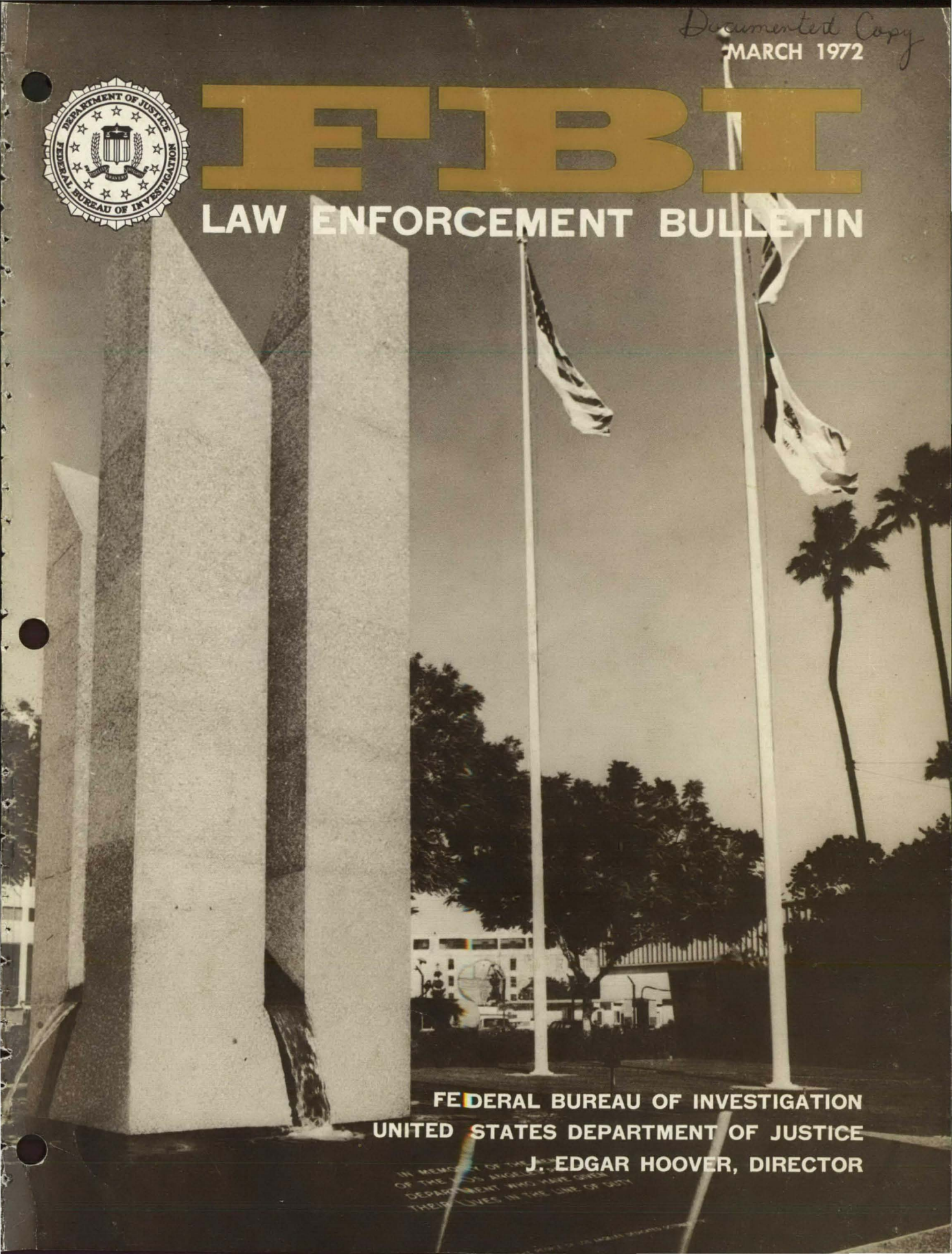
Documented Copy

MARCH 1972

FBI

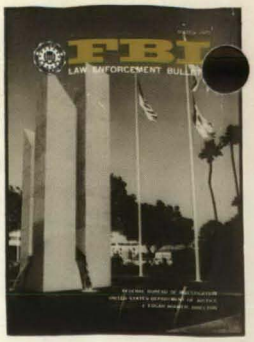
LAW ENFORCEMENT BULLETIN



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

MARCH 1972

VOL. 41 NO. 3



THE COVER—The Los Angeles Police Memorial—in honor of police officers killed in the line of duty in that city. See article beginning on page 16.

FBI

LAW ENFORCEMENT BULLETIN

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

CONTENTS

MESSAGE FROM THE DIRECTOR . . .

. . . To All Law Enforcement Officials

ON AN AVERAGE of nine times each day during 1971, bank robbers and thieves victimized banking institutions in violation of the Federal Bank Robbery and Incidental Crimes Statute. These 3,285 assaults—robberies, burglaries, and larcenies—represented an 8.5 percent increase over the 1970 figures. There were 2,586 bank robberies in 1971, 255 more than the previous year and an increase of 10.9 percent.

More and more banking institutions are using security devices, such as cameras, and bank robbers are aware of this. Consequently, more and more robbers resort to techniques to circumvent these technical safeguards. One of their most dangerous ploys is the seizing of hostages to force bank officials to open bank vaults while the facilities are closed and give the money to them, thus minimizing exposure to security devices. The terror and danger connected with these tactics defy description.

Recently, a bank robber-fugitive was slain in an early-morning gun battle with FBI Agents outside a motel room in which he was holding the president of a local bank and three members of his family as hostages. The victims were rescued unharmed. The gunman had planned to force the official to open the bank vault prior to the start of business that day. He was also being sought for bank robbery in another State in which he had held a bank official and two members of his family as hostages and escaped with $24,000.

In another case, one of three gunmen held 13 members of a bank manager's family as hostages while the other two robbers forced the official to drive to the bank and open the vault. The trio, later arrested, escaped with $405,000.

One bank robber, who took a town marshal and a bank official and her husband as hostages, became incensed at the small amount of money obtained. He placed the three victims in separate closets in the couple's home, nailed the closet doors shut, and set fire to the house. Fortunately, the three escaped just before the home and two automobiles were completely destroyed by the fire.

Obviously, the hostage bank robbery is more than a crime against property; it is a growing menace to banking officials and their families. The specter of the armed criminal follows the banking official from his home to his office and back.

Just as there are no absolute means of preventing bank robberies, if banking institutions are to continue to provide prompt, efficient service to the public, there appears to be no positive way of avoiding the hostage robbery. Thus, all possible effort must be made to reduce the risk, and a significant degree of this responsibility falls on banking officials. First, all organizational security plans should be periodically reviewed for full effectiveness, and all bank employees should conform to these regulations. The daily routines of

banking officials should be flexible and should be varied sufficiently to eliminate habitual patterns which bank robbers look for. Bank officials should fluctuate their travel, as to time and routes, to and from the office. Adequate and workable safety measures for their homes and families should be followed. Further, consideration should be given to establishing simple, effective signal systems which, when activated, would alert other bank employees that a hostage-type robbery is in progress or has occurred. A quick and dependable method of notifying appropriate law enforcement authorities is also necessary. Above all, the prime factor of any plans or actions is the safety and welfare of the hostages.

The hostage bank robbery is not a condition that an open, free society can live with. This dangerous crime merits the grave concern of every banking institution, law enforcement agency, and community in the Nation. A campaign of continuous, coordinated effort is needed to make the odds against success so great that hostage bank robberies will cease.

J. Edgar Hoover

JOHN EDGAR HOOVER, *Director*

MARCH 1, 1972

Facts You Should Know About—

Law Enforcement Officers Killed in the Line of Duty

"During the period 1962–71, firearms were used by felons to commit 96 percent of the police killings. Seventy-three percent of the weapons used were handguns."

This is a report compiled by the FBI on details and circumstances relating to officers killed by felonious criminal action throughout the country during the 10-year period, 1962–71. The data should be of utmost interest to every member of law enforcement and others having a concern for our system of law and its enforcement. The article is based on statistics made available to the FBI by law enforcement agencies.

A total of 125 law enforcement officers were killed by felonious criminal action in 1971. This is a 25 percent increase over 1970, when 100 were killed in the line of duty.

During the 10-year period, 1962–71, 721 officers have been murdered. This represents an annual average of 72 police officers slain a year for the period.

There is no "typical" case to illustrate the killing of a law enforcement officer. However, by using information, compiled through the Uniform Crime Reporting Program, that shows where, when, how, and many times, why officers were slain in the line of duty, one can develop a hypothetical case based on conditions that prevail most frequently when the crime is committed.

LAW ENFORCEMENT OFFICERS KILLED BY TYPE OF ACTIVITY 1962–71

	1962–66	*1967–71*
Responding to Disturbance Calls	55	46
Burglaries in Progress or Pursuing Burglary Suspects	25	31
Robberies in Progress or Pursuing Robbery Suspects	49	89
Attempting Other Arrests	64	116
Civil Disorders	2	8
Handling, Transporting, Custody of Prisoners	12	23
Investigating Suspicious Persons or Circumstances	31	28
Ambush	12	49
Unprovoked Mentally Deranged	10	22
Traffic Stops	10	39
Total	270	451

LAW ENFORCEMENT OFFICERS KILLED, 1962–71

(By type of weapon used)

Type of weapon used	*Total*	*Percent distribution*	*1962–66*	*Percent distribution*	*1967–71*	*Percent distribution*
Handgun	529	73. 4	196	72. 6	333	73. 8
Shotgun	84	11. 7	38	14. 1	46	10. 2
Rifle	76	10. 5	27	10. 0	49	10. 9
Total Firearms	689	95. 6	261	96. 7	428	94. 9
Knife	8	1. 1	3	1. 1	5	1. 1
Bomb	2	. 3	----------	----------	2	. 4
Personal weapons	9	1. 2	2	. 7	7	1. 6
Other (clubs, etc.)	13	1. 8	4	1. 5	9	2. 0
Total	721	100. 0	270	100. 0	451	100. 0

For instance, for the year 1971 such case would read:

On a Friday in February 1971, between the hours of 10 and 11 p.m., Officer John Doe of Big City Police Department was shot to death while pursuing a robbery suspect. At the time of the incident, Officer Doe was patrolling alone in a cruiser. An autopsy showed that the murder weapon used in the slaying was a handgun.

As indicated, this simulated incident contains those elements which show up most often in police killings.

Weapons Used

One hundred twenty of the 125 police murders in 1971 were perpetrated through use of firearms. Of these deaths, 93 were with handguns and 16 with rifles; shotguns were used to kill 11 of the officers.

Fourteen officers were killed when their own guns were used against them by their assailants. Two policemen met death as a result of being assaulted with knives, while 2 officers were killed when beaten with hands, fists, feet, etc. One officer was feloniously killed through the use of an automobile—he was run down and dragged by the offender's car.

During the period 1962–71, firearms were used by felons to commit 96 percent of the police killings. Seventy-three percent of the weapons used were handguns. Specifically, of the 721 law enforcement officers slain by criminal action during this period, 529 were killed through use of handguns, 84 with shotguns, 76 with rifles, 8 with knives, 2 with bombs, 9 with personal weapons such as hands, fists, and feet, and 13 by other means such as clubs, automobiles, etc. A total of 93 officers or 13 percent were murdered with their own handguns after these had been taken from their possession.

PROFILE

OF VICTIM OFFICERS

	1962–66	*1967–71*	*1962–71*
Median age	31	29	30
Most common age	28	24	25
Percent white	92	85	87
Percent Negro	6	14	12
Percent other race	2	1	1
Median years of service	5½	5½	5½
Percent with 1 year or less service	13	14	13
Percent with 5 years or less service	44	49	47
Percent over 10 years of service	30	27	28

Circumstances Surrounding Deaths

Circumstances under which police officers were murdered in 1971, as in prior years, strongly indicate that officers must be more alert to personal danger, regardless of how "routine" their duties may seem. No arrest situation can be considered "routine" as evidenced by the fact that during the period 1962–71 more officers were killed attempting arrests than in any other circumstance.

During 1971, 22 officers were slain while attempting arrests for crimes other than robbery or burglary. Twenty-four officers were slain by felons caught in the commission of robberies or being pursued as robbery suspects. Seven officers were killed at the scene of burglaries or while pursuing burglary suspects.

During the period 1967–71, 49 officers were slain from ambush; 41 percent of these killings (or 20) occurred during 1971, 19 in 1970, 3 in 1969, and 7 in 1968. There were no ambush slayings in 1967. In 1971, 7 officers were slain by mentally deranged persons. During the period 1962–71, a total of 32 officers were murdered by mentally deranged persons.

Twenty officers were murdered while making traffic stops in 1971. Nine officers were murdered while investigating suspicious persons or circumstances, and 9 others met death in responding to "disturbance calls" involving such things as family quarrels, man with gun, etc. Seven officers were slain while transporting or otherwise engaged in the control of prisoners.

For the 10-year period, 1962–71, the median age of officers slain was 30, and the most common age was 25. Eighty-seven percent of the officers were white and 12 percent were Negro. The median years of service for those killed was 5½ years. Thirteen percent had 1 year or less service, 47 percent had 5 years or less, 25 percent had 5 to 10 years, and 28 percent had over 10 years of service.

Types of Assignment

Patrol duty is the most hazardous assignment. During the course of his duties, the patrol officer is in frequent contact with suspicious persons in automobiles or on foot. Some situations constitute a threat to the officer's personal safety.

During 1971, 81 patrol officers were

CRIMINAL HISTORY OF 965 PERSONS ARRESTED FOR MURDERING LAW ENFORCEMENT OFFICERS 1962–71

Offenders with prior arrest for criminal charge	73 percent
Offenders convicted on prior criminal charge	58 percent
Prior arrest for violent crime	37 percent
Prior arrest for narcotics charge	8 percent
Prior arrest for police assault	4 percent

slain. Seventy-five of these were assigned to patrol cars while six were foot patrolmen; 41 of the officers were alone when killed. Thirty officers were detectives or officers on special assignments. During the year, 14 officers in off-duty status were killed while taking appropriate police action concerning crimes committed in their presence. Their efforts are a tribute to the high tradition of law enforcement.

Since 1962, 70 percent or 508 of the 721 officers slain by felons were assigned to patrol duties. During this period, 34 percent or 248 of these officers were alone when they sacrificed their lives.

