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MARCH 1970



FBI

LAW ENFORCEMENT BULLETIN

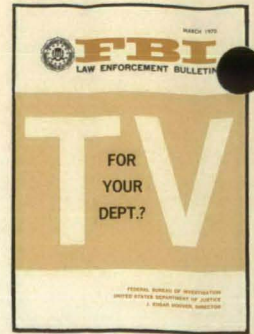
TV

**FOR
YOUR
DEPT.?**

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

MARCH 1970

VOL. 39, NO. 3



THE COVER.—The increasing use of television in police agencies. See page 3.

FBI

LAW ENFORCEMENT BULLETIN

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MESSAGE FROM THE DIRECTOR

WOULD YOU PLACE a thousand dollars at the curb of a busy thoroughfare and walk away, leaving it unprotected? Not likely. Yet, in effect, that is what scores of automobile owners do every day. Thoughtlessly and in a hurry, they pull into a parking space, jump from their cars, and leave them unlocked and often with the keys in the ignitions. In many instances when they return, their cars are gone. The average value of stolen automobiles at the time of theft is approximately one thousand dollars.

Complete figures for 1969 are not available, but projected auto theft totals for the year reflect a sizable increase over 1968. In 1968, some 777,800 motor vehicles were reported stolen. This was approximately a 19-percent jump over 1967. There is a definite possibility, of course, that car thefts will climb to the one million mark in 1970.

Aside from the tangible value of the stolen car, there are other serious cost factors. The owner's carelessness may also cause him a loss in earnings or business. Some motorists rationalize their carelessness by explaining, "That's why I have insurance." Such reasoning amounts to a delayed boomerang. When insurance companies pay more claims, their customers necessarily pay higher premium rates. In addition, law enforcement agencies absorb untold expense in handling complaints, investigating charges, and processing recovered vehicles. Thus, car

thefts—in spite of the theorists and apologists who try to minimize them—are not petty cash losses. When we consider the actual value of the stolen vehicle plus other miscellaneous expenses and the number of cars taken, we are talking about a crime problem which costs well over a billion dollars annually.

A violation related to auto theft also plaguing car owners is the theft of accessories. Modern automobiles can be bought or equipped with numerous expensive accessories. Most of these items are highly coveted by auto thieves, and, of course, a ready market can be found for stereo equipment, radios, wheel discs, rearview mirrors, etc. When given the opportunity, thieves are also quick to take more essential equipment such as wheels, batteries, and even transmissions. It is almost impossible to place a cost figure on the theft of auto accessories; however, it is enormous and is still growing.

Auto theft is called the crime of opportunity, particularly where young people are concerned. In 1968, 79 percent of all auto thefts were committed by persons under 21 years of age. For a teenager, his first automobile theft is often considered a status symbol among his associates. In many instances, this is his first major criminal act. Under such circumstances, he is apt to be irrational, unpredictable, and easily excited. Thus, a stolen vehicle becomes a dangerous, if not lethal, weapon in his hands. Further, with

MESSAGE FROM THE DIRECTOR

an easy car theft behind him, a young person becomes more brazen and moves on to more serious crimes.

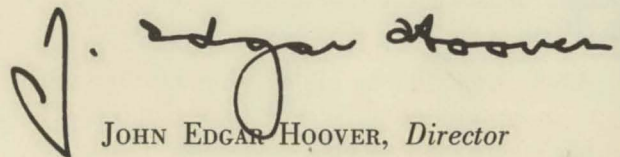
In recent years, automobile manufacturers have equipped cars with additional security devices to hold down theft. Law enforcement authorities have initiated campaigns against auto theft, encouraged car owners to take preventive action, publicized steps to deter car thieves, and worked hard to keep the spiraling violation under control. While some progress has been made, auto thefts keep climbing.

The professional car thief or hardened criminal will find ways to steal an automobile when

he needs one. However, even he can be made to work at it, if theft opportunities are reduced. Easy car-theft opportunities will exist until car owners make a determined effort to protect their valuable property.

While American motorists do not drive about in solid gold limousines, aside from their purchases of homes, investments in automobiles represent the greatest single property expense of a family. Let the driver remember, therefore, when he parks and walks away from his motor vehicle that, in effect and depending on the age and condition of his car, he is entrusting passers-by with a Federal Reserve note bearing the likeness of Grover Cleveland—\$1,000.

MARCH 1, 1970



JOHN EDGAR HOOVER, *Director*

CAN YOU USE TELEVISION IN YOUR DEPARTMENT?

By
CAPT. DAVID A. HANSEN
and
SGT. JOHN J. KOLBMANN

Police Department,
Daly City, Calif.

This article concerns the use of television in police departments of at least 25 men. Whether the use of television in police administration is practical for a department depends on a number of things. First of all, a decision must be reached as to whether it is technically feasible. Consideration must also be given to budgetary limitations and the purchase of needed equipment.

Based on our experience, we consider there are six general areas of television application in police work. They are administration, intelligence, surveillance, training, security, and prosecution.

The size of a television budget depends on, among other things, the size of the department and the scope and purpose of the program planned. A department should also compare the

Video recording crewmen are preparing to record a studio-type training sequence.





Capt. David A. Hansen.



Sgt. John J. Kolbmann.



Mr. Roland A. Petrocchi, Chief of Police, Daly City, Calif.

cost of video tape productions with the costs of both 16 mm. and 8 mm. film productions.

Television, like motion pictures, excites both the sense of sight and the sense of hearing. However, television involves more completely the "live" participation of personnel, and it quickly identifies and associates more officers with the program than is possible through the use of movie films alone.

Administration

How can TV be used within the framework of the police administrative setup? How can the police administrator employ this tool?

In any department, there exists the continual problem of clear and immediate communication downward along the chain of command. Getting the "word" from the chief to the working level of the patrolman is consistently difficult.

Interpretation affects and often modifies or changes the "word." This occurs at the various staff and command levels through which the message must pass. Orders and instructions are subject to interpretation at each supervisory level. If the instructions are oral, chances are highly remote that they will reach the officers conveying the same intent and purpose for which they were issued. This breakdown in communication is not, of course, peculiar to law enforcement alone. It is a universal weakness.

How are a commanding official's orders, verbal or written, affected when repeated? In addition to his interpretation, a lower official may weaken or expand an order unintentionally because of the expression on his face, and/or the intonation of his voice.

When a top police official has instructions for all officers of his command, why should he not deliver them in person? If it is a large department

with 3 watches and several district or precinct stations, the answer is obvious. He cannot physically do this.

In modern law enforcement, he can do the next best thing. He visits all rollcalls, all district stations, and appears before all officers through the employment of video tape recording. Before the tape is approved for use, he can review the presentation to be certain that he conveys the message of his choice. The production is then shown as needed. Any errors or omissions are, of course, his own; the message, however, does not lose nor gain in significance because of repetition as it might if channeled along the chain of command.

Intelligence

In the area of intelligence, the video tape recording can be used in a number of ways. We will discuss a few of those ways.

The booking of prisoners can be recorded on video tape. Later the tape can be shown at rollcalls to acquaint all officers with those persons being arrested.

Years ago when conventions or events held in Daly City's Cow Palace attracted protesters or demonstrators, our department used regular movie film for intelligence purposes. The film could have also been used for evidentiary purposes. None of the film was of any assistance, however, until it was processed and developed.

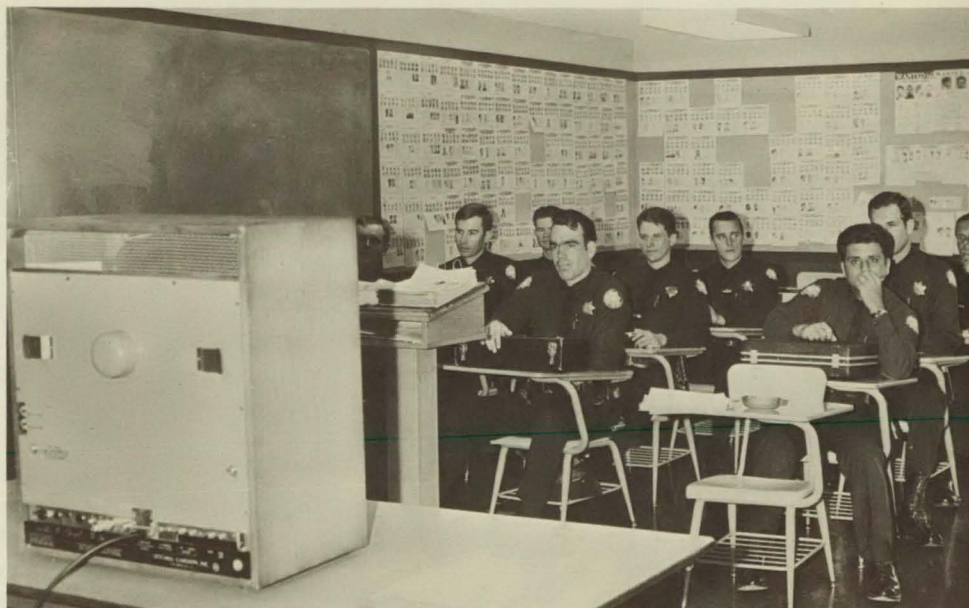
Now our department merely replaces the movie camera with the television camera and records the happenings on video tape. Keep in mind, however, television generally requires that the cameraman be closer to the object or that a longer focal length lens be used. One advantage of television is that the officers on the scene, provided they have access to proper playback equipment, know right away what they have on tape. It is unnecessary to expend time and

money for film development. Also, should the tape be needed later for training purposes, it can be converted to regular movie film.

Normally, when video tape is no longer pertinent, or where it is not useful in the first place, it can be used over and over again. The projected figure of reuse for the tapes is 500 times. Thus, the video tape has some advantages over regular movie film for police in gaining quick, reliable intelligence information. However, if video tape is to be filed after only one use, it might be more expensive than film.

