

MAY 1971



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LAW ENFORCEMENT BULLETIN

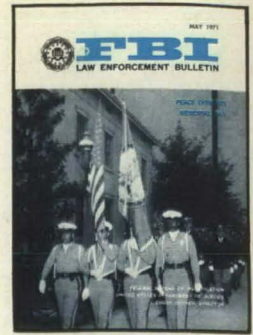
PEACE OFFICERS
MEMORIAL DAY



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

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THE COVER—The annual observance of Peace Officers Memorial Day. See article beginning on page 2.

FBI

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MESSAGE FROM THE DIRECTOR . . .

. . . To All Law Enforcement Officials

QUESTION: Who speaks for the victims of crime in America?

ANSWER: Aside from the weak, muffled cries of the victims themselves, practically no one.

Are crime victims in the United States today the forgotten people of our time? Do they receive a full measure of justice? Is public welfare secondary to private privilege? These questions raise some troublesome issues.

Crime rates, based on the number of serious crimes per 100,000 inhabitants, show the incidence of crime to our population. More realistically, a crime rate could be considered a count of victims. During the 1960's, the crime rate increased 120 percent while our population rose 13 percent. Since 1960, each citizen's risk of becoming a victim of crime has more than doubled. Thus, the plight of the crime victim should be of paramount interest to every law-abiding person.

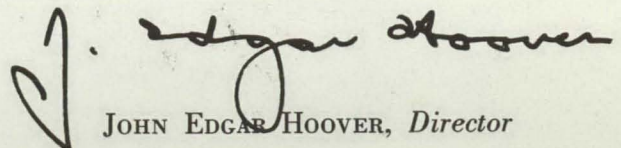
While many victims are specifically picked by their criminal assailants, others are "chance" targets, ill-fated in being at the wrong place at the wrong time. No one is immune. As a rule, when criminal violence strikes, any number of things may happen to the victim. He may be murdered. If not, he may receive serious injuries, sustain a sizable monetary loss, miss time from

work, incur costly medical and hospital expenses, and suffer untold mental anguish. To some degree at least, his right to freedom and the pursuit of happiness is violated.

Meanwhile, if his assailant is apprehended and charged, the full power of our judicial processes ensues to protect his constitutional rights. This is well and good.

But, how about the victim? Frequently, the compassion he may receive from the investigating enforcement officers, his family, and friends is the only concern expressed in his behalf. Indeed, in some instances, the crime victim witnesses organized campaigns of propaganda to build sympathy for his guilty assailant, campaigns of lies and innuendoes which charge that the criminal, not the victim or the law-abiding public, is the one who has been "sinned against." The tragedy is that in some instances these false claims are repeated and publicized without question by various means, apparently for no reason other than that those doing so want to believe the accusations. Consequently, the popular cause to legally protect the criminal is crowding his victim from beneath the dome of justice.

It has been said that, "Justice is the insurance we have on our lives and property, and obedience is the premium we pay for it." To my mind, too many Americans, victims of pampered criminals, are paying the premium without collecting the insurance.

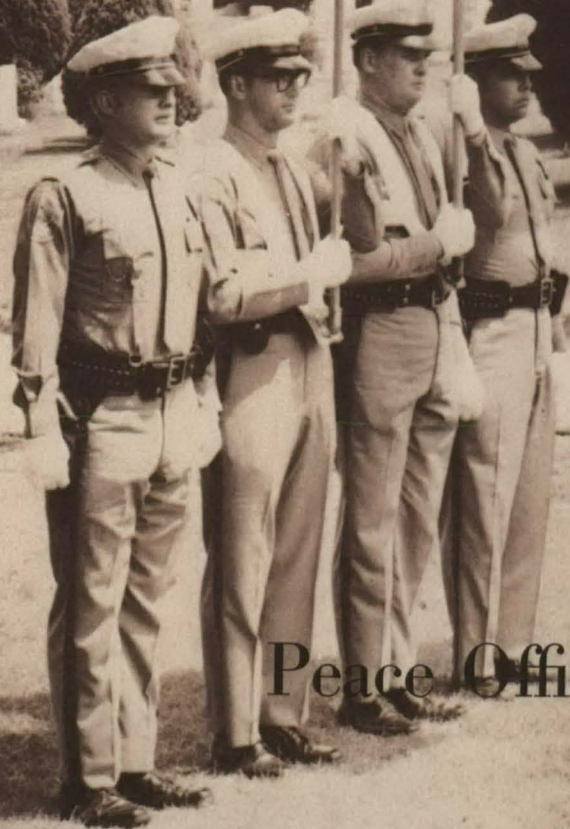


JOHN EDGAR HOOVER, *Director*

MAY 1, 1971

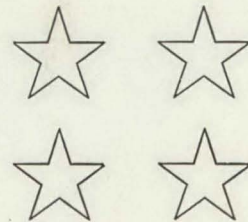
PROGRAMS TO HONOR POLICE

National Police Week



Peace Officers Memorial Day

"As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice."



By
CAPT. RAYMOND E. CLAYTOR
Bureau of Police,
Richmond, Va.



In 1962 a joint session of Congress authorized the President to proclaim May 15th of each year as "Peace Officers Memorial Day" and the calendar week in which that day falls as "National Police Week." This proclamation has been extended by governors and county and city executives alike as a means of recognizing the public service given by police.

As a professional group of law enforcement officers, our department has long desired to make the citizens of Richmond aware of the protection afforded them by their dedicated and courageous police officers. These men and women stand as resolute guards maintaining law and order and protecting lives and property throughout the day and night.

The police of this Nation have historically been the backbone of law and order and, likewise, they have been first to pay tribute to those fellow officers who have given their lives in service to all citizens.

Each year "National Police Week" is observed in Richmond by the holding of various police functions designed primarily to acquaint Richmonders with the aspects of police

training, services, and equipment. These functions better enable the lay person to visualize and comprehend the vast police job at hand and what each person can do to insure a safer place to live. The Richmond schools are invited to bring their pupils to visit the modern safety building and have a firsthand look at the facilities. The students are conducted on tours of headquarters.

One night during this week is selected as "open house," and invita-

Col. Frank S. Duling, Chief of Police.





The memorial service honors all police officers who have died during the past year.

tions are issued through all news media for the general public to visit police headquarters and see what takes place in a large city department. K-9 demonstrations, movies, and law enforcement-oriented lectures as well as tours by officers and uniformed school guards are a part of this open house.

For the past several years, our department has observed Peace Officers Memorial Day on May 15th of National Police Week. This day is set apart from all others as a day dedicated to the Richmond Bureau of Police officers who unwaveringly, and yet with good cause, gave their lives. This day not only honors all police officers who have paid the supreme sacrifice while in the discharge of their duties, but also honors all officers who have passed away during the year.

This annual observance gives all law enforcement agencies the opportunity to make the citizens of their communities aware of the necessity of effective law enforcement.

During the period 1960-1969, this country saw 561 law enforcement officers fall, victims of fatal acts against them while performing their sworn duties. It is to these men and to police everywhere that this memorial day is dedicated.

This year, as in past years, a Richmond Memorial Day Breakfast will be held at the John Marshall Hotel, and invitations will be extended to city officials, honored dignitaries, friends of the department, and representatives of other law enforcement agencies. All active police officers who are not on duty and those retired from



After the church service, the chief leads a group to a cemetery where he places a wreath on the grave of the last police officer killed in the line of duty.

the Bureau of Police will be invited to attend. This breakfast is sponsored by the John Marshall Lodge No. 2, Fraternal Order of Police; Fraternal Order of Police Associates; and our department. Usually between 200 and 300 members and guests are present for this occasion, which commences at 7 a.m.

Following the breakfast, a parade is formed outside the hotel by the uniformed police contingent headed by a police color guard and led by Col. Frank S. Duling, Richmond's Chief of Police, followed by distinguished guests. The parade proceeds to St. Paul's Episcopal Church, where a

memorial service, conducted by ministers representing all faiths, is dedicated to Richmond's "fallen" comrades, each of whom is mentioned by name.

This impressive ceremony lasts about one-half hour and is over in time to permit all attendees to proceed to work feeling all the better for having spent a short interval of time in memorial reflections for those who died that others might live. After the church service, Colonel Duling leads a group of police officers to a cemetery where he places a wreath on the grave of the last police officer killed in the line of duty.