As a rule, patrol officers are the first to encounter criminal offenders at, or near, crime scenes. Criminals confronted during the commission of a violation or near the scene of their crime are more prone to shoot or otherwise attack officers. Other police duties may be equally as tense and dangerous as patrolling, but not with the same frequency.

Time of Murder

As indicated previously, February was the most dangerous month for law enforcement officers during 1971; 19 officers were killed that month.

For comparative purposes, readers may refer to statistics on police killings for prior years in past issues of the FBI Uniform Crime Reports.

The patrol officer is easily recognized because of his uniform and/or patrol vehicle. He cannot hide his presence or official capacity. Usually the patrol officer must determine quickly and accurately if a person is involved in a criminal act and if the individual constitutes a danger to his personal safety.

Friday is the most dangerous day of the week for officers. During the period 1962–71, 130 officers were killed on Friday, 106 on Saturday and 106 on Sunday, 101 on Monday, 97 on Thursday, 93 on Wednesday, and 88 on Tuesday.

Seventy-one percent of all killings of officers during the 10-year period occurred between 4 p.m. and 4 a.m.

Type of law enforcement officer circumstance	
Responding to "disturbance" calls (family quarrels, man with gun)	
Burglaries in progress or pursuing burglary suspects	
Robberies in progress or pursuing robbery suspects	
Attempting other arrests (excludes traffic stops)	
Civil disorders (mass disobedience, riot, etc.)	
Handling, transporting, custody of prisoners	
Investigating suspicious persons and circumstances	
Ambush (premeditated and without warning or provocation)	
Unprovoked - mentally deranged	
Traffic stops	
Total	
GRAND TOTAL (1962 - 71)	

The most dangerous hour was between 1 and 2 a.m., when 61 officers were slain; 58 officers were murdered in the hour from 10 until 11 p.m.

Geographic Locations

In 1971, 48 officers were slain in the Southern States, 28 in the North Central States, 26 in the Northeastern States, and 23 in the Western States.

The 125 law enforcement officers slain during 1971 were from 90 different law enforcement agencies in 32 States and the District of Columbia. Twelve officers were murdered in New York City, and the Chicago Police Department had 5 officers slain. New York suffered the highest number of

TOTAL		Type of Assignment															
		2-man vhl (s)		1-man vehicle(s)				Foot Patrol				Det., Special Assignment				OFF DUTY
				Alone		Assisted		Alone		Assisted		Alone		Assisted		
		4 pm–8 am	8 am–4 pm	4 pm–8 am	8 am–4 pm	4 pm–8 am	8 am–4 pm	4 pm–8 am	8 am–4 pm	4 pm–8 am	8 am–4 pm	4 pm–8 am	8 am–4 pm	4 pm–8 am	8 am–4 pm	
62-66	55	23	2	5	1	9		2		1		3		4	2	3
67-71	46	13	6	6	4	8		3		1				3	1	1
62-66	25	7	1	7	1	2		1				1	1	3	1	
67-71	31	5	1	14		2				1				5	2	1
62-66	49	12	1	9	4	6	1	1	1	2			1	3	2	6
67-71	89	13	11	10	9	7	3	2			1	5		4	2	22
62-66	64	14	2	13	6	6	1	3			1	3	1	6	4	4
67-71	116	22	8	16	6	8	2	3		1		5	1	28	6	10
62-66	2	1												1		
67-71	8	1					1	1		1				4		
62-66	12	3		5								1		1	2	
67-71	23	4	2	3	1	1						1	2	6	2	1
62-66	31	7		10	4	2		1		1		1	1	3		1
67-71	28	7		8	1		2					1		4		5
62-66	12	2		2				2		2						4
67-71	49	20	1	9		1	2	3		2		3		4		4
62-66	10	2	1	1				1	1			2		1	1	
67-71	22	1	2		1	2	3					1	1	4	5	2
62-66	10			9	1											
67-71	39	13	1	21	1	3										
62-66	270	71	7	61	17	25	2	11	2	6	1	11	4	22	12	18
67-71	451	99	32	87	23	32	13	12	0	6	1	16	4	62	18	46
	721	170	39	148	40	57	15	23	2	12	2	27	8	84	30	64

officers killed during the year among the States—16. Texas was second with 15, California third with 14, and Michigan fourth with 8.

Criminal Offenders

Law enforcement cleared 110 of the 125 police murder cases that occurred in 1971, and 165 persons were arrested in connection with the slayings. Forty-four percent of the offenders were white and 56 percent Negro.

During 1962–71, 965 offenders were arrested on charges relating to the 721 officers slain. Ninety-five percent of these killings were cleared. Seventy-three percent of the offenders had prior arrests for criminal charges. Fifty-eight percent of the offenders had been convicted of prior criminal charges, and 37 percent had prior arrests for violent types of crime such as murder, rape, armed robbery, aggravated assault, etc.

Sixty-four percent of those who had previously been convicted on criminal charges had been granted leniency in the form of parole or probation. In fact, 21 percent of the offenders were on parole or probation when they were involved in the murder of an officer. Eight percent of the offenders had a prior arrest for a narcotics charge, and 4 percent had prior arrests for police assault. These data are limited to the arrests, dispositions, etc., reported to the FBI.

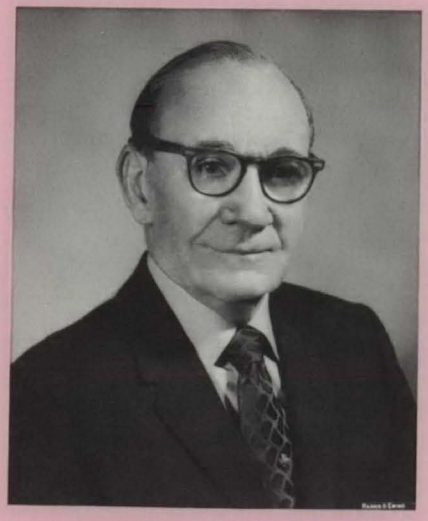
Ninety-six percent were male and 4 percent female. During this 10-year period, 53 percent of the offenders were white and 47 percent Negro.

Between 1962 and 1971 offenders charged in police killings ranged in age from 13 to 82. The median age was 25 while 52 percent were between the ages of 20 to 30. Seven percent or 65 were under the age of 18, and 20 was the most common age of the killers.

In 1971, the median age of the offenders was 24 and 61 percent of these persons were between the ages of 20 and 30. Twelve of the persons committing these fatal attacks were under the age of 18. The most common age of the police killer was 21 in 1971.

"It is important that the murderer be brought to book. But it is also important that concern be paid to the consequences of his conduct, especially when it is often society, in a real sense, that is the target of his attack."

"The Victims of Crime"



By

HON. JOHN L. McCLELLAN

U.S. Senate,
Washington, D.C.

A recent newspaper article reported on the growing number of assaults upon police officers of our country. One statistic contained in the article ought to be remembered. The 10 dead policemen mentioned, all from one department, left nine widows and 23 fatherless children.

I recognize, of course, that the b of police murders are now solved by the efforts of local officials, oftentimes with the able assistance of the FBI as authorized by the President. But this is of little moment to the victim's family or dependents. It is important that the murderer be brought to book. But it is also important that concern be paid to the consequences of his conduct, especially when it is often society, in a real sense, that is the target of his attack. In our efforts to strengthen the means by which we identify, apprehend, and convict the criminal, we must not, in short, forget his innocent victim. For it is in his behalf ultimately that the criminal justice system must be operated.

The "Victims of Crime Act of 1972" (S. 2994), which I introduced in Congress on December 11, 1971, for myself and 16 of my colleagues, gives recognition to this need and provides an avenue of redress for those w

"It is my purpose in this article to bring this legislation to the attention of the readers of the Bulletin and solicit their comments on it."

personally experience the horrors of our growing crime rate.

TITLE I: *Compensation for Victims of Violent Crime*

Title I of the proposed legislation would establish a Federal program to meet the financial needs of the innocent victims of violent crime to the extent of personal injury, loss of earnings, and other directly related costs. Property losses, however, are not within the purview of the proposal.

The first American jurisdiction to adopt this compensation principle was California. Its program was enacted in 1965 and put into operation 2 years later. Since that time, similar or related programs have been established in New York (1966), Hawaii (1967), Massachusetts (1967), Maryland (1968), Nevada (1967), and, most recently, New Jersey (1971).

Title I of S. 2994 would establish two separate programs. The first part would create in the Department of Justice a Federal Compensation Board authorized to make direct awards to or on behalf of the innocent victim of violent crime in financial need.

Jurisdiction of the Federal Board would, of course, be limited to the area of primary Federal police power, chiefly the special maritime and territorial jurisdiction of the United States, including the District of Columbia.

In determining the amount of an award, the Board would be authorized to examine all aspects of the case, including the victim's financial need, other private and public resources, and the victim's cooperation with law enforcement authorities. Overall recovery would be limited to not more than $50,000. Payment could be either lump sum or periodic, depending upon the facts of the case.

Payment of attorney fees would also be authorized on terms and conditions paralleling those authorized for the defense of the indigent accused.

A criminal conviction would not be a prerequisite for recovery, but where an award was made, the Board would become subrogated to the rights of the victim against the offender. In addition, where the offender was prosecuted, the court would be authorized to direct that part of any fine paid go to an indemnity fund to be administered by the Board.

The second part of Title I would amend the Omnibus Crime Control Act of 1968 and provide for a new grant program to be administered by the present Law Enforcement Assistance Administration (LEAA). States having programs meeting certain minimum standards, upon filing appropriate plans, could receive matching grants amounting to 75 percent of the cost of a similar State program for the compensation of victims of crime.

Experience to date indicates that these programs may be operated both prudently and economically. In New York the average lump sum payment for injuries is $1,500, the average periodic death benefit $2,500 a year up to the maximum of $15,000, and the average periodic disability payment $4,000 up to the maximum of $15,000. Since March of 1967, New York has awarded approximately $3,500,000.

EDITOR'S NOTE—Senator John L. McClellan is chairman of the Subcommittee on Criminal Laws and Procedures of the Senate Committee on the Judiciary. This subcommittee is responsible for virtually all criminal legislation coming before the Senate. On December 11, 1971, he and 16 other Senators introduced a bill which, if enacted, will have a wide-ranging effect on law enforcement. Senator McClellan is anxious to know the reaction of persons actively engaged in law enforcement work to this legislative proposal and thus requested the FBI Law Enforcement Bulletin to publish the following article. The publication of this article should not be interpreted as an endorsement of this legislation by the Bulletin, which has a firm policy of not taking sides in legislative matters. The Bulletin publishes this article as an informative service to its readers and to assist Senator McClellan in his search for the views of persons concerned with law enforcement work. Communications on this matter should not be sent to the Bulletin but should be addressed to Hon. John L. McClellan, Chairman, Subcommittee on Criminal Laws and Procedures, U.S. Senate, Washington, D.C. 20510, or to the correspondent's own Senators or Congressman.

455-000 O—72——2

In the context of the total cost of the criminal justice system, this is little enough to spend to give needed aid to the innocent victim of violent crime.

TITLE II: *Group Life Insurance for Public Safety Officers*

Title II of the proposed legislation would establish a Federal-State group life and disability insurance program for State and local public safety officers, including policemen, firefighters, and correctional officers.

This recognizes the fact that society has a special obligation to meet the needs of public safety officers—policemen, firemen, correctional officers, and others who daily put their lives on the line for each of us. These brave men and women deserve not only up-to-date training and equipment, but also up-to-date benefits. Unfortunately, a crucial benefit—adequate life insurance—is now often denied public safety officers due to the dangers inherent in their chosen profession.

"Policemen are not the only ones who must brave the risk of a felonious death. Civil disorders and social strife have, in recent years, produced new hazards for firefighters."

Title II, modeled on the Federal Crime Insurance Program of Public Law 91–609, would authorize the LEAA to establish a direct Federal life insurance program in those States where it determines that commercially available insurance or State or local plans do not provide insurance for public safety officers at costs competitive with other similar occupations, discounting the "high risk" factor of the officers' calling.

The program would be administered by the Federal Government, but the insurance itself would be carried and the benefits paid by private life insurance companies. Each officer would be entitled to coverage in the amount of his annual salary plus $2,000, with a minimum coverage of $10,000 and a maximum coverage of $32,000. Costs could be federally shared up to 25 percent. Coverage would be on and off the job, and double indemnity would be paid for accidental death. Loss of limb or eyesight would also be covered.

Title II would also explicitly authorize, independent of present statutory salary limitations, the use of present law enforcement grants under the Omnibus Crime Control and Safe Streets Act of 1968 to establish statewide group life, accidental death, and dismemberment insurance programs for public safety officers.

When we establish Federal law enforcement assistance programs, we must guard against creating direct financial relationship with police agencies on the State and local levels. We must recall the folk wisdom so often quoted by the Senior Senator from North Carolina, Sam Ervin: "Whose soup I sup, his song I sing." No one in Congress would directly do anything to bring about a national police force. We must be careful, too, not to establish such direct ties with State and local agencies that those who come after us might, in a moment of weakness, find it all too easy to bring such an agency into being.

This two-level, Federal and State, insurance program, premised on a clear and present showing of need, can be and is more than justified.

TITLE III: *Death and Disability Benefits for Public Safety Officers*

Title III would establish a Federal minimum death or disability benefit for public safety officers, their families, or their dependents for death or disability in the line of duty as a result of a criminal offense.

The statistics of violence upon police officers are truly disturbing. During 1971, 125 law enforcement officers were killed by felonious criminal action. This is a 25 percent increase over 1970 when 100 law enforcement officers were slain. Indeed, since 1961, 758 officers have given their lives seeking to protect persons and property in our society. Most disturbingly, moreover, since 1966, 49 officers have been slain from ambush, 20 of whom lost their lives in 1971.

Policemen are not the only ones who must brave the risk of a felonious death. Civil disorders and social strife have, in recent years, produced new hazards for firefighters. Two firefighters were killed in the Detroit riots, one in Watts, another in Newark. From 1967 to 1969, over 600 firefighters were injured during civil disorders, and an additional 113 sustained injuries due to acts of individual violence.

Finally, I need only make reference to a small upstate town in New York—Attica—to bring to mind the terrible risk that correctional officers must now face in this age of so-called protest and riot.

