2 only, the consent of A to search the entire premises is effective against A as to both bedrooms and the bath. He has waived all rights against search. It is effective against B as to bedroom # 1, which he jointly occupies with A, and the bath. It is effective against C and D as to the bath, which is jointly occupied, but not as to their bedroom, which they do not share with A. Further, the consent of A alone, the others being absent, does not allow a search of purely personal belongings (trunks, boxes, suitcases, etc.) of B, C, and D or of any separate closet, dresser drawer, or other privately occupied part of the premises. See *U.S. v. Blok*, 188 F. 2d 1019 (1951); *Holzhey v. U.S.*, 223 F. 2d 823 (1955); *Reeves v. Warden*, 346 F. 2d 915 (1965).

The problem involved in cases of joint tenants and common occupants is similar to that found in some other situations. See discussion under partners, spouses, and guests.

D. Partner

The general rule on partnership situations is that a valid consent obtained from one partner allows a search of the jointly occupied premises that is effective against all the members. "The rule seems to be well established that where two persons have equal rights to the use or occupation of premises, either may give consent to search, and the evidence thus disclosed can be used against either." *U.S. v. Sferas*, 210 F. 2d 69, 74 (1953). This rule applies to a search of partnership financial records as well as to partnership prop-

U.S. v. Goodman, 190 F. Supp. 847 (1961), and it assumes that consent is received from a full partner. Consent obtained from a silent partner, one who contributes money but has no right to occupy the premises or participate in management of the enterprise, would likely be held ineffective against the other partners.

Even in the case of consent received from a full partner, the search should be limited to those premises and that property which the partners clearly possess in common. If the several partners have separate desks and offices assigned to them individually, consent of one partner only probably does not authorize search of the desks and offices given over to the personal possession of the others.

The consent search problem in partnership situations is similar to that found in cases involving "Husband and Wife" and "Joint Tenants and Common Occupants." See discussion and cases cited under those headings.

E. Husband and Wife

Though, as indicated previously, there is general agreement that persons in joint possession may independently consent to a search of their mutual premises that is valid not only as to themselves but also as to each other, there has been some confusion in the law when this principle was confronted by the case of a husband and wife. The unexpressed difficulty which the early courts appear to have recognized was the fact that married women did not enjoy the same rights as men. It was clear that at least insofar as the right to possess the premises was concerned a married woman was living in her husband's house. Therefore, as the courts indicated in cases such as *Humes v. Taber*, 1 R.I. 464 (1850), even though the wife told the officers to "search to your hearts' content" for evidence that would in-

criminate her husband, she had no implied authority "to license a search of his house for stolen goods." (Emphasis added.)

The emancipation of women and their continuing demands for equality in our society have had their effect,

is *Amos v. U.S.*, 255 U.S. 313 (1921), the only decision so far in which the Supreme Court has considered the interspousal consent question. It was disposed of on the grounds that the wife's consent was the product of coercion and therefore ineffective to

"No society can afford to leave at large more than a limited number of unconvicted criminals. To maintain its health a society may have to run the risk that the innocent are mistakenly punished; if it is impossible to cut out the bad without destroying something that is good, the good has to be sacrificed . . . in ordinary times the crime rate is the best indication of whether there are too many criminals."—"The Criminal Prosecution in England," by Patrick Devlin, Justice of the High Court of England, Yale University Press, New Haven, Conn., 1958.

and in most jurisdictions the law's reaction to this increased authority and responsibility is to recognize the right of the wife to share in possession and control of the mutually enjoyed property. Still, such deep-rooted notions do not easily vanish. A case reported in 1951 announced that a wife could not waive her spouse's immunity from an unlawful search and seizure in her husband's home. *Simmons v. State*, 229 P. 2d 615 (1951) (Oklahoma).

Another infirmity of searches authorized by consent of the wife is the tradition of diligently safeguarding the rights of women and others believed to be in need of special protection against coercion or undue influence. In this regard, the courts have been alert to detect any indication that the consent allegedly obtained from the wife was involuntarily given. The balance of those reported cases which have refused to accept evidence obtained during a search authorized only by the alleged consent of the wife has been decided on a finding that in fact or in law she gave no voluntary consent. The leading case in this group

waive fourth amendment protections. The Court gave no indication that it would deny the right of a wife to permit a search of premises she possessed jointly with her husband.

For other cases in this category see: *Sheftall v. Zipperer*, 66 S.E. 253 (1909) (Georgia) (no consent); *U.S. v. Rykowski*, 267 F. 866 (1920) [officers read search warrant (invalid) to wife and she merely acquiesced]; *Maupin v. State*, 260 P. 92 (1927) (Oklahoma) (officers acting under invalid search warrant advised wife they wanted to search the premises and she said, "Go ahead."); *Cofer v. U.S.*, 37 F. 2d 677 (1930) (property surrendered in response to a search warrant and not voluntarily); *Waldron v. U.S.*, 219 F. 2d 37 (1955) (follows *Amos*, *supra*); *Manning v. Commonwealth*, 328 S.W. 2d 421 (1959) (Kentucky) (officer went to subject's home, demanded of wife the location of clothing worn during the murder, and said ". . . if you don't tell me I'll hold you both as accessories to murder. . . ."); *Foster v. U.S.*, 281 F. 2d 310 (1960) (consent by wife, manager of tavern,

to search back room, but evidence insufficient to establish conclusively a waiver, citing *Amos, supra*); *State v. Pina*, 383 P. 2d 167 (1963) (Arizona) (search by search warrant at 3 p.m. found nothing; officers returned at 7 p.m., told wife they were going to "renew" the search, and they were admitted without further protest); *Commonwealth v. Wright*, 190 A. 2d 709 (1963) (Pennsylvania) [following arrest of husband, officers told wife falsely he had admitted crime and sent them for the "stuff" (loot)].

While it is incorrect to say that marriage confers authority to waive the constitutional rights of one's spouse, it is equally improper to assume that the marital status deprives a spouse of the right to permit a search of the premises solely or jointly possessed. For example, in *State v. Cairo*, 60 A. 2d 841 (1948) (Rhode Island), the wife permitted a search of the cellar of a house and store owned jointly and the results were binding on her husband because she was not acting as an agent for him but in her own right. The court said if she had not been related to her husband no question of her right would arise. "In our opinion her mere relationship to one defendant as his wife would not as a matter of law destroy that right which was personal to her." *State v. Cairo, supra*, at p. 847.

In all of the reported cases which refused to accept evidence collected under the authority of a spouse's consent, not one was found which held that a spouse in joint possession and who gave truly voluntary consent could not authorize a search that would be binding on the other spouse.

A few cases refused to recognize the authority of the wife's consent when personal effects in the sole possession of the husband were involved. This is entirely consistent with the theory that the wife's right to permit a search comes from her right to joint possession of the place or thing to

be searched and not from the marital relation per se. For example, in *Dalton v. State*, 105 N.E. 2d 509 (1952) (Indiana), officers investigating a hit-and-run offense asked the wife for consent to search the suspect automobile, which was registered in her name. The car, however, was paid for by the husband, who had sole control and possession of it. The wife had never driven a car. In view of her lack of possession, the court held that the wife could not consent to a search of the car which was her husband's personal "effect," protected by the fourth amendment. Similarly, in *State v. Evans*, 372 P. 2d 365 (1962) (Hawaii), a husband's cuff link case in a bedroom dresser drawer was held to be in possession of the husband alone, and his wife could not authorize a search of it. However, even though the item searched and seized is a personal effect of the husband, the wife may consent where she has acquired lawful possession such as luggage used on a trip, *U.S. v. Walker*, 190 F. 2d 481 (1951), *cert. denied*, 342 U.S. 868; or, property left unprotected in an area which she jointly possesses, *U.S. v. Roberts*, 332 F. 2d 892 (1965), *cert. denied*, 380 U.S. 980.