A great deal of planning goes into the preparation for "National Police Week" activities. It includes setting up committees to handle the numerous and varied tasks which must be accomplished. Window cards advertising "National Police Week" and especially emphasizing the open house are printed. These placards are placed throughout the city, and some department stores have display personnel set up attractive windows depicting photographs of police officers who have been killed in the line of duty. Also included in these window displays are pictures of the staff officers of our department.

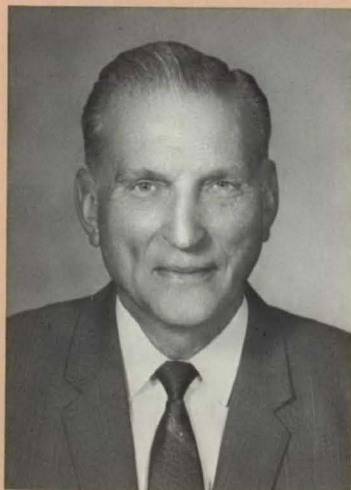
During the week coverage by local television and radio stations as well as daily newspapers is given. Speakers from our department visit schools and other fraternal and civic meetings, telling the children and grownups alike what the police are doing to fulfill the role entrusted to them by the people and how all, working together, can make this city a better and safer place to live.

FBI

"I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement."

Taking the Bite Out of Burglaries

"Most burglars begin their careers in crime when they are youths. A burglar may start by stealing small items around his neighborhood before turning to burglary. Also, there are many youths today, with no previous arrest record, who find it necessary to turn to burglary in order to support a drug habit."



By
LT. MYRON A. WARREN
Police Department,
Portland, Oreg.

Two U.S. Supreme Court decisions of the 1960's, *Escobedo v. Illinois*¹ (1964) and *Miranda v. Arizona*² (1966), have had a great effect on law enforcement, particularly burglary investigations.

State courts throughout the United States use these two rulings as principal guidelines in decisions which, in some instances, restrict the law enforcement officer in his efforts against crime.

The burglar, taking advantage of this additional protection, is now able to remain on the street for months, even years at a time, before being brought to trial. This enables the burglar to commit more crimes while enjoying his freedom.

There are more burglaries committed each year than any other major crime. Burglaries have increased 117 percent since 1960, according to FBI reports, and law enforcement agencies solved less than one out of every five burglary cases in 1969, the last

¹ In *Escobedo v. Illinois*, 378 U.S. 478, the Supreme Court ruled that a suspect accused of having committed a crime must be permitted to consult a lawyer before being questioned.

² In *Miranda v. Arizona*, 386 U.S. 436, the Court ruled that before questioning, the accused must be informed of his right to remain silent, that anything he says could be used against him, of his right to have an attorney present during questioning, and that, if he cannot afford an attorney, the court will appoint one for him.



The course includes instruction on various methods used to gain entry into a safe, such as the "peel" method shown here.

year for which statistics are available.

This picture is anything but encouraging to the investigator. Statistics clearly show the need for renewed efforts in the fight against burglary. The modern-day law enforcement officer is encouraged to involve himself more and more in the whole picture of crime as it relates to society. To become more involved, the criminal investigator must develop expertise in the areas which affect his responsibilities.

Cooperation

The Portland Police Department Burglary Investigation Course was designed to use the maximum potential of each officer enrolled and to best

utilize the cooperative efforts of all investigators working on burglaries in the Portland area.

The first burglary investigation school began in January 1969. The classes were held on Mt. Sylvania Campus, a Portland Community College facility located just a few miles from downtown Portland. Officers selected for this class were from law enforcement agencies covering a radius of 15 miles from Portland and included investigators representing 11 law enforcement agencies of the greater Portland area. These departments represent from 40 to 50 percent of all law enforcement in the State of Oregon.

Included in this group are three departments in the State of Washington.

These departments investigate a large number of burglaries because many house burglars confine their activity to the metropolitan area, utilizing city, county, and State jurisdictional lines to advantage. They operate like traveling safe burglars who move out from their home bases to prowl neighboring areas.

The Course

The burglary course is open only to those working full time in law enforcement and charged with the responsibility of burglary investigation. Training is held one evening a week, 7 p.m. to 10 p.m., for 11 consecutive weeks. The course is a 3-hour credit course and may be applied toward a 2-year certificate in law enforcement. It was designed primarily to develop and strengthen three principal elements of burglary investigations which often lead to the arrest and conviction of the perpetrator of the crime:

1. The broadening of the officer's scientific, technical, and legal knowledge of burglary investigation and the techniques of putting this knowledge to work.
2. A greater understanding of the burglar, especially the recidivist burglar, and his psychological makeup.
3. Better cooperation among law enforcement agencies to consolidate efforts and bring greater investigative pressure against burglars.³

³ An example of the meaningful results of burglary investigators' cooperating with each other is the Western States Safe Burglary Investigators Conference. In 1946, the idea of cooperation among various departments was first used in combating the roving safe burglar by pooling information and disseminating it to contributing departments. This idea was further developed in 1950 when the Western States Safe Burglary Investigators Conference held its first meeting in Oakland, Calif. This organization proved the value of cooperation by helping to control the number of crimes committed by professional safe burglars in the 11 western States.

While space will not permit a complete detailed syllabus, I think a brief review of the training course's main points is in order. A study is made of the burglar as an individual, his age, his experience, his modus operandi, his motivations, and other factors that aid in the investigation of crimes he commits. The crime of burglary itself is covered thoroughly. This includes a review of the burglary statutes, different types of burglaries, including a special session on safe burglaries, and a look at the high volume of burglaries in the total crime picture.

Increased Emphasis

Other topics covered are interviews and interrogations, informants, property identification, search warrants, communications relating to burglaries, use of crime laboratories, and preparation of cases for trial. In addition, seminars and discussion sessions are used liberally, and a special provision is made for officers to talk with an individual who has served time in prison after conviction on burglary charges.

The student is taught that the burglar may be a male or female between ages eight and eighty. The female burglar has not been common in the past, but, since drugs are becoming more commonly used by the juvenile and minor, more females are becoming involved in burglary.

Most burglars begin their careers in crime when they are youths. A burglar may start by stealing small items around his neighborhood before turning to burglary. Also, there are many youths today, with no previous arrest record, who find it necessary to turn to burglary in order to support a drug habit. These are additional reasons for the abnormal increase in the number of burglaries.

Throughout the course, more emphasis is placed on the importance of the investigator's learning about the

person responsible for the crime of burglary than about the individual investigation of each burglary. The importance of the crime scene investigation is not neglected, however, because one is dependent upon the other in bringing the perpetrator of the crime to successful prosecution.

For many years, law enforcement agencies have been teaching officers how to properly make out crime against property reports involving burglaries, but have neglected to develop the investigator's knowledge of why the burglar commits his crimes, thus handicapping the officer in his efforts to communicate with the criminal. The course teaches that the investigator may more readily identify a burglar once he learns the modus operandi of the crime.

Indepth study of the burglar helps the investigator to better understand why so many juveniles who start out as burglars develop into recidivists. Lectures are supplemented with seminars which draw upon the students' own experience.

"Some professional burglars make their living by burglary alone and have no other means of income. Others maintain full-time employment as a coverup for the profit they make through their burglary activities."

Taped interviews of burglars are played for the class. The subjects used are both residential and commercial burglar recidivists. The interviews point up the reasons these people continue to be burglars and why the thrill and excitement which they derive from the crime keep them involved in burglary. Also, the modus operandi of each burglar is brought out during these interviews. The tapes are played

a few minutes at a time, then stopped for discussion of the material. At the same time, we draw upon the individual investigator's experiences in like situations. For many officers, this course is their first opportunity to learn that thrill and excitement are strong factors which draw the recidivist to burglarize and that money is not always the main object of the crime, as many people believe.

Two Types of Burglars

The officer is taught that there are two general types of burglars, the professional and the amateur. Some professional burglars make their living by burglary alone and have no other means of income. Others maintain full-time employment as a coverup for the profit they make through their burglary activities. The rest are amateurs. In the professional group, and at the top of the list, is the safe burglar. Also included in this group is the professional recidivist, one who is in and out of prison and who always returns to the crime of burglary because this is the crime that holds the greatest amount of excitement and thrill. This thrill and excitement are the focal points of his entire life.

One taped interview of a burglar played during the instruction course bears out this fact: "To me," the man says, "it was always the excitement more than the money. I never felt bad if there wasn't any money. The most exciting part was going in—the entry. You know, going in there in the dark, when you didn't know for sure what was waiting. Oh, man, opening the safe, I would sweat so hard my clothes would be wringing wet just as if I had done a day's work." The burglar describes the thrill of running ahead of the watchman in a darkened warehouse and hiding, and how, on another occasion, he lay with his heart pounding in a snowbank as a policeman sought him with a flashlight and

pistol. "It's something like being a dope addict, it gets in your blood. I first got the feeling when I was a kid and burglarized the grade school. Then I broke into the Grange Hall. After that I never quit."