It is in this sad and tragic context that Title III would establish—independent of the compensation program in Title I or the insurance program in Title II—a direct, minimum level Federal death or disability benefit for public safety officers killed in the line of duty by a criminal act.

The program would be administered by the Law Enforcement Assistance Administration. No contribution would be required.

A death benefit of $50,000 would be paid to the survivors of any public safety officer killed in the line of duty. Payment would also be made for loss of limb or sight. Payment would

made upon certification by the Governor of the State. Interim payments could be immediately made in cases of apparent eligibility to meet the funeral costs, mortgage payments, and other necessities before formal certification.

This program is the least we can do to express our moral support for the public safety officers who daily risk their lives for each of us.

TITLE IV: *Civil Remedies for Victims of Racketeering Activity*

Title IV would strengthen the procedural implementation of the civil remedies available to victims of racketeering activity under the Organized Crime Control Act of 1970.

On October 15, 1970, the President signed into law S. 30 (Public Law 91–452), the Organized Crime Control Act of 1970. Attorney General Mitchell has termed this Act "one of the most imaginative and comprehensive proposals to combat organized crime ever introduced in the Congress." Title IX of that Act adapted certain of the time-tested remedies of antitrust law to the typical techniques employed by racketeers to invade legitimate businesses.

As S. 30 passed the Senate, Title IX was fashioned as a tool to be employed by the Government against the racketeers. During the processing of S. 30 in the House of Representatives, however, an amendment was added authorizing private treble damage suits and the recovery of attorney fees.

Title IV of S. 2994 would round out this approach begun by the House of Representatives. In addition to authorizing private recovery of treble damages and attorney fees, Title IV would permit the United States itself to sue for actual damages when it is injured in its business activity. It would permit the United States to intervene in private suits of general public importance, to authorize private injunctive relief from racketeering activity, to regulate the application of the doctrine of estoppel between criminal and civil proceedings, to provide for a statute of limitations for civil actions and its appropriate suspension during pendency of criminal actions, and to make applicable to suits under the amended Act nationwide venue and service of process provisions.

"A death benefit of $50,000 would be paid to the survivors of any public safety officer killed in the line of duty. Payment would also be made for loss of limb or sight. Payment would be made upon certification by the Governor of the State."

The salutory provisions of Titles I, II, and III—for compensation to victims, insurance, and other benefits—are made necessary in part because the perpetrators of most criminal offenses are themselves financially irresponsible. On the whole, traditional tort and other civil remedies hold out only illusionary avenues of possible recovery to the injured victim. Racketeering activity in businesses, in many instances, will be an exception to this general rule. These amendments to S. 30 will help the victim of crime himself to become whole once again, where there are persons or assets that may be reached through the civil courts.

TITLE V: *General Provisions*

Title V of the proposed legislation includes provisions for effective dates and authorization for appropriations for the other Titles of the bill.

Title I (compensation) is made effective 6 months after the effective date of the Act.

Title II (insurance) is made effective immediately.

Title III (death benefit) is made retroactive for the past 5 years.

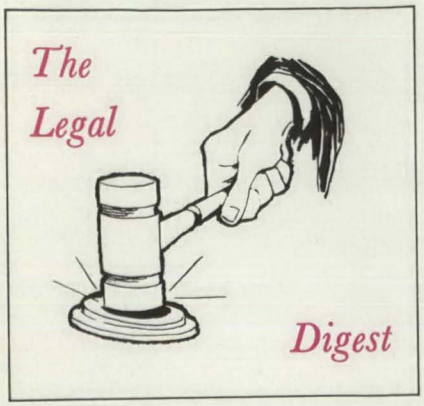
Title IV (civil remedies) is made retroactive to the date of the enactment of the Organized Crime Control Act of 1970.

Compensation for victims of crime is an idea whose time has come. What reservation that exists remains only on the details of implementation or cost.

Contrary to the fears expressed before the establishment of similar programs elsewhere, as noted in the discussion of Title I, it appears that a program of this type may be established on a sound and prudent financial basis. In my judgment, an authorization of $165,000,000 through the fiscal year ending June 30, 1973, should be more than ample to carry this legislation into effect.

The Omnibus Crime Control Act of 1970 carried with it an authorization for the Law Enforcement Assistance Administration of $1,150,000,000 for the fiscal year ending June 30, 1972, and a similar authorization of $1,750,000,000 for the fiscal year ending June 30, 1973. The sum of $165,000,000 for the victims of crime seems little enough.

S. 2994 is integrated, but it is not necessarily interdependent. It would be possible to process it without one or several of its Titles. I am satisfied, however, that its broad outlines merit full support. Nevertheless, I know that this proposal is not perfect. I am sure that with further processing, suggestions will be forthcoming that can strengthen it. It is my purpose in this article to bring this legislation to the attention of the readers of the Bulletin and solicit their comments on it. I know that the Subcommittee on Criminal Laws and Procedures, which I chair, will welcome the suggestions from interested persons in the law enforcement community.



(This is the conclusion of a two-part article on the Miranda *warning. Part I appeared in February.)*

By
JOHN B. HOTIS
Special Agent,
Federal Bureau of Investigation,
Washington, D.C.

The *Miranda* Warning During a Street Encounter

Probable Cause

In a manner reminiscent of *Escobedo*, some courts find the *Miranda* warnings necessary when the officers have enough evidence to make a lawful arrest.[18] In one case, for example, police officers went to the defendant's apartment after receiving information regarding the possible use of narcotics on the premises.[19] The defendant was questioned in the presence of his wife and a third party, and stated that he used drugs. He said also that he had narcotics in the apartment at the time and directed the officers to its location in a cupboard in the kitchen. When questioned further, the defendant admitted that he owned the contraband. He was then advised of his rights and placed under arrest.

The appellate court ruled that the incriminating statements made by the defendant were inadmissible because the officers failed to give the necessary warnings prior to the interrogation. Since the officers had probable cause to arrest when they entered the apartment, the court said "custody had attached."[20] This factor, together with the "accusatory" nature of the questioning, led the court to conclude that the interrogation was governed by the *Miranda* rules.[20a]

More recently a formula seemingly less strict, but inclined in the same direction, was set forth in *Agius* v. *United States*.[21] The defendant was interviewed by FBI Agents, who had been informed that he fitted the description of a man wanted for bank robbery. The suspect told the Agents that he had been "kidded" by several of his friends about his resemblance to the published pictures of the robber and that he had no objection whatever to discussing the matter with them. Later the defendant went to his car to obtain some receipts that allegedly would establish his whereabouts at the time of the robbery. When he opened the glove compa

ment to look for the papers, the Agents saw what appeared to be a gun.[22] The defendant said he believed the gun had been left there by the agency from which he purchased the car, but then stated that he had put the gun there for his own protection. Although he was advised of certain of his rights at the outset of the interview, the suspect was not told that he had the right to have a lawyer appointed for him. That additional warning was given after he was identified by bank employees and formally placed under arrest.

Statements Inadmissible

The Court of Appeals for the Fifth Circuit reversed the conviction, holding that any statements made by the defendant after discovery of the gun were inadmissible. The court noted that different theories had been advanced for determining the application of *Miranda,* but made no effort to summarize the law. Whatever test was applied, the court said, the weapon "must have made clear to both agents and appellant that the latter was going to be detained unless and until the investigation was clearly to take a different direction. The adversary process had, at least at that point, begun." [23] On these facts, the court held, it was apparent that this was the kind of custody that required the complete *Miranda* warning.[23a] Although the opinion stopped short of saying that probable cause is the decisive factor, the court made it clear that any interrogation conducted under those circumstances would be given the closest scrutiny.[24]

The *Agius* decision places considerable emphasis on the exact point in the investigation when suspicion ripens into probable cause for arrest. According to this view, any statements obtained from a suspect beyond that point are inadmissible unless preceded by a full warning and waiver of rights. The problem with this approach is that the determination of probable cause is usually a difficult one to make. That was particularly true in this case, where the Agents were acting on "two indeterminative photographs of the robber, with corroborating descriptions of eyewitnesses." [25] Under these circumstances, it was not likely that the Agents would have made an arrest until the suspect was identified by the bank employees. Thus the Agents were confronted with a situation where they had reason to suspect that the defendant had committed the crime but they had not yet decided whether they should arrest. Nonetheless, the Court held that the suspect was entitled to a full warning of rights before any further questioning took place. The result of this decision is that officers are faced with a choice of giving "no warning at all until they are bound to arrest, or at the outset [giving] a warning which unrealistically accuses a man who may readily prove to be merely the innocent victim of appearances." [26]

A similar issue was presented in the *Hoffa* case, where the defense contended that admissions obtained from the defendant after the Government had developed probable cause for arrest were secured in violation of his Sixth Amendment right to counsel.[27] The U.S. Supreme Court rejected this argument, pointing out that such a view would require the police "to guess at their peril the precise moment at which they had probable cause to arrest a suspect, risking a violation of the fourth amendment if they act too soon, and a violation of the sixth amendment if they wait too long." [28] The Court went on to say that the Government is not obligated "to call a halt to a criminal investigation the moment they have the minimum evidence to establish probable cause, a quantum of evidence which may fall short of the amount necessary to support a criminal conviction." [29] This reasoning should apply with equal force to the question of when the warnings should be given. As one commentator put it, "The police should not be trapped between the Fourth and Fifth Amendments." [30]

This is not to say that probable cause has no relevance to the *Miranda* question. In some cases, the amount of information possessed by the officer may indicate a "tendency to bear down in interrogation and create the kind of atmosphere of significant restraint that triggers *Miranda.* But this is simply one circumstance of all others. . . ." [31] The same is true of such factors as the state of mind of the suspect,[32] or the subjective intent of the police officer.[33] Each plays a part in determining when and how the warning rules apply in a given interview situation.[34] The difficulty arises when excessive weight is given to any one factor, or when they are applied without full regard to the constitutional interests at stake.

B. Pressure or Coercion

It is well to remember that, by its very terms, the fifth amendment affords no protection against self-incrimination as such, but only against compulsory self-incrimination.[35] The entire thrust of the *Miranda* decision is that suspects who have been taken into custody should have a meaningful opportunity to decide for themselves, free of coercive influences, whether or not they want to make a statement. The Court spoke of an individual being "swept from familiar surroundings" to the "isolated setting" of the police station, where he is more likely to incriminate himself.[36] The purpose of the warning is to counteract these pressures so that the suspect can make a free and voluntary choice.

Miranda makes it clear that custodial interrogation is inherently coercive and must be preceded by a warning and waiver of rights if the

statement is to be admitted in evidence. While it is sometimes difficult to know what constitutes "custody," some cases clearly fall within the rule. It is commonly agreed, for example, that a person is in custody for fifth amendment purposes when he is arrested in the usual sense of the term, i.e., some physical restraint is imposed and the suspect is held to answer for the commission of a crime.[37] But what of the cases, such as *Agius,* where the suspect is not under arrest and yet is not entirely free to go? If *Miranda* is to apply to these situations, it must be said that the person has been restrained of his freedom of action in some "significant" way.[38] Whether it is significant, in turn, is to be determined by "the dangers presented to the privilege against self-incrimination." [39] It would seem, then, that the test should be whether the circumstances are so coercive as to compel a reasonable person "to speak where he would not otherwise do so freely." [40]

Field Interrogations

When applied to field interrogations, it is generally said that the coercive effect of the stop is not such as would lead a reasonable person to believe that he must respond to the officer's questions.[41] It is not suggested that these encounters are entirely free from coercion or that they do not inhibit one's freedom of choice. No one doubts that some persons are intimidated by authority and would feel an obligation, moral or otherwise, to answer an officer's questions.[42] And it may be true that "[t]here is still the general belief that you must answer all questions put to you by a policeman, or at least that it will be the worse for you if you do not." [42a] The point here is simply that field detentions create neither the kind nor the intensity of pressure associated with stationhouse interrogation. In addition, they offer fewer opportunities for abuse. In the usual case, the person is detained on the street, in full view of others, with seldom more than two officers present, and the questioning is concluded within a few minutes.[43] There is little likelihood that the situation will run over into violence, or that other more subtle devices will be used to extract a confession of guilt. And rarely do the circumstances suggest to the person that he will be held "at the will of his questioners" until he speaks.[44]

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

There is also the argument that *Miranda* was concerned principally with interrogations that are designed to elicit a confession or admission of guilt. But the questions asked of a suspect during a street stop are usually quite different.[44a] In most cases, the purpose is simply to sort out the facts so that the officer can make a reasoned judgment as to whether any further action is necessary.[45] A study of police practices in three major cities reflects that "field interrogations often have more to do with ascertaining whether or not someone might be criminally liable than with extracting a self-incriminating statement from a person already suspect." [46] The report indicated that the major concern of the officer in such situations is in finding out what, if anything, had occurred and in resolving discrepancies in any stories given by the suspects. In fact, "about three-fourths of the interrogations had as a manifest aim something other than obtaining an oral admission of guilt from the suspect." [47] This may have been the kind of inquiry the Court had in mind in *Miranda* when it said that "general on-the-scene questioning as to facts surrounding a crime or other general questioning of citizens in the fact-finding process is not affected by our holding." [48]

Difficulty Increases

The problem becomes more difficult, however, where force has been used to stop the suspect or to cause him to remain at the scene. Certainly the argument is stronger that one is in custody when there has been a brief chase or struggle, or the officer has drawn his weapon for self-protection. Some courts have held in such circumstances that the full *Miranda* warnings are required before any questioning takes place. One such case is *People* v. *Shivers,* decided by the New York Court of Appeals.[49] The defendant and his companion were stopped by a police officer because they matched the descriptions of two men who had attempted to hold up a liquor store earlier that night. As they approached the patrol car, the officer drew his gun and questioned them briefly regarding their whereabouts that evening. The defendant's statements were subsequently introduced in trial against him and he was convicted. The Court of Appeals reversed the conviction, holding that, while the suspect was held at gunpoint, he was in custody within the meaning of the *Miranda* rules and should have been warned of his rights.