The importance of the current right to possession of the specific place to be searched is clearly illustrated in the one case in which the husband's consent was held to be ineffective against the wife. The husband signed an agreement to permit a consent search of his residence at any time as a condition of his release on probation. The house that was searched was in the sole possession of the wife. She was paying for it and operating it as a boardinghouse. The husband was present very seldom and in fact was living elsewhere at the time of the search because his wife had instituted divorce proceedings. The court held the search could not have been authorized by the husband under the conditions prescribed. *People*

v. Weaver, 217 N.W. 797 (1955) (Michigan).

There are numerous cases which provide support for the proposition that either spouse may authorize a valid search as long as he or she enjoys the right to joint possession of the place or thing to be searched and effectively consents. For a survey of the decisions applying this principle see: *Smith v. McDuffee*, 142 P. 558 (1914) (Oregon); *Driskill v. U.S.*, 281 F. 146 (1922) (wife consented to search of family garage); *Bannister v. State*, 15 S.W. 2d 629 (1929) (Texas) (invalid, crippled husband consented to search of family home for illegal liquor; evidence admissible to charge wife with possession for purpose of sale); *Cass v. State*, 61 S.W. 2d 500 (1933) (Texas) (wife's consent to search home upheld, the court adding that there was no question of a waiver of the husband's constitutional right, instead, the question was whether the consent of the wife made the search reasonable); *U.S. v. Sergio*, 21 F. Supp. 553 (1937); *U.S. v. Pugliese*, 153 F. 2d 497 (1945) (wife's consent authorized search of main family dwelling and vacant second house on the premises); *U.S. v. Heine*, 149 F. 2d 485 (1945), *cert. denied*, 325 U.S. 885; *Jones v. State*, 177 P. 2d 148 (1946) (Oklahoma) (husband's consent to search of home for evidence against wife authorized search of cookie jar on shelf in a closet); *U.S. v. Best*, 76 F. Supp. 857 (1948), *aff'd*, 184 F. 2d 131, *cert. denied*, 340 U.S. 939, *reh. denied*, 341 U.S. 907; *Stein v. U.S.*, 166 F. 2d 851 (1948), *cert. denied*, 334 U.S. 844; *U.S. v. Walker*, 190 F. 2d 481 (1951), *cert. denied*, 342 U.S. 868 (1951); *Padilla v. State*, 273 S.W. 2d 889 (1954) (Texas); *People of State of Illinois v. Shambley*, 122 N.E. 2d 172 (1954) (Illinois).

People v. Dominguez, 300 P. 2d 194 (1956) (California); *People v. C*

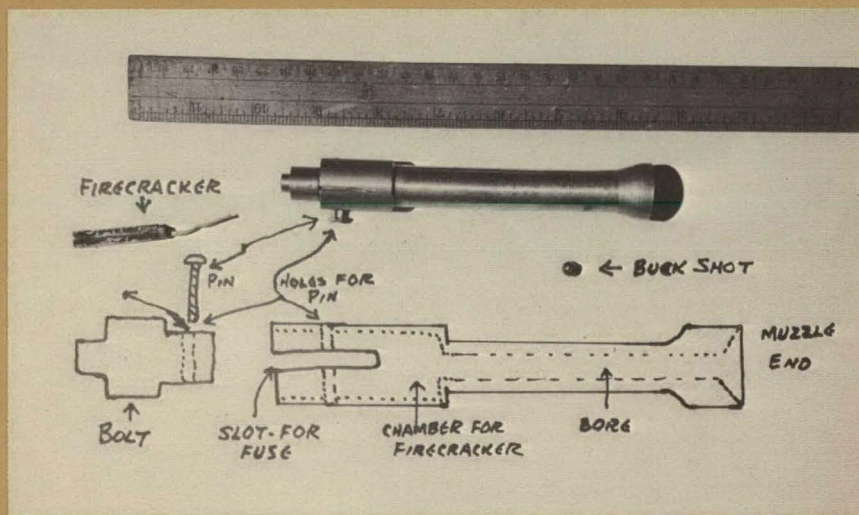
(Continued on page 22)

INVESTIGATORS' AIDS

FIRECRACKER WEAPON

For some time a midwestern city had been plagued with numerous broken car windshields and plate glass windows. A homemade gun confiscated by police from a juvenile was believed to have been the type used in the window-breaking sprees. Police learned that students taking machine shop courses in a local high school were making the weapons in the school shop.

The juveniles charged the weapon by tamping a ball bearing or other type of pellet into the muzzle of the barrel with cotton or paper. To propel the projectile, they placed a firecracker in the breech end of the barrel with the fuse extended through the breech slit to the outside. Then they put the plug in the breech behind the firecracker and secured it with a common bolt which goes through the



Homemade weapon and chart portraying assembly.

breech housing and plug. Lighting the firecracker fuse fires the gun.

The principle is the same one used in muzzle-loading weapons, and the

size of the bore depends on the desire of the maker and the availability of the proper size firecracker to propel the projectile.

AN ELEVATED CAR STOP

A private officer on night duty in a men's store heard suspicious noises coming from the top of the building. Someone was attempting to saw a hole in the roof. The officer called the police department for assistance.

As two men were lowering themselves into the store, sirens sounded in the background. The store was immediately surrounded by police. A lone figure atop the building, acting as a lookout for the other two, gave a classic explanation of his presence on the roof in the dead of night when he said he was "just waiting for a meetcar."

FEMALE STRATEGY

A woman working in a book-maker's office in the Nation's Capital was arrested by members of the Metropolitan Police Department. At the time of the arrest, police saw her place a slip of paper into her mouth and swallow.

Officers made the woman open her mouth, but they could not see the paper. They assumed that in fact she had swallowed it.

Police later searched her again at the women's bureau of the department and found the slip of paper containing names and phone numbers hidden under her false teeth.

VINEGAR IN THE TANK?

The driver of a tanker truck, allegedly carrying vinegar, appeared nervous and distraught during routine questioning upon entrance into the United States at a border port. When he was asked to move the truck into the examining section, he escaped by running back over the border.

A subsequent examination of the vehicle disclosed 41 aliens hiding in the tanker section of the truck. Had they continued their trip, a U.S. Border Patrol inspector related, there is a possibility all would have perished from fumes before reaching their destination.

Memphis criminal 7/18/67
Bufile #63-4296-28

WFO criminal 3/16/67
Bufile #63-4296-53

San Diego criminal 12/5/67
Bufile #63-4296-46



Men and women recruits initially receive 18 weeks of instruction at the training center.