Generally there are three phases of the thrill aspect involved in burglaries committed by recidivists:

1. Planning—this involves casing a job. Whether it takes 5 minutes or 6 months, there are excitement and thrill in this phase.
2. Execution of his plan—the actual entry and, if it is a safe job, the additional entry into the safe as well as the successful exit from the crime scene. The actual entry into the building is generally the time of peak tension and excitement. It is the going from the

known into the unknown, whether it be daylight or darkness.

3. Reliving the crime—particularly if there are two or more individuals involved. They go over the crime step by step, relating how they outsmarted the police and discussing the close calls that they might have had on a particular job, etc.

From the Source

One burglar, a roof-entry man, said that on one occasion it took him at least 2 hours to make an entry into a store. He cut out a section large enough to permit him to enter by drilling a series of holes, one overlapping the other. As he expressed it, 90 percent of the excitement was during the

2 hours it took to drill out this section. He would turn the brace one turn at a time; and as the steel bit would crush into the wood, sending out a harsh noise into the still of the night, it would send chills through his body and he would stop and listen to see if anyone detected his movement. After he dropped into the store, if he didn't find any money after a 20-minute search, he had to leave because he became unnerved and started to shake. It took him hours after he reached home to quiet down.

Another house burglar put it this way: "Once I made up my mind that I was going to prowl a house on a particular evening, the tension would start to build and the excitement would come as I would think about it. To blend into an upperclass neighborhood, I would dress in a business suit and wear a diamond ring.

The burglary investigation course is held on the campus of the Portland Community College in the suburban area just a few miles southwest of downtown.



In the early evening, just after sundown, I would drive into the area and pick out a house that was without lights. I would park the car no farther than a block away, always in a position where I couldn't be boxed in if I had to run for it. Then I would walk from that point to the house I had selected for burglary. The tension would begin to mount faster as I rang the doorbell. I would walk around the house when I received no answer and try the back door. When I was sure the house was vacant, I generally would make my entry through a patio door—one that was shielded from the view of the neighbors. The peak of tension came when I would walk over that threshold into the house."

From the Beginning

A commercial burglar said, "I started prowling at the age of 14 years, just for the thrill. Once I made up my mind I was going to go on any par-

ticular night, the tension would start and the excitement would seep in. I'd drive to the scene, always using the backroads and back streets to avoid any contact with prowler cars. I would gradually become more 'geared up' as I approached the crime scene. The point of entry was always the peak of tension, and if I would happen to be 'ranked off' the job by officers checking the building, I would really reach an extreme peak of tension. My adrenalin would be pumping to such a degree that I could clear a 6-foot fence with ease to escape from the scene. A close brush with the officers was always the most extreme type of excitement."

One man, whom we called the "shovel burglar" because he usually used a shovel to pry open windows, was an early evening prowler. After one of his arrests, he cleared approximately 400 house burglaries which he had committed in Oregon, Washington, and Idaho. He was a commercial

fisherman, and he claimed that during the fishing season he had few problems with burglary; but when the season was over, he would return to the city.

An Irresistible Urge

He said that each evening, as it started to get dark and as he finished his evening meal, the urge to go out and prowl became unbearable. He would pace the floor, smoke one cigarette after another, and argue with himself that he should not go because the law of averages was going to catch up with him; but he said he never won one of these arguments—he always went. He would drive into a neighborhood seeking a house to prowl, one with the lights out, where he felt the occupants were out for the evening.

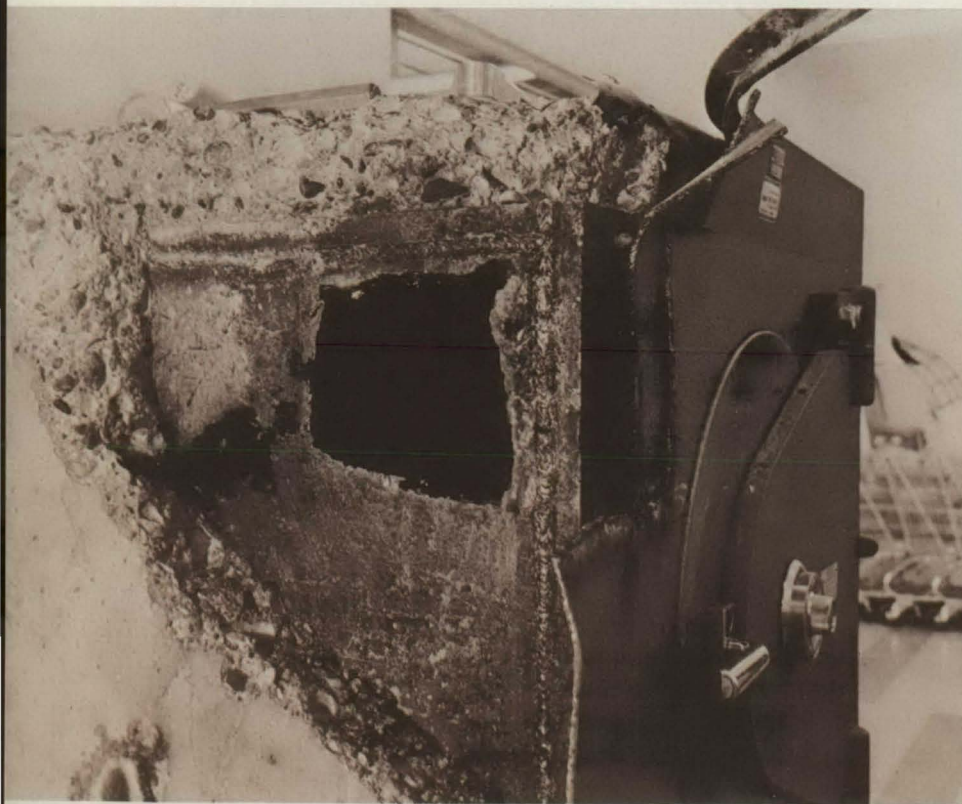
He used the same procedures that most house burglars use prior to entry; that is, ring the front doorbell, and, if no one answers, walk around to the back and do the same at the back door. When he was reasonably sure no one was home, he would go to the garage or some outside storage area in search of a shovel to pry open a window. When he entered, climbing over the windowsill would bring on the peak of tension. Once inside, if he was unable to find any money within 20 to 25 minutes, he would become so unnerved that any noise from the outside would cause him to leave. He said on several occasions he got the shakes when he was "flushed" from a house by police coming to the scene.

Never Far Away

He would always hide in the darkness, never far from the scene, and try to conceal himself from the searching police. There were occasions when the police brushed close by him. He said

(Continued on page 25)

A burglar gained entry to this supermarket safe by burning with a torch.





Probable Cause, Warrants, and Judicial Innovation

CONCLUSION

Stacey v. Emery, 97 U.S. 642 (1878), was an action filed against a supervisor of Internal Revenue for causing the seizure of a quantity of whisky belonging to the plaintiff. The defense offered was "probable cause" which justified the seizure. The Court interpreted "probable cause" by stating, "If the facts and circumstances before the officer are such as to warrant a man of prudence and caution in *believing* that the offense has been committed, it is sufficient." [Emphasis added.]¹⁷

Where did the Court find the authority to elevate the standard from "probable cause to suspect" to "pro-

bable cause to believe"? It may have considered prior Supreme Court decisions on probable cause, but none are cited for this purpose. Instead, two inferior authorities are mentioned: a decision of the Third Circuit Court of Appeals decided in 1811, *Munns v. Du Pont*, 3 Wash. 31, and a statement by "Chief Justice Shaw" in *Ulmer v. Leland*, 1 Maine 135 (1820).

In *Munns v. Du Pont*, the Third Circuit cited no authority for its holding on "probable cause":

What then, is the meaning of the term "probable cause?" We answer, a reasonable ground of suspicion, supported by circumstances sufficiently strong in themselves to warrant a cautious

¹⁷ 97 U.S. 642, 645.

man in the *belief* that the person accused is guilty of the offense with which he is charged.¹⁸ [Emphasis added.]