Surveillance

Surveillance of a store or a bank during a "stake-out" in anticipation of a robbery or burglary can be much enhanced by video tape recording. Approaches to the locations and areas not visible to the waiting officers might be covered by the TV camera if lighting is sufficient. Also, tapes of



Officers at rollcall viewing a training film.

any developments might be advantageous for reviewing later. Further, the possibility exists that video tape might be used instead of movie or still cameras in banking institutions to photograph robbers.

Surveillances can be supervised by a remote monitor: the supervisor need not be actually present at the scene of a fixed or moving surveillance in order to be continually apprised of the happenings.

During 1968, the city hall complex in Daly City was picketed daily for a 2-week period. Our department, of course, maintained order. We positioned a TV camera in a top-floor office and maintained continual surveillance of the pickets. Taping could have been implemented immediately if a disturbance, or the threat of a disturbance, had occurred. The tapes could then have been used for intelligence and/or prosecutive purposes.

Practical and Efficient

Video tapes can be of assistance in resolving traffic problems. A TV crew photographs the scene where traffic snarls, and the traffic experts, engineers, and other officials concerned with the difficulty view the video tape at their convenience. Tapes should be made at various times of the day to depict fluctuations in traffic flow at the point of interest.

A cherry picker is used to get better pictures of traffic problems for training purposes.



Jail security is another practical and efficient use of television. Our department, as do many others, controls cells and prisoners with "closed-circuit television" which allows dispatchers to perform a double function. The fixed TV cameras actually eliminate the need of guards or policemen in the cell block on a permanent basis.

Television cameras can "watch" remote areas of civil buildings or complexes, particularly at night and on weekends and holidays, when all public offices except police facilities are closed.

Prosecution

Arguments pertaining to crowd control, security, and protection can be strengthened with films or tape recordings. Any case in which film and/or tape recordings might be introduced as evidence lends itself to video tape recordings. Additionally, the cost factor again applies. Video tape can be erased and reused when the pictures are not pertinent or when they are no longer needed.

Departments using moving pictures for sobriety tests of suspected drunken drivers may wish to consider video recordings as the cost may be lower and the effects as good or better.

Training of Personnel

TV generally, and video recording specifically, adapts superbly to such training areas as recording of lectures, practical problems (such as booking procedures and accident investigations), use of the gas mask, field work by special groups, and the presentations of talks and remarks by persons outside law enforcement whose observations, pro and con, may be of interest to police.

In training, we follow the concept that each video team member should be able to do any job on the team. For field situations, it is only necessary to have one or two cameramen functioning. For the staged training sequence, it is also necessary to have a director, prop man, lighting man, and similar assistants.

Where possible, we select members from each platoon and detail for the

two teams, hopefully so that there will always be a nucleus of personnel trained and ready to function on short notice.

We also insure that these men, as well as additional personnel, are capable of presenting video training sequences to all watches around the clock.

Officers from throughout the department are selected at random to "star" in some of the training sequences. Policemen are normally both aggressive and outgoing. Once the initial camera shyness is overcome, with proper directing, they perform like old troupers. We encourage them to be natural on camera. It is important that they not be too polished, for the policeman-viewer at rollcall does not then readily identify with them. Outside experts from other fields such as the news media, psychology, and public service groups are glad to assist in our training and are always well received by our officers.

Perhaps our greatest success is achieved in video-recorded field training sequences. During an extended riot control field exercise, the participating officers performed exceptionally well. While no one obviously played to the camera, all participants performed the roles with great seriousness and effort. Later, they viewed themselves on playback. Thus, they had the advantage of the training by participating and by viewing that participation. People like to see themselves on screen, and police officers are no exception.

Equipment

Once the video program is approved and funds for the project set aside, the purchase of the equipment must be given careful consideration. Even though the natural reaction is to get the program underway immediately, those in charge should be certain that

(Continued on page 21)

Policemen perform like old troupers in a tear gas training drill.



An Open Letter to the Youth of America



By
J. EDGAR HOOVER*
Director,
Federal Bureau of Investigation

With the advent of 1970, we leave behind a decade of bewildering—often tragic—contradictions and enter an era both bright with promise and fraught with peril.

Our Nation's accomplishments in past few years have been many. Through free enterprise and equality of opportunity—social and economic—American life has become rich and full. Blessed with an unparalleled potential for progress, we are limited only by the range of our vision and the strength of our determination.

We have already seen a multitude of remarkable breakthroughs in the ever-expanding frontiers of science and technology. American footprints in the lunar dust marked a particularly notable achievement of mind and spirit.

Yet even as our heroic astronauts sought to master the moon's desolation, they ironically left behind a society increasingly beset by the devastating forces of lawlessness and destruction.

To you, the youth of this country, the 1970's will offer the thrill of unprecedented opportunities. It will also impose the burden of awesome challenges. To you, inevitably, will pass the far-reaching consequences of our failures as well as the blessings of our accomplishments.

Crime and violence in the United States have already reached terrifying proportions and are certainly indicative of a moral deterioration and a pervasive contempt for properly constituted authority among many of our populace. Increasing numbers of our citizens—including many of the young—have witlessly forsaken the great principles and ideals upon which our Nation was founded and upon which it has prospered in irresponsible pursuit of instant change. Others bitterly hostile to our traditional spiritual values and democratic form of government seek nothing less than the complete destruction of American society. Violent extremists from all directions persist in ruthlessly trampling on the rights of all in pursuit of narrowly selfish ends. Civic irresponsibility and apathy on the part of far too many of our fellow citizens

continue to erode the very foundations of democratic government.

Forces antagonistic to a free and just society have always existed in America and constitute an inescapable heritage of citizenship.

Lawlessness, violence, and injustice existed during my youth. Corrupt and greedy men of high position violated public trust in their lust for power and wealth. Bigotry and prejudice divided our people. Those faithless to the cause of freedom and democracy sought to subvert and to destroy our Nation.

Then, as now, youth were faced with the imperative to act—positively and tirelessly—to protect the bright promise of America. In my youth I accepted this stern obligation of responsible citizenship. Health permitting, I hope to continue indefinitely in my service to America.

My faith in youth has not diminished through the years. I have every confidence that you will rise to meet the enormous challenges now before this country, and I can assure you that the FBI will do all in its power to assist you in building a better America.

*This is the text of a statement by Director Hoover requested by and furnished to the Associated Press on Dec. 24, 1969.

IDENTIFICATION IN PERSPECTIVE

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

Fifth Amendment: "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation."

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

The FBI, upon request from local law enforcement agencies, provides training, lectures, and seminars in numerous subject areas. Rules of criminal procedure and court decisions affecting law enforcement are such areas. This article is based on an FBI lecture on law.

When the authors of the Constitution finished their work and submitted a new plan of government to the States, they were hopeful that the wounds of the Revolutionary War could be healed and our people united. But, the States rejected the proposal and sent it back to Congress for amendments to include guarantees of those rights which had been central to the conflict that caused the break with England.

You know the rest of the story. The first 10 amendments to the Constitution were drawn to satisfy this demand for protection of certain basic rights and, through the years, law enforcement officers have had to become increasingly responsive to such constitutional limitations, particularly those imposed by the fourth, fifth, and sixth amendments.

The Constitution is now brought to bear directly on the actions of the investigator at the crime scene because the Supreme Court has established a legal screen through which only evidence collected in exactly the prescribed manner may be admitted to establish guilt. Violate a constitutional mandate while collecting evidence and you may well have provided the key that will enable the perpetrator of a violent crime to calmly depart unpunished, unrestrained, and ready for his next victim.

For you, then, the immediate issue is: What is the legal status of identification and what can you do consistent with the Constitution and the laws?

Reasonable Means

The Constitution does not guarantee a right to remain anonymous in our society. It does impose a check and balance system to insure that the means used by officers to identify an individual are reasonable. For example, the fourth amendment says that "The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated . . ." Notice that it says nothing about the objectives of the officer. Only the actions of the officer in achieving his objectives are limited.

The Supreme Court decision in *Davis v. Mississippi*¹ illustrates this point. On the evening of December 2, 1965, a brutal rape was committed in the victim's home in Meridian, Miss. She could describe her attacker only as a Negro youth. The only other leads were fingerprints and palm prints found on the window used to enter the home. During the next several days, officers took at least 24 Negro youths to police headquarters without warrants or probable cause for arrest. They were questioned, fingerprinted, and released without charge. Their prints were submitted to the FBI and those of John Davis were found to match the ones taken from the window. Davis was convicted of rape based on the identification evidence and sentenced to life imprisonment.

The Supreme Court reversed the conviction, not on the grounds that the identification evidence was unconvincing, but because the officers had taken the prints from the suspect at a time when he was illegally detained.

In the *Davis* case, the Supreme Court was simply applying the principle of the fourth amendment that a

man has a right to be free from unreasonable seizure. This means that, until officers have reasonable grounds to believe a suspect actually committed the crime, they may not arrest him or, on their own authority, require him to go, against his will, to the police station for purposes of identification. But, what else could the officers do in this case?

The fingerprints found at the scene were useful as evidence only if they could be matched with those of a suspect. It is obvious the officers needed to make a comparison of the prints to establish probable cause to arrest, but at the same time they had to have probable cause to arrest in order to secure the suspect's prints to make the comparison. That makes a perfect circle which the officers could not legally break, and, if the story were to end there, many such crimes could go unsolved.

Narrowly Defined Circumstances

The Supreme Court may have supplied the answer to its enigma. The Court said "that because of the unique nature of the fingerprinting process, such detentions might, under narrowly defined circumstances, be found to comply with the fourth amendment even though there is no probable cause in the traditional sense."²

We do not know precisely what those "narrowly defined circumstances" are, but the Court's opinion suggests that prior judicial authorization in the form of a warrant or a court order would be essential.