The Gard The Irish

COMMISSIONER PATRICK CARROLL
The Garda Síochána,
Dublin, Ireland

IRELAND, exclusive of six counties in Northern Ireland, covers an area of 27,136 square miles and has a population of approximately 2.8 million. The responsibility for the maintenance of law and order in the area rests with the Garda Síochána (Guardians of the Peace), a force which came into being in February 1922 following the establishment of a native government under the Anglo-Irish Treaty of December 1921.

Early Policing

Prior to 1822 the only police in Ireland were watchmen employed by local authorities in the cities and barony constables in rural areas. In 1822 an act was passed establishing four provincial police forces with depots in the north (Armagh), west (Ballinrobe), midlands (Daingean), and south (Ballincollig). In 1836 these four forces were amalgamated to form the Irish Constabulary, which was an armed force responsible for policing the whole country except the

capital, Dublin. The amalgamated force was placed under the control of an inspector-general, whose headquarters were in Dublin Castle and training depot at Phoenix Park. In 1867 the force was given the title of Royal Irish Constabulary (RIC).

The city of Dublin was policed by a separate force, the Dublin Metropolitan Police (DMP), which was established by Act of Parliament in 1836 and whose first recruit was attested in July 1837. The headquarters of this force were also in Dublin Castle and its training depot was at Kevin Street. Unlike the RIC, the DMP was an unarmed force.

Thus, prior to the Anglo-Irish Treaty of 1921, the country was policed by these two forces.

Formation of Garda Síochána

The Garda Síochána replaced the RIC in February 1922, and in April 1925 was amalgamated with the Dublin Metropolitan Police.

The Garda Síochána is a national

and unarmed police force; its activities cover the whole state, and members are liable for service anywhere in the state. It has uniform rates of pay, a common disciplinary code, and central control and administration.

The headquarters of the force are in Phoenix Park on the outskirts of Dublin. Training was, down through the years, carried out also at the headquarters building, but in 1964 a new training center was opened in Templemore, County Tipperary, and since then training of recruits, driving school, and promotion courses are conducted at the center.

Headquarters Organization

At the head of the force is a commissioner appointed by the government and responsible to the Minister for Justice.

Under the commissioner is a headquarters staff of two deputy commissioners, two assistant commissioners and the surgeon to the force. One

Siochána: Police Force



Minister for Justice speaks with Garda recipients of Scott Medal Award for Bravery.

the deputy or assistant commissioners in control of the Dublin metropolitan area, and the others are in charge of administrative departments at headquarters.

Strength

The strength of the force is approximately 6,500, of which about a third are allocated to the Dublin metropolitan area. There are also a small number of women guards (27 at present) known as Ban-Gardai, and units are allocated to the cities of Dublin, Cork, and Limerick. The ranks in descending order from assistant commissioner are: chief superintendent, superintendent, inspector, station sergeant (Dublin city only), sergeant, and guard.

Dublin Metropolitan Area

The Dublin metropolitan area is comprised of Dublin city and portions of adjoining counties and has a population of approximately 730,000. Be-

cause of police problems peculiar to cities, it has an organizational scheme differing in detail from that provided for the country areas. The rank of station sergeant exists in Dublin and then only in center-city stations. Patrol duty is performed continuously in 8-hour shifts, supplemented by radio-controlled cars and motorcycles. The area is divided into two divisions (north and south—the River Liffey being, broadly, the dividing line) with a chief superintendent in charge of each. Each division is divided into districts with a superintendent in charge of each. Division South has seven districts and Division North has six. There are 40 Garda stations in the area, and they are under the control of a deputy commissioner whose headquarters are in Dublin Castle.

Dublin, like all capital cities, poses special problems for the police. It differs from cities—say, in England—with a comparable, or near comparable, population, in that it is the center of government, has within its confines the residence of the President of Ire-

land, the Houses of the Oireachtas (Parliament), embassies, residences of the diplomatic corps, and sittings of superior courts and is the center of various national and international events—all of which make heavy demands in one way or another on police personnel. Like all cities, it has its traffic and crime problems.

Other Areas

Outside of Dublin the chain of responsibility runs from the chief superintendent, through the superintendent and sergeant, to the guard. In this scheme of organization, the country is divided into 18 divisions, the divisions into districts (averaging five per division), and the districts into sub-districts (averaging eight per district).

For the most part, divisions correspond in area with the counties from which they take their names. In a number of cases, however, two adjoining counties have been grouped to form one unit.

Each division is in the charge of a chief superintendent whose functions are mainly supervisory and inspectional. According to the side of the division, each subdistrict station party is inspected by him at least once in every 3-month or 4-month period. Subdistricts in a division number 40, on the average, and outlying stations may lie at a distance of 60 to 70 miles from divisional headquarters.

Each division is divided into districts, and each district is in the charge of a superintendent. The special concern of the superintendent is to keep his district free of crime and to investigate personally the more serious cases which present themselves. Independent of this, he also has a regular system of monthly visits and inspections of stations to perform.

The ultimate station unit consists of the sergeant and his party of guards. The strength of this unit varies according to population density from four sergeants and 20 guards in a good-sized provincial town to one sergeant and two or three guards in a rural area. In addition to these units, there are about 40 one-man stations (similar to a village constable) known as substations. These are proving very successful.

Recruitment

There is only one avenue of entry into the force, namely as a recruit. Advancement to the highest rank (commissioner) is open to all members.

Recruit requirements are: age limit of 18 to 25 years, height of 5 feet 9 inches, a mean chest measurement of at least 36 inches, and passage of a strict medical test and a qualifying examination on educational subjects conducted by the Civil Service Commission. Also, recruits must be unmarried.

The training course for recruits consists of two periods, the first lasting for

18 weeks. On completion of this period the recruit is allocated to an important station for on-the-job training. At the end of 12 months, he is recalled to the training center to take the second part of his training, lasting approximately 6 weeks. At the end of this second period, he may be posted to any station other than a substation.

Promotion

Up to the rank of inspector, promotion requires qualification on a written examination on professional subjects and an interview before a board of officers. To be eligible for the examination, the officer must possess a prescribed degree of educational standards.

Promotion to superintendent and chief superintendent is based on the recommendation of a board of officers of rank not lower than assistant commissioner.

External Courses

We have arrangements for the attendance of selected personnel at Stafford and Wakefield Police Colleges in England and at the Scottish Police College, Tulliallan Castle, in Scotland.

The English colleges provide crime prevention courses for members with the rank of inspector and detective training courses for members of the detective branch. The course at the Scottish Police College trains and equips members with inspector rank for higher posts in the service.

In 1963 through arrangements made by the American Embassy in Ireland, Supt. Edward J. Doherty attended the FBI National Academy from April 1 to June 19.

Retirement

Retirement age is 63 years for those who were members of the force prior to January 1, 1952; it is 60 years for

chief superintendents and superintendents and 57 years for inspectors, sergeants, and guards who enlisted subsequent to January 1, 1952.