The citation to *Ulmer v. Leland* is clearly an error, as the definition of probable cause given in that opinion does not at all match the quote used by the Supreme Court as authority. Moreover, the author of the *Ulmer* opinion was Weston, an associate justice. Mellen, not Shaw, was the Chief Justice of the Maine Supreme Court at the time. Lemuel Shaw, whom the Court possibly had in mind, was Chief Justice of the Supreme Court of Massachusetts from 1830–1860,¹⁹ and his decision in *Bacon v. Towne*, 58 Mass. 217, 238–239 (1849), contains a definition of probable cause which is almost identical with the quotation attributed to him by the Supreme Court.

Probable Cause

Shaw wrote, "Probable cause is such a state of facts in the mind of the prosecutor as would lead a man of ordinary caution and prudence to believe, or entertain an honest and strong suspicion, that the person arrested is guilty."

On another occasion Shaw declared a peace officer has a right to make an arrest, if "he has reasonable ground to believe that the accused has been guilty of felony." *Commonwealth v. Carey*, 66 Mass. 246, 251 (1853). It is significant to note that the Massachusetts Supreme Court, interpreting its own history in these cases, later explained that "In stating the rule, the word 'suspect' is generally used instead of 'believe.'" *Jackson v. Knowlton*, 173 Mass. 94, 97 (1899).

Thus the Court, in deciding *Stacey v. Emery*, bypassed its own precedents to cite, partly erroneously, lower

courts which published opinions consistent with the view being fostered. There can be no claim of ignorance of the Supreme Court precedents because a few months earlier in the same year that *Stacey* was decided the Court had decided *Lilienthal v. United States*, 97 U.S. 237 (1878), in which an issue concerning burden of proof was resolved by citing *Locke v. United States*, 7 Cranch 339 (1813), containing Marshall's recitation of the legal definition of probable cause in terms of reasonable suspicion. All of this was simply ignored in the decision in *Stacey*.

Once this Court-fashioned standard for probable cause was on the books, it became more difficult for law enforcement officers to obtain warrants, make arrests, and execute seizures, but they did what they could to comply.

By 1925, in *Carroll v. United States*, the Court could declare, with assurance:

In the light of these authorities and what is shown by this record, it is clear the officers here had justification for the search and seizure. This is to say that the facts and circumstances within their knowledge and of which they had reasonably trustworthy information were sufficient in themselves to warrant a man of reasonable caution in the *belief* that intoxicating liquor was being transported in the automobile which they stopped and searched.²⁰ [Emphasis added.]

The authority relied upon by the Court in *Carroll* was predictable. The opinion quoted from *Stacey v. Emery* and cited a collection of lower Federal and State court opinions that were in agreement. The Supreme Court decisions in *Locke v. United States* and *The Thompson* were cited without comment even though they are au-

thority for a different standard.

The Court wavered slightly in 1933 in *Nathanson v. United States*, 290 U.S. 41, 47:

The Amendment applies to warrants under any statutes, revenue, tariff, and all others. No warrant inhibited by it can be made effective by an act of Congress or otherwise. . . . Under the Fourth Amendment, an officer may not properly issue a warrant to search a private dwelling unless he can find probable cause therefor from facts or circumstances presented to him under oath or affirmation. Mere affirmation of belief or suspicion is not enough.

Here, the Court discussed *both* standards. The case concerned a search warrant issued under the Tariff Act of 1930 which authorized warrants where there was "cause to suspect" the presence of contraband.²¹ The opinion did not question the constitutionality of the suspicion standard even though, as indicated, it pointedly held that the Fourth Amendment applies to warrants such as the one involved in this case. The constitutional issues which *were* raised were those patently a part of the Fourth Amendment's limitations. The facts and circumstances which support the suspicion must be presented under oath or affirmation for consideration of a magistrate. "Mere *affirmance* of belief or suspicion is not enough." [Emphasis added.] This approach is totally consistent with the original usage of the term "probable cause" and with the protections intended by the Fourth Amendment.

Bridging the Gap

But, the Court's creativeness became apparent again in *Brinegar v. United States*, 338 U.S. 160 (1949),

¹⁸ 3 Wash. 31, 37.

¹⁹ *Dictionary of American Biography*.

²⁰ *Carroll v. United States*, 267 U.S. 132, 162 (1925).

²¹ 46 Stat. 752, c. 497.

when it bridged the distance between the two standards of probable cause by stating, "Since Marshall's time, at any rate, it has come to mean more than bare suspicion,"²² citing *Carroll v. United States* as authority. The Court also relied upon *Husty v. United States*,²³ *Dumbra v. United States*,²⁴ *Steele v. United States*,²⁵ and *Stacey v. Emery*.²⁶ The infirmities of *Stacey v. Emery* have been explained above. *Husty* and *Dumbra* were based on *Stacey* and therefore acquire no more firm a foundation. *Steele* relied upon the decision in *Carroll v. United States*, which itself was a product of the parent of change, *Stacey v. Emery*. All of this inbreeding provides the environment which makes possible the creation and development of a rule that never was and the claim that it always has been.

"... during the development of the modern rationale of Fourth Amendment limitations, American courts have emphasized the need to adhere to a theoretical standard identified as reasonable grounds to believe and that it has been distinguished from reasonable grounds to suspect."

Henry v. United States, 361 U.S. 97 (1959), completed the work begun in 1878. The Court declared that pre-Fourth Amendment cases and those immediately following adoption of the amendment held suspicion was not enough to justify arrest, search, and seizure. However, the cases cited were State court decisions which, when read carefully, do not condemn the suspicion standard at all. Instead, they condemn the absence of a basis

for the suspicion. The facts and circumstances which supported the suspicion were not presented to a magistrate, and the determination of the reasonableness of the arrest or search was thus delegated to the officer. That this has long been prohibited, there is little doubt. But, this in no way indicates a lack of confidence in the standard to be met by a proper showing of facts.

Suspicion or Belief?

The *Henry* court was not simply being imprecise in the use of language. It apparently intended to perpetuate the distinction between the standards. The opinion quoted: "Arrest on mere suspicion collides violently with the basic human right of liberty."²⁷ The decision then declared, "Probable cause exists if the facts and circumstances known to the officer warrant a prudent man in believing that the offense has been committed,"²⁸ citing *Stacey v. Emery*. [Emphasis added.] It was obvious the Court was going to adhere to its own formula, regardless of the absence of any authority furnishing a rationale for elevating the constitutional standard from "suspicion" to "belief."

As late as 1964, Mr. Justice Clark, dissenting in *Aguilar v. Texas*, 378 U.S. 108 (1964), expressed the legal definition of the term "probable cause" as it existed prior to judicial innovation. He wrote, "In summary, the information must be more than mere wholly unsupported suspicion but less than 'would justify condemnation,' as Chief Justice Marshall said in *Locke v. United States*. . . ."²⁹ Suspicion based on facts given under oath would be more than "mere wholly unsupported suspicion" and presuma-

bly would constitute probable cause under Mr. Justice Clark's definition.

The last glimmer of a reflection of the original definition occurred in *United States v. Ventresca*, 380 U.S. 102 (1965), where the Court stated, "While a warrant may issue only upon a finding of 'probable cause,' this Court has long held that 'the term 'probable cause' . . . means less than evidence which would justify condemnation,' *Locke v. United States*. . . ."³⁰ The Court neatly avoided difficulty by ignoring the balance of Marshall's definition which relied upon the suspicion standard.

British Law

Whether our history would have been significantly different had the Court early focused on the necessity for providing a factual basis for warrant requests instead of struggling with the creation of a new standard for issuance will remain unknown. But, it is possible to draw some reasonable inferences from the British experience during the years we developed our stringent warrant requirements. Inquiry could be made in the context of the quotation in the *Henry* decision. Does arrest on suspicion really ". . . collide violently with the basic human right of liberty"?

It is likely that British citizens today think of themselves as enjoying a right to liberty at least as great as that of their counterparts in the United States. Yet, they have continued to live under a legal system which permits arrests on suspicion³¹ and searches on reasonable ground to suspect.³² Of course, the English require a particularized factual basis given under oath before the magistrate is empowered to issue the warrant, which limitations should sound familiar to students of the American Constitution.³³

³⁰ 380 U.S. 102, 107.

(Continued on page 27)

²² 338 U.S. 160, 175.

²³ 282 U.S. 694 (1931).

²⁴ 268 U.S. 435 (1925).

²⁵ 267 U.S. 498 (1925).

²⁶ 97 U.S. 642 (1878).

²⁷ 361 U.S. 98, 101, citing Hogan and Snee, "The McNabb-Mallory Rule: Its Rise, Rationale and Rescue," 47 Geo. L. J. 1, 22.