Taking the Court at its word, efforts have begun to find a way to obtain such identification evidence without having to make an arrest and without relying upon consent of the suspect. A bill³ introduced in the Senate on October 7, 1969, provides for Federal judges to be given the power to issue subpoenas requiring suspects to appear for fingerprinting and other

identification procedures. Under the terms of this bill, an officer would have to support his application for a subpoena by showing that a felony had been committed and that the evidence sought may contribute to identification of the individual who committed the crime. If the judge agrees, he could order the suspect to appear at a designated time and place and submit to reasonable means of identification.

This authority would be a useful weapon in cases such as *Davis v. Mississippi* where officers lack the probable cause necessary to arrest but have reason to believe that fingerprint comparisons will be conclusive as to the guilt of some suspects and the innocence of others.

The State of Colorado has taken the lead in this area. Instead of relying upon the legislature to pass a law, the Supreme Court of Colorado recently adopted new rules of criminal procedure for use in that State's courts. Rule 41.1 provides for a court order for fingerprinting where a criminal offense has been committed and there is reason to believe the fingerprinting will aid in the apprehension of the offender. Under this system, as under the proposed Federal statute, it is not necessary to have probable cause to arrest before a suspect may be required to appear for purposes of identification.

Both approaches attempt to satisfy the fourth amendment by requiring an affidavit to be filed before a judge. If the court decides that grounds exist which justify identification, the constitutional requirement of reasonableness may well be satisfied. The Supreme Court approved of a similar procedure in recent decisions⁴ concerning inspections of buildings by public health and safety officials. Such inspections are necessary for the protection of the community at large, but it is not always possible to show probable cause to believe that any one building contains health or safety

hazards. The Court's solution was simply to require an affidavit to be filed before a court expressing the need for a general inspection and indicating the factors which justify examination of the particular building. This might not be probable cause as it is usually defined, but it satisfies the requirement that such searches must be reasonable. It is reasonable because the officer is made to feel the restraint of the fourth amendment. His search is not arbitrary. He has the determination of an independent judge that the search is necessary and therefore reasonable within the meaning of the Constitution. A similar rationale could be applied to justify a court order for identification.

You may be interested in reviewing the statutes of your State and the rules of criminal procedure used by your courts to see whether such authority is now available to you. If it is not, you may wish to propose that a court order for identification of persons not in custody be added to your law enforcement arsenal.

Where the suspect is lawfully in custody, the fourth amendment restraints on seizure have been satisfied and the only question remaining relates to the mechanics of obtaining identification. The lawfulness of requiring identification at that stage is beyond dispute.⁵

Fifth Amendment

Just as the fourth amendment allows us to view identification in perspective, the fifth amendment provides a contrast.

The fifth amendment declares that "No person . . . shall be compelled in any criminal case to be a witness against himself . . ." Isn't that exactly what happens when we compel a man to identify himself through observable physical characteristics? The answer is an emphatic "No!" At least as far back as 1910, the Supreme

Court interpreted the fifth amendment as prohibiting the use of physical or moral compulsion to extort communications from an accused, but it did not deny the use of his body as evidence.⁶

More recently, the Court decided *Schmerber v. California*,⁷ in which the defendant was convicted of driving under the influence of intoxicating liquor based on a blood sample extracted against his will by a doctor. The Court recognized that taking the blood sample was "compulsion" but compulsion ". . . which makes a suspect or accused the source of 'real or physical evidence' does not violate . . ." the fifth amendment. The Court indicated that where there is "not even a shadow of testimonial compulsion or enforced communication by the accused . . ." the amendment does not apply. Therefore, ". . . it offers no protection against compulsion to submit to fingerprinting, photographing, or measurements, to write or speak for identification, to appear in court, to stand, to assume a stance, to walk, or to make a particular gesture."

"What is the legal status of identification and what can you do consistent with the Constitution and the laws?"

As long as the identification procedures are limited to observations and comparisons and no testimonial communication is required of the suspect, there should be no fifth amendment problem.

Sixth Amendment

The sixth amendment, which has caused so much controversy in the criminal law recently, guarantees that the accused shall have ". . . the assistance of counsel for his defence."

That this right to counsel is present in some matters of identification was made clear in two 1967 decisions of the Supreme Court. *United States v. Wade*⁸ and *Gilbert v. California*⁹ concerned identification lineups in which suspects in custody were forced to appear before witnesses to the crimes. Wade was indicted for bank robbery, taken into custody, and placed in a lineup without notice to his counsel. At the subsequent trial there was a courtroom identification of Wade as the robber and, on cross-examination, the witness testified concerning the pretrial lineup. Defense motions to strike the courtroom identifications were denied, and Wade was convicted.

The court of appeals reversed on the grounds all of the courtroom identifications should have been excluded, as in violation of the sixth amendment. The Supreme Court reversed, holding that incourt identifications should not be excluded per se without giving the prosecution an opportunity to establish by clear convincing evidence that the identifications in court were based on other

than the lineup identifications. The Court said the proper test of admissibility of identification testimony comes from *Wong Sun v. United States*:¹⁰ "Whether, granting establishment of the primary illegality, the evidence to which instant objection is made has been come at by exploitation of that illegality or instead by means sufficiently distinguishable to be purged of the primary taint."

The Court remanded the case to determine whether the incourt identifications of *Wade* had independ-

sources, or whether, in any event, the introduction of the evidence was harmless error.

The Court viewed the postindictment lineup as a critical stage of the prosecution, and though it clearly held that the fifth amendment was not violated by a lineup for identification, it declared the defendant was "as much entitled to such aid (counsel) . . . as at the trial itself." ". . . counsel's presence should have been a requisite to conduct of the lineup, absent an 'intelligent waiver.'"

"Where the suspect is lawfully in custody, the fourth amendment restraints on seizure have been satisfied and the only question remaining relates to the mechanics of obtaining identification."

The Court said a *Wade*-type lineup is more than a mere preparatory step in gathering evidence. It said lineups are ". . . riddled with innumerable dangers and variable factors which . . . seriously, even crucially, derogate from a fair trial." "In short, the accused's inability effectively to reconstruct at trial any unfairness that occurred at the lineup may deprive him of his only opportunity meaningfully to attack the credibility of the witness' identification."

Presence of Counsel

The right to counsel at the lineup is viewed as protecting the accused's ". . . right to a fair trial at which the witnesses against him might be meaningfully cross-examined." The Court is required to scrutinize any pretrial confrontation of the accused to determine whether presence of counsel is necessary to preserve the basic right to fair trial.

The Court declared:

"We do not assume that these risks are the result of police procedures intentionally de-

signed to prejudice the accused. Rather we assume they derive from the dangers inherent in eyewitness identification and the suggestibility inherent in the context of the pretrial identification." ¹¹

The Court apparently was influenced in this decision by its view that such postindictment lineups may be used to crystallize the witness' identification of the defendant for future reference. Therefore, the intended ob-

jective of the lineup is critical. If it is held after indictment or after arrest on probable cause, its actual purpose must apparently be other than to simply identify a suspect. It is at this point that the Court finds it urgent for defense counsel to be present. Such a proceeding is more in the nature of trial preparation than investigation and the defendant is entitled to the assistance of counsel at all stages of the prosecution.

Gilbert v. California ¹² is significant because it adds a per se exclusionary rule regarding testimony that the witness identified the defendant at a postindictment lineup in the absence of defense counsel. In *Wade*, the witnesses simply identified the defendant in court; while here, the witnesses identified the defendant in court and testified that they also identified him at a postindictment lineup.

This case was remanded to determine whether the incourt identifications had an independent source or their introduction was in any event harmless error. It would be harmless error if the California Supreme Court was ". . . able to declare a belief

that it was harmless beyond a reasonable doubt."

The court indicated that the desirability of deterring the constitutionally objectionable practice must prevail over the undesirability of excluding relevant evidence.

Exceptions

Eyewitness identification may be subject to error and therefore require the presence of defense counsel as a safeguard, but does that mean that more reliable methods of identification also must await the arrival of a lawyer before any examination may be made? The court's opinion in the *Wade* case made the answer obvious by carefully distinguishing eyewitness identification from the ". . . systematized or scientific analyses of the accused's fingerprints, blood sample, clothing, hair, and the like."

The court then declared:

"Knowledge of the techniques of science and technology is sufficiently available, and the variables in techniques few enough, that the accused has the opportunity for a meaningful confrontation of the Government's case at trial through the ordinary processes of cross-examination of the Government's expert witnesses and the presentation of the evidence of his own experts. The denial of a right to have counsel present at such analyses does not therefore violate the sixth amendment; they are not critical stages since there is minimal risk that his counsel's absence at such stages might derogate his right to a fair trial." ¹³

The Fifth Circuit Court of Appeals recently decided a case squarely on this issue. In *Pearson v. United States* ¹⁴ the defendant was convicted

(Continued on page 22)

Security at Scouting Jamb

A maximum mixture of protection and public relations—these are the ingredients required for police work in connection with a Scouting event. In the last 5 years, law enforcement agencies of north Idaho have responded three times to major Scouting events at Farragut State Park.

The 5,000-acre park is located on the shores of beautiful Lake Pend Oreille, 20 miles north of Coeur d'Alene, 45 miles east of Spokane, Wash., and 50 miles south of the Canadian border. During World War II, Farragut State Park was a large naval training station that handled as many as 50,000 Navy recruits at any one time.

The Navy barracks and installations are now gone. The State demolished the buildings with the exception of the old base brig, which has been turned into a general headquarters building for Scouting events. The perimeter fence, the hard-surfaced roads, and a portion of the Navy water system, which has been reconditioned and improved, still remain.