It is hard to quarrel with the conclusion that a person questioned at gunpoint is "deprived of his freedom in a significant way." [50] What is troubling about the opinion is its demand for a literal compliance with the warning requirements of *Miranda.* For one thing, it is asking a great deal to expect that an officer will weigh the

subtleties of the *Miranda* rules while confronting a potentially dangerous suspect. As the dissenting judge put it, "[T]his was no time or place to require the officer to engage in a constitutional and legal dialogue concerning the defendant's right not to answer questions." [51] For another, there is some question whether a voluntary waiver of rights could be obtained under these circumstances.[52]

Perhaps the answer lies in a modified warning that is more easily applied in a confused, emergency street setting.[53] By analogy to fourth amendment standards, it could be argued that since the pressures of an investigative stop are less severe than those of stationhouse interrogation, fewer safeguards are needed to protect the individual's rights.[54] Or the courts may eventually conclude that "statements obtained at the point of a gun . . . are involuntary and hence inadmissible." [55] Whatever the solution, there is a need for further clarification of this issue. In the end, the problem is one of accommodating the theory of law to the hard realities of the street. It is a problem that is not easily resolved by any verbal formula.

FOOTNOTES

[18] *Windsor* v. *United States*, 389 F. 2d 530 (5th Cir. 1968); *People* v. *Wright*, 78 Cal. Rptr. 75 (1969); *People* v. *Ceccone*, 67 Cal. Rptr. 499 (1968). See, also, *State* v. *Tellez*, 431 P. 2d 691 (Ariz. 1971). "Focus" has been the principal test in several tax cases. *United States* v. *Turzynski*, 268 F. Supp. 847 (N.D. Ill. 1967); *United States* v. *Dickerson*, 413 F. 2d 1111 (7th Cir. 1969); *United States* v. *Habig*, 413 F. 2d 1108 (7th Cir. 1969).

[19] *People* v. *Wright*, *supra* footnote 18. See *People* v. *Mesaris*, 91 Cal. Rptr. 837, 839, n. 1 (1971).

[20] 78 Cal. Rptr. at 81.

[20a] *Ibid.* In a widely quoted statement on the subject, one judge has said: "If indeed the police officer had probable cause to arrest, his protestation that the detained was 'free to go' must be ignored. . . . The existence of probable cause establishes 'custody.' Any other rule would permit the frustrations of *Miranda's* commands." Sobel, The New Confessions Standards: *Miranda* v. *Arizona;* A Legal Perspective, A Practical Perspective, 61 Gould Publications, 1966.

[21] 413 F. 2d 915 (5th Cir. 1969), cert. denied, 397 U.S. 992 (1970).

[22] This was found to be a toy nickel-plated gun which was similar in appearance to the weapon used by the robber.

[23] 413 F. 2d at 919.

[23a] From a practical standpoint, there is also a question whether the *Miranda* advice regarding court-appointed counsel fits a noncustodial situation. In most jurisdictions, counsel is not normally appointed until a suspect has actually been arrested and brought before a committing magistrate. Fed. R. Crim. P. 5(a). Thus it would appear that the defendant in *Agius* was fully apprised of all of the rights to which he was then entitled.

[24] Id. at 917. In a footnote to the decision, the court quoted with approval the statement by Judge Sobel set forth in footnote 20a *supra.*

[25] Id. at 917.

[26] See Gov't. brief, p. 11, *United States* v. *Agius.*

[27] 385 U.S. 293 (1966); *Lewis* v. *United States*, 385 U.S. 206 (1966). See *Lowe* v. *United States*, 407 F. 2d 1391, 1396 (9th Cir. 1969).

[28] 385 U.S. at 310.

[29] *Ibid.*

[30] LaFave, "Street Encounters" and the Constitution: *Terry, Sibron, Peters and Beyond*, 67 Mich. L. Rev. 39, 103 (1968).

[31] *United States* v. *Hall*, 421 F. 2d 540, 545 (2d Cir. 1969), cert. denied, 397 U.S. 990 (1970).

[32] See footnote 10 *supra.* But see *United States* v. *Davis*, 259 F. Supp. 496 (D. Mass. 1966) (Wyzanski, J.), holding that damaging admissions obtained from defendant by Federal Agent who had an arrest warrant in his possession were admissible. Since the defendant did not know that the Agent had a warrant for his arrest, "he was not under any different psychological pressure than any individual being asked questions by an enforcement officer." *People* v. *Allen*, 281 N.Y.S. 2d 602 (1967).

[33] See footnote 9 *supra.* Compare, *United States* v. *Lowe*, 407 F. 2d 1391, 1396 (9th Cir. 1969), where it was said: "The relevance of 'police intent' is not apparent from the *Miranda* decision. The Court's decision in *Miranda* clearly abandoned 'focus of investigation' as a test to determine when rights attached in confession cases. . . . The test now is whether or not the person 'has been taken into custody or otherwise deprived of his freedom of action in any significant way.'" *Williams* v. *United States*, 381 F. 2d 20, 22 (9th Cir. 1967).

In *Orozco* v. *Texas*, 394 U.S. 324 (1969), four policemen entered the defendant's bedroom at 4 a.m. and questioned him about a murder that had taken place earlier that evening. There is language in the opinion which suggests that the Court considered the officer's intention to arrest a factor in determining whether *Miranda* applied. But it can also be argued that the facts of the case meet an objective test of custody, i.e., that a person questioned under these circumstances would reasonably conclude that he was not free to go. See Gov't. brief, *United States* v. *Agius*, pp. 11–12.

[34] See *United States* v. *Robinson*, 439 F. 2d 553, 569 (D.C. Cir. 1970).

[35] "The Constitution is not at all offended when a guilty man stubs his toe. On the contrary, it is decent to hope that he will. . . . Thus the Fifth Amendment does not say that a man shall not be permitted to incriminate himself, or that he shall not be persuaded to do so. It says no more than that a man shall not be 'compelled' to give evidence against himself." Statement by Chief Justice Weintraub of the New Jersey Supreme Court in *State* v. *McKnight*, 52 N.J. 35, 52, 243 A. 2d 240, 250 (1968). Quoted approvingly in Friendly, The Fifth Amendment Tomorrow: The Case for Constitutional Change, 37 U. Cinc. L. Rev. 671, 716 (1968). *Escobedo* v. *Illinois*, 378 U.S. 478, 497–498 (1964) (White, J., dissenting).

"The policy of the privilege against self-incrimination is to prevent compulsion and not self-incrimination in the absence of compulsion." Bator and Vorenberg, Arrest, Detention, Interrogation and the Right to Counsel: Basic Problems and Possible Legislative Solutions, 66 Colum. Law Rev. 62 (1966). See *Frazier* v. *United States*, 419 F. 2d 1161 (D.C. Cir. 1969) (Burger, J., concurring) ". . . a necessary element of compulsory self-incrimination is some kind of compulsion."

[36] 384 U.S. 436, 461 (1966).

[37] *Orozco* v. *Texas*, 394 U.S. 324 (1969).

[38] 384 U.S. at 444. This language in *Miranda* would suggest that certain types of restraint are "insignificant" for purposes of the fifth amendment. See LaFave, *supra* footnote 30 at 96. If this is so, it is hard to imagine any restraint which is less intrusive than a temporary street detention. Had the Court intended that *Miranda* should apply to all forms of custody, it could have stated so without equivocation. In point of fact, an early draft of *Miranda* failed to include the word "significant" in several instances where custody was mentioned, but it was inserted in each of these places in the final version of the opinion. See Schwartz, Stop and Frisk (A Case Study in Judicial Control of the Police), 58 J. Crim. L.C. & P.S. 433, 459–60, n. 187 (1967).

[39] Graham, What Is "Custodial Interrogation"?: California's Anticipatory Application of *Miranda* v. *Arizona*, 14 U.C.L.A. L. Rev. 59, 85 (1966).

[40] *Miranda* v. *Arizona*, 384 U.S. at 467. Admittedly, *Mathis* v. *United States*, 391 U.S. 1 (1968), does not seem to fit this prescription. In that case the Court held that the *Miranda* warnings were required when Federal Agents obtained statements from the defendant while he was in prison serving a State sentence. The Court premised its holding on the fact that the defendant was "in custody or otherwise deprived of his freedom . . . in any significant way." Mr. Justice White, in dissent, reminded the majority that "*Miranda* rested not on the mere fact of physical restriction but on a conclusion that coercion—pressure to answer questions—usually flows from a certain type of custody, police station interrogation of someone charged with or suspected of crime. Although petitioner was confined, he was at the time of interrogation in familiar surroundings." Thus, he could find no evidence in the record that the defendant was "coerced" into answering the Agents' questions.

[41] *United States* v. *Gibson*, 392 F. 2d 373 (7th Cir. 1968) (Sobeloff, J.) ("potentiality for compulsion" not present during sidewalk questioning of suspected auto thief); *United States* v. *Charpentier*, 438 F. 2d 721, 723 (10th Cir. 1971); *United States* v. *Robinson*, 439 F. 2d 553, 569, (D.C. Cir. 1970). See LaFave, *supra* footnote 30 at 95–106.

[42] See discussion, A.L. I., Model Code of Pre-Arraignment Procedure, Commentary, sec. 2.01, Tent. Draft No. 2 (1969).

[43] Devlin, The Criminal Prosecution in England, 32 (1958).

[44] *Culombe* v. *Connecticut*, 367 U.S. 568 (1961).

[44a] This is particularly relevant to questioning which relates to the person's identity rather than his present behavior. *Gilbert* v. *United States*, 866 F. 2d 823, 828 (9th Cir. 1966) ("detention for identification alone is to be distinguished from interrogation which may collide with the premises of the accusatoral system. . . ."). See Abrams, Constitutional Limitations on Detention for Investigation, 52 Iowa L. Rev. 1093, 1115–1117 (1967).

[45] See A.L. I. Code *supra* footnote 42 at 36–39.

[46] Reis & Black, Interrogation and the Criminal Process, the Annals of the American Academy of Political and Social Science, Philadelphia, vol. 374 (Nov. 1967).

[47] Ibid. This is not to say, of course, that applicability of fifth and sixth amendment rights turns solely on the purpose of the questioning. Nor is it to suggest that field interrogations are entirely neutral. If police suspicions are not promptly dispelled, the inquiry is

(Continued on page 29)

Attorney General Mitch
Los Angeles Police M

Hon. John N. Mitchell, Attorney General of the United States, recently participated in the dedication of the Los Angeles, Calif., Police Memorial. In his address at the ceremony, the Attorney General stated he was reminded of another dedication over a hundred years ago, when Abraham Lincoln said, "The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract."

Mr. Mitchell said, "These same words have meaning for us today as we honor the 131 men of the Los Angeles Police Department who have been killed in the line of duty. Through this ceremony we are recognizing that the police officer—as much as the men who sacrificed at Gettysburg and on other battlefields—is serving in the defense of his country."

The Attorney General added that "an attack on the policeman is in reality an attack on the people, on their government, and on their laws." He called for words and example to promote the respect that is due the police officers in this country.

The monument consists of four 20-foot-high gray granite slant-top obelisks rising from a polished black granite base. Cascades of water flow between the columns and empty into a pool enclosed by the base. Incised into this base are the names of the 131 Los Angeles police officers who have been killed in the line of duty.

The idea for the memorial was conceived by a citizens' committee, which raised funds to build the monument. Contributions of time and money came from every level of the Los Angeles community. Public donations were limited to $100 for individual gifts and $1,000 for corporate donations. Many individual donations were made by school children. The response from citizens in the entertainment and athletic fields was spontaneous and effective. Many famous personalities donated their time to play in a highly successful benefit golf invitational involving police officers and celebrities. Proceeds from the opening night performance of a championship rodeo were also given to the police memorial fund.

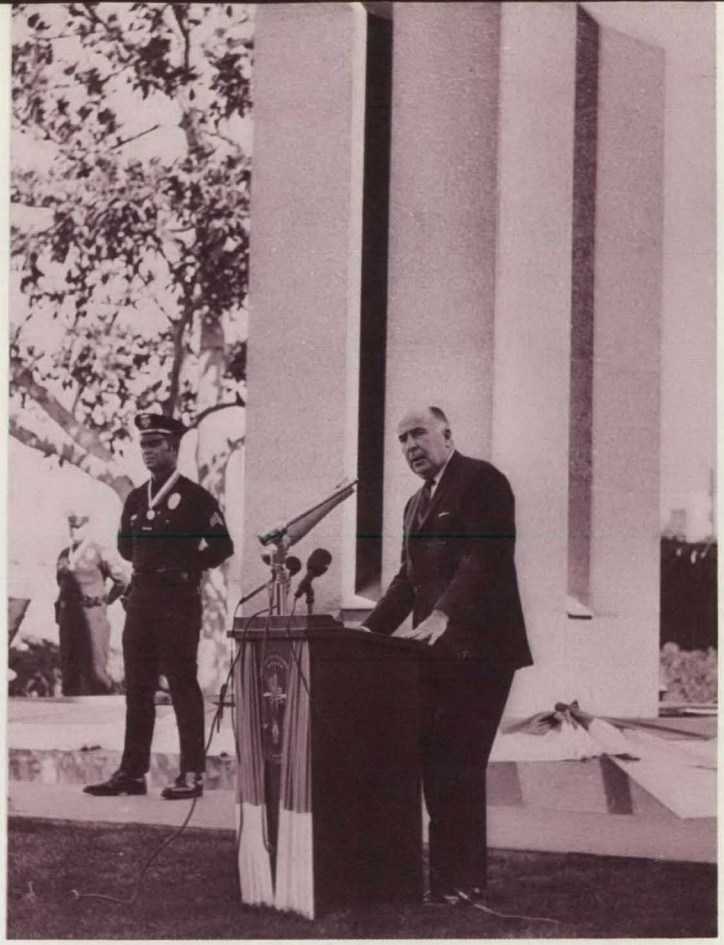
Among those present for the ceremonies were Hon. Sam Yorty, Mayor of Los Angeles, the president of the Los Angeles Board of Police Com-