²⁸ 361 U.S. 98, 102.

²⁹ 378 U.S. 108, 121.

In England—

A Police Command and Control System

By

H. GREEN

Assistant Chief Constable,
Dorset and Bournemouth
Constabulary,
Dorchester, England

In the police control room at the headquarters of the Dorset and Bournemouth Constabulary in Dorchester, England, lights representing patrol cars move about on a wall map without a word being spoken by either the car crews or the control room staff. This, perhaps, is the most dramatic aspect of the Constabulary's new police command and control system which has won international recognition.

The total system is believed to be unique and is the result of 6 years of research and development motivated

When a coded message is received in the control room, the grid location of the vehicle transmitting the data lights up on the wall map.



by a basic desire to make optimum use of police manpower. It was recognized that this could only be achieved by providing a continuing picture of facts about police work.

In 1964, at a time when police departments throughout England were about to embark on a variation of policing by geographical areas called "Unit Beat Policing," the then Dorset Constabulary commenced research into the feasibility of creating a data base of facts to provide for a more flexible method of policing based on activity. The Dorset County Council offered the use of its computer and programing facilities in support of the venture.

"The concept upon which the system is built is one which aims at complete flexibility and the use of manpower to optimum effect by assigning and deploying police units in relation to activity or potential activity."

The total area policed by the Dorset and Bournemouth Constabulary is about 2,000 square miles with a population of about 500,000. The basic areas by which events related to police work have been recorded since 1964 still exist today. Each of the nine major towns, ranging in size from 8,000 to 150,000, has its own map and grid system which provides locations to within a few hundred yards. There are two maps for the rural areas and the grids give locations to within a few miles corresponding to about 5 minutes traveling time.

The reporting and recording of events, such as crime, traffic accidents, etc., were relatively simple, but compiling information on policing activity without making incursions upon the time of the policemen doing the work appeared for some time to be insolu-

ble. In 1967, the problem was overcome when the idea of using coded tones to notify the control room of vehicle locations was first conceived.

From the outset, the grid system for each map comprised a 16- by 16-foot matrix and each grid was identified by a 2-letter grid reference. These factors lent themselves to the transmission and storage of location references using a few coded tones. The method also provided for 32 types of duty to be reported and stored using the same coded tones.

All Systems—Go!

As of October 1970, the first phase of the command and control system became operational. It involves the silent updating of the location of very high frequency (VHF) vehicles and the duty upon which each crew is engaged. This is achieved by using coded tone generators (CTG) fitted to police vehicles which enable the crews to send an 8-digit coded message, giving their call sign, duty, and location, by pressing six buttons on a control panel. If the air is engaged when the buttons are depressed, the crew does not have to wait in the vehicle for it to become free; the CTG holds the information in store, and, as soon as the air becomes free for a fraction of a second, it automatically sends the data to the control room.

The transmitted data appears in an alpha/numeric display on the console manned by a radio operator in the control room. It is then sent into the system by the operator who, by pressing one button, sets in motion the following sequence of automatic electronic action:

1. The printing of the 8-digit message, plus the time, making 12 digits in total, onto paper.
2. The punching of the 12 digits onto paper tape for subsequent computer input to provide for analysis of police work for each location for different periods of the day and days of the week.

3. The lighting of the grid location, to which the message refers, on the wall map in the control room.
4. The storage of the message in an electronic store to facilitate retrieval of the information when needed.

By this procedure, the grid location of VHF vehicles can be seen in lights on the control room wall map. In addition, the radio operator can ask the memory store at any time where a particular vehicle is and the duty upon which its crew is engaged, or for the identification and specific duty of each vehicle in a grid. In each case the answer appears automatically in the alpha/numeric display of the radio operator and, if needed, on a monitor display on the controller's console.

It is estimated that the use of coded tone generators will reduce routine duty and location transmission "air" time by about 89 percent. An additional feature of the CTG is an "emergency" button which alerts the control room even when the "air" is being used by another mobile.

The electronics of the system are also designed to facilitate a reversal of the coded tone transmission procedure: Messages can be sent from the control room to patrol cars, where they are decoded and typed in plain language on small electronic teleprinters.

Second Phase

The next phase of the system will be the conversion from 1 VHF and 3 ultrahigh frequency (UHF) control rooms in the force area to two VHF/UHF control rooms. These will normally operate independently but use a common electronic memory store linked by land line. Each control room will have a reduced scale map of the territory of the other to facilitate control of all VHF/UHF units throughout the force area from either control room and provide complete force con-

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An Experiment in Police Management—

THE CRIME

Chief Sardino and Dr. James F. Elliott discuss the progress of the Crime Control Team experiment.

By
THOMAS J. SARDINO
Chief of Police,
Syracuse, N.Y.



In 1966 Dr. James F. Elliott of the General Electric Co. met with the chief of our department at that time to discuss what has become the most exciting experiment in crime control in the Syracuse Police Department's history.

As readers of the FBI Law Enforcement Bulletin will recall, in 1966, as in years before, great emphasis was being placed on science and technology for the advancement of law enforcement. Dr. Elliott, a physicist, studied and analyzed how our department operates and learned the problems it faces. Later he concluded, and the chief agreed, that new technology alone was not the panacea of police problems, although it was needed. Modern management and organization principles and new tactics were

THE CRIME CONTROL TEAM

needed just as desperately, and these could be employed without increasing the department's budget.

It was not long until the concept of the Crime Control Team (CCT) was developed. The team embodied organizational, managerial, and tactical innovations. It was, and still is, considered by us to be the fundamental building block of the police department of tomorrow.

To those who have not been involved in its development and progress, the Crime Control Team might seem to be a potpourri of tactics and techniques. But the most important aspect of the experiment is the management philosophy. We have shown that the top management of the police department can delegate more responsibility and that the lower-level policeman can accept it.

Main Objective

We feel that police departments in this country have developed into paramilitary organizations, relinquishing little, if any, responsibility down the line. This concept works well in the military because the goal is to make a number of individuals function as a unit. But police officers function as

individuals and only rarely as units. How then can the management of a police department expect a police officer to do his job unless we give him appropriate responsibility and authority and, in turn, make him accountable? One of the keys to getting crime under better control is to give responsibility, authority, and accountability to the patrolman on the beat. This is the essence of what we have tried to do with the crime control experiment.

A designated portion of the city referred to as Area 50, where the first team was deployed, was selected for the experiment because it is typical of Syracuse as a whole. The racial balance is average for the city; the crime rate was above average; there are main thoroughfares as well as dark side streets; there are corner stores and major businesses; the population ranges from upper-middle to low income; there are single-family residences plus multiple dwellings, including several large apartment complexes. We felt that it was best to conduct our experiment in an average community rather than in an extreme one.

Several generalized decisions about team personnel were made before any attempt to recruit team members.

The first question concerned the general level of the makeup of the team. Should it be composed of "average" policemen or the "best" policemen in the department? By using the "best," we would bias the experiment. That is, the team would not be representative of the personnel available to form other teams if the team concept were to be implemented citywide. Balancing this factor was an awareness that the members of the first team would face many problems which, if solved, would not be encountered by subsequent teams. And if these "one-time" problems were not solved, then the success of the experiment would be jeopardized. For this reason we decided to use the "best" policemen available for the team.

Selecting Team Members

The second question was whether to use policemen who had many years of experience. We decided to use relatively inexperienced policemen, since we felt that these individuals would be more receptive to new and different ideas and procedures.

Thus, although the selection of members who were above average in personality and mental characteris-

tics biased the experiment in one direction, the lack of practical police experience biased the experiment in the opposite direction.

