



FBI

Law Enforcement BULLETIN



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Federal Bureau of Investigation
United States Department of Justice
J. Edgar Hoover, Director

FBI

Law Enforcement

BULLETIN

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Contents

1 *Message from Director J. Edgar Hoover*

Feature Article:

- 3 *Mapp v. Ohio Ruling Affects Operations of Law Enforcement,*
by William M. Ferguson, Attorney General, State of Kansas.

Police Units:

- 7 *Louisville Police Add Two New Units to Their Strength,* by
Assistant Chief of Police Maj. Bert W. Hawkins, Louisville,
Ky., Police Department.

Law Enforcement Administration:

- 11 *Timely Inspections of Essential Value in Law Enforcement.*

Scientific Aids:

- 14 *Suspect Identified by Toolmark Study in a Hit-Run Case.*

Other Topics:

- 16 *Railroad Industry Has Definite Need of Police Service,* by
Mr. Robert W. Stone, Superintendent of Police, New York
Central Railroad System.
- 20 *Extradition Matter to and from Canada Explained by RCMP,*
by Sgt. G. W. Reed, LLB, RCMP Headquarters, C.I.B.
Legal Section, Ottawa. (Part II)
- 24 *Wanted by the FBI.*

Identification:

Interesting Pattern (back cover).



Message from the Director

TO ALL LAW ENFORCEMENT OFFICIALS:

THE BULWARK OF THIS NATION'S sacred freedom is our system of law. Invincible over human weaknesses, it has, generation after generation, summoned greatness in individual citizens. It is significant and appropriate that simultaneous recognition is being given this month to the institution of law and the profession sworn to enforce it.

By an act of Congress, the week of May 13-19, 1962, has been designated as Police Week, and May 14 has been proclaimed as Peace Officers Memorial Day. These events closely follow the observance of Law Day, U.S.A., on May 1.

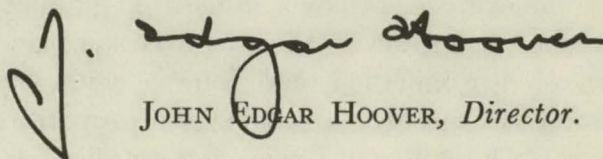
Law Day, U.S.A., centers the Nation's attention on the very lifeblood of the American system of government. Law guards the health and vigor of every vein of our society. Without law the heart of democracy—freedom—would wither and die. Liberty lives because our founding patriots fought to replace tyranny with a constitutional government designed to recognize the supremacy of law rather than men. It is proper that we pause on Law Day, U.S.A., to pay homage to the principle of law and rededicate ourselves to constant vigil that it not be eroded through abuse or the attacks of those who despise freedom.

The existence of law is in itself no guarantee of the continued success of democracy. The effectiveness of law is measured by the fairness, determination, and courage with which it is enforced. Police Week has been set aside for all Americans to pay respect to the men whose lives of service and sacrifice are devoted to turning law into reality. Our society demands of the peace officer spotless integrity, uncommon bravery, and constant devotion to duty. It is fitting that Americans pause during the year to acknowledge a debt of gratitude to those men who have been faithful to their trust. The brave deeds of officers who have paid the supreme sacrifice in the line of duty will be remembered in solemn ceremonies on Peace Officers Memorial Day.

In communist countries, homage to law and its enforcement as protectors of human liberty would be utter hypocrisy and would stir revulsion in the hearts of oppressed citizens. Law in those lands is but an expedient extension of a philosophy of enslavement—law enforcement but an instrument for assuring compliance by the majority with the iron will of a few. Against the specter of human degradation in lands barren of meaningful law, our system of law and the quality of its enforcement shine as brilliant beacons.

We in law enforcement are acutely conscious of insidious forces which defile the security and dignity of this Nation. The rate of crime in the United States continues its upward spiral. Underworld vice barons flaunt their disrespect for decency and maneuver to shield their activities behind a veneer of legal camouflage. Communists within our borders persistently press their attacks against freedom and hurl false invectives against the forces of law and order which stand between them and their goal of destruction.

Words of praise for past accomplishments would be hollow if we did not also take this occasion to renew our pledge to protect from all peril the sacred principle of government by law.

The signature is written in dark ink, featuring a large, stylized 'J' followed by the name 'Edgar Hoover' in a cursive script.

JOHN EDGAR HOOVER, *Director.*

MAY 1, 1962



FEATURE ARTICLE

(In a landmark case, *Mapp v. Ohio*, the United States Supreme Court ruled on June 19, 1961, that illegally obtained evidence was inadmissible even in a State prosecution, where the defendant made timely objection, because its use violated due process of law guaranteed by the 4th and 14th Amendments to the United States Constitution. The effects of the court's decision on local law enforcement within those States which had not previously adopted the so-called exclusionary rule is explained in this article.)

The decision of the United States Supreme Court in *Mapp v. Ohio* last year has produced a most significant change in the practice of criminal law in Kansas, and in all other States which had not until then adopted the so-called exclusionary rule.

On May 23, 1957, three Cleveland police officers went to the home of Miss Dollree Mapp on the information that a man wanted for questioning in a bombing was hiding there. The officers knocked on the door and demanded entrance. Miss Mapp, after telephoning her attorney, refused them entrance without a search warrant. Three hours later, after arrival of four more officers, forcible entry was gained to the house. She demanded to see a search warrant. A paper, claimed to be a warrant, was brandished by one of the officers. She grabbed the paper and placed it in her bosom. A struggle ensued in which the officers recovered the paper. She was then taken forcibly upstairs and handcuffed. A search of the premises followed during which drawers, closets, and suitcases were ransacked. In the basement of the building were found several obscene pictures, for the possession of which she was charged with a criminal offense.

Supreme Court Reverses

At the trial no search warrant was produced, nor was the failure to produce one explained or accounted for. She was, nevertheless, convicted of the possession of obscene literature, and her conviction was affirmed by the Supreme Court of Ohio. It was this decision which was reversed

Mapp v. Ohio Ruling Affects Operations of Law Enforcement

by WILLIAM M. FERGUSON, *Attorney General,
State of Kansas*

by the Supreme Court of the United States in the landmark case, *Mapp v. Ohio*.

The court held in that case that the illegally obtained evidence was inadmissible even in a State prosecution, where the defendant made timely objection, because its use violated due process of law as guaranteed by the 4th and 14th Amendments to the Constitution of the United States.

A portion of the 14th Amendment states:

Nor shall any state deprive any person of life, liberty, or property, without due process of law.

The 4th Amendment provides:

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated and no warrants shall issue but upon probable cause, supported by oath or af-



Attorney General William M. Ferguson.



SA Raymond W. Radford, FBI, Kansas City Office, shown holding a visual aid during the special school at Kansas City, Kans. (Photograph courtesy of Kansas City Star.)

firmation, and particularly describing the place to be searched and the persons or things to be seized.

Under the *Mapp* decision, evidence seized in violation of these provisions of the United States Constitution can no longer be introduced in a criminal trial in any State.

Significance of Ruling

This ruling means that the era of "kicking in doors," searching a house without the presence or knowledge of the owners, making exploratory searches based only on hunches, and the ransacking of cars only on suspicion are over for Kansas, and for the other (approximately half) of the States which had not, until the *Mapp* decision, adopted the exclusionary rule.

Since territorial days Kansas courts had admitted illegally seized evidence in criminal trials. The fact that evidence might have been seized without a search warrant, or by other unlawful means, had no significance if it met certain standards of competency, relevancy, materiality, and was otherwise admissible according to common law rules of evidence. The courts of Kansas did not inquire concerning the circumstances under which evidence was obtained. This same policy had also been followed by a number of other States.

As Attorney General of Kansas, I realized that the *Mapp* decision meant that the peace officers of this State must learn the proper method of obtaining legally admissible evidence as long required

for the FBI and other Federal law enforcement agencies. Shortly after the decision, I requested Director J. Edgar Hoover and the Federal Bureau of Investigation to assist my office and the Kansas Bureau of Investigation in demonstrating the rules of search and seizure newly applicable to Kansas law enforcement officials.

Special Schools Held

As a result of my request, the FBI, in cooperation with my office and the Kansas Bureau of Investigation, scheduled 14 special peace officer schools, each of 1-day duration, throughout Kansas during January and February 1962. Two Special Agents, especially trained to teach matters of search and seizure, represented the FBI as instructors.

Either a representative from my office or I opened each session. We impressed upon the officers the importance of the decision in that their job is not only solving cases but solving them in such a way that the evidence secured could be used in obtaining a conviction.

The FBI agents thoroughly covered the history of Federal search and seizure laws; search of premises; search of persons; search of vehicles; and the penalties for an illegal search. A number of charts and visual training aids, setting forth the pertinent sections of the Constitution and landmark decisions of the Supreme Court, were used at these schools.

Despite the bitter weather in Kansas during January, with temperatures dipping to 15° below zero and snow falling to a depth of 18 inches, these schools drew overflow crowds, totaling over 1,300 for the 14 sessions. Some officers traveled as much as 150 miles to attend the schools, and some of the schools had to be moved to larger quarters in order to accommodate the officers who turned out in unprecedented numbers. Judges, prosecutors, railroad officers, game wardens, highway patrolmen, police officers, sheriffs, and military personnel were represented.