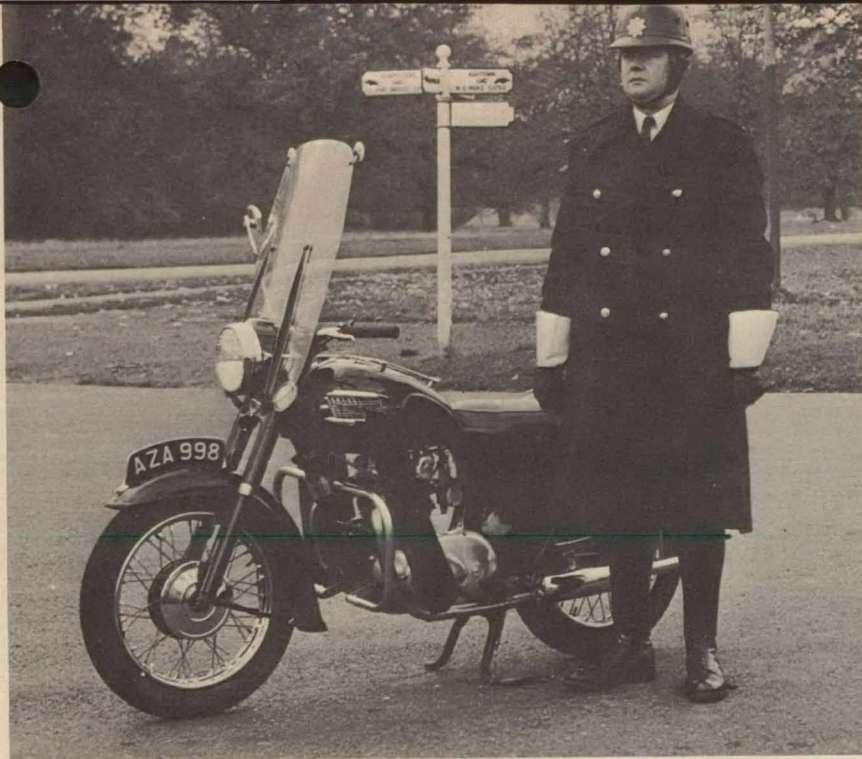
Members who have reached the age of 50 years and completed 30 years of service are entitled to retire on pension. Pensions are also payable when early retirements arise from ill health, and special pensions are payable to members who must retire because of incapacity resulting from injuries received on duty. Under existing legislation, retirement pension is half pay plus a gratuity. The gratuity is subject to a maximum of one and one-half times the annual pay. Provisions for widows and children of deceased members are also included in the pension scheme. Members contribute 2½ percent of their pay to the pension fund.

Crime

Increasing crime in Ireland is a problem as it is in most other countries. The number of indictable offenses reported or known to the Garda in 1966 was 19,029 compared with 16,736 in 1965 and 17,700 in 1964. The detection rate for 1966 was 66 percent, 70 percent in 1965, and 64 percent in 1964. In 1956 there were almost 13,000 indictable offenses with a detection rate of just under 54 percent. More than 50 percent of all indictable offenses in the state are committed in the Dublin metropolitan area.

Traffic accidents pose another problem. The number of mechanically propelled vehicles in Ireland has increased from 74,000 in 1939 to 459,000 in 1966. The numbers killed and injured in accidents in 1939 were 192 and 4,989, respectively. In 1966 the figures were 382 and 5,030.

A technical bureau is provided at headquarters, where all modern appliances are available, to assist in the investigation of crime anywhere in the



In Dublin traffic officers patrol continuously in 8-hour shifts.

state. The bureau, under the charge of superintendent, is staffed by police personnel and is divided into various subsections, such as fingerprints,

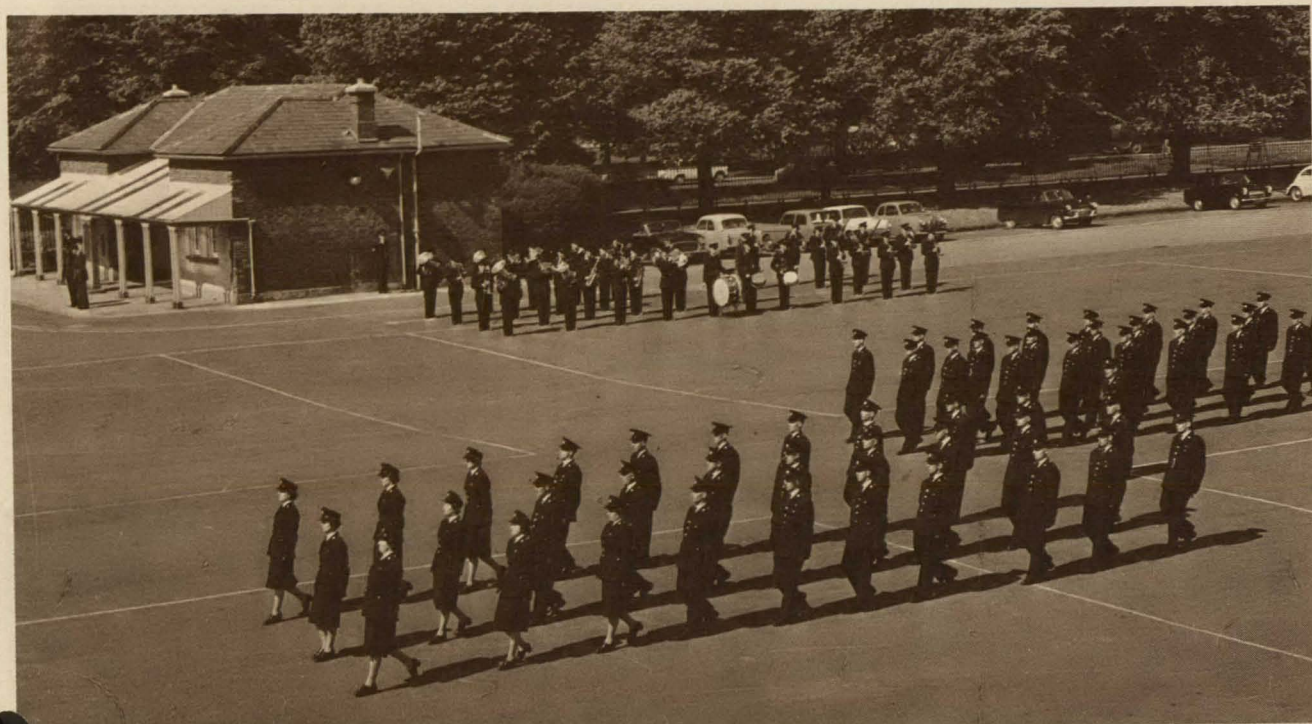
ballistics, photography, and investigation. Members trained in various specialized phases of work assist in the practical investigation of crime.

Also located at headquarters is a transport unit. Over 500 motorized vehicles are in use in the force, and about a third of these are radio-equipped. Our eventual aim is to have a complete police radio network throughout the state. Another new addition is an up-to-date, fully-equipped, mobile police van for use in investigating serious crimes in remote areas.

Since their introduction in 1960, dogs have proved useful for police purposes. The personnel with dogs are based in Dublin, but when the necessity arises, a team moves out for duty.

About 5 years ago a Garda subaqua club was formed on a voluntary basis. Members of this club give their services in searches for bodies and weapons. The unit has proved so successful that modern equipment has been provided from state funds, and we hope to extend the membership and scope of the unit gradually.

In the field of crime prevention, we have assigned certain officers. With the cooperation of business concerns,



A company of recruits drills at the training center located in Templemore.

they carry out surveys of premises and give advice regarding general security, such as protection of wages in transit.

An exhibition on crime prevention and security services was set up a few years ago in the Central Detective Office, Dublin Castle, where security devices for buildings and for other purposes are demonstrated.