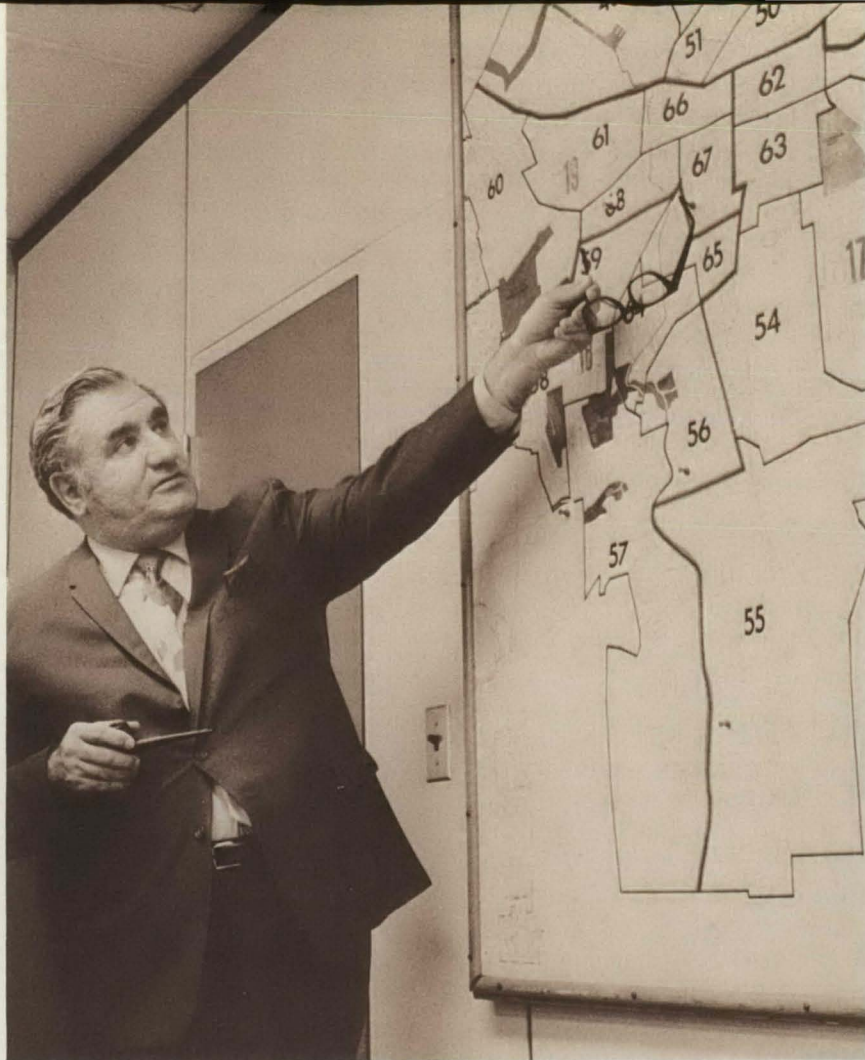
The actual appointment of an officer to the team followed only after he had been completely briefed with regard to what would be expected of him, the nature of the experiment, and an expression by him of his desire to become a part of the program. The first team was composed of a sergeant and eight patrolmen to cover Area 50. The team was reviewed for compatibility by a psychologist sitting in on a number of the training and discussion sessions.

Resisting Change

The acceptance of the CCT by the other members of the Syracuse Police was a serious concern. The CCT experiment was not enthusiastically received by many officers, and even after 2 years the attitude among some is one of skepticism. Police resist change, as everyone does, and this attitude is understandable. However, the changes embodied in the CCT concept seemed to benefit all policemen—the patrolman and the police administrators. Perhaps, the only ones who do not benefit are those who are incompetent. Incompetence will surface quickly in CCT operations.

While the resistance of some members of the department to the CCT concept was a serious problem in the early days of the operation, after the first year the resistance was almost completely passive in nature. Now, the CCT concept has been accepted to the point where an increasing number of policemen have asked to become a part of the operation. The rate at which the team concept can be expanded in Syracuse no longer depends on finding people who are willing to try the idea.

In establishing the first team, we felt that its responsibility should be solely to control crime in its assigned



Chief Sardino points out areas of Syracuse covered by Crime Control Teams.

beat. Traffic and other citizen services would be handled by other officers on the basis that responsibilities must be mutually exclusive. An officer who is responsible for controlling crime cannot be held accountable for a crime that occurs while he is fulfilling another responsibility such as traffic control. Also, controlling crime is far more difficult than controlling traffic, and a man who is responsible for both may "op" for the easier.

Secondly, we decided that the team would not be forced to operate according to an arbitrary book of rules. Obviously, the team must conduct its activities within legal restrictions, but if an individual team member feels that he can be more effective walking his beat instead of riding it,

then that is his decision to make. If a team member thinks that his time is better spent talking with the residents instead of patrolling the business area, then that too is his decision to make. The department management cannot truly hold the team accountable for crime in their area unless we allow them the authority to meet their responsibility according to their own judgment.

Principal Responsibility

To maintain contact with his car and with headquarters, the team member uses a walkie-talkie. He also dictates his reports over the telephone into a recorder at headquarters.

The team leader is free to decide

when and in what number he will deploy his men. We have run computer analyses of crime history in the experimental area to give the team leader good information on which to base his deployment schedule. Usually the men work weekends when crime is at its highest rate, and they seldom receive two consecutive days off duty.

When a crime does occur, we want continuity in the investigation. Therefore, the team member conducts the investigation rather than turning it over to special investigators. However, if the team member feels that the probability of an arrest is low, he will terminate his investigation unless it is a serious crime against the person. Our concept is that the team is responsible for controlling or preventing crime, and, if the team members become involved in investigating crime, they will be unable to meet their principal responsibility. Of course, if the team drops an investigation, the central office will decide if it should be continued by another unit.

Public Relations

Both the team and department management felt that it was extremely important to establish better relations and communications with the area residents and businessmen. The team has worked hard at this, and I believe that excellent progress has been made. Team members attend area get-togethers; they stop and chat with residents and are on a first-name basis with many; they have worked with Little League teams in their off-duty hours and will often take the neighborhood kids to ballgames, the circus, and other events; when someone in the area dies, the team sends flowers and visits the family; and when someone is ill, they send a card. We want the residents to give us information that may help us prevent a crime, but they won't do it unless they know and trust us.

It was about a year ago when I realized how much progress we were making. I saw a youngster wearing a sweatshirt that read, "Crime Control Team." It has been a long time since I have seen a kid voluntarily and publicly identify with a police organization.

"A third way to measure progress is to watch for changes in the citizens' 'fear index.' The fear index can be measured quite well by checking nighttime sales and nighttime use of the streets."

The mass media in Syracuse have been very helpful to us in establishing the team with the people in the city. We have gone out of our way to keep the media advised of the team and the experiment we are conducting. As a result, the press and the people seem to take pride in this progressive activity and feel that they have a stake in it. I think that the Crime Control Team has improved the image of the entire police department.

During the team's first year of operation, in Area 50 serious crime dropped 62 percent over the previous 12 months and all crime was down 25 percent. During the same period, serious crime in the city was down 29 percent and all crime had decreased only 8 percent.

Learning Through Experience

About 18 months ago we deployed another team in another area. The final results are not in, but it does not appear that we will do as well in the second area as we did in the first. We are reasonably sure we know why.

I am not discouraged because that is why experiments are conducted—to find out what works, as well as what does not work.

The second area is characterized by a highly transient population both in terms of rapid turnover of residents and in people moving through the area to another destination. This situation makes it difficult to establish long-term relationships, which have been one of the keys to our success. We have some alternatives which we will try when the test period is complete and all the data analyzed.

There are many ways to measure progress, but, because chiefs of police are under extreme pressure to reduce crime, that is the yardstick we are forced to use. Because we have achieved a reduction in crime in Area 50, we have the luxury of making some longer-range measurements which may be of greater value.

Professionalism

Increased professionalism of police officers is one way to measure progress. There has been a lot of talk in recent years about professionalism among police. I contend that regardless of a man's education and training he will never be a professional until he becomes genuinely involved in the problem, and he cannot become involved until you give him responsibility. I have seen what happens to the officers when they join the Crime Control Team. They become innovative; they give their job far more than they ever did before; they become deeply concerned about what happens in their area; and they take pride in their successes and lament their failures but vow never to let them happen again.

A second way to measure progress is by looking at the crime clearance rate. During its first year of operation, the first Crime Control Team

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INVESTIGATORS' AIDS

TRAVELING SHOES PROVE DANGEROUS

Recently, two policemen were transporting a prisoner using a vehicle which had no partition separating the front and back seats. Suddenly, the prisoner produced a razor blade, pressed it to the driver's throat, and demanded that he pull the car off the road.

As the prisoner disarmed the officers, they attempted to regain control of the situation. In the ensuing struggle, one officer was shot and the other received a deep cut on his hand before the prisoner was brought under control.

Subsequent investigation determined that the prisoner had secreted the razor blade between two layers of leather in a shoe sole. The shoes were the ones taken from him at the time of his incarceration but returned to him to wear during the trip.