The park and general area abound in the natural beauty of mountains, forests, and lakes. It can best be described as a last frontier where Scouts can gather close to nature and away from urban civilization. The park is an ideal place for practicing Scout crafts and living Scouting experiences, with the greatest convenience of accessibility and supply.

Large gatherings require order from within and protection from without. In July 1965, the Girl Scouts of America held their National Girl Scout Roundup with approximately 10,000 participants. In August 1967, the Boy Scouts of America were host to the 12th World Scout Jamboree that brought 17,000 Scouts and leaders from 101 countries around the world, along with an estimated 88,000 visitors. The most recent event was the 7th National Boy Scout Jamboree that brought 34,000 Boy Scouts and leaders. This event attracted an estimated 100,000 visitors from all parts of the United States.

A World Jamboree is a meeting of Boy Scouts from countries throughout the world, which is held every 4 years in a different member country. The 1967 event was the first World Scout Jamboree held in the United States. The National Jamboree is also held every 4 years somewhere in the United States. It is attended by Boy Scouts of America, but includes several hundred visitors from other lands. The Scouts are selected to attend a National Jamboree by a committee within their council or geographic area. They are assembled into patrols of eight boys each, and four patrols make up a troop. At the Jamboree, the Scouts take part in activities and events by troops.

Advance planning starts a year before each event. The Scouting organi-

By

L. CLARK HAND*

**Superintendent,
Idaho State Police,
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*Mr. Don Morrissey of the Idaho State Police Public Information Section and Lt. Jack F. McGinnis, District No. 1 Commander, Idaho State Police, assisted Superintendent Hand in the preparation of this article.

zation establishes a camp director to coordinate protection. The director visits the area and meets with law enforcement agencies concerned. For each Scouting event at Farragut, the Idaho State Police were requested to provide the overall police protection and general security. The responsibility was assigned to Lt. Jack F. McGinnis, Idaho State Police District No. 1 Commander. Governor Don Samuelson gave his complete support to these events.

John Bender, Sheriff of Kootenai County at Coeur d'Alene, Idaho, was also active in the planning and carrying out of protection procedures for each event. He maintained full-time coverage at the park for local enforcement and assistance.

Two Main Purposes

As a rule, Scouting jamborees have a twofold purpose. The first and foremost purpose is to provide a genuine and meaningful experience for the youthful participants by bringing them together in the proper surroundings. The second purpose is to provide a showcase of Scouting for the country and the rest of the world.

On an orderly and scheduled basis, visitors are encouraged to come to the camp and observe the Scouts in the midst of their Scouting experience. It is in this connection that the police agencies must function and be of serv-

March 1970





Officials planning for the Boy Scouts of America National Jamboree are, left to right: SA Robert R. Rockwell, Coeur d'Alene; Lt. Jack F. McGinnis, Idaho State Police; Supt. L. Clark Hand, Idaho State Police; Sheriff John Bender, Coeur d'Alene; and Mr. Robert L. Calvert, Boy Scouts of America Protection Service.

ice to the Scouting organizations. The police are charged with the responsibility of dealing directly with the public. The Scouting organizations do their own policing, having leaders within the organization to handle their own problems.

Each Scout organization using Faragut State Park maintains a separate protection force of its own. This group patrols the immediate camp areas and handles all problems within the Scout organizations. This force also provides immediate guard protection at supply points and places where valuable equipment is stored. It operates under the direction of the Camp Protection Director, who is a member of the National Boy Scout Staff.

The Idaho State Police provides around-the-clock service on the main gate, fence line patrol at the perimeter of the park, and a patrol within the park area. They handle the tremendous traffic problems created by the many thousands of visitors, practically all of whom come by automobile. Normally, the gate is open to visitors from 1 p.m. until 6 p.m. each day and on the first and last nights of the jamborees until the evening programs are over.

Cars are parked in a designated area which was cleared and graded

for this purpose. The problems of service and supply require that many automobiles and trucks be admitted to other areas of the campground.

All camp and visitor rules are established by the Scouting organizations. Decisions as to visiting hours, special passes, and access to areas are made by the Camp Director of Protection. Also, all vehicle and visitor passes are issued by him. The police agencies are only responsible for the application of the rules. This action places the responsibility for policy on the Scouts. No police officer is required to decide whom to exclude or admit.

The main gate is manned at all times by a uniformed Idaho State Police officer and an adult Scout staff member in Scout uniform. As a team, these two men check passes and admit visitors. If a question arises as to policy, it is resolved by the Scout officer; matters of enforcement are handled by the police officer.

The Idaho State Police assembled a force of 35 uniformed officers to handle the functions at each of the jamborees mentioned. This is about one-third of the total uniform department. The officers selected for this assignment were volunteers drawn from all parts of the State. Most of these men were engaged in youth activities in their own communities and many were active in local Scouting. This was not ordinary duty. It was around-the-clock, 24-hour day availability, with no days off. The normal patrol period was 12 hours. The assignment for most of the officers lasted for a period of 12 days to 2 weeks.

Headquarters was set up in a large housetrailer, which was completely equipped with radio and telephone communications systems to provide instant action at any required place. The troopers were housed in medium-sized trailers brought to the campsite



Boy Scouts arrive by train and are driven by bus to the Jamboree site.

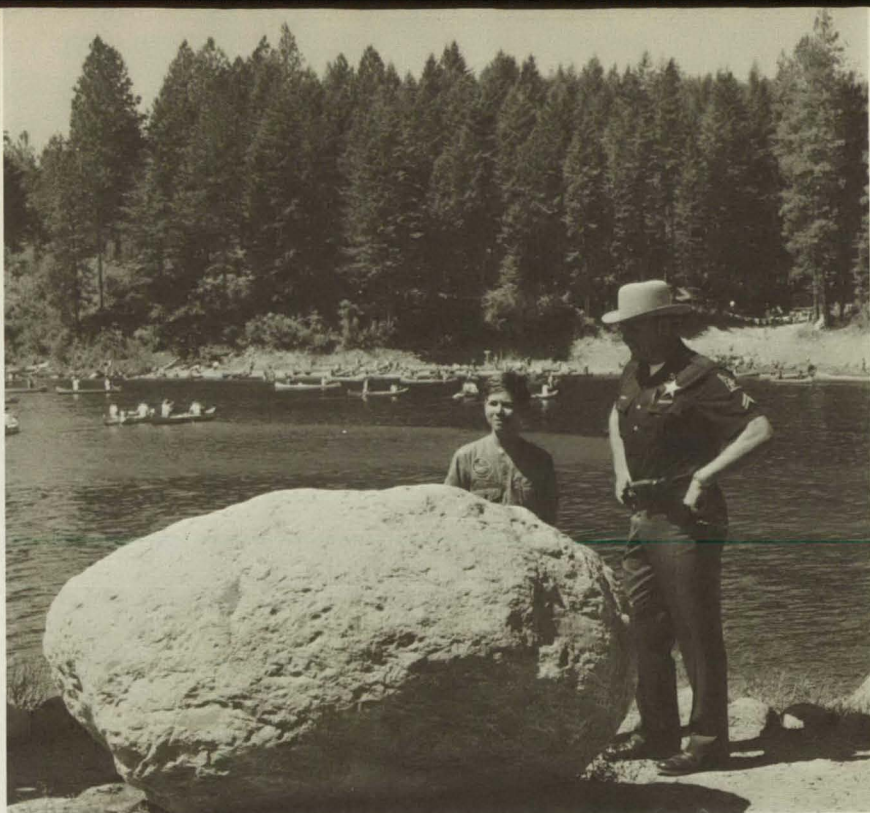
for this purpose. Some did their own cooking, while others ate in restaurants located outside the park. During the course of the jamborees, many of the officers were guests of the Scouting patrols, who cooked and served their meals as independent units. All officers maintained a snappy, clean appearance. This was facilitated by a daily laundry and drycleaning run into Coeur d'Alene, Idaho.

Off-patrol time found the troopers visiting the Scouting areas, where officers and their vehicles were photographed almost as much as the Scouts themselves. Lasting impressions and friendships acquired at the World Jamboree caused many foreign visitors to return home with a better image of law enforcement in this country than when they arrived.

Activities

A major project during the Girl Scout Roundup and the World Scout Jamboree was escorting bus trips away from the park area. At the Girl Scout Roundup, each Girl Scout was treated to a 1-day bus trip to remote and scenic areas of north Idaho. Caravans of up to 15 buses at a time had to be escorted along the highways and through towns to the visited areas. The girls were supervised by their own leaders, but had to be accounted for before patrol officers could escort them back.

The Boy Scouts of the World Jamboree were treated to a real western rodeo at the Kootenai County Fairgrounds at Coeur d'Alene. This called for an almost continuous bus shuttle, 40 miles round trip, in order that all of the 12,000 boys could attend one of the two performances during the day and be back to camp in time for the buffalo barbecue that evening. All of the buses were safely escorted without a single accident and with a minimum of traffic delay. Good planning, practice runs, and the use of



An Idaho State Police officer and a Boy Scout discuss the aquatic program for the Jamboree.

multichannel communications systems resulted in a smooth operation.

Particularly desirable duty points at the park were the swimming hole and fishing area. The State constructed a sand beach on the shore of Lake Pend Oreille. This mountain lake is one of the largest and deepest in the United States. Only the hardier Scouts would swim in the cold water, and those from warm climates contented themselves by enjoying the sunshine on the beach. At the end of the lake beside the park, the State netted off Buttonhook Bay which the Idaho State Fish and Game Department stocked with 10,000 trout. Many boys from many lands were assisted in their first fishing experience by officers who take fishing for granted in this north Idaho vacationland.

One continuous activity at any Scouting event is the trading of souvenirs. Shoulder patches and other State-issued emblems at these events are more negotiable than money. The officers had a limited amount of insignia material, but took an active

part in this important pastime, primarily to send some of the boys home with a memento of the Idaho State Police. All of the officers who participated in the jamborees felt that it was an important experience.