Mapp Decision Discussed

A representative of the Kansas Bureau of Investigation appeared at each school to discuss the effect of the *Mapp* decision as viewed by a Kansas peace officer. The officers were told they will necessarily develop a higher level of professional knowledge and skill, and it is quite possible that an

enhancement of the prestige of the police in their community will result.

The presentation by the FBI agents was so well received that the Kansas county attorneys later requested Director Hoover to have one of them appear at the annual meeting of the Kansas County Attorneys Association to discuss the *Mapp* decision and its effect on Kansas criminal procedure.

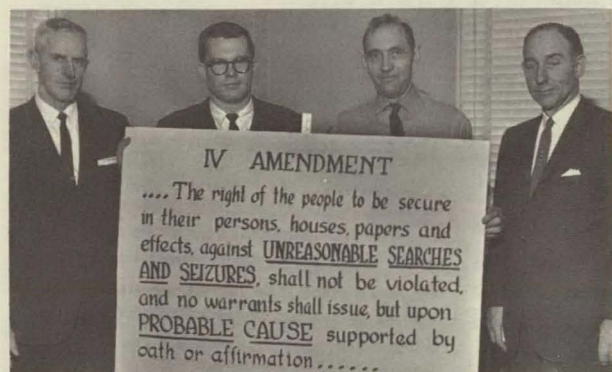
One fundamental purpose of those sessions was to demonstrate that the *Mapp* case is the culmination of a long series of statutes and decisions designed to protect personal liberties.

The principle that restraint of the person and the search and seizure of his property are forbidden, unless imposed in accordance with due process of law, has been recognized and protected for centuries by Anglo-American law.

Magna Charta, in 1215, provided that no free-man could be taken or imprisoned except by lawful judgment of his equals or by the law of the land. The English "Petition of Rights" of 1628 and the Acts of Parliament of 1664 and 1679 strengthened the guarantee of personal liberty by their provisions for the writ of habeas corpus. These enactments were followed by the English Bill of Rights of 1689 prohibiting excessive bail.

Early Colonial Practice

The practice in colonial America of issuing "writs of assistance" to revenue officers, which empowered them to search suspected places for smuggled goods, was pronounced by James Otis as "the worst instrument of arbitrary power, the most destruc-



Participating officials in the school conducted at Chanute, Kans. are, from left to right, SA Rowen B. Ayers, FBI, Kansas City Office; Mr. Park McGee, Asst. Attorney General of Kansas; Chief of Police Lige Matlock, Chanute, Kans., Police Department, and SA Raymond W. Radford, FBI, Kansas City Office. (Photograph courtesy of Chanute Tribune.)

MAY 1962

tive of English liberty and the fundamental principles of law that ever was found in an English law book" since they placed "the liberty of every man in the hands of every petty officer." This was in February 1761, in Boston. The famous debate which occurred was perhaps the most prominent event in inaugurating the resistance of the Colonies to the oppressions of England.

"Then and there was the first scene of the first act of opposition to the arbitrary claims of Great Britain," said John Adams. "Then and there the child of independence was born."

It was such oppressions that gave rise to the 4th, 5th and 14th Amendments.

One of the early cases in the United States involving the interpretation of the 4th and 5th Amendments is *Boyd v. United States*, 116 U.S. 616 (1886). In that case the defendant was ordered to produce in court invoices and papers concerning an alleged custom law violation. The government argued that the statute covering the alleged violation was unobjectionable since it did not authorize a search or seizure, and did not actually require the defendant to produce the papers. If he failed to produce them, the only penalty was that the facts which the government claimed they would prove would be taken as true.

The Supreme Court disagreed. The Court felt that the statute was tantamount to compelling the defendant to testify against himself. It was held to be repugnant to the 4th and 5th Amendments, which, the Court said, apply to all invasions on the part of the government and its employees of the sanctity of a man's home and the privacies of life. "It is not the breaking of his door, and the rummaging of his drawers, that constitutes the essence of the offense; but it is the invasion of his inalienable right of personal liberty and private property. Breaking into a house and opening boxes and drawers are circumstances of aggravation; but any forcible and compulsory extortion of a man's own testimony, or of his private papers to be used as evidence to convict him of crime or to forfeit his goods, is within the condemnation of the 4th and 5th Amendments."

Weeks v. United States

Less than 30 years after the *Boyd* case the Supreme Court was again called upon to decide a question involving the 4th Amendment, this time in connection with an actual physical search and seizure. In 1914 the Supreme Court, in *Weeks v. United*

States, 232 U.S. 383, for the first time held that the 4th Amendment barred the use of evidence secured through illegal search and seizure in Federal prosecutions. This is what is now known as "the exclusionary rule," and has been binding on Federal officers since that time.

The Court did not, however, require State courts to adopt that rule. A number of States in fact did so, and in such States evidence obtained unlawfully has been excluded regardless of the fact that it might conclusively prove the defendant's guilt.

Prior Positions

The position taken by the courts of Kansas and numerous other States prior to the *Mapp* ruling was that any *pertinent* evidence might be presented in court, even though it had been illegally obtained. The philosophy adhered to was that such a procedure protected society against crime, or, to paraphrase Justice Cardozo, that the criminal should not go free because the constable had blundered.

Further, evidence unlawfully obtained by State officers was admissible even in Federal courts provided the Federal authorities had no part in and did not connive at the illegality. That is, the Federal prosecutor was free to use the illegally obtained evidence if it was presented to him by State officers "on a silver platter." In 1960, in *Elkins v. U.S.*, 364 U.S. 206, the Supreme Court overruled this "silver platter" doctrine, holding that if the evidence was obtained in violation of the U.S. Constitution it could not be admitted in a Federal court no matter who made the unlawful seizure.

Wolf v. Colorado

Even then the States were still free to chart their own course. In 1949, in *Wolf v. Colorado*, 338 U.S. 25, the Supreme Court had first recognized that the 4th Amendment applied to the States as well as the Federal Government, but again left to the States to decide the remedy to be afforded for a violation.

The final chapter of the doctrine of exclusion was written in *Mapp v. Ohio*, which extended the due process provision of the 14th Amendment to forbid the use of evidence unconstitutionally obtained in the State courts as well as in the Federal courts. The Court stated that the decision closes "the only courtroom door remaining open to evi-

dence secured by official lawlessness in flagrant abuse of that basic right reserved to all persons as a specific guarantee against that very same unlawful conduct. We hold that all evidence obtained by searches and seizures in violation of the Constitution is by that same authority, inadmissible in a State court."

Now when any officer seizes evidence in an unreasonable or unlawful search, he not only subjects himself to possible personal penalties, as he always did, but he destroys the value as evidence of the very object of his search. Without such evidence, a conviction is often impossible to obtain, no matter how guilty the defendant.

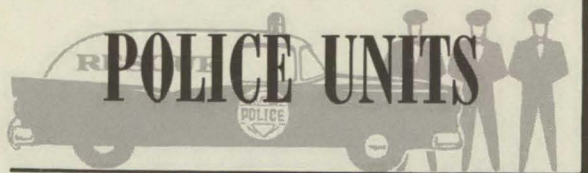
This is often difficult for the officer to understand. It seems to him that if the defendant is obviously guilty, and he has obtained the evidence to prove it, it is pure sophistry to allow the defendant to go free merely because of some irregularity in obtaining the evidence. The officer feels that criminals are given an undue advantage when he is required to observe what seem to be over-technical legal niceties in obtaining evidence. The feeling is a natural one, and closely akin to the dismay in law enforcement ranks when it first became apparent that a confession obtained through third-degree methods would not be admitted at the trial.

Not as Dark as Seems

Yet the picture is not as dark as it may seem. Law enforcement agencies may still search premises or persons by search warrant, by consent, or incidental to a lawful arrest.

Certain safeguards, of course, surround each of these procedures. Search warrants may be obtained only for probable cause and on oath or affirmation. Probable cause is usually defined as a reasonable ground of suspicion supported by circumstances sufficiently strong in themselves to warrant a cautious man in the belief that the person accused is probably guilty of the offense with which he is charged. Search by consent requires the subject to give his consent freely, voluntarily, and with no duress. The person from whom consent is asked must be clearly informed of his constitutional right to refuse a search without a warrant. In the search of premises, valid consent can be given by one having the right to possess the premises at the moment, assuming the search to be directed against him. If the premises are

(Continued on page 23)



Louisville Police

Add Two New Units

to Their Strength

by ASSISTANT CHIEF OF POLICE MAJ. BERT W. HAWKINS, Louisville, Ky., Police Department

Highly trained personnel is becoming more and more essential to police departments all over the country. To meet the demands imposed upon law enforcement by the accelerated pace in crime, it is especially important to have police units trained to handle specific or unusual situations with which they may be confronted.

Past experiences indicated to the Louisville Police that it would be advantageous to have trained personnel for the purpose of underwater recovery of bodies and stolen property, as well as personnel trained in the handling of explosives and suspected bombs. A brief summary of the advantages was sufficient to convince our board of aldermen of the necessity of such units, and they approved the necessary funds to completely outfit each of these two specialized groups with the best available equipment.