NEW LAW AGAINST MISUSE OF CREDIT CARDS

The fraudulent use of credit cards is fast becoming a major crime problem. On October 26, 1970, the President signed into effect Public Law 91-508, section 134 of which declares:

"Whoever, in a transaction affecting interstate or foreign commerce, uses any counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained credit card to obtain goods or

services, or both, having a retail value aggregating \$5,000 or more, shall be fined not more than \$10,000 or imprisoned not more than five years or both."

The Department of Justice has advised that the Postal Inspectors Service of the U.S. Post Office Department will have investigative jurisdiction over violations of section 134.

"AN EYE FOR ANTIQUES"

An alert Florida police detective, who recently requested an NCIC check on several antiquated weapons he saw in an antique shop, had his suspicions rewarded with the arrest of a New York State man who admitted at least 52 house burglaries in central and western New York.

After a "hit" was registered on the NCIC weapons check, the detective returned to the antique shop and obtained the name and address of a man in New York State from whom the antique dealer had bought the weapons. The officer furnished this information to police in New York State. In connection with the subject's arrest, a search of the burglar's residence resulted in the recovery of stolen property which together with the items recovered in Florida was valued at approximately \$500,000.

RAILROAD CROSSING DANGERS

For many years railroad crossings have been considered danger points

because of the numerous automobile-train collisions which occur there. The Florida Highway Patrol recently noted that these locations are also the scenes of many rear-end crashes. In that State, as in many others, certain vehicles, such as school buses carrying children, vehicles carrying passengers for hire, vehicles carrying or designed to carry explosives or flammable liquids, and vehicles with three or more axles, are required to stop at all railroad crossings.

The patrol advised motorists to familiarize themselves with the types of vehicles which are required to stop at all railroad crossings, always keep a safe following distance when approaching these crossings, and be prepared to stop.

PLASTER CAST HINT

The addition of a small amount of common table salt to a plaster solution prior to pouring will result in the solution's setting four to five times quicker than usual. This technique is especially useful under inclement weather conditions or when the humidity is exceptionally high and plaster casts must be made.

Care must be taken, however, to insure that the compound is poured promptly after mixing, since the salt will begin hardening the solution within 60 to 120 seconds. Addition of salt may also make the cast more brittle than usual; therefore, care should be taken to insure the cast is properly reinforced. Approximately $\frac{1}{4}$ cup of table salt to a solution of one gallon plaster of paris is sufficient.

At the American Legion's annual National Convention held in Portland, Oreg., in late August and early September of 1970, the occasion of my election as National Commander, the phrase "law and order" took on a new significance for Legionnaires and their families and guests in attendance.

In early spring 1970, the first ominous rumblings of a possible confrontation with radical elements came to the attention of our National Headquarters through clippings from an underground Los Angeles newspaper.

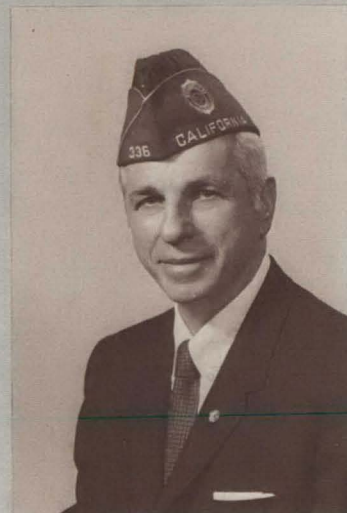
In press conferences PAJ leaders issued veiled threats regarding the shape and form the confrontation would take. They planned to infiltrate our commission, committee, and open floor meetings and to disrupt the convention parade. They petitioned the Portland government demanding use of the city's parks as camping grounds for the expected influx of their members.

With the arrival of the Legion's permanent staff in Portland on August 23, 1970, it became apparent that the

Legion Mandates Strong Law and Order Thrust for Seventies

In the ensuing weeks, a shapeless group of dissidents, ranging in virulence from the hard core radical types to the usual collection of idealistic college kids, formed an organization known as the People's Army Jamboree (PAJ). Using as their rationale that the American Legion is a "symbol of the establishment," this group avowed their intent to completely disrupt the Legion Convention.

PAJ threat was real—many of their members were already in Portland—and that positive measures to prevent the threatened confrontation were essential. No greater proof of the dimensions of the threat could be found than in the presence in Portland of an extraordinarily large group of news media personnel—more than 300 in all—representing media from all parts of the United States and even



By

HON. ALFRED P. CHAMIE*

**National Commander,
The American Legion,
Indianapolis, Ind.**

*Commander Chamie of Los Angeles, Calif., a World War II veteran, has served the Legion in a number of important capacities at the local, State, and national levels since 1946. A graduate of the University of California at Los Angeles and the Harvard Law School, he is vice president and general counsel of the Association of Motion Picture and Television Producers, Inc. Mr. Chamie is also currently serving as a member of the President's National Defense Executive Reserve of the Office of Emergency Planning and is a former assistant U.S. attorney for the Southern District of California.

European countries and the Soviet Union.

Action taken by the city of Portland and the State of Oregon in this matter is worthy of the highest commendation. Working in concert, the two governments set up a free diversionary "rock festival" at McIver State Park, about 50 miles from Portland, which lasted through the American Legion's Convention. This tactic was eminently successful and drew many thousands of the youngsters who might otherwise have come to Portland in mindless obedience to the call of the hard-core radical elements. A relatively small number actually entered the city, and the only recorded incident of even minor consequence was the attempted infiltration of the American Legion parade by a few hippies who were ignored by both Legionnaires and parade viewers. Two radical "counter parades," wisely permitted by the city, drew scant numbers of marchers and even fewer viewers.

National Guard on Alert

Another action worthy of note was the appearance on statewide television of Oregon Governor Tom McCall. The Governor made it quite clear to all concerned that his primary responsibility involved the safety of the citizens of Oregon and that he would brook no threat to that safety from any group. He announced that he was placing the Oregon National Guard on standby alert during the Legion Convention for use if the occasion warranted. Fortunately for all concerned, use of the Guard was unnecessary, and the troops maintained an unobtrusive low profile throughout the proceedings.

The final abortive effort of the radicals to carry out their threat of disruption came about with the appearance at the Legion Convention of Vice President Spiro Agnew. Kept a

closely guarded secret, word of the Vice President's appearance leaked out only after he was in the convention hall. A hastily assembled contingent of radicals—about 200 in number—formed a picket line at the hall, complete with the scribbled signs and shouted obscenities that are a trademark of the movement. Again, the radicals were too few and too late to cause anything but a minor disturbance which was effectively contained by the Portland police on the scene.

Positive Action Needed

Two reasons why the People's Army Jamboree failed to reach its objective in Portland are the action taken by city and State officials and the fact that Legion delegates to the convention responded to the then National Commander's urgent plea to "keep things cool." Officials confronted with similar situations in other parts of the country might benefit from a study of the measures used in Portland during our 1970 convention.

The Portland Convention is now history, but the impact it made on the rank and file of the American Legion is apt to remain for some time. Certainly, new impetus has been given to the subject of law and order, and this fact is well manifested by the resolutions passed at the convention. One of these gave firm support to all executive and law enforcement agencies. This resolution contained a statement "condemning those dissenters in our society who use rioting, injury to others, and the destruction of property as means of expressing their views, as well as those who unwittingly follow the leadership of known agitators whose avowed aim is the overthrow of the United States Government." What a fitting backdrop our Portland Convention provided for that resolution.

Other significant resolutions concerning law and order included a re-

iteration and supplementation of all previous Legion mandates calling for the fullest possible prosecution of all persons who violate the laws of the United States, the several States, and political subdivisions thereof, and a proposal for a national congressional "Police Heroes Award." All of the law and order resolutions adopted commit the American Legion as an organization to a vigorous espousal of these mandates at every level of government.

Summing up this eventful year for the American Legion, and for the country as well, I can think of no better conclusion than that voiced by the American Legion's National Security Commission Chairman, Mr. Emmett Lenihan, a noted Seattle trial attorney whose commission is responsible for law and order recommendations to the national body of the Legion. Mr. Lenihan said: "We defend the right of peaceable assembly and dissent so prevalent now in our schools and universities. But when that dissent ex-

"The evils and inequities in our society cannot be cured by closing our universities, bombing and burning buildings and homes, and killing judges and law enforcement officers in the performance of their duties."

presses itself in violence and unlawful actions, infringing upon the rights of others, we must condemn it.

"The evils and inequities in our society cannot be cured by closing our universities, bombing and burning buildings and homes, and killing judges and law enforcement officers in the performance of their duties.