This monument is a memorial to 131 Los Angeles police officers who have be

Dedicates
morial

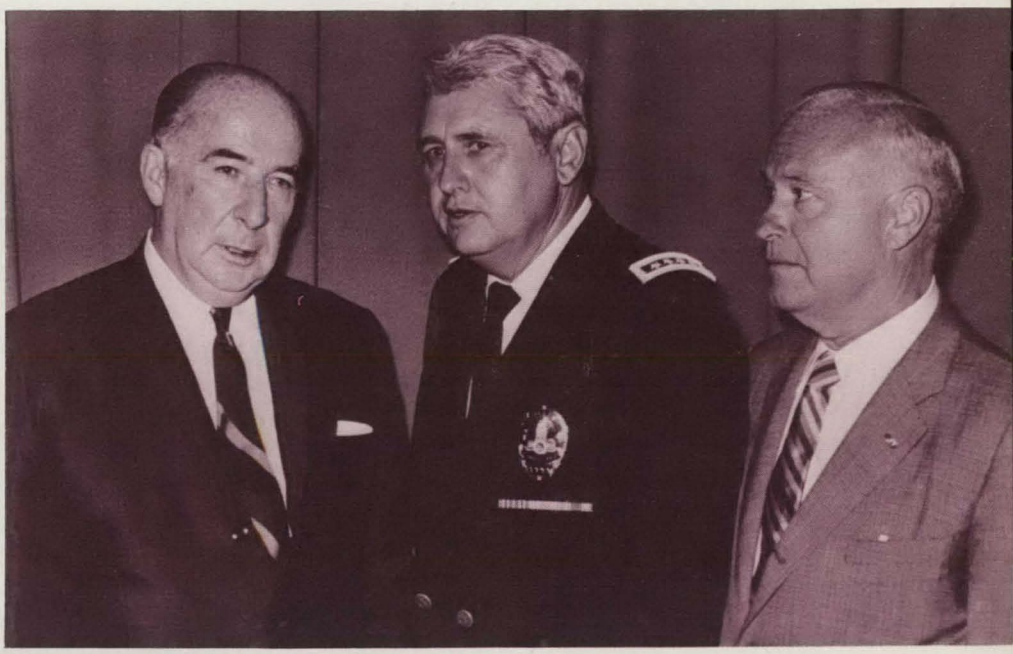
missioners, Hon. Frank G. Hathaway, and Hon. Emmett C. McGaughey, commission president during the planning stages for the monument. Also attending the dedication were many other high-ranking members of local government and the judiciary, civic and business leaders, as well as prominent law enforcement officials from throughout Los Angeles County. FBI

n the line of duty.

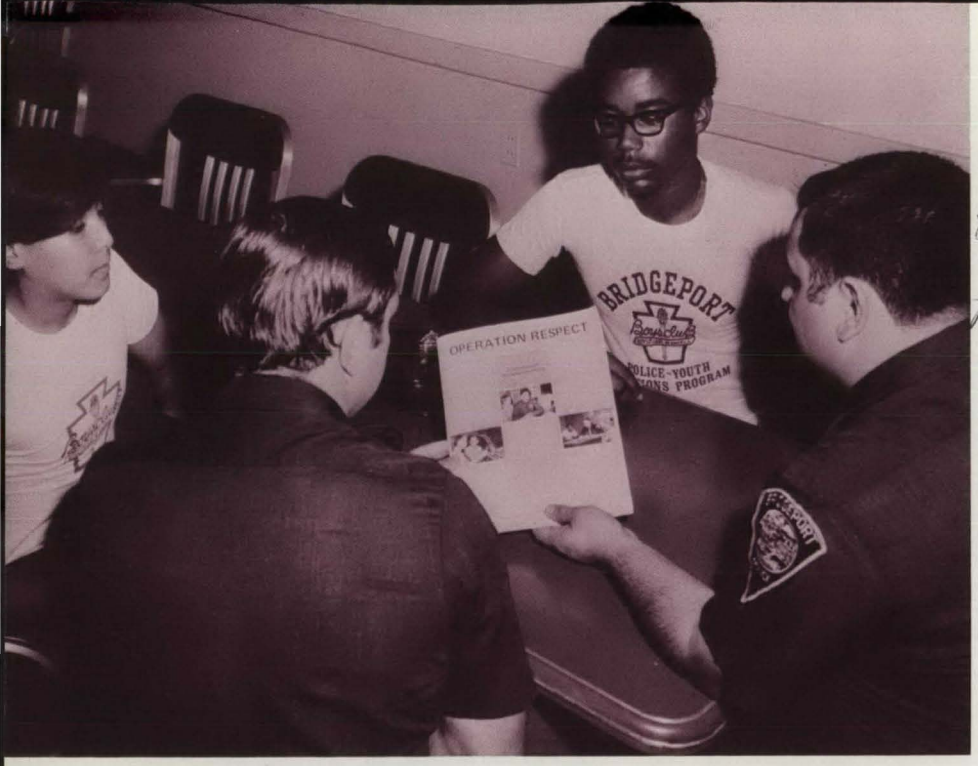


Attorney General Mitchell delivers the main address at the dedication of the Los Angeles Police Memorial.

Following the ceremonies Attorney General Mitchell is shown with Chief Edward M. Davis (center) and Hon. Emmett C. McGaughey, a member of the Los Angeles Board of Police Commissioners.



Per inc let 10-18-71 from
Mr. Andrew C. Bereskey
Public Information
Boys' Clubs of America
771 First Avenue
New York, New York 1001



Police officers and Boys' Club members in Bridgeport, Conn., discuss ways of implementing "Operation Respect."

OPERATION RESPECT

Boys' Clubs of America recently initiated a nationwide program entitled "Operation Respect."

The program, according to Boys' Clubs officials, is designed to help create positive attitudes toward law enforcement personnel and other responsible community officials and organizations and to teach respect for property and the rights of others. It also hopes to promote the understanding of laws and government and to develop an appreciation of constitutional rights and the Nation's heritage.

The J. Edgar Hoover Foundation, a nonprofit organization established for charitable and educational purposes and which has no official connection with the FBI or Director Hoover, made a grant of $10,000 to help

Members of the Camarillo, Calif., Boys' Club receive instructions in courtroom procedure from George Taylor, a local attorney.

finance "Operation Respect." Mr. Hoover has served as a member of the Board of Directors of Boys' Clubs of America for more than 30 years.

As a result of this program, many Boys' Club members in teeming inner cities and in sprawling suburbs are now developing a friendlier, more personal attitude toward law enforcement officers and, in the process, are learning something about law.

"Rap" Sessions

At Bridgeport, Conn., for instance, the Boys' Club initiated a series of weekly "rap" sessions with local police to help alleviate negative attitudes some youngsters had developed toward law enforcement officers. The project was so successful that the club conducted a statewide police-youth conference which was attended by 60 police officers and scores of youths from throughout the State. Now, local "rap" sessions, patterned after the Bridgeport project, are continuing in other Connecticut communities.

In a "Coffee for Cops" portion of their program, members of the East Side Boys' Club in Erie, Pa., invited all policemen to stop at the club during their daily rounds for doughnuts and coffee served by the boys. In return, the police put on a mobile display at the Boys' Club and hosted the members to a guided tour of the police station.

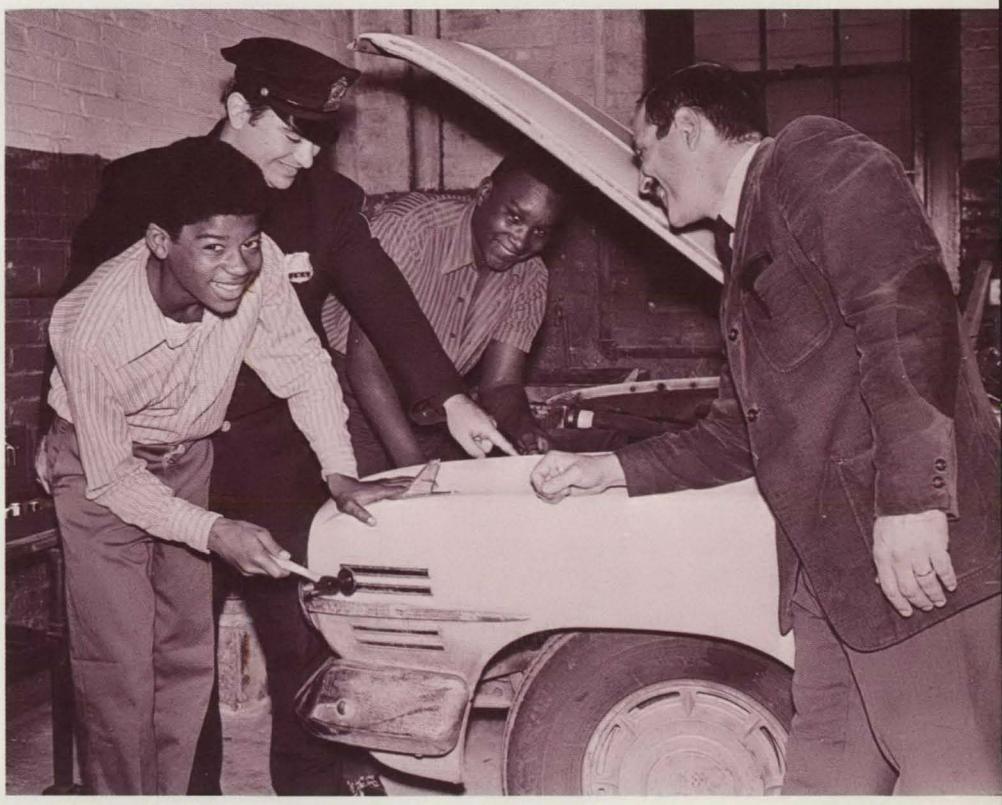
The Boys' Club of Camarillo, Calif., occasionally takes on the appearance of a courtroom where a misbehaving boy is "tried" in a simulated court session. With every attempt made to maintain the decorum and dignity of a real courtroom, the boy appears before an adult "judge" and is represented by attorneys who donate their services. Punishment or exoneration is meted out by fellow Boys' Club members, a "jury of peers." The director of the club got the idea after serving on a jury himself for the first time. He says that all the boys like the court cases for the fair play lessons, and many are now taking a keener interest in jurisprudence as a result.

Annual Competition

At these and many of the other 935 Boys' Clubs throughout the country, Boys' Club officials report, respect for law and order is part of the day-to-day guidance taught to nearly a million youngsters.

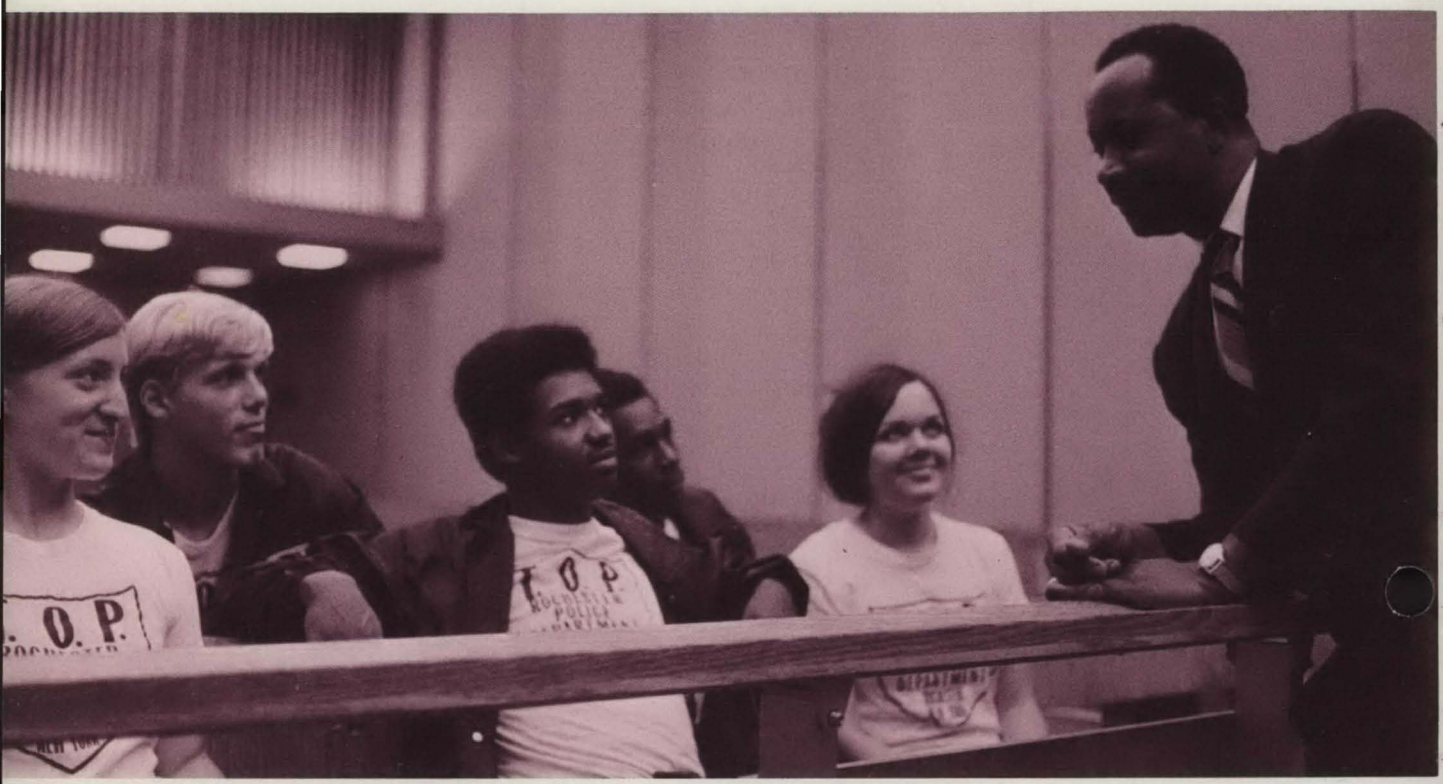
In a more traditional vein, the 10 finalists in the Boys' Clubs' national "Boy of the Year" competition held annually in Washington, D.C., take time out for a special guided tour of FBI Headquarters. Director Hoover personally meets with the "Boy of the Year" following his installation by the President.

In Bridgeport, Conn., 30 police officers have volunteered to serve as off-duty advisers to the Police-Youth Relations Vocational Training Center of the Boys' Club. A patrolman gives a timely suggestion to two club members repairing an automobile while the center director looks on.