The two units, the Underwater Recovery Team and the Explosives Disposal Squad, are completely separate units having different functions, and are manned by separate personnel trained in the duties of their particular assignments. The cost of the equipment for each unit is as follows:

UNDERWATER RECOVERY TEAM:

Scuba gear for 6-man team, including training program.....	\$1,386.75
Additional tools and equipment.....	36.96
Total cost, underwater team.....	1,423.71

EXPLOSIVES DISPOSAL SQUAD:

Explosives protective apparel.....	500.00
X-ray unit and attachments.....	790.53
Polaroid photographic unit.....	596.89
Tools and explosives handling equipment.....	126.50
Total cost, explosives squad.....	2,013.92

Underwater Recovery Team

This team consists of six young police officers all of whom are expert swimmers and previously experienced in underwater work. Selection was made from a list of volunteers. Work, training,

and practice are considered noncompensated overtime, and the men are regularly assigned to routine police duties. The team now consists of personnel from the Detective Bureau, Traffic Bureau, and beat patrol sections, who are subject to call at any time. By training six men for the duties, we are assured of being able to obtain the services of two or more at any time.

Previous experience at underwater work is not sufficient for our purpose. Our team received training in all phases of underwater work. The training extended from the theory of diving to lifesaving, and included classroom work, pool work, and outdoor work in quarries, the Ohio River, and Cumberland Lake, with dives to a depth of 100 feet. Practice sessions are required once each month regardless of weather conditions.



Maj. Bert W. Hawkins.

Coincidental to the training of the team during a deep water session at Cumberland Lake, they were informed of a patron at one of the State park boat docks who had lost a billfold in the lake while fishing. After being shown the general location, members of our team were successful in recovering the billfold in 40 feet of water on a bottom of underbrush covered by the formation of this artificial lake.

Training and Practice

We feel that extensive training and constant practice are essential because the diver's life may depend on his knowledge and ability as well as on his equipment. Only that equipment considered to be the best was chosen. Each man of the team is issued a complete outfit which he maintains as long as he is a team member. This serves a double purpose: He is personally responsible for his own equipment, and it is in his possession and readily available when needed.

The city of Louisville is bounded on the north and on the west by the Ohio River, and this body of water is within our jurisdiction to the low watermark on the Indiana side. The river has numerous tributaries running through Louisville or the immediate surrounding territory of Jefferson County. These bodies of water, as well as numerous quarries and lakes surrounding Louisville, have become a dumping ground for stolen or contraband property. Members of our Underwater Recovery Team have been active in the recovery of several stolen autos which were driven into the river. At one time, they removed explosives and



Under-the-surface photo made of the Louisville Recovery Team.

ammunition, stolen from nearby Fort Knox, from an abandoned quarry. They conducted an unsuccessful search for a murder weapon allegedly thrown from the Clark Bridge into the Ohio River and recovered a stolen checkwriter from the river. The week preceding this writing, they recovered a stolen safe from the Ohio River, which had been thrown from the K. & I. Bridge, and recovered the body of a workman from a deep well at the Louisville Water Co. pumping station.

The enthusiastic work and accomplishments by these chosen officers have proved well worth the original investment.

Explosives Disposal Squad

The Louisville Police Explosives Disposal Squad is composed of 10 police officers headed by Capt. Gerald C. Kopp, an FBI National Academy graduate. Selection of the men was made from a list of volunteers. Captain Kopp was appointed head and organizer of the squad because of a previous visit to the New York Police Department where he devoted several days to research with its bomb squad. He displayed interest in the functions of the squad, kept current with new methods and explosives problems, and made use of the information he possessed in his assignments as superintendent of personnel and training. Obviously, he was the logical organizer of the new squad.

Prior to the organization of our squad, the entire commanding officer personnel of the Louisville Police Department received inservice training in the field of bombs, explosives, and sabotage from instructors of the 43d Ordnance Detachment



Underwater Recovery Team in training exercises.

Group from Fort Knox, Ky. This training was instrumental in making us realize a need for an explosives group within our police department. After the decision was made to organize such a squad, Captain Kopp and his sergeant were again sent to New York City to study their techniques and to obtain information concerning the type of equipment we would need. They received excellent cooperation from members of the New York Bomb Squad and returned with knowledge of the equipment needed and a planned course of procedure for our squad.

A training session was arranged for our entire squad of 10 men to be held at Fort Knox. The training was received in March of 1961 under the guidance of the 43d Ordnance Detachment Group. It consisted of classroom study concerning various types of explosive detonators and triggering devices and fieldwork where our men actually detonated various types of explosives. The necessary equipment was next obtained. This consisted of a portable X-ray unit with Polaroid photographic attachments which produces an immediate 10- by 11-inch permanent photo without exposing the operator to the X-rays; two sets of protective armor; a listening device to detect sound in a suspected package; a set of eight tools of nonsparking beryllium metal; a nonsparking glass knife for opening packages; and a set of regular tools of various types.

No Publicity

There has been no newspaper publicity concerning the formation of this squad, because we feel it would act as a challenge to juveniles attempting to demonstrate their ability to outsmart the police and satisfy their perverse desire for anonymous publicity. For this reason, we also chose not to call this unit a bomb squad.

We previously mentioned that the squad is composed of volunteers and, as in the Underwater Recovery Squad, their work is noncompensated and much of it overtime. They carry out their routine police assignments and are subject to call for explosives work at any time. Our procedure is as follows: When our complaint desk receives information involving explosives, the regular beat officers are dispatched to the scene. If these officers find explosives or something of a questionable nature, they clear the area, notify headquarters by radio and request the assistance of the Explosives

Disposal Squad. At least two members of this squad are dispatched to the scene, and they decide the course of action to pursue.

Civil War Shell

During the first 6 months of operation, the members of the Explosives Specialists Group had 19 investigations involving explosives. Most of these investigations involved discarded or unwanted souvenir military shells and shell cases. Of all of these cases, only three investigations revealed that the shell or the shell case was completely deactivated. In all of the other instances, the shells were completely loaded, or the shell case still contained primer explosives. One such case involved a citizen's finding a rust-pitted shell in a field. On investigation, it was found that the shell was an old Parrott shell used during the Civil War by both the North and the South. The shell still had the percussion cap intact, and inside there was a pound of black powder in perfect condition. It was very much alive and very dangerous. Other investigations made, thus far, have involved hand grenades, dynamite, and blasting caps.



Armor, X-ray equipment, Polaroid equipment, and other tools used by the Explosives Disposal Squad.



Still-active Parrott shell, relic of the Civil War, found by the Explosives Squad in Louisville.

This group of men no doubt has a dangerous job, but the danger is minimized because they have had special training for the handling of explosives. This training did not end with the initial training. So that the men will be better qualified to meet all situations involving explosives, they are required to continue with 2 to 2½ hours of inservice training each month.

Both teams are highly efficient and capable of giving expert service to the community.

★

ELDERLY SHOPPERS TARGET FOR PICKPOCKETS

Operating as a team, two female pickpockets used a technique of selecting only elderly women as their prospective victims. They would open a shopper's handbag on the street, then follow the shopper until she entered the vestibule of a store. One of the pickpockets would then step forward to open the door for her, and, as she was about to go through the door, the other pickpocket would squeeze by her and remove the wallet from the open bag.

When the subjects were finally caught, they admitted that they suspected they were being watched by police officers and for that reason never removed wallets from the handbags they opened on the street, but waited until they got into the vestibule of a store—and out of sight of the officers—before they attempted to remove the wallets.

Bu file # 63-4296-35 Ser. # 395

10

Law Enforcement Loses Great Friend and Champion

Law enforcement officers throughout the country were saddened to learn of the passing on February 20, 1962, of John Ogden (Jack) Carley, associate editor and former managing editor of the Memphis (Tenn.) *Commercial Appeal*.

Few individuals outside the law enforcement profession contributed more to its advancement and growth than did Jack Carley. Over the years he aligned himself with those who championed the causes of internal security and freedom. He made numerous staunch friends among police officers and, since 1942, had been a visiting instructor at the FBI National Academy.

FBI Director J. Edgar Hoover, a close friend of the noted newsman, made the following comments upon notice of Carley's death:

The passing of Jack Carley leaves a great emptiness in hearts from coast to coast. As a fearless, sensitive newsman, Jack won a rich following of devoted admirers. Like others who had need of his services, we in law enforcement found him ready at all times to answer the call—whether it consisted of lecturing to a police training school or helping expose conditions which threatened the welfare of his community, his State, or his Nation.

Thousands of lines of copy poured out of Jack Carley's typewriter during his lifetime. They all bore the indelible trademark of a probing mind, a keen wit and a strong moral conscience.

It was an honor to be among Jack's close friends. I feel a deep personal loss at his passing.

Members of law enforcement lost a true friend in the passing of Jack Carley. His support and services will be greatly missed.

Jones to DeLoach memo dtd 2-20-62

★

SIGNATURE NOT ENOUGH

A number of chain markets are now requiring anyone asking for check-cashing privileges to fill out a registration card reflecting pertinent information in addition to the signature.

Since identification from handwriting is facilitated where comparison material is not limited to the signature only, the prospective customer is asked to completely fill out the registration card in his own handwriting.

A period of at least 24 hours is required between filling out the card and the privilege of cashing a check.