As a further measure in crime prevention, there exists in the cities of Dublin, Cork, Limerick, and Waterford a juvenile liaison officer scheme to supervise juvenile offenders and to maintain liaison with their families, clergy, schools, and other authorities. Generally, this scheme is having beneficial results.

Closely allied to this are boys clubs, in which members of the force have taken an interest for many years. At present the police are actively associated in the management of over 200 such clubs throughout the country.

"Garda Patrol"

A few years ago a short weekly program entitled "Garda Patrol" was introduced on Telefís Éireann (Irish Television). The program embraces a wide field, including appeals for information on particular crimes and fatal or serious hit-and-run traffic accidents, warnings regarding fraud operators, exhortations concerning road

safety, and descriptions of wanted persons. All narrators are members of the force.

Sports

Members of Garda Síochána have, since the force's inception, associated themselves in various sporting activities, such as football (Gaelic, soccer, rugby), hurling, basketball, boxing, rowing, golf, and tennis, and in athletic events in general.

Garda boxing teams have taken part in international events in England, on the Continent, and in the United States and have succeeded in winning many international bouts.

In the last 8 years or so, the Garda rowing club has been revitalized, and the members' successes throughout the country can be gaged by the fact that they have won over 50 trophies in all grades. Apart from participation in home waters, they have rowed at the head of the river at Putney, in the Thames Cup at Henley, and at regattas in Frankfurt and Koblenz. They have, in a short number of years, advanced to the top of Irish senior rowing.

As to football and hurling, members in provincial areas join local clubs and take an active and leading part in the advancement of the various games. Over the years numerous members have played on the all-Ireland

teams in the Gaelic football and hurling finals. In fact, on one occasion an all-Garda selection won the all-Ireland hurling final.

In some centers—especially Dublin with its high concentration of young members—all-Garda teams exist in football, hurling, and rugby, and friendly soccer and rugby matches have been played with other police forces at home and away.

Likewise, our golfers have had their home and away matches with colleagues across the water.

Sporting activities and athletic prowess within the force are encouraged and fostered by me and my staff. I know of no better way of establishing and maintaining good relationships with other police forces than by friendly competition in the field of sports.

Future Development

The foregoing gives a brief outline of the force as it is today—just 45 years after its establishment.

We are linked with Interpol for our international requirements and mutual interests as necessary. So we plan to be prepared for the future, alive to the necessity of planning ahead and gearing ourselves in modern methods in the various sectors of police work. With confidence we look to the future.

SECURITY DEVICE TO FOIL TRUCK ROBBERIES

Delivery trucks of a brewery in a midwestern city have been the target of so many robberies that company officials have taken positive action to protect their drivers and receipts. Cereal-box-size safes made of 1/4-inch steel are now attached to 80 of the company's vehicles.

State law requires immediate cash or check payment for all deliveries of beer and other liquors. Since the company officials do not want their drivers handling firearms, the safes were installed as an alternative security device. Receipts are inserted through a slot.

A sign on each vehicle reads: "This truck equipped with a safe, cannot be opened by driver."

ANTI-LSD LAW

A law in the State of Texas provides fines as high as \$1,000 and jail terms of from 30 days to a year for the possession of LSD or any other of several mind-expanding drugs. The law also provides prison terms of from 2 to 10 years for any person convicted of selling, delivering, or manufacturing such drugs.

*Detroit crimdel 7/5/67
Bufile #63-4296-15*

*Houston crimdel 9/2/67
Bufile #63-4296-19*

● Processing ● of Law Enforcement ● Applicants

The background investigation of a law enforcement applicant is often a department's last chance to eliminate a candidate who is not suitable for employment in the police service. The various tests and interviews afforded the applicant during the early stages of the selection process may not reveal substantial derogatory information concerning his background. Character defects are often uncovered only after painstaking inquiry.

In filling vacancies in the FBI, we consider background investigations of all applicants most important. These investigations are exhaustive and designed to uncover any undesirable characteristics an applicant possesses or any information bearing on his suitability for employment in the FBI. If an applicant has any disqualifying

character traits, it is better that these be revealed during preemployment inquiries rather than after the employee enters on duty.

Background investigations should be conducted through personal, face-to-face interviews in all cases where feasible. Mail and telephone inquiries are satisfactory only when personal interviews are not practicable or not necessary, such as in the case of record checks. In situations where the applicant has resided in another jurisdiction during the period to be covered, consideration should be given to having the law enforcement agency in that area conduct the necessary inquiries and check its records. Background investigations should cover the entire adult life of an applicant and all employments, including part-time positions. In the case of

younger applicants, the period covered should be at least the 5 previous years.

The end product of any investigation will be no better than the quality of personnel assigned to perform the task. Extreme care should be used in selecting officers to conduct background investigations, and in small departments the chief may desire to personally handle these assignments.

Selection and Training

Personnel selected for investigations of this type should be experienced, persistent, and completely loyal to the department and its objectives. Only those persons with above-average personality, appearance, tact, diplomacy, and good judgment should be considered. Personnel

conducting background investigations will be in day-to-day contact with people in the educational and business fields whose image of the law enforcement agency is shaped largely by the personality and activities of these investigators. It goes without saying that police officers assigned to this critical work should be free of personal bias, and their main consideration should be to determine whether the applicant is suitable for a long-term career in their law enforcement agency.

Manual of Procedures

A manual covering the desired scope of the investigation and reporting procedures should be available to personnel assigned to handle background inquiries, and this information should be supplemented by training. To obviate any misunderstanding on the part of interviewees that a criminal inquiry is being made, investigators should be instructed to make clear to all persons interviewed that an applicant investigation is being conducted and it is confidential. No information developed during a background investigation should be made available to anyone outside the department without the authority of a ranking official. Police officers supervising these investigations should furnish needed guidance and make a detailed review of all reports to insure that the inquiries are complete.

As is the case in any investigation, the first step is to define objectives. The objectives of a background investigation are specifically to determine the character, reputation, loyalty, associations, qualifications, and ability of the applicant. The entire investigation should be directed toward attaining these objectives.

A police department simply cannot afford to employ a candidate whose reputation is questionable or one whose character is such as to cast

doubt on his future performance. The investigator will necessarily have to inquire into such things as the general traits and habits of the applicant as well as his honesty, trustworthiness, reliability, judgment, dependability, discretion, sobriety, mental attitude, and morals to gain a good insight into his character and reputation.

Concerning loyalty, the investigator must be alert to any questions or statements by the applicant that would give an insight into his attitude toward our constitutional form of government or sympathies with any foreign government or ideology. The applicant's belief in and adherence to the law which he will be expected to enforce are other indications of his loyalty.

The investigator must inquire as to the types of persons, groups, organizations, or movements with which the applicant has been associated. If any of these individuals or associations are of an undesirable nature, the degree of association should be ascertained.

The investigator must, of course, determine that the applicant possesses the basic qualifications for employment in the department. He should develop information concerning the applicant's ability both in the classroom and during previous employment to assure that the candidate will be able to function as a law enforcement officer in the particular agency.