Per inc ltr 3-1-72 from Randall B. Collier
Carl Byoir and Associates, Inc.
225 National Press Building
Washington, D.C. 20004

"TOP" Program Strengthens Police-Youth Relations



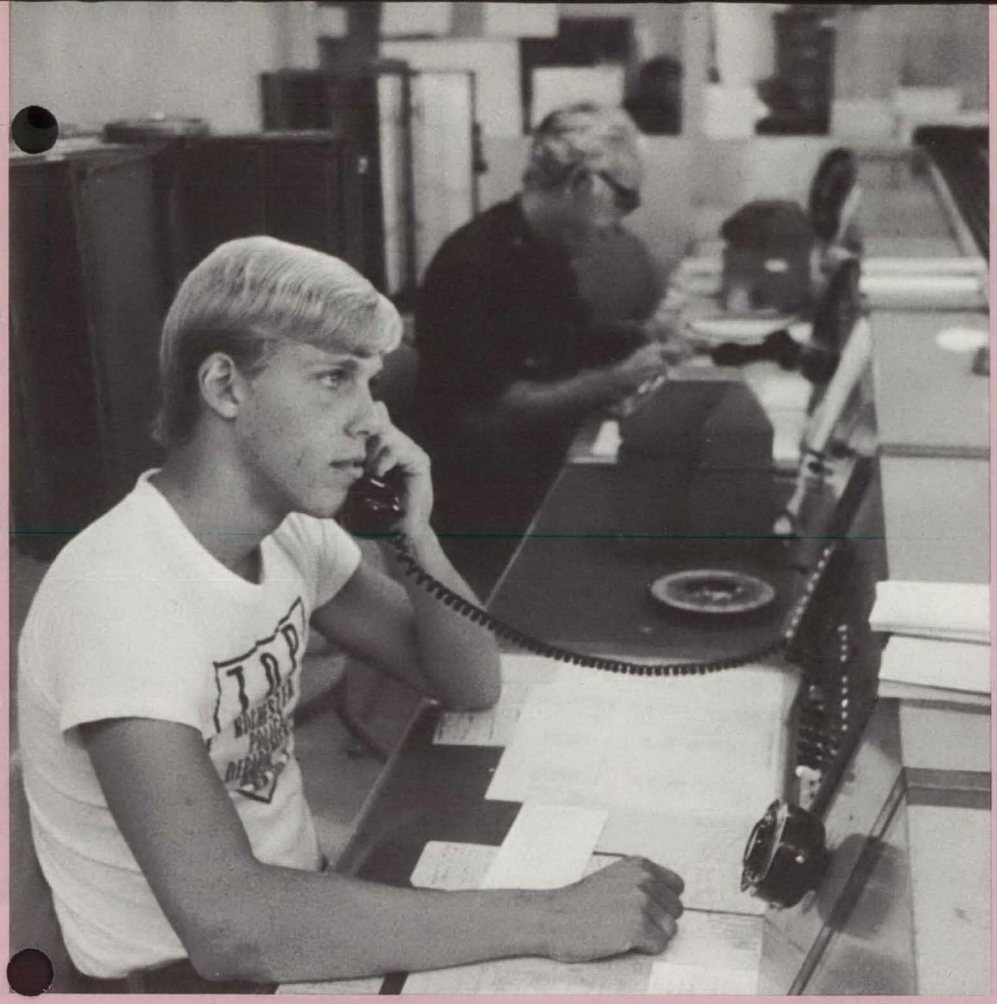
TOP members "experience" a day in court during their weeklong visit to police headquarters.

According to John A. Mastrella, Commissioner of Police, Rochester, N.Y., Rochester's Teens on Patrol (TOP) program has improved police-youth relations in the city.

Initiated 5 years ago, TOP strives to explain the duties and responsibilities of the police to young people and, likewise, to acquaint police officers with the problems and sensitivities of young citizens.

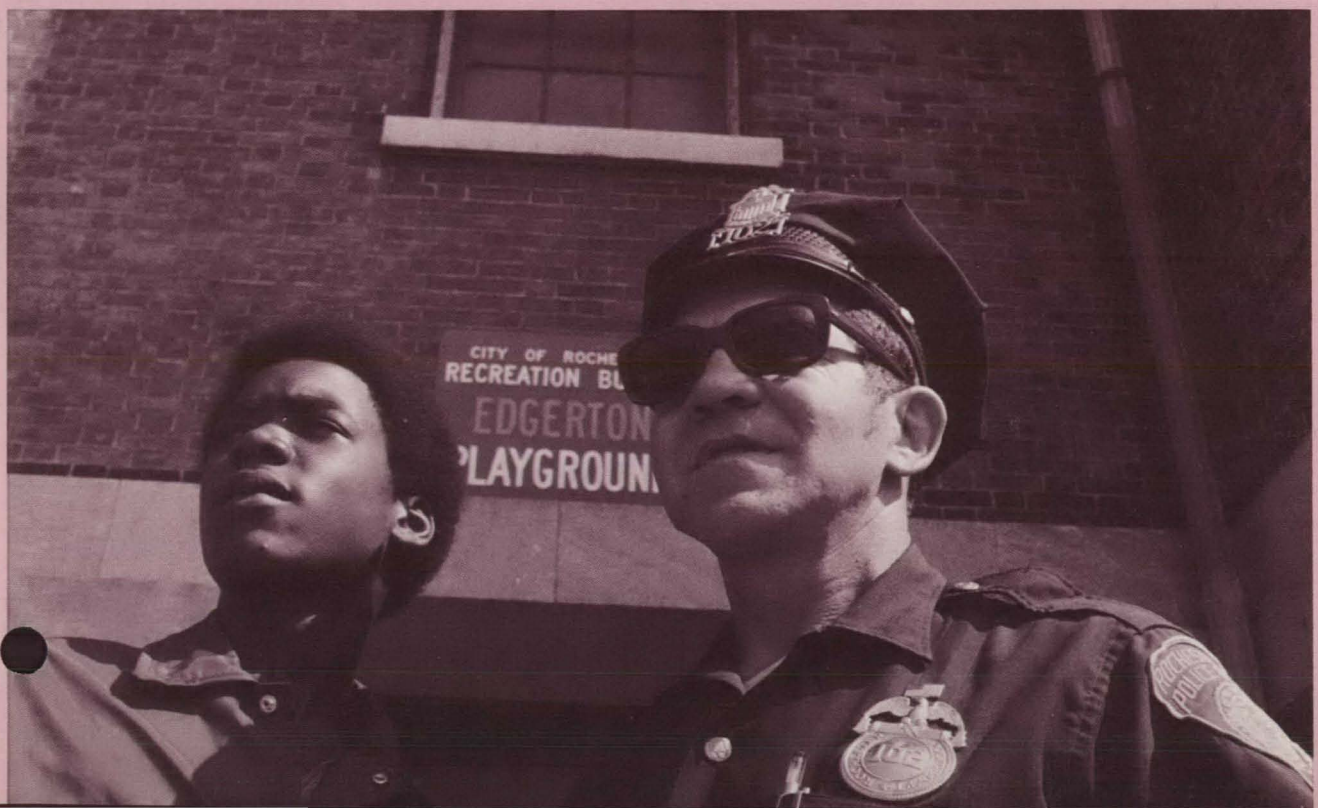
Each summer young people, aged 16 to 19, are employed to help keep youth recreation and assembly areas in Rochester safe and orderly. Members are issued blue jackets and white T-shirts bearing the TOP emblem on a shield, which identifies them with the police department. Uniformed officers from the police community services unit supervise the work of the boys and girls enrolled in the program. In order to gain firsthand knowledge of the problems a policeman encounters and how he handles them, the young people ride with officers on routine patrol.

The TOP's have no enforcement powers; rather, they "do the talking" to their peers and thus often resolve many issues without police intervention. Police officers believe the presence of these young people prevents



Part of the program requires the young people to perform administrative tasks at headquarters.

A TOP member on watch is visited by a community services officer.



A festival in a city park warrants extra coverage by TOP members, who discuss the day's activities with a community services officer. The young people and the police learn to respect each other as individuals.

thefts and other violations of the law.

TOP members also perform administrative tasks at police headquarters to learn how a major police department operates.

Commissioner Mastrella states TOP members are paid an hourly wage when on duty, and the program is sponsored by Rochester Jobs, Inc., an inner-city job-finding agency, and supported financially by Eastman Kodak Co.

Periodically during the summer, policemen take TOP members to museums, the zoo, and athletic events. At the end of the summer, TOP sponsors a free picnic for youngsters from Rochester's neighborhood centers. An annual luncheon is held on the final day of the program.

The strength of the Teens on Patrol lies in the relationship between the teenagers and the officers as they learn to know and respect each other as individuals. One officer stated, "There may be a confrontation someday that will be cooled because kids know these officers and the police know many of them by their first names."

"Until such time as the courts equally consider the criminal's victims on balance with the criminal, . . . and until such time as the voice of the people can be clearly heard over a few bleeding hearts, the crime problem will continue to grow. The police and the prosecutor must work together to combat it."

Enforcement and Prosecution— A Joint Endeavor

By
DEE WAMPLER*
Prosecuting Attorney of Greene County, Springfield, Mo.

*Mr. Wampler, the youngest prosecutor in the history of Greene County, is an active member of numerous police and prosecutor organizations. He has lectured and written articles on arrest, search, and seizure for various publications.

During the past decade, many judicial decisions have been directed at telling police that they are doing some things wrong. But who is telling the police what is right?

Police are expected to vigorously protect the lives and property of others and to defend their own safety. They are expected to do their utmost to keep the peace and end disorder—a great deal to ask and a big responsibility.

Yet, it takes more than a full appreciation of the rights of individuals and the rights of the whole community to peace and protection to put down murderous assaults. At least, officers can be given public support and a clear sense of what is expected.

With crime on the increase in most cities, even the best police work in some areas is little more than a symbolic response. Police cannot control or prevent all factors which contribute to crime.

In some jurisdictions police blame prosecutors, prosecutors blame police and trial judges, trial judges blame appellate judges, and appellate judges blame the law. Such criticism gains nothing; each should "walk in the shoes of the other." Mutual trust and understanding are necessary between police and prosecutor if they are to successfully investigate, prosecute, and convict those charged with crime.

Police officers will be able to do their jobs better if they understand the full range of duties of other officials with whom they share law enforcement responsibilities.

Judges may want to rule in favor of police, but they are obliged to follow the law. Even when they believe a defendant is guilty, they may be legally bound to exclude certain key evidence.

The district attorney is in daily touch with the courts and the people. He knows the intricate functions of

judicial process. He knows approximately how much evidence it will take to convince a jury and he makes "prosecution policy." Police officers should take their cue from the prosecutor.

The defense attorney is concerned with the introduction of all the evidence favorable to the defendant and in minimizing the State's evidence. He is sworn to see that his client gets the most favorable trial under the circumstances.

The parole officer strives to rehabilitate individuals and make them constructive members of society. Even though many parolees will commit further crimes, the parole officer will be able to save a few "taxpayers" from being "tax consumers."

The Two Police Functions

There are two main police functions: law enforcement and general public service. The former includes arrest and keeping the peace, and the latter involves the numerous duties not directly related to enforcement of the law.

Many situations require sensitive police response that goes beyond expert marksmanship, a detective's cunning, or the toughness of a seasoned veteran. Instead, the only requirement may be a knowledge of human beings.

Patrolman Jerry Scott (seated), Springfield Police Department, checks the mineral composition of some safe insulation as Trooper Belt (left) and Chemist Smith look on.

Detective Dan McGuire (seated), Springfield Police Department, demonstrates an automatic retrievable fingerprint and mugshot unit for Prosecutor Wampler.

Some Americans see police as spending most of their time investigating felons and arresting them after a gun battle when, in fact, many officers may serve for years without having to use their weapons. Assigned to routine patrol, some may spend little time in actual investigation of major crimes.

The effectiveness of a law enforcement agency is measured by the public cooperation and support it receives. When citizens believe police will not overstep the safeguards of individual liberty and when police demonstrate that they are interested in and actively

engaged in promoting public peace and welfare, public trust and support follow. A citizen's personal experience with one officer may form his attitude toward the whole department. A man portrays the profession—respect must be earned.

It should be obvious to the police officer that he does not arrest every violator he sees, and thus many technical "crimes" never get into court. For those violations for which an officer decides to arrest, the prosecutor likewise has discretion on whether to issue the warrant and prosecute and should not be "second guessed" by the police. The prosecutor exercises his discretion, just as the law officer, and has the right and the duty to prosecute those cases in which he feels he can obtain a conviction.

Increase Professionalism

Each officer must increase his own professionalism with the overall view to increasing the efficiency of the police department.

Law enforcement agencies must improve crime laboratories by expanding their capacity to handle scientific evidence. Today, more than ever, test tubes, ballistics tests, fingerprints, and scientific measuring devices can be of material aid. The failure of law enforcement to recognize today's scientific changes and respond to them means they will fall even further behind in their effectiveness in combating crime. In these days professionalism and hard work are fundamental if law enforcement is to match the rates of rising crime.

The policeman is expected to be alert every minute he is on duty. He should have a reason for everything he does. The courts have made it clear that if the officer had a good reason (probable cause), based on his experience as a law officer, his actions will be upheld by the courts.