Events which attract large attendance produce problems in traffic flow and control. The only access to Farragut State Park is by highway and the only transportation is the motor vehicle. All the roads serving the area were originally two lane with wide berms. As long as the heavy traffic continues to move, there are no problems; however, any stoppage along the way produces a major tie-up. There were few traffic problems at the smaller Girl Scout Roundup and the road system was found to be adequate at that time.

The World Jamboree greatly overtaxed the highway capacity. A particular problem was the 5-mile, two-lane access road, from the major north-south highway into Farragut State Park. The park was not open



The large amphitheater where the Scouts held some of their programs seats 80,000 people.



Officers observe the trading of souvenirs by the Scouts.

The swimming area and sand beach were enjoyed by the Scouts.



Many boys caught their first fish with assistance from the officers.

to visitors until 1 p.m. each day. People came as early as 6 a.m., only to park along the highway to wait for opening time. By 10 a.m. cars would be backed up the 5 miles of access road and another 4 miles along the main north-south highway. The two-lane roads became hopelessly clogged and required constant patrol by State Police officers to maintain clearance for through traffic and service vehicles. In addition, those who waited had to be cautioned to stay clear of the traffic when they tended to congregate on the road.

On the opening and closing nights, the Scouts held a program in the large amphitheater to which the public was invited. At closing time several thousand cars tried to leave the park all at one time. The two-lane roads became clogged and the entire area was a bottleneck.

At a conference following the World Jamboree, Scout officials and State

Police officers recommended to the Idaho State Highway Department that the 5-mile access road be widened to four lanes. This was accomplished before the opening of the National Jamboree last summer. The problem of those waiting on the highway was solved by allowing the early arriving visitors access to the parking lot inside the gate. The Scouts constructed a reception center and displays to accommodate the early visitors.

During the Scouting events, the public in general provided very few problems requiring police action; however, some of the Scout rules required police assistance. An example was a rule against selling or peddling on the grounds, and nonregistered adults trading with the boys. There were a number of infractions of these rules; all were handled by members of the 65-man Scout Protection Service unit. This unit was assisted by a full-time Kootenai County Deputy Sheriff. Where there was an indication for a show of authority, Idaho State police officers in uniform were readily at hand.

Various Police Units

A Scout camp is a fun experience. It must follow that any group of about 35,000 people will find some who do not find enjoyment. Registered Scouts were not permitted to leave the park area. All registered Scouts wore a distinctive camp emblem showing they were part of the Jamboree. Any who came to the gate indicating a desire to depart were detained for the Protection Service unit to handle. At least one Scout violated this procedure and tried to depart over the fence several hundred yards from the gate. He was seen by a patrolman leaving the area. When the boy saw the patrol car, he jumped back from the fence. A radio call to a standby car at the gate alerted an officer who gave the Scout enough time to get over the fence and then

went out to pick him up—another problem for the Protection Service.

Constant cruiser patrol within the camp provided officers opportunity to give more assistance than enforcement. Officers rendered first aid, provided transportation for the disabled, gave directions, and generally spread good will.

All money at the jamborees passed through a temporary branch of a local bank set up for that purpose. Large sums of cash were handled at the bank, not only as an accommodation to the Scouts, but to service the trading posts and camp cafeteria. A unit of the Idaho State Police was on duty at all times near the bank during business hours, and a well-armed unit made the cash runs each day to and from Coeur d'Alene.

During the 1967 World Jamboree an anti-Vietnam group and some "hippies" from nearby Spokane, Wash., came to distribute literature and bring a confrontation with Scout officials. The group was small and they were provided the full courtesy of the park. The principal police problem was to control harassment of the demonstrators by the Boy Scouts. The boys had little patience with the group and the literature they tried to distribute. The venture was so unsuccessful that the demonstrators made no effort to appear at the National Jamboree.

During the World Jamboree, the then Vice President Hubert H. Humphrey visited the park. This required emergency patrol and escort work, both in and outside the park by Idaho State Police units. The Vice President arrived at the Spokane Airport and was brought to the park and escorted throughout the camp where he visited with groups of Scouts. Working closely with the Secret Service, the Idaho State Police carried out this assignment with no problems.

An occasional problem was low-flying aircraft over the Jamboree site.

Local pilots could not resist taking a close look from the air. The very low ones were identified by number and met at the airport by Idaho State Police officers when they landed. For the most part, they were cautioned, but one was cited for a violation. One charter airline passenger plane made several passes at treetop level. Officers identified the plane and referred the matter to the Federal Aviation Agency for handling.

Detailed Planning

The key to success and the smooth operation of these events require complete and detailed planning. For each encampment, the Scouting official in charge of protection comes to the area well in advance and usually has had extensive experience in similar events. All phases leading up to the event are part of a coordinated schedule. Nothing is left to last-minute decisions. Many meetings by Scouting officials were held months in advance, with representatives of the Idaho State Police, the Kootenai County Sheriff's Office, Idaho State Fish and Game Department, the U.S. Forest Service, and the Federal Bureau of Investigation. Also included in the planning was the U.S. Coast Guard, which was responsible for lake patrols. The purpose of the meetings was to examine the procedures, iron out the differences, and make everyone aware of the responsibility and cooperation required of each participating agency.

All three Scouting events were held according to plan and all were considered to be a success. Most of the work done by the Idaho State Police was routine in nature. Good planning made it possible to avoid crisis situations. The experience gained from each event made it easier to move on to the next. The Idaho State Police is proud to have been a part of these Scouting adventures.

Law and Order ☆ ☆ ☆

☆ ☆ ☆ on the Campus

By

THOMAS J. CAHILL*

Former Chief of Police,
San Francisco, Calif.



The theme of your conference, "Revolution and Response," is quite appropriate and timely today. In the April 1969, issue of the FBI Law Enforcement Bulletin, J. Edgar Hoover stated:

"This Nation is experiencing daily the progressive revolutionary steps of anarchy—coercion, intimidation, violence, and unlawful takeover—defiance of authority is becoming the norm. We must establish a united resistance against the criminal forces destroying the structure of our society, or we face chaos."

During the past year, we have seen almost every major college campus in the United States faced with some type of student revolt. We have seen the armed takeover of a college building, and we have seen a whole college occupied by militants desiring a confrontation with the establishment represented by the police. We have seen a wave of terror on our college campuses—a wave punctuated by bombs and beatings. We have seen teachers and students vilifying and fighting the police who were called

to the campus by the administration in an attempt to keep the college open. We have seen campus turmoil used for political purposes. We have even seen alleged community leaders using this turmoil to their own benefit, and we have seen students attempting to gain an education, deprived of the education by small groups of militants and revolutionaries.

You will recall that during the 5-month period from November 1968, through March 1969, the officers of my department spent many days on the campus of San Francisco State College; these were not idyllic days of normal educational activity on a college campus, but at times were days of violent confrontation—confrontation not of our choosing.

In 1967, I was asked by the Assembly Committee on Higher Education why I did not order my men onto the campus of San Francisco State College during a takeover of the administration building.

In 1968, I was castigated by members of the Legislature, alleged community leaders, and certain members of the news media for sending my police onto the campus.

*This article is based on the text of a speech given by Chief Cahill at the Eighth Annual California Conference on Higher Education, Dec. 5-6, 1969, at Anaheim, Calif.

Just what is the role of law enforcement and what is our involvement on the college campus today?

Why has the seat of intellect and learning become the place of violent confrontation?

Why is it sometimes necessary for hundreds of police officers to be on a college campus so students can go to school?

These questions are not easily answered, but I feel that when an organization such as yours devotes your conference to these most pressing problems, then the solutions will be shortly forthcoming.

Law enforcement's involvement on the campus is quite simple. It is our sworn duty to enforce the law; it is the role of the police to ensure that *everyone* can exercise his guaranteed constitutional rights. Violations of the law and violations of rights cannot be tolerated. Proper police action must be taken immediately if violations occur. Intimidation of teachers and of students who wish to continue their educations cannot be condoned.

Not Sacrosanct

If any law is violated on the college campus, it must be investigated as would any other crime. The college campus is not sacrosanct; the laws of the State of California must be enforced in the same manner on or off the campus.

You can certainly appreciate the fact that if an assault occurs on a college campus, its location does not alter the fact that it is a violation of the law. And, ladies and gentlemen, let me assure you, if there *is* a violation of the law, there *will* be an arrest whenever possible.

The role of law enforcement is no different on the campus from what it would be in any other part of the community. We have a responsibility to *all* of the community, and today we must of necessity be apprised of the

conditions on the campus that might lead to more confrontations. Police must be sensitive to campus conditions and the feelings of the whole academic community. We must be in constant liaison with the administration, faculty, and students; we must develop intelligence on what the militants and revolutionaries are planning for the campus. This must be done without usurping the autonomy of the campuses. We do not intend to interfere with the academic processes.

I feel that we have done this well at San Francisco State College. A chronological resume of incidents at the campus might be edifying to you.

On November 6, 1967, members of the Black Students Union broke into the offices of the student newspaper and assaulted members of the staff. Fortunately, a young reporter had the presence of mind to take photos of the males, and we were able to make nine felony arrests.

On December 6, 1967, four hundred to five hundred persons, some students and some nonstudents, broke into the administration building and occupied it for almost 2 hours. The mob was led by a teacher who was subsequently fired. Entry into the administration building was gained by smashing the glass in the locked front door.

While this activity was occurring in the administration building, another mob on the campus attacked newspaper and television photographers who were attempting to photograph the looting of the campus bookstore. This incident resulted in 12 arrests.

On May 21, 1968, a sit-in was staged in the administration building which resulted in 21 arrests.

And on May 24, 1968, another sit-in was staged in the administration building which resulted in another 33 arrests.