The Wisconsin Sheriff + Deputy Oct. + Nov. 1960
FBI LAW ENFORCEMENT BULLETIN

LAW ENFORCEMENT ADMINISTRATION

Within the past several months, the Nation has witnessed a shocking situation—that of law enforcement officers accused of criminal activities. Unfortunately, these have not been just isolated instances. The resulting notoriety has reflected unfavorably upon all members of the law enforcement profession. The loss of public confidence has caused incalculable damage. It has imposed an extra and unnecessary handicap on all honest law enforcement officers.

The professional status of law enforcement is at stake. It stands to lose the confidence and respect of the public. The fruits of many years of dedicated service will have been of no avail unless corruption in law enforcement is eliminated.

What is the solution? In essence, how can trouble be detected and corrected before the inevitable public exposé?

The answer is obvious if the three following principles are observed:

1. Careful initial selection of qualified personnel.
2. An adequate training program throughout the period of employment.
3. Thorough inspections on a regular basis. (Inspections can be of great value in preventing and correcting problems in any department.)

Over the years the FBI has maintained a vigorous inspection program. Its inspection staff is composed of experienced, competent men who periodically review and assess the work performance of each field office and of its headquarters staff. The inspections are factual, constructive, and penetrating. They have as their goal the improvement of management and investigative practices. They also serve as a guide in spotlighting meritorious performance and capabilities of individual employees for long-range advancement.

The findings and recommendations of FBI inspectors form the basis for evaluating operational weaknesses and deficiencies so that immediate corrective measures may be taken.

This is a continuing program and one which has contributed immensely to the greater efficiency

Timely Inspections of Essential Value in Law Enforcement

of the FBI. It is a valuable insurance against waste and inefficiency.

Nothing would be more impractical than an attempt to describe in detail an inspection staff and procedures which are applicable to all departments. Certain basic principles and guide lines, however, should be common to all inspections.

Inspector and His Staff

At the outset, the inspector and members of his staff must be above reproach. This is the foundation upon which all corrective action is taken. It is also essential that the inspector have a depth of background and experience in the field in which he is making inquiries. Tact, courtesy, thoroughness, and an interest in personnel are helpful qualities, but they mean little if integrity is absent.



Director J. Edgar Hoover instituted a penetrative inspection program upon being named head of the FBI in 1924.

The inspector should bear in mind the purpose of inspections—constructive and corrective. He is not out “to get” anyone—he must always be completely objective and retain an open mind. If a problem exists, he must meet it head on. Explore every facet. Determine how it originated so preventive steps can be taken in the future. By the same token, he should be alert for matters of apparent insignificance today which can develop into major problems tomorrow. He should avoid, however, becoming so involved in minutiae that his purpose eludes him.

Chain of Command

The chain of command in inspections is important. Authority to order inspections should rest only with the top official in the department. This could be the chief or superintendent of police, the mayor, governor, city manager, or commissioner of police, depending upon the government subdivision involved. The inspector in turn should be responsible only to the official who ordered the inspection. An intermediary between the inspector and top official might create doubt as to the independence of the conclusions reached.

Basic Factors Considered

Fundamental items to be considered in all inspections are:

1. The physical condition of all space occupied by the agency. This also encompasses the maintenance of property, including but not limited to furniture, automobiles, firearms, and technical equipment.
2. Investigative operations should also receive careful scrutiny.
3. Administrative operations including supervision, structure, and division of responsibilities.
4. Personnel matters.
5. Public relations.

Training Programs

Training programs should receive close scrutiny to determine the nature, frequency, and quality of instruction. Is sufficient flexibility provided to meet changing needs? Is the training closely coordinated with problems encountered in the performance of duties on a day-to-day basis? Does the agency obtain recruits of high quality? What indoctrination instructions do they receive?

Certainly, economy is most important. If efficiency and service will benefit by elimination, change, or streamlining, the inspector must have no hesitancy in making the proper recommendations. Any improvement which will provide better service for the taxpayers' dollar is the goal to achieve.

Personnel Matters

Frequently the most difficult situations to handle are personnel matters. It is not always easy for one individual to accurately determine the efficiency of another. Here, the inspector encounters all the foibles of human nature: differences in personality, intelligence, and all the complexities—many intangible—inherent in people.

To define a plan to follow would be as difficult as describing how interviews with suspects are to be conducted. Certainly, the inspector should be available to any employee who wants to talk to him; and if a sufficient number of personal interviews are conducted, both formal and informal, an insight into morale and efficiency can be determined. Without efficient use of personnel, an agency cannot hope to accomplish its objectives.

The supervisory structure of the agency should be carefully reviewed. It should be determined whether employees are receiving adequate guidance and supervision. In this connection it is well to make sure that all supervisors are readily accessible to employees who have occasion to confer with them. It is also important to insure that the supervisory staff has not been overloaded to give the impression of more work than actually does exist.

A promotion system based on merit is the heart of any personnel program. If employees know they receive promotions as a result of their contribution to the agency, few complaints will result.

Public Relations

A view of the department through the eyes of a taxpaying citizen is often enlightening. How are members of the public received when they personally visit police headquarters or a precinct station to offer information or make a complaint? What is the attitude and demeanor of the desk sergeant or complaint officer? Is the information recorded in a businesslike manner? When the citizen leaves the police station, can the agency be assured he is a friend? Do telephone inquiries

receive prompt, courteous attention? Make a thorough examination of the physical appearance and maintenance of office space. This affects employees' pride in their organization and their attitude toward their work. Check public appearances, speeches, and publications distributed to the public.

What Inspector Must Note

When a thorough inspection is complete, the inspector must:

1. Accurately report on the teamwork and morale of the department as well as the uniform procedures introduced.
2. Point out sound recommendations for economy.
3. Define new techniques and ideas which may be helpful to others in the agency.
4. Identify employees who are or will be capable of assuming further responsibility.
5. Briefly summarize every operation of the department and comment on both the weak and strong points.
6. Determine and correct those items which may be the source of future trouble.
7. Be able to answer any questions of the person who ordered the inspection.

It is a basic requirement that the results of the inspection be reduced to writing. It is axiomatic that the record contain those items which are favorable to the department as well as those singled out for criticism. The paper work must be accurate, brief, clear, and present the situation in factual language.

In the event recommendations for changes are made, they must be fully explained and completely justified. This is true even though in prior oral discussion with the employees concerned they readily concurred that the suggested changes are worthwhile. Provision should be made for written response to any comment made by the inspector, whether favorable or unfavorable.

How often should inspections be conducted? Again it is impractical to state a rule of thumb. It is obvious, however, that some periodic schedule be followed. This does not imply that Department A is to be ready for an inspection on a given date each year. Such a routine would defeat much of the purpose of the inquiry. A flexible schedule is about as definite a rule as can be stated.

Any law enforcement agency which is interested in improvement will welcome an inspection and extend full cooperation. If this attitude is absent, it may be an indication that an inspection is really needed.

FBI NA GRADUATE USES TRAINING EFFECTIVELY

Following his attendance at the FBI National Academy last year, a sheriff from a northwestern State had an opportunity almost immediately upon his arrival home to put his defensive tactics training into practice.

A prisoner attempting a jail break had possession of a length of chain which he was using to beat the jailer when the sheriff, hearing the commotion, went into the jail to investigate. On the way up the stairway, the sheriff encountered the prisoner who raised the chain ready to attack. Reacting swiftly, the sheriff threw up one arm to block the blow, and at the same time he caught the prisoner's wrist, applied a hammerlock, and slammed him up hard against the wall. The prisoner was not only completely under control but was stunned by the forceful and effective action taken by the sheriff.

*Seattle memo dtd 2-7-62
Sheriff H.S. Harrison Bu. file # 1-8894.
MAY 1962*

POLICE IN SOUTHERN CITY ALERT CITIZENS TO DUTY

The Statesville, N.C., Police Department recognizes its effectiveness as a law enforcement agency depends greatly upon the prompt, wholehearted, and intelligent cooperation of all the citizens in its jurisdiction.

To inform the public of its role in helping the police department to detect and suppress crime in the community, the police department of Statesville has issued a pamphlet pointing out the manner in which local citizens can be of the most valuable assistance. The pamphlet, entitled "The Citizen's Part in Crime and Accident Prevention," has listed many useful suggestions for businessman, housewife, and schoolchild, who, if they fully cooperated with their local police department in following the rules and suggestions set forth, could substantially reduce the number of crimes and accidents in their community.

Per booklet from Statesville, N.C. P.D. 13

SCIENTIFIC AIDS

Suspect Identified by Toolmark Study in a Hit-Run Case

Toolmark examinations, in the minds of most investigators, are connected with evidence found at the scenes of burglaries and similar crimes. However, this valuable technique should not be overlooked as a possibility to the solution of other violations where incriminating markings are available. This is exemplified in a hit-and-run case which occurred near Media, Pa., not long ago.

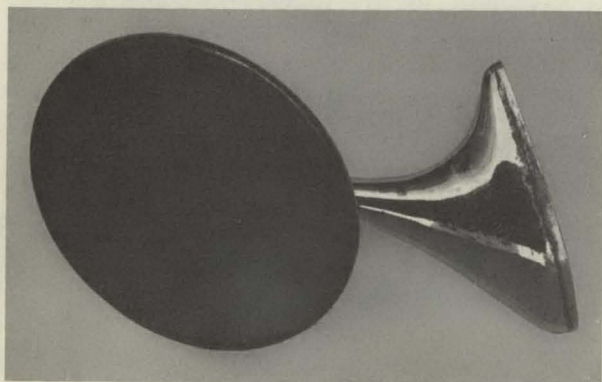


Figure 1.