The policeman is not expected to memorize the names of criminal law cases, but he is expected to know the themes and meaning of the most important ones; for instance:

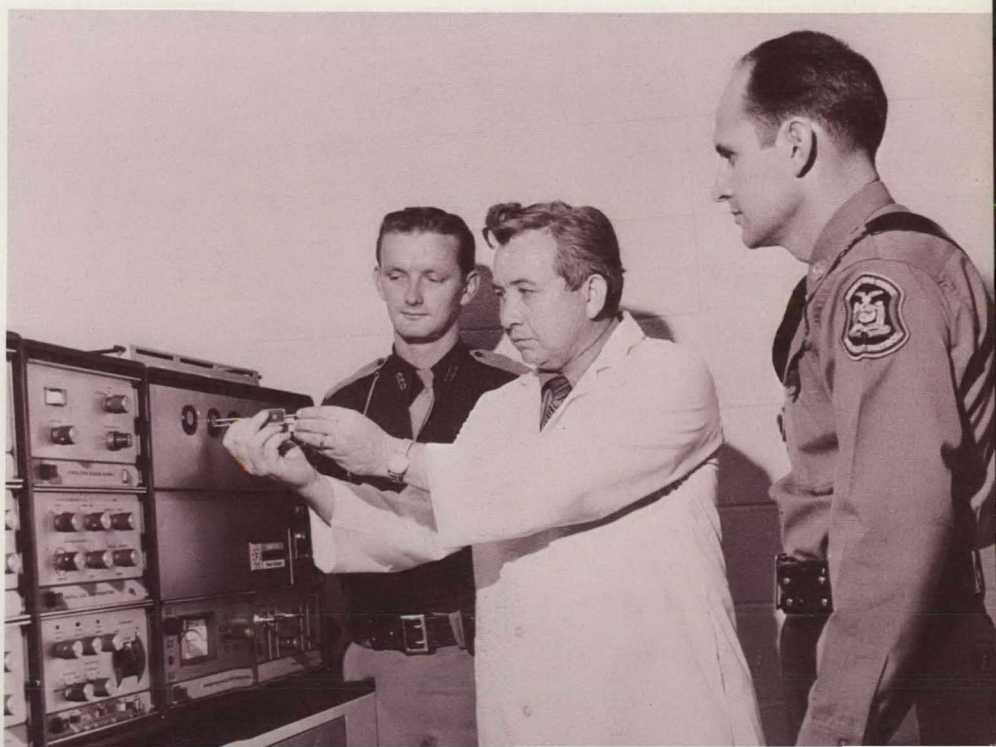
1. The *Miranda*[1] decision requires that prior to custodial interrogation a suspect must be advised of four basic constitutional rights. In addition, the officer must obtain from the suspect an acknowledgement that he understands his rights and an express waiver.
2. The *Chimel*[2] case holds that an officer may search an arrested suspect, the area under the suspect's immediate control, and also the "constructive reach" area into which the defendant might reach. This is only to protect the arresting officer, prevent escape, and prevent the destruction of evidence. An officer must understand these legal limits.
3. The *Terry* v. *Ohio*[3] decision tells the officer that he only has the right to stop and frisk when he "reasonably suspects" that a crime has been or will be committed. Further, a frisk is justified only when reasonably necessary for the self-protection of the officer and is limited to a search for weapons. Each police department should establish guidelines to assist the officer in recognizing those circumstances which would justify a stop and frisk.
4. The *Wade*[4] and *Gilbert*[5] cases concern the proper method of conducting a lineup for the purpose of a victim's identification of a suspect. The lineup must be "fundamentally fair," and "accidental meetings" between the suspect and victim should be avoided. Rules and guidelines should be established as to proper lineup procedures.
5. The *Spinelli*[6] case holds that when you allege in a search warrant affidavit that an informant is "reliable," your affidavit must reveal the specific reasons for your conclusion. Every fact used to support probable cause should be put in the affidavit since this may be all the reviewing court will later examine.

Whether or not the officer can recall the specific names of pertinent court decisions is unimportant, but if he cannot recall their meaning and impact on his job, then he cannot perform as effectively. A job must be well understood to be well executed. Every law officer should have a genuine interest in upgrading his profession by improving the quality of his work.

Think Like a Prosecutor

The value of evidence, no matter how insignificant it may seem to the investigating officer, must not be underrated or omitted from reports. The truth is subsequently found by a jury

Chemist Smith (center) shows Patrolman Scott (left) and Trooper Belt a gas-liquid chromatography unit which can analyze gas fragmentations of solid organic matter, such as hair follicles, fingernails, drugs, or alcohol.



selected from people "off the street" to whom the meaning of plain facts may be obvious and persuasive on the issue of guilt.

In a typical burglary, for instance, the first officer at the scene should:

1. Determine whether the victim was a person or a corporation, and if the latter, state the full name of the corporation and names of officers and directors who may later be called to testify.
2. Get the employees' names, ages, and addresses, especially those who locked up the business last and who can identify the stolen property.
3. Get some physical evidence of the break-in, such as pieces of wood shavings, splinters from a broken door, or pieces of broken glass or broken locks. Always take plenty of photographs.
4. Look for fingerprints, footprints, and eye witnesses.

The officer should imagine himself as a member of the jury hearing witnesses' testimony about the crime. If the jury can actually see the physical evidence or pictures of the crime scene, the facts will "come alive" and have more meaning.

We must assume that juries discuss many things while deliberating a case in the jury room, and those willing to convict will do so much more easily if there is plenty of evidence. The prosecutor will be more willing to file a case and try it before a jury if he knows that he can introduce and make arguments about physical evidence. No prosecutor has ever complained about having "too much evidence."

Whenever possible, the officer should seek out in advance the prosecutor handling his case and talk with him. If the policeman knows to expect certain questions, then he will be prepared. Some detail that seems like a small technicality to him may be the important legal point of the case.

The officer's written report to the prosecutor should reflect the exact details of his investigation. If the officer made an arrest, the report should reflect the reasons for the arrest, including what the officer was thinking and why. Every detail that can be relayed to the prosecuting attorney, no matter how insignificant it may seem, may be important to the prosecution.

Finally, no matter how strong a case may be, if the investigating officer cannot relate it to the jury or if the jury does not entirely believe him, the case can be lost. The officer should be thoroughly familiar with the facts of the case and answer questions truthfully, speaking to the jury. He should remember that he is the symbol of law and order.

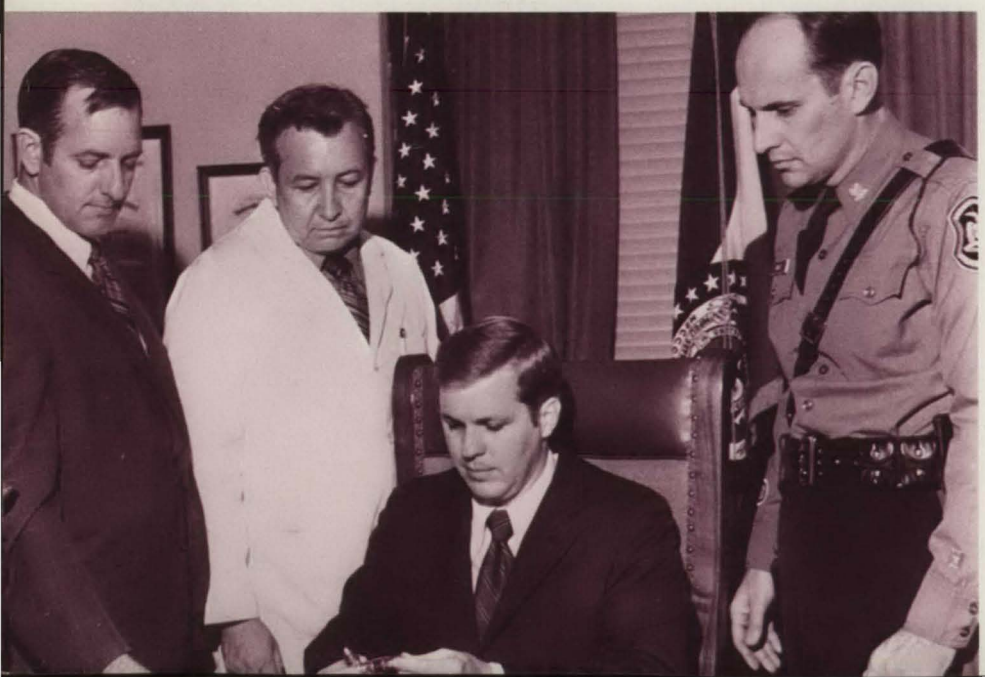
A great deal is asked of law enforcement officers—a great responsibility is placed on their shoulders. But surely, the best officer expects the best of himself.

Until such time as the courts equally consider the criminal's victims on balance with the criminal, until such time as State legislatures catch up with needed criminal legislation, and until such time as the voice of the people can be clearly heard over a few bleeding hearts, the crime problem will continue to grow. The police and the prosecutor must work together to combat it.

Canons of Police Ethics—Article 11

"The law enforcement officer shall regard the discharge of his duties as a public trust and recognize his responsibility as a public servant. By diligent study and sincere attention to self-improvement, he shall strive to make the best possible application of science to the solution of crime and, in the field of human relationships, strive for effective leadership and public influence in matters affecting public safety. He shall appreciate the importance and responsibility of his office, and hold police work to be an honorable profession rendering valuable service to his community and his country."

Making sure chain-of-custody envelopes are clearly marked, Major Crime Investigator Ronald L. Ginn (left), liaison man for Prosecuting Attorney Wampler (seated), and Trooper Adolph Belt, Jr., (right), Missouri State Highway Patrol, turn suspected drugs over to Chemist Donald E. Smith, Springfield Police Department.



FOOTNOTES

[1] *Miranda* v. *Arizona*, 384 U.S. 436 (1966).
[2] *Chimel* v. *California*, 395 U.S. 752 (1969).
[3] *Terry* v. *Ohio*, 392 U.S. 1 (1968).
[4] *United States* v. *Wade*, 388 U.S. 218 (1967).
[5] *Gilbert* v. *California*, 388 U.S. 263 (1967).
[6] *Spinelli* v. *United States*, 393 U.S. 410 (19

"We are making an effort not only to deter drug abuse, but to stem drug-related crime, which is accounting for approximately 60 percent of our major crime statistics."

By
JOHN T. McCOOL*
Chief of Police,
Wilmington, Del.

Combating Drug Abuse To Reduce Major Crime

"... many drug users become anxious to talk about their involvement with drugs when they are arrested on other serious offenses."

To say that drug abuse has become an epidemic in our city and an enigma in our community would be an overstatement at the least. Wilmington, Del., is certainly not experiencing unique drug problems; however, we do have a drug abuse problem, and I would like to relate some of the steps that the Wilmington Bureau of Police has taken to combat it. We are making an effort not only to deter drug abuse, but to stem drug-related crime, which is accounting for approximately 60 percent of our major crime statistics.

In October 1970 our department obtained a $150,000 discretionary Federal grant to help us combat our ever-increasing problem of major crime. An autonomous unit, consisting of 25 uniform and plainclothes officers, was formed. The prime goal of this unit is to reduce street crime.

In addition to furnishing visible preventive patrol, the unit performs stake-out assignments and investigations. It is also trained as a civil disturbance unit with special emphasis

*Chief McCool, a native of Wilmington, entered the Bureau of Police in 1957 and advanced through the ranks. Graduating from the FBI National Academy in 1967, he was named chief of police in 1969.

on the handling of tense situations.

Liaison officers from the narcotics and the intelligence squads were assigned to the unit to assure that the entire spectrum of patrol, investigation, vice, and other vital areas was properly covered. A 1-hour briefing session is held before the unit is sent out on assignment to acquaint the officers with the latest information on investigations begun by the previous shifts. A ½-hour debriefing is held upon completion of their tour of duty for discussion of developments during the shift and why certain decisions were made.

Drugs and Crime

Crime statistics and other data processed by the planning and research division for the street crimes unit began to show that drug abuse was related to a significant percentage of the major crimes, especially robberies and burglaries. Other research revealed that some experts in the field of law enforcement were stating that 50 to 60 percent of the major crimes in big cities are related directly to the illicit use of drugs.

We felt that any program for reducing crime must, in fact, concentrate directly on the drug problem if it is to be successful. Therefore, 14 men from our street crimes unit were temporarily assigned to the drug control unit, which, until this time, had been composed of only six men.

The procedure followed is somewhat different from the usual narcotics squad operations. This expanded unit of 20 men not only concentrates on drug enforcement but also specializes in drug-related crimes, such as robberies and burglaries, that are being committed by many of the same persons investigated for drug violations. One member of this unit is assigned to interview every person arrested on a felony charge to obtain as much information as possible about the individual's involvement with drugs and knowledge of local drug traffic.

We are finding that many drug users become anxious to talk about their involvement with drugs when they are arrested on other serious offenses. They often relate not only how drug abuse has led them into a life of criminal activity but also some excellent information that assists us in other current investigations.

Another member of the drug control unit is assigned to work specifically with pharmacies and other medical outlets for drugs to see that local and Federal guidelines on the dispensing of same are being followed. This measure came as a result of several investigations which revealed that a significant number of drug users were obtaining their supply through such channels.

"In one recent drug raid on a pusher, among other currency in his possession, an unusual $5 silver certificate was seized. Subsequent investigation revealed this silver certificate was part of property stolen from a 78-year-old victim who had been severely beaten and left alone in his home, with his throat cut."

One of the major goals of our program is to make it difficult for the drug user to get his illicit supply. We hope that, as a result of our efforts, the user will be forced to seek out a formalized drug rehabilitation program and thereby reduce his need to commit other crimes to support his habit.

Members of the drug control unit, operating under our current procedure, have made arrests for burglaries, robberies in progress, and other serious crimes. Stolen merchandise is consistently being recovered during drug raids. Many violent crimes are being cleared as a result of evidence seized from drug users or pushers that either connects them with such offenses or opens up investigative leads that eventually result in the arrest of other suspects.