In early November 1968, an English instructor at San Francisco State College, who was also the Minister of

Education of the Black Panther Party, addressed an assemblage at the school. He urged students to bring guns onto the campus. The turmoil that ensued lasted 5 months, and resulted in 681 arrests, running the gamut from refusing to disperse and blocking the sidewalk to assault with a deadly weapon and possession of a bomb.

The total number of persons involved in these arrests was 613, only 320 of whom were actually students of San Francisco State College. This means that 48 percent of those persons arrested had no business on the campus—unless confrontation has become a business. Out of the 613 arrested, 190 had some prior criminal record.

The recapitulation of the arrests by race, sex, and age is as follows:

Race	Number
Caucasian.....	496
Negro.....	83
Oriental.....	34

Percent	Male	Female
81.5	321	175
13.5	72	11
5.0	26	8

The ages of those arrested run from 14 to 48 with approximately 70 percent of the total in the 18 to 24 age group.

But the statistic that is most frightening is the fact that we had a total of 10 bombing incidents during the 5 months of turmoil. We were fortunate enough to find four of these devices before they exploded, but, unfortunately, six of these were detonated before they could be found. Miraculously there was no loss of life, but one of the perpetrators was maimed when the bomb exploded as he was placing it in a hallway filled with lockers. The bomb was set to explode at 8 a.m. which is the busiest time of the school

day in that particular area. There is no doubt that if the bomb had not exploded prematurely, many students would have been seriously injured if not killed.

I am sure that everyone here is quite familiar with the militant and revolutionary organizations that are the catalytic agents in some of our campus unrest—organizations such as the Students for a Democratic Society, the Black Students Union, the Black Panther Party, the Progressive Labor Party, the Third World Liberation Front, the Radical Students Union, ad infinitum.

But, who and what is a militant?

He is a sometimes self-described revolutionary or possibly a socially conscious individual working for a better society. But in actuality, what is this militant—the militant who is a firebomb thrower, the militant who plants a bomb in the administration building or the school cafeteria, or who sends a bomb through the mail to a college president which, when opened, maims a young secretary for life.

Should this person be dignified by calling him a militant? I don't think so. I personally feel that he should be identified for what he really is, *A CRIMINAL*. He is a criminal because his acts are criminal acts. Invariably, when he is caught committing these acts, he is disclaimed by the militant group he represents as an "agent provocateur," or as a victim of the racist, oppressive society that is perpetuated at the college by the school president or the Governor of the State.

But the fact remains that the individual was caught committing a criminal act and must answer for his actions in a criminal court as would any other criminal.

I do not mean to imply that the freshman student who is arrested for sitting-in at the administration building is truly a criminal. He may be violating the law, but I believe that

many of the young people arrested honestly feel that they are helping to bring about change by their actions. I feel that each of these individuals should be judged accordingly; and if this act is a first offense, I would be inclined to recommend leniency. I do not want to give a false impression that I think that any of the persons who are perpetrators of violence should be given any consideration, but rather I would be inclined to deal with these persons in the strictest manner possible under the law.

"Let us expose the militant or revolutionary for what he is—a criminal—not a martyr."

The literature of the militant and the underground newspapers abound in articles calling for revolution and the violent overthrow of the government; they expound on guerrilla warfare and how to make bombs. This literature, if you can call it that, attacks obscenely every facet of American life. Yet, the courts have ruled that this is freedom of speech and of the press.

Pamphlets are distributed on campuses telling in minute detail how to injure and maim police officers. The home addresses of police officers are published in an attempt to intimidate them and subject their families to harassment. The militants have launched a semantic attack against the police by calling them animal names and obscene hyphenated terms.

But in spite of all of these attacks on law enforcement, your police officers are dealing with the problems in a lawful and professional manner. We have approached the problem as we would any other police problem. The rights of the militant are not violated under any circumstances; if a demonstration or rally is held in a lawful and peaceful manner, then there is no

necessity for any police action. If there is a violation of the law, then the police must take action and make arrests.

No police department in the United States has a better record than the San Francisco Police Department for the handling of demonstrations or campus disorders. Our approach to all of these problems is fair and patient. But if the law is violated by one person or 500 persons, we will make arrests in a lawful and professional manner with an eye toward court prosecution. We do not intend

to make an arrest that will be dismissed for lack of evidence at a later date. At the present time, we are nearing the end of all the trials that arose out of the turmoil and disorder at San Francisco State College, and I am proud to state that our conviction is approximately 80 percent.

I think that we must admit that militancy and revolution on the campuses are a very real threat to the academic processes. I personally feel that student unrest will be with us for a long time to come, but I am not pessimistic. I believe that we in professional police service and you in the academic profession working together can help restore to the campus an environment of intellect, learning, and good will.

We must work together to help solve the social problems facing our affluent society, the problems that are reflected on the campus. Let us expose the militant or revolutionary for what he is—a criminal—not a martyr. I know that we can, in a lawful and professional manner, preclude this threat from growing by the impartial and lawful enforcement of existing laws. I honestly feel that we will prevail.

TV IN YOUR DEPARTMENT?

(Continued from page 6)

their study and planning have been thorough and complete. An exhaustive search and review of all available reference material on educational television should be made. Modern public libraries are good sources for printed material, while police agencies with operative TV systems offer excellent practical examples for study.

Thoroughness is the best policy in evaluating equipment. It is far better to delay the beginning of the program than to rush into action with equipment and materials which do not adequately serve your purpose or meet your expectations. Above all, determine exactly what your department expects to accomplish with the system, presently and in the future. What purposes and uses will it be expected to serve?

The purchasing department is advised to contact as many companies as possible within the department's geographical area. Proximity is an important factor when servicing and repair of the equipment are needed. Another important point to remember is that normally there is no compati-

bility of equipment across producer lines. In other words, a video recording produced on one system cannot be played on the same size equipment of a different make and brand without first duplicating the tape.

We recommend that officers designated to use the equipment be present for all demonstrations and testings. This procedure enables key personnel to become familiar with the equipment at the outset. They will also feel that they had an integral part in its selection and appraisal.

Selection of Personnel

There are many ways in which personnel can be selected for video recording work. We will discuss here the procedures that proved successful for our department.

In reviewing our personnel files, we located officers whose previous employment or hobbies made them likely candidates for the program. We also screened volunteers. We taught and trained those men who had special abilities and those who had expressed interest and possessed potential. Because ours is a 70-man department, much of the work had to be on a

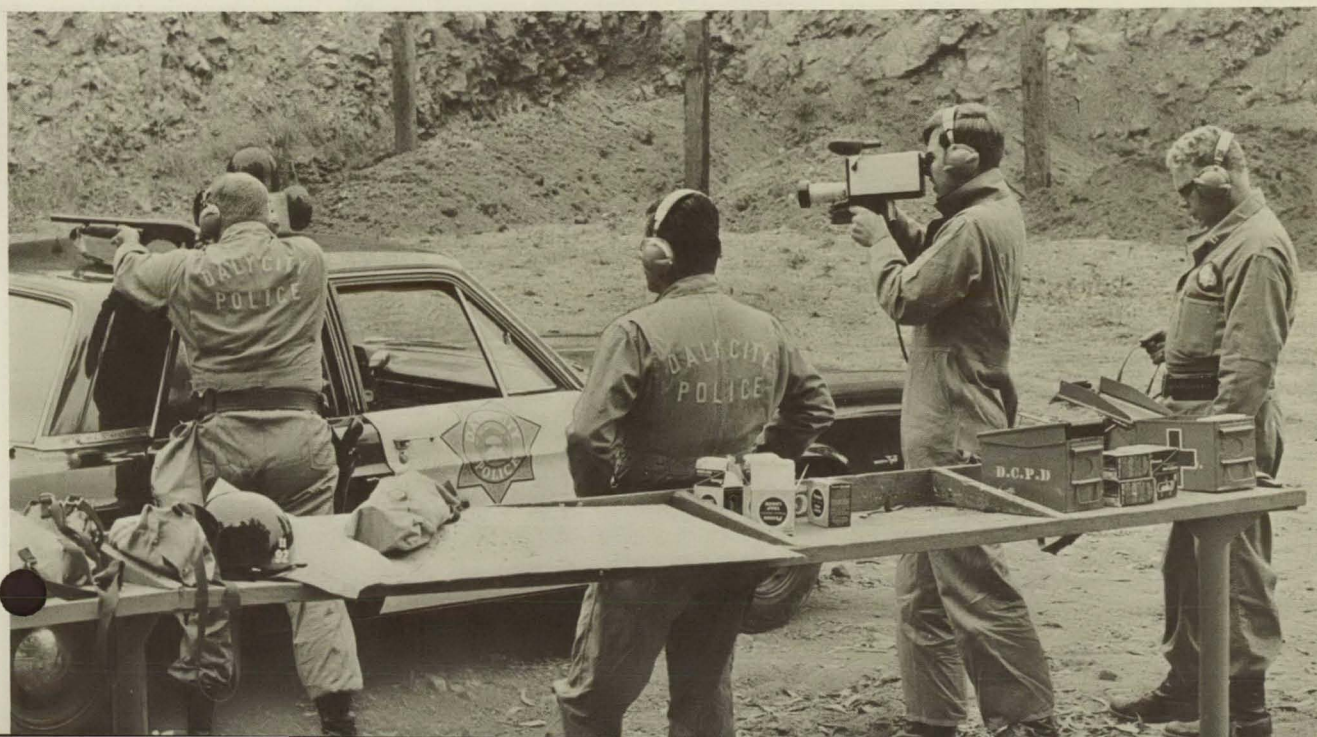
voluntary basis, at least at the beginning of the program.