Found clutched in the hand of the hit-and-run victim was a side view mirror assembly believed to have originated from the vehicle involved. Eyewitnesses could describe the vehicle only as a 1955 or 1956 model automobile.

Shortly thereafter such a car was located with its side view mirror mounting bracket attached but with the mirror assembly missing. The owner denied having any connection with the hit-and-run accident; in fact, sometime later he produced a side view assembly which he said had been removed from his vehicle by Halloween pranksters several months before.

Upon examination in the FBI Laboratory, the mirror assembly found clutched in the victim's hand was determined to have been forcibly removed from the mounting bracket to which it was formerly attached.

The markings on the base of the mirror assembly found at the scene were compared with test

markings made with one end of the steel mounting bracket removed from the door of the suspect's vehicle. As a result of this comparison, the marks on the mirror assembly and the test marks made with the bracket matched. It was therefore concluded that the mirror assembly found in the victim's hand had originally been affixed to the mounting bracket on the suspect's car.

The marks on the base of the mirror assembly were produced when a force was applied to the assembly causing one end of the mounting bracket to scrape against the base.

Figure 1 shows the side view mirror assembly found in the victim's hand at the scene. Figure 2 shows the mounting bracket (with gasket) and the base of the mirror assembly. Figure 3 shows the manner in which the base of the mirror assembly was attached to the mounting bracket. In this case, point A of the mounting bracket was the tool which made the pattern of marks at point A on the mirror assembly. Figure 4 is a photographic

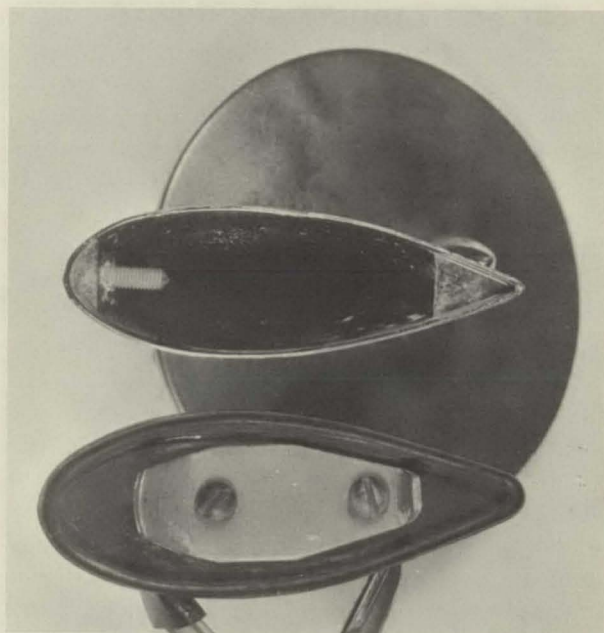


Figure 2.

Murder or Accident, It Could Be Either

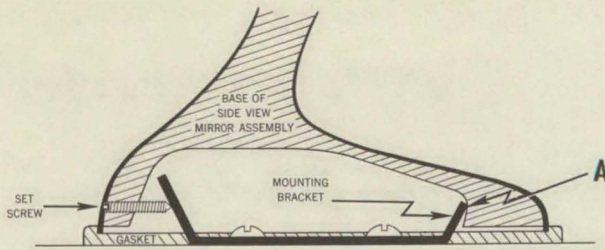


Figure 3.

enlargement showing the similarity between the toolmarks found at point A on the mirror assembly and test marks made with point A of the mounting bracket. The evidence supplied by the FBI Laboratory in this case was sufficient to establish the guilt of the suspect who confessed and pleaded guilty to the crime.



Figure 4.



EXPLOSIVES

Do not send explosives to FBI Laboratory without specific shipping instructions.

MAY 1962

Homicides have been made to appear as accidents, and equally true, but perhaps more infrequently, accidents may appear to have been homicides.

In one case, a motorist was brought into a hospital, following an automobile accident, with what police officers and doctors took to be a fatal gun wound in his chest. However, X-rays and an autopsy failed to locate the bullet. Further investigation at the scene of the accident revealed that the steering column of the car was covered with blood and pieces of flesh, and that the gear-shift lever had penetrated the man's chest at the time of impact. It was the hole left by the gear-shift lever which had been mistaken for a gunshot wound.

In another case, an actual bullet wound was identified as the cause of death for a young man found sprawled near a building he had planned to burglarize. Police officers, in making a search of the building, found a cheap pistol on the bathroom floor from which one shot had been fired. A powder burn and a small chip mark were found on the toilet top, and the bathroom window had been left partly open. Footprints and bloodstains led from the window to where the body had been found.

Officers noted that the pistol could be fired by a rap on the hammer. With this discovery, they reconstructed the shooting as follows: The burglar had been climbing either in or out of the window when his pistol fell. The hammer of the pistol struck the toilet top, causing the pistol to fire and leaving the chip and powder burn. Mortally wounded, the burglar then staggered away from the building and died on the street where he was found the next morning.

Nationwide Criminal Activities, 1/31/62



HIDING STOLEN JEWELS

Following his arrest for stealing a tray of diamond rings and wedding bands, an admitted jewel thief related to police the method he used to avoid detection when carrying them away for disposal. He would place one or two rings between his upper denture and gum, reasoning that should he be caught and searched, he would simply swallow the rings, and the police would never be the wiser.

Crinidel 1/1/60 Minn. #63-4296-43-324
Subject: Joseph O'Neill.

OTHER TOPICS

The question, "Why do they have a police department?" is often asked by persons not familiar with railroad operation.

In the police department general notice of department rules, one railroad very clearly answers this question by stating: "The police department is organized to protect the property and traffic of the railroad, to guard and protect the traveling public, to prescribe and maintain order and peace as described by law upon the premises of the railroad and its trains, to aid in quelling any disturbances that may arise, to uphold and enforce the law insofar as the railroad's interests may be involved, and to render assistance upon the occasion of any accident, fire, flood, or personal injury, or such other duties as may be assigned."

The railroad police in the United States and Canada represent the world's largest privately supported police agency.

The beginning of railroad police, as we know them today in the United States and Canada, is placed in the year 1865 when Pennsylvania became the first State or Commonwealth to pass legislation granting it police power and authority. There have been authorized railroad policemen in Canada since 1885.

Police Powers Granted

Today, most States have laws granting police authority, in varying degrees, to railroad police. Where State legislation has not been enacted, police powers are conferred by the county sheriffs, and in some cases by the city government. In Canada, authority is granted by the Provinces, railroad police having full authority of provincial constables.

Police powers in the States vary from full authority of a peace officer with statewide jurisdiction to authority restricted to company property and enforcement of only certain sections of State penal laws which deal with railroad matters.

Railroad Industry Has Definite Need of Police Service

*by MR. ROBERT W. STONE, Superintendent of
Police, New York Central Railroad System*

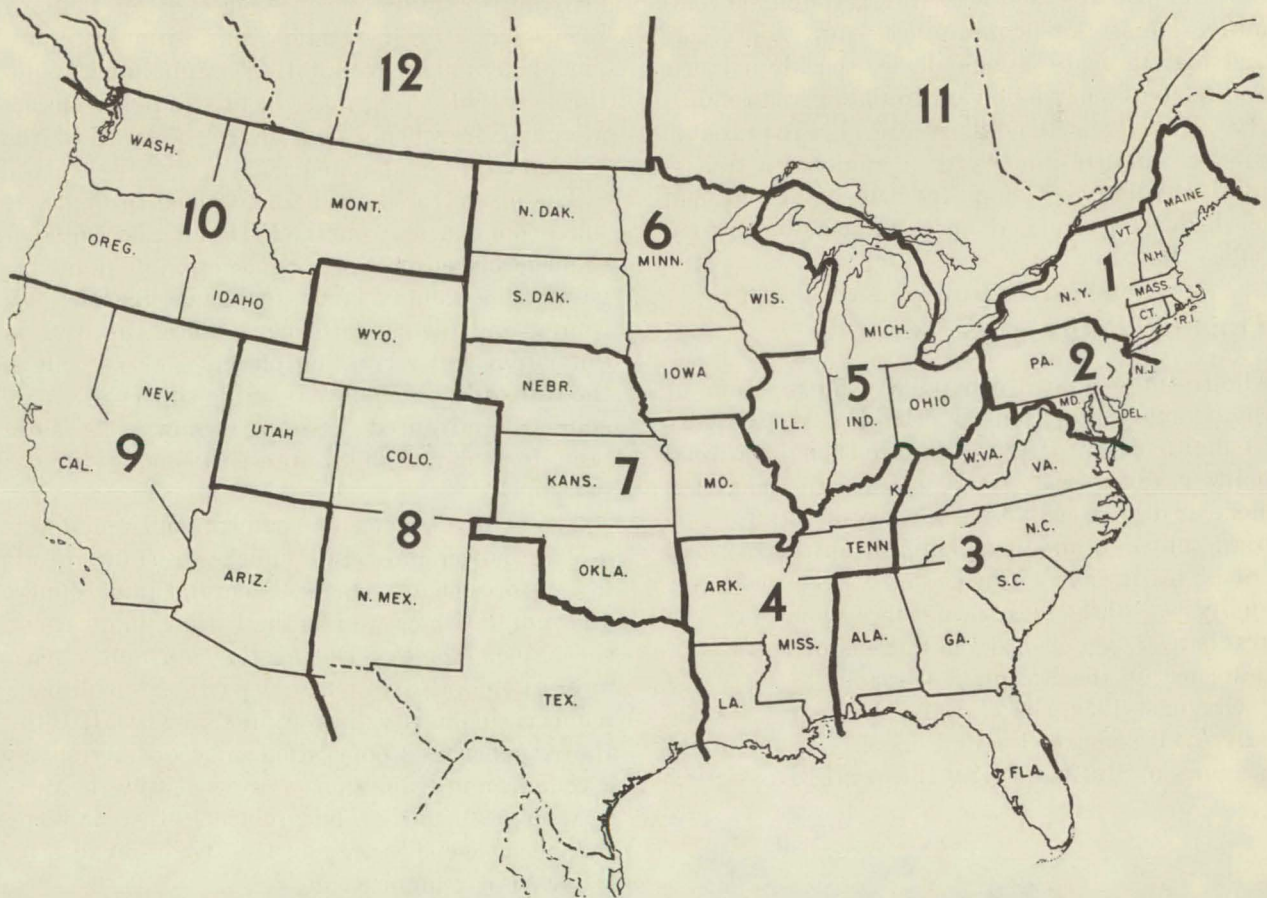
The railroad police departments grew with their railroads in size and efficiency. Following World War I, it became evident that a national organization was necessary to combat the complex problems confronting these departments and to insure coordination, cooperation, and the exchange of information, methods, and procedures. This led, in 1921, to the formation of the protective section of the Association of American Railroads, representing the police administrators in the United States and Canada. In addition to the heads of the railroad police departments, the Railway Express Agency and the Pullman Co. were represented.