Planning the Investigation

Careful planning on the part of personnel conducting any type of investigation will save both time and money and result in a more thorough inquiry. Prior to the investigation the applicant should be requested to submit any necessary waivers authorizing local and government agencies, colleges, universities, hospitals, doctors, and other applicable sources to make their records concerning him available for review by a representative of

the law enforcement agency. The investigator should first familiarize himself with all information on the application form, fingerprint card, interview report, physical examination, and other available data. He should then search the name of the applicant, together with the names of immediate relatives residing in the area, against the records of his own department.

In this connection the name search conducted on the applicant should not only include criminal arrest records but also traffic and juvenile records if separate indices are maintained. Full details should be obtained concerning all offenses, except minor traffic tickets, and, if necessary, the arresting officers should be interviewed for their recollection of the incident. One copy of the applicant's fingerprint card clearly marked "applicant" should be submitted to the FBI Identification Division. Other copies should be furnished to applicable local and State identification bureaus.

Use of Correspondence

The investigator should then determine what portion, if any, of the investigation must be conducted by correspondence rather than personal interviews. If the applicant has had military service, appropriate forms or letters should be prepared to request verification of this service, the type of discharge, and any information concerning disciplinary action and disability. Correspondence may also include requests for information and/or assistance from law enforcement agencies covering areas wherein the applicant has resided and other items which the investigator feels can be adequately covered through communication. These outgoing letters should be prepared immediately so that the answers to these inquiries are available as soon as possible.

Following the records check and

paration of correspondence, the investigator should plan his contacts with schools, references, employers, neighbors, other agencies, and sources of information within the local area. In some cases it may be necessary to contact newspapers, insurance companies, hospitals, welfare agencies, and other organizations to resolve or clarify matters developed during the course of the inquiry. Gaps in employment or periods of time unaccounted for and discrepancies on the application form and other data should be specifically noted by the investigator and resolved during the actual inquiry. If necessary, the applicant should be interviewed to clarify such situations.

Scope of Investigation

The exact order in which inquiries are conducted will vary from case to case, depending on the geographical location of the persons to be interviewed. For example, if the investigator is in a particular section of the city, time would be saved by contacting all neighbors, schools, employers, references, etc. located in that particular area.

The date and place of birth of the applicant must be verified, and this can usually be done through school records. When discrepancies occur among school, employment, and other records concerning the date and place of birth, it may be necessary to actually examine birth or baptismal records to clarify the situation. If the applicant is foreign born, his naturalization can be verified by the Immigration and Naturalization Service, the United States District Court, or the appropriate county court.

Any questions concerning the marital status of the applicant should be resolved through review of appropriate records. This is particularly true where the applicant has been divorced. In addition to reviewing the

court records of divorce proceedings, it is well to interview the divorced spouse of the applicant.

During the investigation the general character and reputation of the applicant's immediate relatives should be checked. If information of a questionable nature is developed, the matter should be further explored and the nature and degree of the applicant's association with these relatives ascertained.

High school and college records should be carefully reviewed, particularly to determine if the applicant obtained diplomas and credits as listed on his application form. Information concerning the applicant's scholastic average, class standing, and extracurricular activities should be noted. The results of any intelligence, personality, or aptitude tests afforded to the applicant at school should be obtained. The tests should be identified and the normal score reported, since many of these tests are scored and rated differently.

School officials and teachers should be interviewed concerning the applicant's performance as a student and any administrative or disciplinary action taken against him. Each individual interviewed who is acquainted with the applicant should be specifically asked whether or not he would recommend him for a position in law enforcement.

Previous Employment

All prior employment, including part-time work, should be verified during the investigation. In addition to the review of available employment records, former supervisors and fellow employees should be interviewed concerning the applicant's character, reputation, loyalty, associations, qualifications, and ability. Former employers should always be asked whether they would rehire the applicant, and, if a negative answer is re-

ceived, of course, specific reasons should be obtained. In those situations where the applicant was in business for himself, it would be well to interview competitors, creditors, fellow businessmen, licensing officials, and other relevant sources of information.

All references should be interviewed if they are available. The exact relationship between each reference and the applicant should be ascertained, and the references should be asked to provide information concerning the applicant's associates and any organizations to which he belongs. A representative number of the applicant's associates should also be interviewed during the investigation.

Neighborhoods

Inquiries should be made at all the neighborhoods wherein the applicant has resided during the period to be covered by the investigation. When derogatory information is developed through neighborhood investigations, care must be exercised to determine whether the information actually concerns the applicant himself or some other individual. If the derogatory information appears to be based on gossip or rumors, every effort should be made to determine the facts.

Memberships in all types of organizations should be verified, and, where appropriate, officers or employees of the organization may be contacted to determine their knowledge of the applicant and his suitability for appointment as a law enforcement officer.

The applicant's credit rating and financial standing in the community should be ascertained through review of local credit bureaus covering past and present residences. If the applicant has a poor credit rating, the investigator should attempt to determine whether there are any aggravating or mitigating circumstances in this re-

gard. The applicant must be able to meet his financial responsibilities on the starting salary of a patrolman, and his credit rating is an important factor in determining if any problems exist in this area.

Reporting the Investigation

A complete, clear, concise report written in narrative form will assist officials of the department in reviewing the results of the investigation and in making a decision as to whether the applicant should be offered a position. Subheadings should be used throughout the report to assist in this review. Breaking down the report into the following suggested subheadings, where applicable, will also facilitate

the preparation of the report and will help alert the investigator to any important areas which he may not have covered:

1. Birth and citizenship.
2. Marital status.
3. Education.
4. Employment.
5. References.
6. Social acquaintances.
7. Neighborhood.
8. Membership in organizations.
9. Arrest checks.
10. Credit records.
11. Military records.
12. Miscellaneous.

The results of inquiries requested by correspondence and other data can either be attached to the report for review by supervisory officials or summarized in the report itself.

PCR

(Continued from page 5)

cards request the citizens to call the police if they see something suspicious or if they witness a crime. In the second phase the district committees and the commander of each police district nominate citizens who have contributed significantly to law enforcement in St. Louis. Each month the board of police commissioners presents a plaque to the citizen who has made the most outstanding contribution and presents letters of commendation to the other nominees.

Convention Letters: As part of a packet given to all convention visitors to our city, a letter from the chief of police welcomes them and asks for their cooperation in preventing themselves from becoming victims of crime while in St. Louis.

Businessmen's Meetings: The district committees invite the businessmen in their areas to semiannual meetings with experts from the police department and the courts. They discuss crime problems, and the busi-

nessmen are instructed in ways to avoid becoming crime victims. Subjects discussed include shoplifting, business burglary and robbery, and bogus checks. Urging the business community to cooperate with us is another important part of police-community relations.

Tours: Each year letters go to schools and organizations in the city inviting students and members to take a tour of police headquarters. An average of 1,000 persons a month go on the tours guided by police cadets.

Law Enforcement Day: In May each year citizens are invited to an open house at each district station to view the latest in police equipment and to see demonstrations of the canine corps, self-defense, the decoy squad, and other police activities. These events have always been well attended.

Explorer Posts: Boy Scout explorer posts sponsored by the district committees meet weekly. These boys specialize in such police activities as firearms, fingerprinting, first aid, and identification.

Sanitation Program: The district committees work to improve sanitation conditions by distributing literature and cooperating with other organizations, such as the Urban League.

Academy Training Program: Through the efforts of our PCR staff and the St. Louis Council on Police-Community Relations, we have uni-



A police officer discusses the role of the police department in the community with students in each 8th grade civics class in St. Louis.