The response of the men was gratifying. Those assigned to the program were formed into two teams. Through the process of study and experience, our teams progressed from enthusiastic amateurs to quasi-professionals. We learned that the program is limited only by the imagination of those using it, and fortunately the imagination of our team members has been abundant. Such imagination has afforded a considerable impetus to the department's public relations/speaking program. Team members accompany designated officials on many speaking engagements where they set up TV monitors and tape decks. When the speaker performs, he has the video visual aids present and functioning. Occasionally, taped programs can be made specifically for such presentations. Public acceptance of this portion of our video recording program has been encouraging.

Video tape recording is a valuable and practical scientific advancement for law enforcement. It has been advantageous to *our* department. We think it can do the same for *your* department.

(FBI)

Officer demonstrates use of shotgun for cameraman and crew.



IN PERSPECTIVE

(Continued from page 11)

of cashing a stolen government check based on evidence his fingerprint was found on the check. Comparison prints had been taken from him after arrest and without the presence of counsel. The court affirmed the conviction on the grounds that the fingerprinting in the absence of counsel did not violate the fifth or sixth amendments and that a fingerprint expert could testify on the basis of the exemplar.

Other courts have approved of the additional means of identification suggested by the Supreme Court in *Wade*. For example, the second circuit¹⁵ and the fifth circuit¹⁶ have approved of taking hair samples in a reasonable manner without warrant or consent while the subject was in custody.

The conclusion must be that the sixth amendment does not seriously hamper the work of identification except where eyewitness identification is concerned.

Other Problems

Aside from the constitutional rules within which we have to operate, identification has other immediate problems. For example, it may be very comforting for you to know that the acquisition of identification evidence is entirely consistent with the Constitution. However, suppose the suspect disagrees and adamantly refuses to cooperate. What can you do?

Your response should be according to the following order of alternatives. First, consider the possibility of obtaining a court order compelling the individual to submit to the examination. If you are operating under a statute or court rule and a subpoena has been issued to an individual not yet under arrest, you need only report the suspect's refusal to the court and stand back to watch the sparks fly. The con-

tempt power of the court is usually sufficient to force compliance.

Second, if the accused is in custody or otherwise subject to the jurisdiction of the court, and his cooperation is necessary to make the examination meaningful, such as the taking of handwriting exemplars, the court may be called upon for an order compelling submission to a reasonable examination.¹⁷

Third, if the individual is in custody and the identification would be accurate in spite of his refusal to cooperate, reasonable force may be used to obtain the necessary evidence.¹⁸

Finally, if appropriate, you may obtain identification evidence by subterfuge or through some other indirect manner. For example, the second circuit recently held that it was perfectly proper for officers to obtain handwriting samples of a suspect by sending him a questionnaire and requesting an explanation be written on the reverse side. The suspect completed the questionnaire and wrote the explanation in his own handwriting.¹⁹ Handwriting samples also may be obtained from forms completed at time of admission to jail,²⁰ and from fingerprint cards.²¹

Authority to Identify

Identification is necessary even in cases where no evidence is to be gained by it. The fact that a man has been arrested and is awaiting trial provides sufficient reason to obtain a means of positive identification, such as fingerprinting. There is a valid government interest in ensuring his presence and satisfactory identification at subsequent proceedings. Whether he is charged with murder or an antitrust misdemeanor, the arresting agency has the authority to identify him.²²

The use that may be made of identification records has been the subject of some dispute in the law. A few decisions have recognized a right of a

person arrested not to have his fingerprints or photograph exhibited publicly prior to conviction unless he becomes a fugitive from justice.²³

Some State statutes provide for the return of fingerprints, photographs, and other records of identification where the defendant is acquitted or otherwise released without a conviction.²⁴ It has been held by one court that arrest records and identification matter concerning the person arrested must be erased, returned, or destroyed when it is determined the arrest was unlawful.²⁵ But, no case has even considered the return of fingerprints and photographs where the subject was convicted of the charge.²⁶

Such limitations appear to be rare in actual practice and the routine retention of identification records for future use seems to be the generally accepted rule.²⁷

A currently developing technique for personal identification is based on the notion that the human voice has distinct characteristics and may be compared with the voice of a suspect for purposes of confirming identity. For example, an officer in South Carolina heard the telephone voice of an alleged gambler once a week for approximately 16 weeks. Within 15 or 20 minutes after the last phone conversation, the officer heard the suspect speak in person and decided the voices were identical. The officer's competency to testify as to the identification was accepted by the Supreme Court of South Carolina.²⁸

There is a promise of even greater precision in voice identification with the ultimate perfection of equipment capable of measuring and graphically describing the human voice. However, items of evidence developed by such processes have been offered in criminal cases with limited success so far.²⁹

In New Jersey, a lower State court³⁰ held a voice-print identification inadmissible, but the New Jersey Supreme Court remanded the case for

further expert testimony and a more complete record on the issue of identification. This interest may indicate that the technique is near approval in New Jersey, assuming sufficient scientific basis can be demonstrated.³¹

Conclusion

The possibilities for increasing efficiency in identification services appear limitless in view of the potential for application of technical knowledge to traditional skills. Such advances will be welcomed by the law as were the innovations of the science of fingerprinting when it was in its infancy. In a world shrunk by our disregard for distance and by tremendous population increases, we have experienced the phenomenon of anonymity in the midst of a crowd. Confronted by this fact of modern life, the contemporary law enforcement officer requires means of identification and a speed undreamed of by his predecessors. This presents a significant challenge to you, but one which you must accept for the sake of us all.

FOOTNOTES

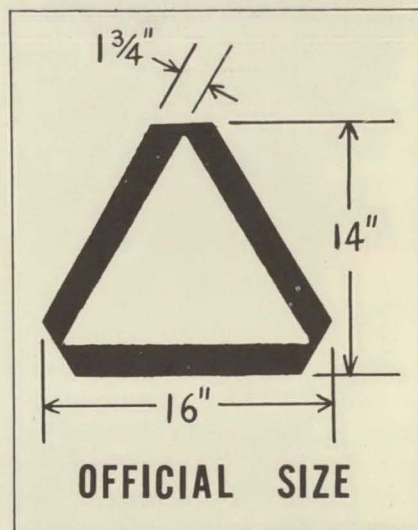
- ¹ *Davis v. Mississippi*, 394 U.S. 721 (1969).
- ² *Id.* at 726.
- ³ S. 2997, 91st Congress, 1st session.
- ⁴ *Camara v. Municipal Court of San Francisco*, 387 U.S. 523 (1967); *See v. City of Seattle*, 387 U.S. 541 (1967).
- ⁵ *United States v. Smith*, 393 F. 2d 687 (1968), cert. den. 393 U.S. 885; *Pearson v. United States*, 389 F. 2d

684 (1968); *United States v. Kelly*, 55 F. 2d 67 (1932).

- ⁶ *Holt v. United States*, 218 U.S. 245 (1910).
- ⁷ *Schmerber v. California*, 384 U.S. 757 (1966).
- ⁸ *United States v. Wade*, 388 U.S. 218 (1967).
- ⁹ *Gilbert v. California*, 388 U.S. 263 (1967).
- ¹⁰ *Wong Sun v. United States*, 371 U.S. 471 (1963).
- ¹¹ *United States v. Wade*, 388 U.S. 218 at 235 (1967).
- ¹² 388 U.S. 218 (1967).
- ¹³ *United States v. Wade*, 388 U.S. 218, at 227-228 (1967).
- ¹⁴ *Pearson v. United States*, 389 F. 2d 684 (1968).
- ¹⁵ *United States v. D'Amico*, 408 F. 2d 331 (1969).
- ¹⁶ *Grimes v. United States*, 405 F. 2d 477 (1968).
- ¹⁷ *United States v. Doe*, 405 F. 2d 436 (1968).
- ¹⁸ *Schmerber v. California*, 384 U.S. 757 (1966).
- ¹⁹ *United States v. Seroa*, 367 F. 2d 347 (1966), vacated on other grounds 390 U.S. 202 (1968).
- ²⁰ *Sutton v. State of Maryland*, 4 Md. App. 70, 241 A. 2d 145 (1968).
- ²¹ *Duncan v. United States*, 357 F. 2d 195 (1966). See also, *United States v. Braverman*, 376 F. 2d 249 (1967) cert. den. 389 U.S. 885.
- ²² *United States v. Krapf*, 285 F. 2d 647 (1961); *United States v. Kelly*, 55 F. 2d 67 (1932); *United States v. Laub Baking Co.*, 283 F. Supp. 217 (1968).
- ²³ *State of Indiana ex rel. Mavity v. Tyndall*, 224 Ind. 364, 66 N.E. 2d 755 (1946), appeal dismissed 333 U.S. 834; *McGovern v. Van Riper*, 137 N.J. Eq. 24, 43 A. 2d 514 (1945); *Schulman v. Whittaker*, 117 La. 704, 42 So. 227 (1906).
- ²⁴ 38 Illinois Annot. Stat. Sec. 206-5.
- ²⁵ *Hughes v. Rizzo*, 282 F. Supp. 881 (1968).
- ²⁶ *Roesch v. Ferber*, 137 A. 2d 61, 48 N.J. Super. 231 (1957).
- ²⁷ *Village of Homewood v. Dauber*, 85 Ill. App. 2d 127, 229 N.E. 2d 304 (1967); *McGovern v. Van Riper*, 137 N.J. Eq. 24, 43 A. 2d 514 (1945). The authority for the FBI to acquire, collect, classify, and preserve identification, criminal identification, crime, and other records and exchange these records with, and for the official use of, authorized officials of the Federal Government, the States, cities, and penal and other institutions is contained in 28 USC5534. Implementation of this authority is in 28 C.F.R.SO.85(b).
- ²⁸ *State of South Carolina v. Porter*, 162 S.E. 2d 843 (1968).
- ²⁹ *People v. King*, 72 Cal. Rptr. 478 (1968); *Beltran v. Samson and Jose*, 53 Phil. 570 (1929); *United States v. Wright*, 17 U.S.C.M.A. 183, 37 C.M.R. 447 (1967).
- ³⁰ *State of New Jersey v. Cary*, 99 N.J. Super. 323, 239 A. 2d 680 (1968).
- ³¹ *State of New Jersey v. Cary*, 53 N.J. 256, 250 A. 2d 15 (1969).