Annual meetings were held in various cities throughout the United States and Canada. The governing body was elected by the membership and was known as the Committee of Direction



Supt. Robert W. Stone.

TWELVE REGIONS ADMINISTERED BY THE POLICE ADVISORY COMMITTEE



which consisted of 12 members, 1 a chairman and 1 a vice chairman. Five committees were appointed to specific duties covering law enforcement, national emergencies, trespassing, police training, and public relations.

In 1961, the protective section underwent a reorganization, and it is now known as the Police Advisory Committee, a part of the operating-transportation division of the Association of American Railroads (AAR).

Committee Members

The Police Advisory Committee consists of 15 elected members, territorially represented insofar as practical, 2 from Canada, 3 from the South, 4 from the East, and 6 from the West. The United States and Canada are geographically divided into 12 regions (see map), the members of the Police Advisory Committee being the representative chairmen within their own regions and responsible for the activities and direct handling

of matters previously delegated to the committees under the former organization.

Mr. K. F. Wright, General Superintendent of Police, Baltimore & Ohio Railroad, is the present chairman of the Advisory Committee, and Mr. A. E. Kerr, Manager Special Service, St. Louis-San Francisco Railway, is the vice chairman.

The Advisory Committee reports to the general committee, Operating-Transportation Division of the AAR. The chairman and vice chairman are elected for a 3-year term of office.

Objectives of the committee are:

1. Keep in touch with member roads, police supervisory officers, and serve as a clearinghouse for exchange of information as to the apprehension or prevention of individuals perpetrating crime against the railroads.
2. Study methods and practices of establishing safeguards against loss of railroad property and traffic by criminal intent.
3. Encourage and foster close working relationships with other law enforcement agencies.

The regional advisers are authorized to supervise and abet regional activities through subcommittees, or any other media necessary, to promote and maintain at regional level, specific subjects and related items important to the railroad industry. The regional advisers are also required to submit complete reports of all regional activities to the Advisory Committee which, at national level, develops and advances important railroad police functions.

Training Police Officers

The training of railroad police officers is one of the primary functions of the Police Advisory Committee. In 1950, an international railroad police academy was set up in Chicago, where the member departments sent selected officers for a 2-week course of advanced training in the railroad police profession. Classes have been held annually since the academy's inception, and the graduates have formed the nucleus of a training cadre within the Nation's railroads.

Up until 1959, the Chicago Academy was the only AAR-sponsored police school. At an annual meeting in Buffalo, N.Y., the protective section



Gen. Supt. George Coates.

adopted a countrywide and Canadian training program for railroad police officers. A standard basic course of instruction was formulated, regional training committees appointed, and, through 1961, a total of 847 railroad police officers attended 45 schools held in all sections of the United States and Canada.

The instructors have been obtained through the finest cooperation from the FBI and all other Government law enforcement agencies, State police organizations, county law enforcement agencies, the courts, and district attorney's offices, as well as municipal police training officers and, of course, the railroad's own police training supervisors. A standard advanced training course has since been formulated and is presently being further developed.

The railroad police departments must maintain a close liaison and rely upon the assistance of all law enforcement agencies, Federal, State, county, and municipal, as well as the various branches of the Armed Forces. During the course of a year, most of the railroad police departments will have had occasion to work in conjunction with all of the above agencies. Cooperation and coordination are excellent, and team effort is returned by the railroad departments. The problems of all law enforcement agencies are mutual. Widespread lawlessness is a common enemy.

Teamwork Necessary

A recent case on an eastern railroad exemplifies the unified cooperation and necessity for teamwork between departments.

An unusual number of uncanceled railroad tickets for transportation were being redeemed at the ticket office of one of the larger passenger stations. An investigation was instituted by the railroad police, and it was determined that a ring of both employees and nonemployees was involved in a scheme wherein uncanceled tickets were obtained from train conductors who failed to punch them when presented by passengers on trains. These tickets were then passed to nonemployees who, in turn, presented them for redemption at ticket windows. Ticket sellers who were also members of this ring paid full amount of transportation, including Federal tax. Redemption slips listed fictitious names and addresses. As this case involved defrauding the U.S. Government of the Federal transportation tax, the FBI was called into the case.

Investigation then became a joint matter and extended over several years, resulting in the indictment of nine persons who were charged with violation of title 18, sections 371 and 641. Seven of those indicted pleaded guilty in Federal court and two were found guilty after trial.

This broke up a ring which for some years had been engaged not only in the commission of thefts from the railroad but, in addition, defrauding the Federal Government of tax moneys.

Thefts and pilferages of freight shipments in transit, burglaries, attempted train derailments, forgeries, and assaults are among the many types of crimes encountered by the railroad police departments, as well as misdemeanors of every nature. Large passenger depots, as Grand Central Terminal in New York City, present a police problem of protection and enforcement comparable to a fair-size municipality.

Department Personnel

The New York Central Railroad Police Department is charged with the responsibility of policing its railroad which operates on 10,300 miles of trackage through 11 States and 2 Provinces of Canada, with major facilities in the larger cities, including its own marine department in the New York Harbor.

The department is headed by a general superintendent of property protection and freight claims, a superintendent of police, 4 chiefs of police; New York and eastern, western, northern, and southern districts, with 18 captains and a force of lieutenants, sergeants, and patrolmen located within the major cities in the 4 districts. The system headquarters is located in New York City.

How Department Operates

With the passage of time, it became necessary to change the methods of policing the "Central." At one time New York Central officers were principally confined to duty in freight yards and freight stations and at the larger passenger depots. Telephones were the sole means of communication.

Several years ago, in order to increase the protection and foot patrol coverage to meet present-day requirements, additional cruiser cars were placed in service and the latest radio equipment installed. The present fleet consists of 50 mobile units. Base stations are located in New York City, Albany, Syracuse, Buffalo, Cleveland, Toledo,

Chicago, Detroit, Jackson, and Indianapolis. The district headquarters' radio desk at Cleveland controls the radio operations at both Toledo and Chicago, enabling direct two-way transmission between cruiser cars in these two cities and Cleveland headquarters. Further expansion is in the active planning stage, with a unified system radio coverage the ultimate goal.

Portable radio equipment is also extensively used in our operations, both 1-watt belt units and 5-watt units.

Problems With Juveniles

One of the major problems confronting the railroad police departments is the stoning of passenger trains by juveniles, causing serious injuries to passengers and train crews, and extensive damage to equipment.

This problem is particularly acute on the New York Central in the New York City area, due to the heavy concentration of commuter trains and the density of the population.

To more efficiently combat this problem, several years ago the Central Police assigned officers to ride the head end of commuter trains in this area with 5-watt portable walkie-talkies and increased the radio cruiser car coverage along the right-of-way. As officers riding trains observe juveniles throwing stones, trespassing, or committing any depredation, they radio the cruiser cars in the sector, giving the exact location and description of the juveniles. The headquarters' radio desk also picks up these transmissions from the trains and relays the complaint to the New York City Police Department, resulting in a convergence of both municipal and railroad police on the scene. This system has more than doubled the juvenile apprehensions on these complaints and has considerably eased the situation.

This is just an example of the progress made by the railroad police in the United States and Canada. They, like police of all departments, have come a long way from the time a new officer was handed a badge, a revolver, given a night stick, and told, "You are a policeman."