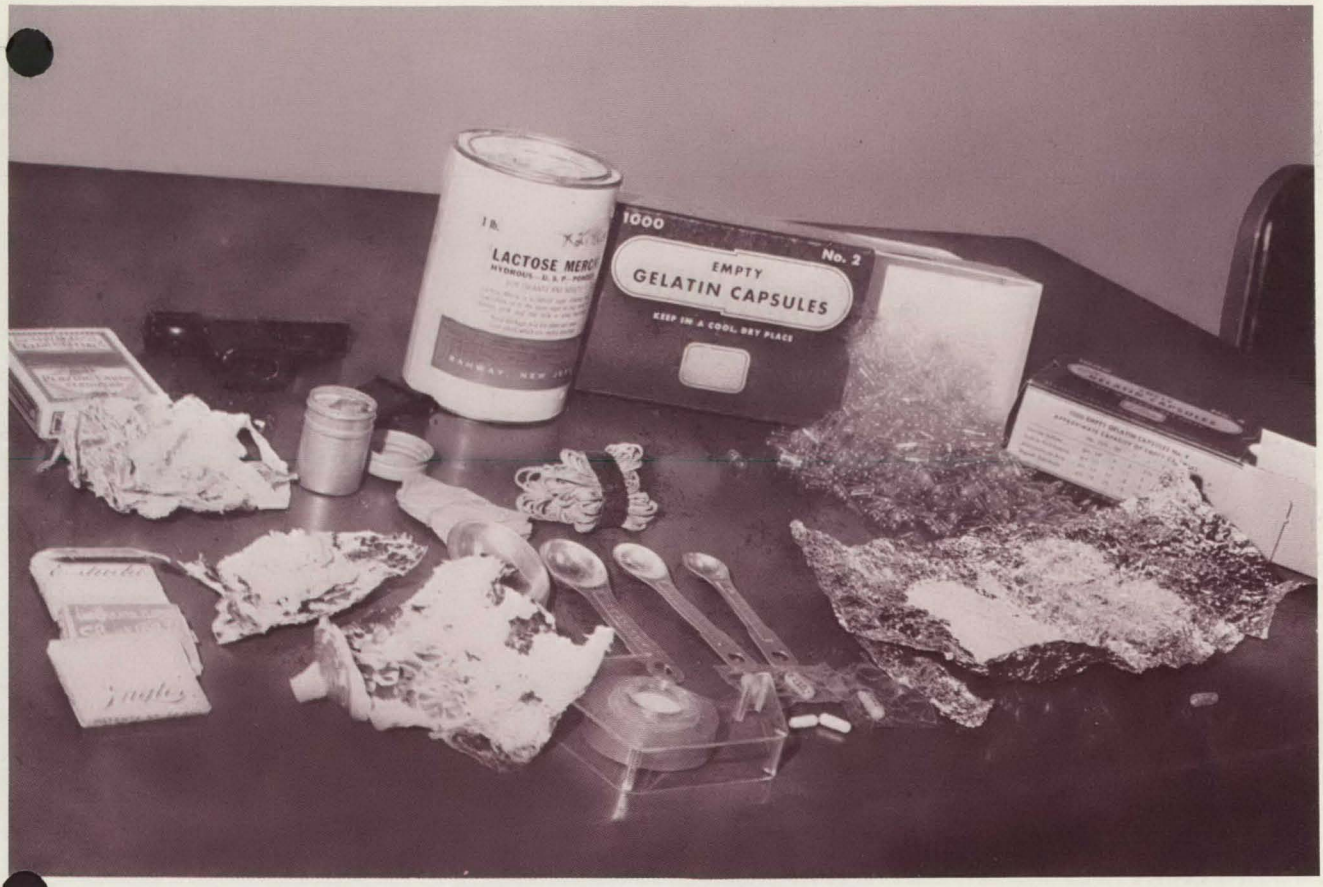
In one recent drug raid on a pusher, among other currency in his possession, an unusual $5 silver certificate was seized. Subsequent investigation revealed this silver certificate was part of property stolen from a 78-year-old victim who had been severely beaten and left alone in his home, with his throat cut. Fortunately, one of our drug control unit's informers reported seeing two of his acquaintances display a large amount of money and hearing them brag about the beating and robbery of the victim in question. Officers rushed to the location and found the elderly victim unconscious on his bedroom floor. He was admitted to the hospital in critical condition and probably would have died had our department not received this information and responded in time. Two suspects were later arrested as a result of an investigation.

Drug Addicts

Both suspects were drug addicts and had used part of the money taken from the victim to purchase drugs from the pusher caught in our raid. He identified them as the persons who had passed the silver certificate to him in exchange for drugs.

The following points account for the initiation of our current program:

1. Any successful effort to reduce the major crime rate in our city must take into consideration that drug abuse is directly related to a high percentage of major crime. We must therefore concentrate on the drug problem if an impact is to be made on the crime rate itself.
2. Drug control officers should not limit the scope of their operations to narcotics enforcement but should be constantly investigating other crimes committed by drug users.



During a recent raid, Wilmington police seized the drugs, paraphernalia, and pistol shown. Stolen merchandise from other crimes was also recovered.

3. The drug control unit must maintain close liaison with the detective, patrol, and youth aid divisions to assure a constant exchange of pertinent information.
4. By making a concentrated effort to reduce the availability of drugs, we hope to force the drug user into a formalized rehabilitative program and thereby reduce the need for him to commit other crimes.
5. To establish community support of our effort, we are bringing together the various elements responsible for dealing with the drug problem—the police, the courts, the rehabilitative people, and those responsible for the education of the public. We hope this will help to reduce the fragmentation of effort against drug abuse and better utilize everyone's time and energy.

This basically is our program in Wilmington. We are trying new concepts because past efforts were not working effectively. Education alone is not the answer in combating drug abuse and related major crime, nor is enforcement, rehabilitation, or punishment; but combining these, with each area working to complement the other within the same framework, we hope to achieve results.

LEGAL DIGEST

(*Continued from page 15*)

likely to proceed beyond a general fact-finding process to one of deliberate interrogation for evidence of guilt. The point is simply that field interrogations do not ordinarily involve the type of questioning contemplated by the *Miranda* ruling.

[48] 384 U.S. at 477. See Elson & Rosett, Protections for the Suspect Under *Miranda* v. *Arizona*, 67 Col. L. Rev. 645, 662 (1967); Graham, What Is "Custodial Interrogation"?: California's Anticipatory Application of *Miranda* v. *Arizona*, 14 U.C.L.A. L. Rev. 59 (1966). v. *Taylor*, 437 P. 2d 853 (Ore. 1968) ("Police have the right in the course of investigation of on-the-scene crime to interview any person, suspect or otherwise, for the purpose of determining whether a crime has been committed and whether there is probable cause to believe that a certain person committed it."); *Weger* v. *People*, 59 Cal. Rptr. 661 (1967), cert. denied, 389 U.S. 1047 (1968) (". . . at the time the preliminary questions were asked the officers did not know what crime, if any, had been committed. The questions were not designed to elicit incriminating statements, but to afford the defendant an opportunity to explain his presence and actions."). *People* v. *Singleton*, 63 Cal. Rptr. 324, 326 (1967). A similar distinction between general questioning and interrogation designed to elicit incriminating statements was made in several pre-*Miranda* cases. *People* v. *Wilson*, 48 Cal. Rptr. 55, 63 (1965); *United States* v. *Konigsberg*, 336 F. 2d 844, 853 (3d Cir. 1964).

[49] 21 N.Y. 2d 118, 286 N.Y.S. 2d 827 (1967); *State* v. *Intogna*, 419 P. 2d 59 (Ariz. 1966).

[50] For an interesting discussion of this case, see Uviller, The Judge at the Cop's Elbow, 71 Colum. L. Rev. 707, 712 (1971).

[51] 21 N.Y. 2d at 123, 286 N.Y.S. 2d at 832.

[52] Se Uviller, *supra* footnote 50 at 715.

[53] Id. at 707. See A.L.I., Model Code of Pre-Arraignment Procedure, sec. 2.02, Tent. Draft No. 2 (1969).

[54] For a discussion of the balancing test for fourth amendment rights, see LaFave, *supra* footnote 30 at 53–59.

Bomb Scene Investigations and the FBI Laboratory

Figure 1.

On March 9, 1970, a 2-door sedan occupied by two males exploded while traveling on a highway near Bel Air, Md. Both occupants were killed and the car was extensively damaged as shown in figure 1. One occupant was readily identified as Ralph Edward Featherstone; however, extensive damage to the second body prevented immediate positive identification.

Investigation of this matter was directed by the present superintendent of the Maryland State Police, Col. Thomas S. Smith, who at the time was chief of the operations bureau of State police. State authorities immediately raised the following questions: Who was the unidentified occupant? Was the explosive inside or outside the car? What was the explosive? How was it set off? If the bomb was inside the car, was it concealed from the view of the occupants?

At the request of the Maryland State Police, and as a matter of cooperation, the FBI sent a Laboratory explosives specialist to the scene to assist in examinations.

Tissue found in the debris was delivered to the FBI Identification Division, where fingerprint experts identified one piece of flesh as a portion of the left little finger of William Herman Payne, the previously unidentified occupant of the car.

Examination of car fragments by the Laboratory explosives specialist established that a high-velocity explosive had detonated inside the car.

Figure 2.

Figure 3.

evaluation of damage indicated the explosive charge detonated on or near the floorboard of the passenger side of the front seat. Further, the area where the bomb exploded did not include the glove compartment, dashboard, the area under the front seat, or other parts of the car where the bomb would have been concealed from the view of persons occupying the front seat.

Lab Examinations

Laboratory instrumental examinations of car fragments recovered at the scene located residues typical of those remaining after the detonation of dynamite. Metal fragments removed from Payne's body during autopsy and metal fragments recovered at the scene were identified in the Laboratory as parts of an alarm clock and battery fragments which logically represented the electrical firing system for the bomb.

It was not possible to determine why the bomb exploded.

The successful reconstruction of the facts of this case is attributable to the joint efforts of trained personnel: Proper protection of the crime scene and the preservation of all possible evidence ensured its availability for examination. The presence of a qualified explosives specialist at the scene resulted in precise placement of the bomb and the collection of appropriate physical evidence. Competent medical work provided evidence lodged in the bodies. The facilities of a complete crime laboratory ensured that all necessary scientific examinations were performed.

By painstakingly searching through small materials located within a large volume of debris at a crime scene, an investigator may find a major item of evidence leading to the solution of a bombing investigation. This was the outcome of a case involving a Government employee who picked up a package at a bus terminal in a Midwest city. The package had been shipped under a fictitious name via bus from a city in another State. As the addressee opened the package, it exploded and fatally injured him. From examination of debris at the scene, followed by Laboratory tests, FBI personnel determined that the explosive package consisted of a dynamite bomb in a black imitation leather case which was packed in a cardboard shipping carton. The remains of batteries, wire, an open-blade double-pole knife switch, and venetian blind cord indicated that the device was assembled so that, when the black case was lifted from the cardboard carton, the blind cord closed the knife switch and completed an electric circuit. Small torn and distorted solderless connectors, which had been hand-crimped onto the ends of wire of the device, were found in the debris.

Investigation established that the victim was romantically involved with a woman in the west coast area who was also romantically involved with another man in the same locality. Further investigation resulted in the location of a pair of pliers in the latter man's garage. This pair of pliers was identified by FBI Laboratory experts as having been used to crimp the solderless connectors used in the bomb device. (The crimped impressions in one of the solderless connectors and the pliers used to crimp the connector are shown in figs. 2 and 3, respectively.) A piece of venetian blind cord was also found in the garage and was determined to be the same as a small piece of cord found in debris at the scene.

Body Recovered

Subsequently an automobile being used by the suspect was found in a pond, and the following day his body was recovered from the water. The cause of death was listed by the coroner's office as "drowning."

The above cases illustrate the results that can be obtained by law enforcement through the preservation and processing of a bombing scene by qualified personnel backed by necessary medical and laboratory expertise.

Although the basic principles of conducting a crime scene search apply in bombing cases, the assistance of a bomb scene specialist is necessary. Such a specialist will have a thorough

(*Continued on page 32*)

WANTED BY THE FBI

GEORGE ERNESTO LOPEZ, also known as: Lyon Bonny, Juan Gomez, John Martin Solano.

Interstate Flight—Murder, Assault with Intent To Commit Murder, Burglary

George Ernesto Lopez is being sought by the FBI for unlawful interstate flight to avoid prosecution for murder, assault with intent to commit murder, and burglary.

Lopez, along with six other young men, allegedly committed a series of burglaries in the San Francisco, Calif., area. On May 1, 1969, the suspects were approached by two plainclothes San Francisco police officers while transporting stolen property from an automobile to the home of one of the suspects. A struggle ensued and one officer was shot to death. Six of the suspects were apprehended a few days later at Santa Cruz, Calif. Lopez was arrested on May 11, 1969, by San Diego, Calif., police for possession of marihuana but gained his release before his fugitive status could be established.

Caution

A Federal warrant for Lopez's arrest was issued on May 26, 1969, at San Francisco.

Lopez has been convicted of burglary, larceny, removing vehicle parts, and attempted theft from an automobile. He has reportedly traveled to Canada and has allegedly expressed a desire to go to Cuba. He should be considered armed and dangerous.

Description

Age	22, born Dec. 5, 1949, New Orleans, La.
Height	5 feet 9 inches to 5 feet 10 inches.
Weight	145 to 155 pounds.
Build	Medium.
Hair	Black.
Eyes	Brown.
Complexion	Medium.
Race	White.
Nationality	American.
Occupation	Laborer.
FBI No.	527, 954 G.
Fingerprint classification.	18 O 26 W OOO Ref: 18 M 22 U IOO 22

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.

BOMB SCENE

(Continued from page 31)

knowledge of explosives, homemade bombs, and the damage produced by explosives. He will be able to recognize parts of blasting accessories as well as internal parts of items such as batteries, clocks, and watches, which can be used as bomb components. Further, he will be laboratory oriented in that he is aware of the types of examinations which a complete crime laboratory can conduct.

Because of the FBI's past and current jurisdiction involving bombings and attempted bombings, the FBI Laboratory is equipped to conduct any necessary examination involving evidence found in connection with a bombing or attempted bombing. The FBI Laboratory's voluminous reference files date back to its establishment in 1932 and are an invaluable factor in meeting current requests for assistance. Explosives specialists assigned to the Laboratory have wide experience as a result of conducting on-the-scene examinations throughout the United States and examining countless items of evidence from the scenes of bombings and attempted bombings. Evidence obtained from a bombing scene may require a wide range of laboratory instrumental capability to obtain maximum probative value. Included among the sophisticated procedures used in the FBI Laboratory are those relating to the emission and mass spectrograph, neutron activation, chromatography, X-ray diffraction and fluorescence, atomic absorption, and radiography. Any one, or a combination of several, of these techniques may be used in scientifically processing crime scene evidence.

The services of the FBI Laboratory are, as in the past, available to all law enforcement agencies on a cost-free basis in criminal cases including those involving bombings and attempted bombings.

FOR CHANGE OF ADDRESS ONLY

(Not an order form)

Complete this form and return to:

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

(*Name*) (*Title*)

(*Address*)

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

FBI Visitor

Supt. James B. Conlisk, Jr., Chicago, Ill., Police Department, 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

U.S.MAIL

POSTAGE AND FEES PAID
FEDERAL BUREAU OF INVESTIGATION

QUESTIONABLE PATTERN

The pattern presented this month is classified as a tented arch. The ridges cannot be construed as looping ridges as they do not pass out the same side of the pattern from which they entered.