University professors teaching human relations subjects to our recruits. This includes a thorough grounding in minority relations. We have now added a new program to help recruits better understand the problems of people in poverty areas. Wearing civilian clothes and accompanying a social worker, officers visit the poverty areas and attend events there.

Protection Project: Another planned public information effort is a booklet which will inform citizens of ways to prevent crimes against person and property.

Whom to Call: Since a large percentage of calls received by police do not deal with police matters, we have prepared a list of public agencies which citizens with various problems may call.

"Say Hi" Program: Schoolchildren are encouraged to just wave or say "hi" to any police officer they might see. This is another attempt to increase communication between the police and the youth of St. Louis. Participants receive membership cards in the "Say Hi" Club.

Store Front Centers: We have just opened store front centers in two of our high crime districts. Citizens can bring their problems here, and the centers provide homes for the PCR effort in these districts. We invite the mayor, State employment agency representatives, and others to utilize this facility as a neighborhood outpost. We hold programs for parents of problem children in these centers and even allow others, such as Urban League block units, to use them. A PCR district officer supervises each center.

From our brief experience with these programs, we feel that they are tremendous assets to our department.

Effective Operation

We attempt to blanket the city with these programs because the purpose of a police-community relations move-



The "Say Hi" program helps establish friendships between officers and young school children.

ment is not just to avert major disturbances but to gain the cooperation and support of the entire community. This goal cannot be accomplished by a crash program. A chief of police cannot install a PCR program and expect results overnight. It takes time to gain the confidence of the community and prove the department's sincerity. Because results will not be instantaneous, skeptics will say, "I told you so." However, a good program will begin to break through the communications barrier. Citizens will gradually develop more trust in the police, and their active support and cooperation will follow.

We feel that today most citizens want to help the police and are just looking for leaders to show them how. A large amount of publicity has helped to bring about this change in attitude. In the past year the amount of citizen participation and assistance has greatly increased over that in the previous several years. However, I do not know whether this increase is attributable to our efforts or simply to the trend in that direction.

St. Louis is fortunate in having a group of leading citizens who work as members of the PCR council. We have greatly benefited from our co-

operation with them over the years.

Understanding by police of the need for a PCR program is also essential. A chief of police must actively engage in such a program, and it is equally important that the officers on the street understand and appreciate it. I am convinced that a program cannot be meaningful without meetings between top police officials and all segments of the community. Successful meetings take much time and effort, but communication is the first important step.

PCR in Other Cities

Every city has citizens' groups which are willing to assist in PCR programs. They should be contacted immediately, since these programs require the efforts of all community leaders and not just police officials. Also the news media can render valuable aid in police-community relations projects.

PCR programs are necessary. Every police department today must have the support and cooperation of its citizens to do an effective job of law enforcement. A police-community relations program seems to be the best way to obtain this support.

SEARCH OF PREMISES

(Continued from page 10)

ter, 312 P. 2d 665 (1957) (California) (in upholding the wife's consent in a murder case the court said where "... the property seized is of a kind over which the wife normally exercises as much control as the husband, it is reasonable to conclude that she is in a position to consent to a search and seizure of property in their home"); *People v. Carter*, supra, at p. 670; *Joslin v. State*, 305 S.W. 2d 351 (1957) (Texas); *People of the State of Illinois v. Perroni*, 153 N.E. 2d 578 (1958) (Illinois) (wife consented to search of family house trailer); *Baugus v. State*, 141 So. 2d 264 (1962) (Florida) (mistress consented to search of their hotel room); *State v. Shepard*, 124 N.W. 2d 712 (1964) (Iowa) (husband's consent to search rented apartment valid against wife in search for murdered newborn infant); *People v. Palmer*, 198 N.E. 2d 839 (1964) (Illinois); *U.S. v. Roberts*, 332 F. 2d 892 (1964), cert. denied, 380 U.S. 980; *Bellam v. State of Maryland* (196 A. 2d 891 (1964) (Maryland) (wife's consent authorized search under tread of stairway to second floor in home); *State v. Coolidge*, 208 A. 2d 322 (1965) (New Hampshire) (wife's consent to search family cars parked in yard upheld); *Nelson v. People of the State of California*, 346 F. 2d 73 (1965) (consent by common-law wife); *U.S. v. Ball*, 344 F. 2d 929 (1965).

It has not been considered necessary for the officers to determine whether the premises are owned or rented in the name of one spouse or both. As pointed out earlier, the right protected by the fourth amendment concerns the privacy enjoyed by the possessor and today it is beyond dispute that in the usual marriage situation the spouses equally possess their residence in general. Search on consent of one spouse only should not go

beyond those premises and things which the spouses possess in common or which are possessed in particular by the consenting spouse.

Though the case law is not sufficiently developed to describe a broad general rule, it appears that consent of one spouse alone should not be relied upon to authorize forcible entry and search over the objections of the other spouse who is present on the premises at the time. For a discussion of this problem in the context of a common occupant (not husband-wife) case, see *Tompkins v. Superior Court*, 378 P. 2d 113 (1963) (California).

In cases where one spouse is a business agent or partner of the other,

the authority of the former is controlled by the rules for "Agent" or "Partner," discussed elsewhere. But no agency or partnership authority to consent to search can be implied from the marital relationship alone. *U.S. v. Derman*, 66 F. Supp. 511 (1946). For example, where one part of the family dwelling was reserved for the conduct of the husband's business, the wife's consent to search of that part was not effective against her husband. *U.S. v. Rykowski*, 267 F. 866 (1920).

The consent search problem in cases involving spouses is similar to that in cases of "Partner" and "Joint Tenants and Common Occupants." See discussion under those headings.

(To be continued in April)

A MATTER OF SURVIVAL

The automobile is generally regarded as a means of transportation—and sometimes as a death-dealing agent. It can also be looked upon as an instrument for saving a life—a means of survival for a person stranded in heat, cold, wind, or flood.

According to an article appearing in the Royal Canadian Mounted Police Gazette:

A car "has tires that will burn for hours to warm you; sun visors and hubcaps that pinch-hit for shovels; seats, slipcovers, and floor mats that will blanket you against the cold or shut out the worst of winds. It has mirrors, chrome, and headlights which, when properly used, can alert search planes as far as 50 miles, and crankcase oil and grease that can protect your face against frostbite.

"Your horn can alert rescuers as far as a mile downwind. The flat round top of the engine's air cleaner substitutes as a tool for digging trenches or throwing up earthen windcreens.

"Under the hood is more than a gallon of oil—a quart of which buried in a hubcap spews a cloud of smoke visible for miles.

"Every hose converts to a siphon for getting at the gasoline in your tank. Windshield wiper tubing becomes an effective tourniquet to stop bleeding. The engine dipstick is a skewer for hot dogs or other meats. Unbolt the hood and you've got the making of a sturdy, heat-reflecting metal lean-to.

"As is, your car is a bunkhouse, but the interior can be stripped for survival. Door panels become ground blankets to insulate you from frozen or wet ground. Convex gage lenses or the domelight glass can be sun-focusing fire starters, as can the car's cigarette lighter.

"Headlights, removed from their mountings, but not disconnected from their wiring, can throw a beam for search planes when pointed skyward."