FINGERPRINTING

Fingerprint cards must give age and date of birth, as well as other pertinent data.

Extradition Matter to and from Canada Explained by RCMP

by SGT. G. W. REED, LLB, RCMP Headquarters,
C.I.B. Legal Section, Ottawa.

(Reprinted by special permission from the Royal Canadian Mounted Police "Gazette." This is the second of a two-part article relating to extradition to and from Canada.)

It is arguable whether a fugitive is entitled to bail pending the extradition hearing. Although it would appear that he could be granted bail, it is unlikely that an extradition judge would grant bail in such an instance, for the courts should do all possible to enable Canada to meet her treaty obligations to extradite fugitives. Granting bail with the chance that the fugitive would skip is not consistent with these obligations.

It is necessary for the foreign authority requesting extradition to appoint Canadian counsel to act for them at the extradition hearing. When time permits, this is often done before any action is taken. At the hearing, it will be necessary for the foreign authority to present a prima facie case to the court before the fugitive will be committed for extradition. Sufficient evidence must be presented to the court to show that a crime was committed in the foreign country according to foreign law and that this crime comes within the applicable extradition treaty. This evidence may be presented by way of witnesses' depositions taken under oath and properly attested to in the foreign country.

In addition to the foregoing procedure, there must be a formal diplomatic request for extradition. This usually takes the form of a request presented to the Canadian Minister of Justice by the Ottawa Mission of the country requesting extradition. This request must be accompanied by evidence in support of extradition such as a transcript of any proceedings or sworn depositions from witnesses in the foreign country and copies of other documents, including the warrant to apprehend.

If the fugitive is committed for extradition, he will not be surrendered to the foreign authorities for a further period of 15 days. This period is provided for in the Extradition Act, in order to

give the fugitive an opportunity to make application by way of habeas corpus against his detention for extradition. During this period the executive branch of the Canadian Government will satisfy itself that the fugitive is not wanted in the foreign country for a political offense. If the Government feels the fugitive is wanted for a political offense, the fugitive will not be surrendered.

Should the fugitive also be wanted in Canada, or stand convicted of a crime committed in Canada, he will not be surrendered until such time as he has been dealt with under Canadian law. A warrant of surrender may be issued authorizing the release of the offender to the foreign police force or other authority under the following conditions:

- (a) If the fugitive has been committed for extradition and the 15-day waiting period has expired, or his application for habeas corpus has been refused;
- (b) If the Canadian Government is satisfied that he is not wanted for a political offense;
- (c) That the offender is not wanted or undergoing sentence in Canada.

To Return the Prisoner

The Warrant of Surrender is issued by the Canadian Minister of Justice and is usually forwarded to the Ottawa Mission of the country requesting extradition. They in turn will forward the warrant to the counsel who has been retained and has acted for the foreign authority during the extradition proceedings. This counsel will give one copy of the Warrant to Surrender to the gaoler where the fugitive is being detained and the other to the escort who takes the fugitive into custody for delivery to the authority requesting extradition. In practice, both copies of the warrant may be given to the police officers who are to handle the escorting duties in Canada. The final requirement is that the foreign escort accepting the fugitive should have a warrant referred to as a Warrant of Recipias issued by the appropriate minister of the foreign country and to take the fugitive into the foreign country. A copy of this Warrant of Recipias may also be required by the gaoler in Canada before the fugitive is released.

It may be that a fugitive, once arrested, may wish to waive extradition; that is, return voluntarily to the country in which he is wanted. In such cases, it is good practice to take the fugitive before an extradition judge who can explain to him

his rights regarding extradition. Whether this is done or not, the person who has the accused in custody and who turns him over to the foreign authority should have him sign a witnessed consent to return voluntarily waiving extradition. Such a document could be useful in the event that a fugitive complains at a later date, possibly through diplomatic channels, that he left Canada as a result of threat or intimidation.

All our extradition treaties provide that a fugitive may be tried only for the offense or offenses for which he was extradited, unless he has been given an opportunity to return to the country from which he was extradited. This does not apply when the fugitive is deported or waives extradition in which case he may be tried for any offense committed in the country to which he was returned.

Extradition to Canada

While the procedure necessary in Canada to extradite a fugitive to another country is uniform in all cases under the provisions of the Extradition Act, such is not the case where it is sought to extradite a fugitive to Canada. This results from the fact that the steps required in the foreign country will be governed by the domestic law of that country which implements the treaty. In addition, all our extradition treaties are not identical with respect to procedure and do not deal with procedural matters in detail. These considerations, together with the fact that the administration of justice in Canada is the responsibility of the Provincial Attorneys General, result in some variation in the procedure for the extradition of fugitives to Canada.

It is unlikely, however, that any policeman or police force will ever have to initiate action for the return of a fugitive from another country to Canada. Such action will invariably be handled by the Provincial Attorney General's Department, the Attorney General of Canada, or counsel appointed to act for these departments.

It must first be established that there is a treaty with the country in which the fugitive is believed to be located and that the crime is extraditable in accordance with the applicable treaty.

Contacts To Be Made

The Provincial Attorney General will arrange for counsel to act on his behalf in the foreign country after contacting the Department of Justice who

in turn will advise the Department of External Affairs that the extradition of a person wanted in Canada is desired. This communication to the Federal Government will include a description of the fugitive and the details of the crime for which he is wanted. At the same time, the Provincial Attorney General may wish the Canadian police force involved to contact the foreign police force, giving a detailed description of the fugitive and advising that extradition is being demanded. The foreign police force may then, if allowed by their law, arrest the fugitive. It may be that they will request some further proof of identification, copies of the Information, copies of the warrant, or other supporting documents. Any such information requested should be supplied as soon as possible. It may be that no steps can be taken by the foreign police force until counsel is appointed in that country to act for the Canadian Provincial Attorney General. The appointment of counsel may be arranged by the Provincial Attorney General through the Department of External Affairs, but once appointed this foreign counsel may communicate directly with and receive instructions from the Provincial Attorney General.

Direct Contacts

There may be instances when a Canadian police force will contact a foreign police force directly with the request that they arrest and hold a Canadian fugitive. Where good cooperation is in effect, such as exists between Canadian and many U.S. forces, the foreign police force may accede to the Canadian request. If the sole purpose of such an arrest is to return the fugitive to Canada, the Canadian police force requesting the arrest may find themselves in difficulties if they do not have the prior consent of their Provincial Attorney General.

In some cases it may be advantageous for a Canadian police officer to proceed to the foreign country to assist in tracing or identifying the fugitive, to transport documents, or even to give evidence in the extradition hearing in that country. This should be done, of course, only with the consent of the Provincial Attorney General, and such officer, while in the foreign country, must concern himself only with tracing the fugitive by way of assistance to the foreign police force. He must never interfere with the fugitive's liberty in that country or coerce the fugitive to return to Canada. Should the fugitive agree to return to Canada

voluntarily, that is, without being extradited, the foreign authorities should be advised before any steps are taken in this regard. Where documents are being conveyed by the police officer, he should familiarize himself with the signatures of the persons signing the documents as this may help to speed up extradition proceedings in the foreign country.

Following the Arrest

Once the fugitive is arrested in the foreign country, he may be committed for an extradition hearing, which hearing is much the same as that held when it is sought to extradite a fugitive from Canada. The following documents must be forwarded to the Department of External Affairs and the Department of Justice by the Provincial Attorney General in order that a formal request, or requisition as it is called, may be made for extradition: Warrant to Apprehend, the Information, description of the accused which, if possible, should include fingerprints and photograph as well as his nationality, and sufficient evidence to establish a prima facie case that would be sufficient to justify the fugitive's committal for trial in Canada. This material will be reviewed by the Department of Justice, who, if they agree that a request for extradition should be made, will do so through the Department of External Affairs. This request or requisition, together with all the above material, is forwarded to the Canadian diplomatic representative in the foreign country. He would then present a formal note to the proper authority in that country. The Canadian diplomatic representative will also provide the Provincial Attorney General's foreign counsel with copies of all this material.

Evidence submitted with this material is obtained under the authority of section 31 of the Extradition Act. It is under this section that police officers as well as any other persons may be summoned to give evidence of the crime in question. Persons may be summoned or subpoenaed to give evidence for this purpose in the same manner as for a criminal trial in Canada. The appointment of the person taking the depositions or the signature of the court stenographer must be authenticated by the Provincial Attorney General. The Attorney General's appointment must be authenticated by the Lieutenant Governor of the Province, and the Governor General or his deputy authenticates the appointment of the Lieu-

tenant Governor. All this must take place before the depositions and other materials are forwarded to the foreign country.

At the extradition hearing in the foreign country, it may be necessary to prove by way of expert evidence that the offense alleged as supported by the depositions is an offense under Canadian law. This evidence is usually given by a lawyer. Following this hearing, a fugitive may be surrendered by the foreign country. There may, however, be a waiting period similar to that provided for in our Extradition Act during which time the person may appeal the order committing him for extradition.