AID TO SLOW-MOVING VEHICLES

Wisconsin has a new law which should make it safer for farm vehicles to be on the highway. As of January 1, 1970, the display of the SMV (slow-moving vehicle) emblem on farm and other vehicles which travel at speeds under 25 miles per hour became mandatory. The emblem appears as a solid fluorescent orange triangle by day and a hollow reflective red triangle by night.



This is a replica of the SMV emblem showing its size and shape.

Wisconsin Traffic Safety Reporter
12-69

CIVIL RIGHTS INVESTIGATIONS

During the last fiscal year, the FBI handled an all-time high of nearly 6,000 cases under the criminal statutes dealing with interference with constitutional rights. An additional 810 cases were handled under the Civil Rights Act of 1964, which deals with discrimination in employment, public schools, public facilities, and places of public accommodation. There were also some 250 cases involving discrimination in housing under the Civil Rights Act of 1968.

Press Release,
1-2-70, pg. 16

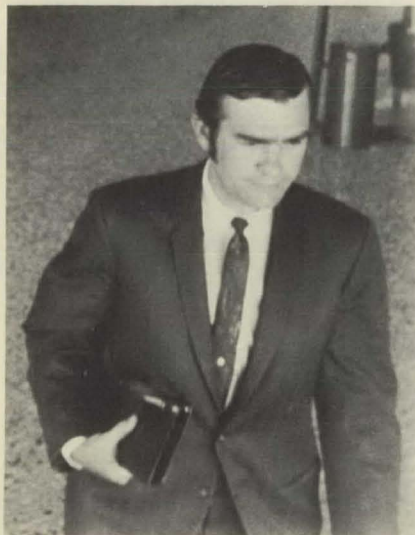
The New Dictionary of Thoughts, pg 136

QUOTABLE QUOTE

"Human dignity, economic freedom, individual responsibility, these are the characteristics that distinguish democracy from all other forms devised by man."

—Dwight D. Eisenhower

THIS BANK ROBBER?



The FBI is looking for the unidentified bank robber shown in the above photograph taken by a surveillance camera on August 28, 1969, during the robbery of the La Brea-Rosewood branch of the Bank of America, 466 North La Brea Avenue, Los Angeles, Calif.

At approximately 2 p.m. this lone white male entered the branch office and approached a female teller. He placed a black plastic case on the counter and displayed a short, dark gun inside. He then presented a hand-printed note which read: "Don't push the alarm. Give me your big bills." The teller placed the money on the counter. He picked the money and the note up and placed them into the case. He was not observed after he left by the north door exit of the bank.

The loss to the bank was \$789. No bait money was taken.

A composite description of the robber follows:

Age ----- 30 to 40 years.
Height ----- 5 feet 10 inches.

Weight -----	140 to 150 pounds.
Build -----	Slender.
Hair -----	Dark and receding slightly at temples.
Complexion.	Medium.
Race -----	White.

At the time of the holdup, this man was clean shaven and wore a dark suit with a faint stripe, a white shirt, and a rust-colored flowered tie.

Anyone having any information or knowledge believed to pertain to this person please notify the Director of the Federal Bureau of Investigation, 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.

FBI POLICE TRAINING ASSISTANCE

During 1969, the FBI provided assistance in 8,058 police training schools throughout the Nation. FBI instructors totaled 75,964 hours of instruction during the year to the 243,517 officers who were in attendance at the schools.

Subjects covered in these schools ranged from law enforcement fundamentals for recruits to principles and problems of police management for command and executive officers. Of the latter, some 4,249 executive and command officers attended 105 schools in all areas of the country.

FBI training accomplishments in 1969 represent all-time highs in three pertinent categories, the number of schools conducted, the total attendance, and the number of hours of instruction by FBI personnel.

Casper to Mohr Memo,
1-5-70

**NEVER UNDERESTIMATE
THE OBVIOUS**

Recently, FBI agents and local police in a southern city were conducting an investigation to locate a bank robbery suspect. A routine check was made of a vehicle observed parked near the suspect's residence, and the name of the registered owner was obtained. After processing the name through the computerized files of the State police, the agents and officers learned that the owner had been arrested a number of times on traffic violations. On one occasion he was driving a car owned by the alleged bank robber.

With this connection between the two individuals established, the car owner was immediately interviewed. Through leads obtained from him, the robbery suspect was located and apprehended.

I.I. - N.C.I.C. #10, 12-15-60

SOPHISTICATED LAWBREAKING

Professional criminals never overlook techniques which will, in their opinions, make crime pay and help to protect their illegal activities from exposure.

Recently, in a midwestern State investigation into gambling violations disclosed two instances where suspects were using closed circuit television for security purposes. At one location, a fixed TV camera was installed to scan the first floor of a building which was the only approach to stairs leading to the second level where the gambling activity occurred and where, of course, the TV monitor was located.

In a similar situation, a suspect had a TV camera which swept the entire front lawn of his residence and several hundred yards up the street. He could monitor the picture through a channel on the regular television set in his home. *500 Cleveland*

FBI Law Enforcement Bulletin

FOR CHANGE OF ADDRESS ONLY

(Not an order form)

Complete this form and return to:

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WASHINGTON, D.C. 20535

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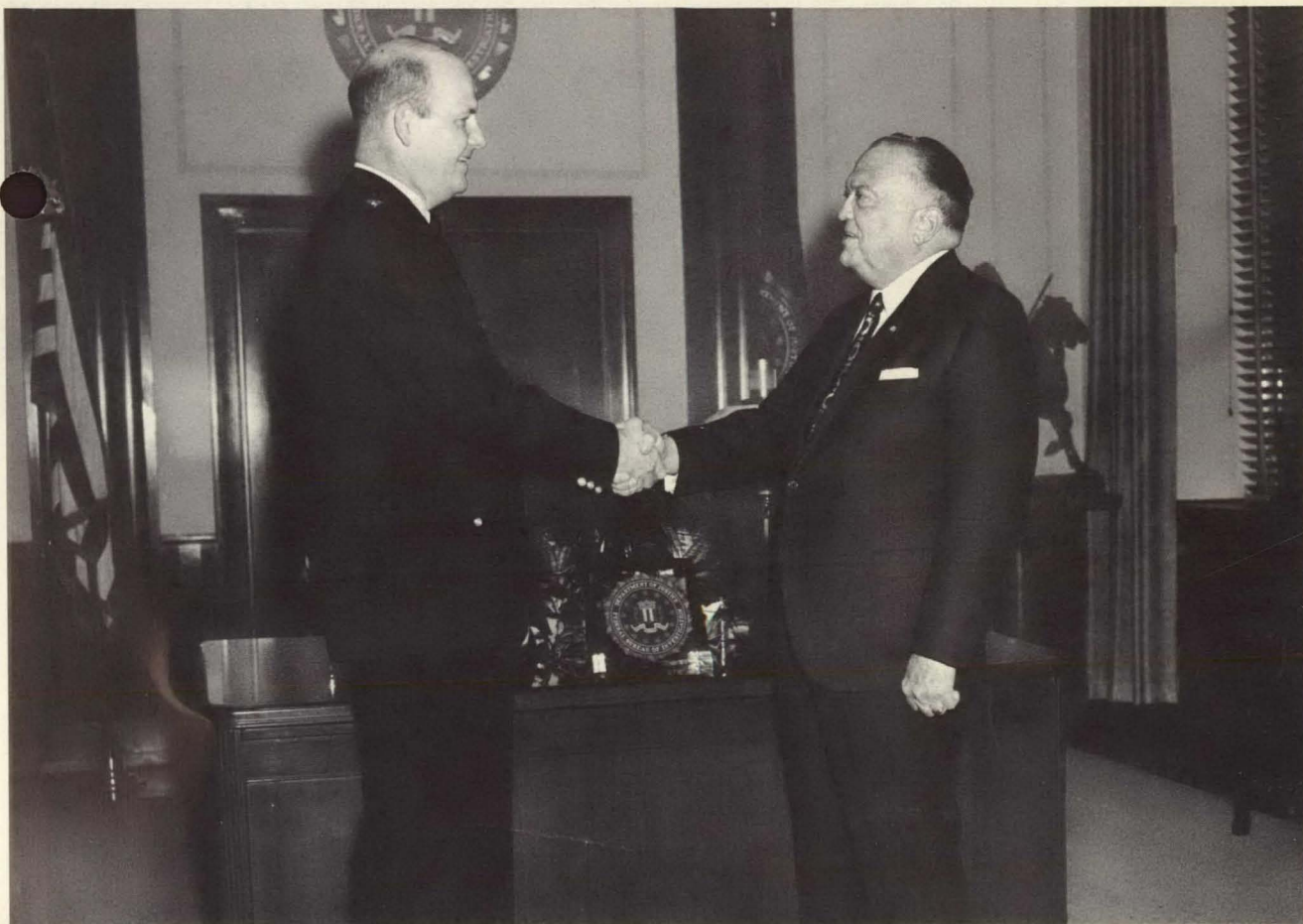
(Address)

(City)

(State)

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Chief Wilson Visits FBI



Mr. Jerry V. Wilson, Chief of Police, Metropolitan Police Department, Washington, D.C., was greeted by Director J. Edgar Hoover during his recent visit to FBI Headquarters.

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



The fingerprint pattern presented this month is of interest because of the odd and unusual appearance of the ridges flowing from the first joint into the second joint of the finger. In the Identification Division of the FBI, this pattern is classified as a loop with 13 ridge counts.