The car may be a wreck when you are through, but so could you be—or worse—if it were not for the car.

FBI NA ASSOCIATE HONORED



During his recent visit to FBI Headquarters Mr. Charles J. Gorman, Niagara Falls, N.Y., outgoing secretary-treasurer of the FBI National Academy Associates, received an FBI National Academy plaque from Director J. Edgar Hoover in honor of his many years of service. Shown left to right, are: Lt. Franklin A. Arthur, U.S. Park Police, Washington, D.C., incoming secretary-treasurer; Mr. Gorman; Mr. Hoover; and Assistant Director Joseph J. Casper.

Philadelphia let 2-24-67 re: FBI LCB.

VOLUNTEER CHAPLAINCY

The Brown Deer, Wis., Police Department has established an organization—the Volunteer Chaplaincy of Brown Deer—through which ministers and priests cooperate with police officers. The clergymen are on a standby roster to assist the department in sociological problems arising through contacts with the citizens of the community.

Ministers may be called upon for assistance in the following circumstances:

1. Give death notifications.
2. Assist in family and neighborhood disturbances after police have received consent from parties involved.
3. Give consolation to bereaved in suicide cases or counsel in threatened suicides.

4. Help establish communication between police and community in civil disturbances.
5. Help solve youth problems (referrals through Youth Aid Officer).
6. Assist in giving comfort to injured in serious accidents or to relatives in case of death from accidents.
7. Respond to rescue and fire calls when assistance is needed.
8. Respond to any other situations where understanding and counseling may be of help.

Situations in which the services of a clergyman are perhaps desirable are evaluated, and with the consent of the persons involved, calls are made to ministers on the standby roster for counseling or spiritual guidance.

The Brown Deer Police Department feels the program is a valuable

asset in its relations with the community. The department stresses that the success of the program depends upon the cooperation of each officer as he interacts with the clergyman and the citizen.

HIDDEN TOOLKIT

Burglars have concealed their tools in many and various locations to outwit police. One hiding place brought to the attention of officers in a midwest city is a compartment built by offenders and attached to the gas tank of their cars. They keep their tools in this compartment en route to and from burglary scenes. It is large enough to accommodate a crowbar and other well-known tools.

WANTED BY THE FBI



JAMES ELLIS SNYDER, also known as: James Snyder, "Jim."

Interstate Flight—Breaking and Entering, Larceny, Arson.

JAMES ELLIS SNYDER, wanted for breaking and entering, larceny, and arson, is currently being sought by the FBI for unlawful interstate flight to avoid confinement. A Federal warrant for his arrest was issued on October 2, 1964, at Asheville, N.C.

The Crime

On June 19, 1958, Snyder and several other felons escaped from the North Carolina Prison Camp at Whittier, N.C. He had been serving a 30-year sentence after conviction in January 1955 for breaking and entering, larceny, and arson of a grocery store and U.S. Post Office located at Leicester, N.C. Snyder is the only escapee of the group still at large.

Snyder has been convicted of breaking and entering, larceny, arson,

burglary, and for interstate transportation of a stolen motor vehicle.

Description

Age----- 43, born Nov. 17, 1924, Asheville, N.C. (not supported by birth records).
 Height----- 6 feet 1 inch.
 Weight----- 170 to 175 pounds.
 Build----- Slender.
 Hair----- Brown.
 Eyes----- Blue.
 Complexion----- Medium.
 Race----- White.
 Nationality----- American.
 Scars and marks----- Scar on right shoulder, scars right wrist and right ring finger, scars left wrist, left thumb and left middle finger; tattoos: butterfly on left arm, eagle on right arm,

rose on right wrist and others.

Occupations----- Electrician, mechanic, truckdriver.

FBI No----- 3,763,014.

Fingerprint classification ----- 14 O 13 U OIM 12
 I 17 R OII

Notify the FBI

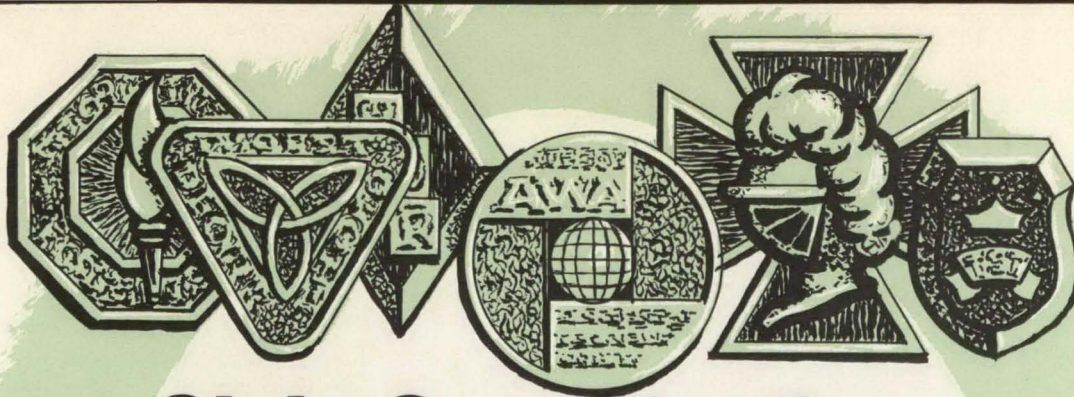
Any person having information which might assist in locating this fugitive is requested to notify immediately the Director of the Federal Bureau of Investigation, U.S. Department of Justice, Washington, D.C. 20535, or the Special Agent in Charge of the nearest FBI field office, the telephone number of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

THE POSTER

The poster shown on the opposite page is available in limited quantities free of charge. Groups and individuals interested in obtaining copies should write to the Director, FBI, Washington, D.C. 20535.

FBI FILM ON STOLEN CARS

The FBI has recently prepared a new film on the examination of stolen automobiles. This is a 16 mm., color sound film, and it is for use before law enforcement groups only. Those agencies and departments which would like to use the film in connection with their training programs are welcome to do so and should contact the local FBI office for assistance in this regard.



How Civic Organizations can...

A

FFORD RECOGNITION TO DESERVING YOUTHS

S

ET EXAMPLES OF GOOD CITIZENSHIP BY ENCOURAGING
COOPERATION WITH LAW ENFORCEMENT

S

UPPORT AGENCIES RESPONSIBLE FOR CRIME PREVENTION

I

NSURE THAT THE CRIMINAL KNOWS HIS ARREST WILL BE CERTAIN,
HIS PROSECUTION PROMPT AND HIS SENTENCE SUBSTANTIAL

S

TRENGTHEN LOCAL POLICE BY DEMANDING HIGH STANDARDS,
ADEQUATE SALARIES AND MODERN EQUIPMENT

T

AKE THE TIME TO OPPOSE UNWARRANTED LENIENCY TO LAW-
BREAKERS; INSIST UPON THE SAFETY OF LAW-ABIDING CITIZENS.

Law Enforcement in Preventing Crime!

J. Edgar Hoover
DIRECTOR

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

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

OFFICIAL BUSINESS

RETURN AFTER 5 DAYS

POSTAGE AND FEES PAID
FEDERAL BUREAU OF INVESTIGATION

INTERESTING PATTERN



This interesting and unusual pattern is an accidental whorl with four deltas. The tracing, obtained by tracing from the extreme left delta toward the delta on the extreme right, is inner.