Returning the Fugitive

Once the foreign government agrees to surrender a fugitive, copies of the foreign warrant for surrender, signed by the appropriate foreign government representative, are forwarded, usually through diplomatic channels, to the Provincial Attorney General. The Canadian Department of Secretary of State will then issue a Warrant of Recipias which is forwarded to the Provincial Attorney General and he in turn will supply it to the escort who is to bring the fugitive to Canada. It is then the prerogative of the Provincial Attorney General to have arrangements made for the return of the fugitive. The actual escort will usually be performed by the Canadian police force involved. Some foreign countries will deliver the fugitive to the Canadian border, but usually it is the responsibility of the Canadian escort to bring the fugitive back to Canada. In order to receive a fugitive, the escort must have a proper copy of the foreign Warrant to Surrender, together with the Warrant of Recipias.



VIOLATION PENALTIES

Guilty offenders in moving traffic violations are required by one police department to attend a showing of one of two highway safety films which are shown monthly at the county courthouse.

One offender, fined \$35 and costs on a speeding charge, had \$15 of the fine suspended on the condition that he have seat belts installed in his car within 7 days.

The \$15 covers the cost of such an installation.

Cincinnati *2/27/62*
FBI LAW ENFORCEMENT BULLETIN
Bu # 63-4296-10

Mapp v. Ohio

(Continued from page 6)

rented, the right to possession and consent is in the tenant, not the owner. Search and seizure incidental to a lawful arrest is consistent with the constitutional guarantees and has long been an integral part of law enforcement procedures in this country.

Finally, any search and seizure is valid only where the search is "reasonable." Whether it is reasonable or not depends on the nature, size, manner, purpose and time of search, always providing that the element of probable cause exists.

Some procedural problems have been presented in Kansas by reason of the *Mapp* decision, but probably no more so than in many other States.

A Kansas officer, for example, is limited in the objects for which he may obtain a search warrant. Under present State laws a warrant may be obtained only for stolen or embezzled property, illegally possessed intoxicating liquor, gambling devices and equipment, prohibited firearms, and certain other types of contraband expressly mentioned in the statutes. Search warrants are not available in Kansas to search for homicide weapons, burglary tools, narcotics, or for many other kinds of evidence essential to effective prosecution. Under Federal procedure, search warrants may be issued for contraband, and for all instrumentalities and fruits of the crime. Kansas needs similar provisions.

An Imperative Need

There is no specific procedure provided by Kansas statutes for determining whether or not questioned evidence should be excluded. There is an imperative need for a method of raising and determining evidentiary questions before trial. The State is entitled to know at least 10 days in advance whether questioned evidence will be admitted. Under the desired procedure, if the questions are not raised before trial they are waived, and the trial will not be halted each time the prosecutor begins to introduce evidence.

As Attorney General, I will make recommendations to the next session of the Kansas legislature to provide the changes in our laws necessary to enable the peace officers and prosecutors of Kansas to live within the framework of the exclusionary rule.

Although the reaction of many law enforcement officers in Kansas was at first antagonistic to

the introduction of the exclusionary rule, I am sure they will respond by developing more effective investigative techniques. Police officers who have felt they could not make a case unless permitted to cut legal corners will no longer be tempted to resort to illegality. They not only face the hazard of personal liability, but no benefit can be gained from an illegal search.

A Positive Benefit

At least one additional and positive benefit can be anticipated in the form of increased cooperation between Federal and State officers. For example, with both now operating within the same legal and procedural framework, a Federal officer need no longer fear that the local police will ruin his case by following accepted State procedures which do not meet Federal standards.

If half of the States and the Federal Government have been able to function under the exclusionary rule, there is no reason why Kansas law enforcement officers cannot efficiently operate within the new limitation. They not only can and must, but in good conscience they should.



CONSTITUTIONAL RIGHTS

"... Constitutional provisions for the security of person and property should be liberally construed. A close and literal construction deprives them of half their efficacy and leads to gradual depreciation of the right, as if it consisted more in sound than in substance. It is the duty of courts to be watchful for the constitutional rights of the citizen, and against any stealthy encroachments thereon."—Mr. Justice Bradley, speaking for the majority in *Boyd v. U.S.*, 116 U.S. 616 at 635 (1886). *Source*



SINGLE STANDARD

"Federal-State cooperation in the solution of crime under constitutional standards will be promoted, if only by recognition of their now mutual obligation to respect the same fundamental criteria in their approaches."—Mr. Justice Clark, speaking for the majority in *Mapp v. Ohio*. *Source*

WANTED BY THE FBI

CHARLES WILLIAM DENNIS, also known as Billie Baker, "Preacher"

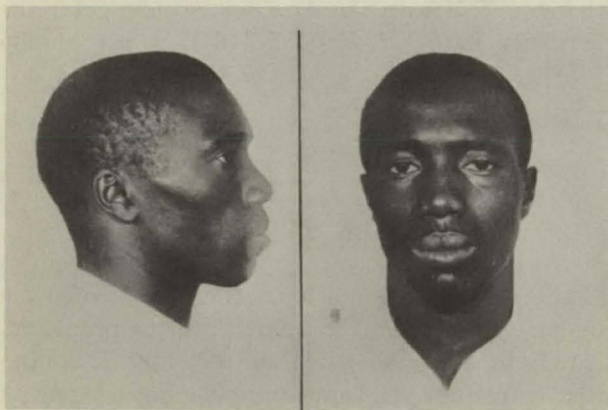
Unlawful Flight To Avoid Prosecution (Rape)

In late June 1960, Charles William Dennis was reported to have forced a lone female driver from a rural highway in Riverside County, Calif. After stopping the victim's automobile, the fugitive allegedly jumped from his car and approached the victim with a gun in his hand. A passing motorist attempted to assist the struggling and hysterical woman; however, Dennis allegedly shot the motorist in the jaw and also fired several shots into the rear window and windshield of the vehicle.

The Crime

Dennis then reportedly drove the woman to Riverside, Calif., where, in an orange grove, he raped her and robbed her of over \$20. The fugitive was arrested a short time later and charged with the crime.

While confined in the Riverside, Calif., County Jail, Dennis, according to officers, became violent. He was therefore committed to the Patton State Hospital for the Insane, San Bernardino, Calif., for observation. On September 26, 1960, he escaped from that institution along with another inmate. His companion was later captured. When it became apparent that Dennis had fled the State of California, a Federal warrant was issued November 25, 1960, charging him with unlawful flight to avoid prosecution for the crime of rape.



Charles William Dennis.

Dennis has also been indicted by a Riverside, Calif., grand jury for rape, robbery, and assault with a deadly weapon with intent to commit murder. San Bernardino, Calif., authorities are also seeking the fugitive in connection with nine rapes in that city in which one of the victims was allegedly shot with a .410 shotgun. Another victim was also reportedly stabbed with a pair of scissors during the crime. In addition, Dennis is wanted by Las Vegas, Nev., authorities on a charge of kidnap, robbery, and rape.

Caution

In view of the fact that Dennis is said to have been armed with scissors, a .410 gauge shotgun, and pistols, and that he is an escapee from a mental institution, he should be approached with a maximum of caution and should be considered extremely dangerous.

Description

Charles William Dennis is described as follows:

Age	28, born October 26, 1933, Eatonton, Ga.
Height	5 feet 9 inches.
Weight	155 pounds.
Build	Slender.
Hair	Black.
Eyes	Brown.
Complexion	Dark brown.
Race	Negro.
Nationality	American.
Occupation	Construction laborer.
Remarks	Dennis is reported to be a convincing talker, and sometimes wears a goatee.
Scars and marks	Two scars, right elbow.
FBI Number	320,952 C
Fingerprint classification	5 I 13 U II0 0 22 U III 13 Ref: 13 18

Notify FBI

Any person having any information as to the whereabouts of this badly wanted fugitive is requested to immediately contact the Director of the Federal Bureau of Investigation, U.S. Department of Justice, Washington 25, D.C., or the Special Agent in Charge of the nearest FBI field office, the telephone number of which may be found on the first page of local telephone directories.

FOR CHANGE OF ADDRESS

Complete this form and return to:

DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON 25, D.C.

(Name) (Title)

(Address)

(City) (Zone) (State)

Safety Booklet Issued

Early in January, the New York City Police Department distributed to all members of the force a 24-page illustrated booklet designed to encourage and guide policemen in the safe operation of both their own and department vehicles.

The booklet lists detailed instructions on the maintenance of vehicles, correct driving attitudes, safety aids, and recommended driving practices. Emphasis is placed on the safety of the police force

and its concurrent obligation to protect the public. The policeman must be looked upon by the public as a model for all drivers and, therefore, must be without fault in his own driving habits.

An order accompanying the booklet states that the members of the department will frequently be tested by their commanders and supervisory officers to determine whether they are conversant with the contents of the booklet.

New York SAC 1/22/62 and eq. of Press release.

Helpful Hints

ARREST TECHNIQUES



DON'T RELEASE YOUR GRASP ON A SUSPECT WHEN PUTTING HIM IN A VEHICLE. HE MAY GO OUT ON THE OTHER SIDE AND ESCAPE.

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON 25, D.C.

OFFICIAL BUSINESS

RETURN AFTER 5 DAYS

POSTAGE AND FEES PAID
FEDERAL BUREAU OF INVESTIGATION

Interesting Pattern



This pattern is classified as an accidental-type whorl with an inner tracing. The impression is an unusually large one consisting of three deltas with recurving ridges in front of each delta.