"How long must we wait for the processes of law to mete out punishment to the guilty? Chief Justice Burger of the U.S. Supreme Court, in

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Let's Recognize—

Service and Bravery

—of Our Young People

In these troubled times, when mountains of lurid publicity loudly trumpet the misdeeds of a small segment of our youth, it is timely to recall the existence of a thriving program which publicly recognizes the outstanding acts of bravery and service which characterize a much larger percentage of America's young people—the Young American Medal Awards.

The Young American Medals for Service and Bravery may be awarded to persons 18 years old or under who have achieved outstanding or unusual recognition for service or bravery during a given calendar year. While

the Service Medal requires that the candidate be a United States citizen, the Bravery Medal requires that one have at least established habitual residence in the United States.

Law enforcement officers should be familiar with the procedure of submitting nominations for the awards since they are in a prime position to recognize appropriate instances where a youth might qualify for one of these awards.

The Young American Medals Committee of the U.S. Department of Justice selects the winners from among the nominees each year for these medals which are awarded by the President and Congress.

Members of the committee are the Director of the FBI, chairman; the Solicitor General of the United States, member; and the Department of Justice Director of Public Information, member and executive secretary. Selection of the winners is approved by the Attorney General of the United States.

To qualify for the Medal of Bravery, a candidate must have exhibited "exceptional courage, extraordinary decision, presence of mind, unusual swiftness of action regardless of his or her own personal safety in an effort to save or in saving the life of any person or persons in actual or imminent danger."

The Young American Medal for Service is awarded for instances of support rendered to a community—as active participation in groups (e.g., the Red Cross, the Boy Scouts, school-related organizations) coupled with recognized accomplishments (e.g., scholarships, or any of a number of awards).

In other words, the "candidate's character and service must have been acknowledged by the chief executive officer or officers of the State, county, municipality, or other political subdivision, or by a civic, educational, or religious institution, group, or society, and must have been prominently mentioned in the press or on radio or tele-

vision in the community" where the service was rendered or where the candidate resides.

For both awards, it is necessary that the act or service be performed in the calendar year for which the medal is given. A young person is eligible to receive both medals, and he or she may have also previously received one or both medals.

Although acts of bravery arising from military duty are not included in this program, military personnel can be cited for their acts if not related to official duties.

Nomination

A youth is nominated by submission of a recommendation, which includes a complete statement of the act of bravery or service achievement, to the governor or chief executive officer of the State, territory, or possession where the act occurred. District of Columbia recommendations must be submitted to the mayor, and in foreign countries the information should be sent to the chief executive officer of the candidate's permanent place of residence.

The required documents or papers should include a "full and complete statement of the candidate's outstanding endeavor or recognized character and service achievement (including the times and places) which it is thought qualifies the candidate to receive the medal suggested."

Law enforcement officers who desire to recommend boys and girls as candidates for Young American Medal Awards should submit their names and information concerning their heroic acts or outstanding service to the governors of their respective States.

Supporting statements by witnesses or persons having personal knowledge of the facts surrounding the candidate's endeavor or achievement and a birth certificate or authentic evidence of birth, in addition to information as to his or her citizenship or habitual residence, are also required.

Each governor, after reviewing the recommendations, selects candidates for each award and submits his choices to the committee no later than June 30 each year. Decisions of the committee are final when approved by the Attorney General. If no nominee meets the requirements, no medal will be awarded.

Awards Presentation

Winners will be presented a medal and appropriate certificate of commendation stating the circumstances in which the act of bravery was performed or citing the outstanding recognition for character and service. The medals are presented by the President with the ceremonies being held at a time and place selected by the President and the Attorney General. The medal winners and the adult or adults (preferably parents) designated by the committee to accompany the winners will be advised as to transportation and other allowances.

In the case of an award made posthumously, a suitable person to accept the award will be chosen by the committee. FBI

QUOTABLE QUOTE

"The individual must be free, able to develop to the utmost of his ability, employing all opportunities that confront him for his own and his family's welfare; otherwise he is merely a cog in a machine. The society must be stable, assured against violent upheaval and revolution; otherwise it is nothing but a temporary truce with chaos. But freedom for the individual must never degenerate into the brutish struggle for survival that we call barbarism. Neither must the stability of society ever degenerate into the enchained servitude of the masses that we call statism."

—Dwight D. Eisenhower

BURGLARIES

(Continued from page 10)

this was the time of the greatest excitement. He, like the others, in order to gain complete emotional satisfaction during one evening, would prow from one to three houses. This is generally considered to be the limit that the average burglar can emotionally stand in one evening, but usually he is right back prowling again the next night.

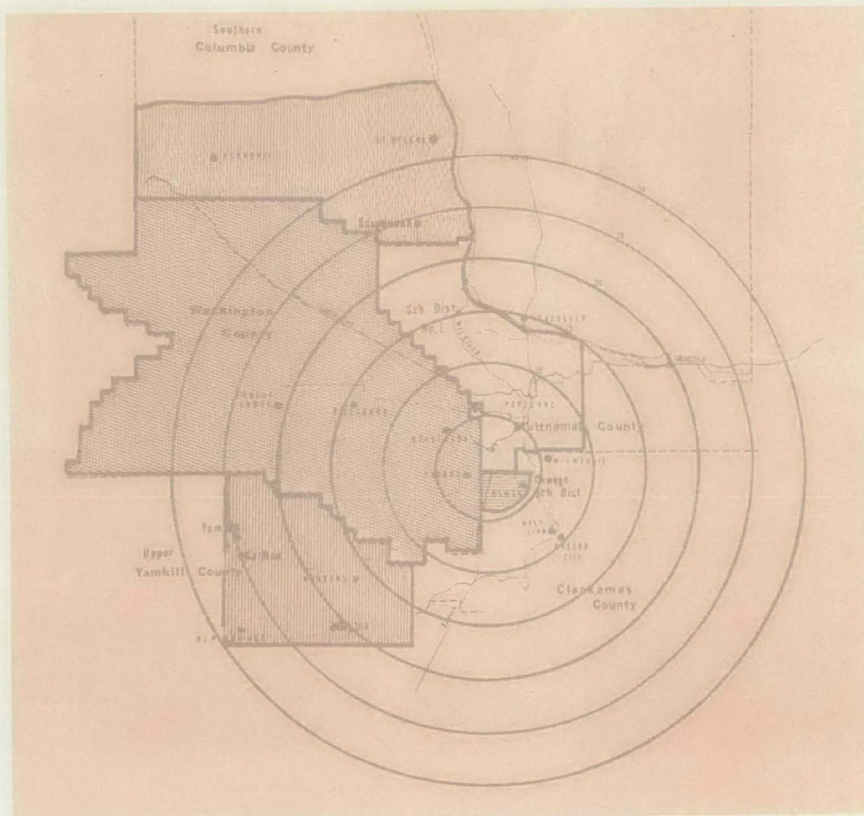
The psychopath, or, as he is sometimes called, the sociopath, is one of several criminal types who are frequently involved in the crime of burglary. If the investigator is to be successful in handling cases involving psychopathic burglars, he must endeavor to understand their characteristics.

The Psychopath

To help describe the psychopath, we show a motion picture entitled "The Psychopath"⁴ during the training course. It is a black-and-white, 30-minute, 16 millimeter audio film which depicts a professional psychopathic burglar from the time he becomes involved in burglary through all the steps taken in an attempt to rehabilitate him. His experiences with detectives, social workers, parole officers, the press, and psychiatrists are shown. All attempts to turn this individual from burglary back to a useful life in society seem to be futile.

Considerable time is devoted to instructing officers in how to correctly identify property, an important part of most burglary investigations. During this class, a Portland police detective who works the pawnshop detail explains the city ordinance regulating the buying and pawning of all articles by pawnshops and secondhand

⁴ "The Psychopath" may be rented or purchased from Contemporary Films, McGraw-Hill Films, 1714 Stockton Street, San Francisco, Calif.



The above illustration depicts the Greater Portland area covered in classroom discussions.

stores in Portland. These businesses are required by law to record on specially prepared forms each item received on a purchase or pawn. The form is made out in duplicate, and one copy goes to the detective division, pawnshop detail, where it is filed under the pawner's name. The individual pawner has to show proper identification to the pawnshop or second-hand store. He also has to sign his name to this slip. It is pointed out to the officers that whenever a pawner uses an address outside the city limits of Portland, a copy of the pawn slip is mailed to the law enforcement agency having jurisdiction. This procedure has aided many departments in recovering property stolen in their area.

Many investigators have limited knowledge of jewelry. In order to overcome this, each officer taking the course is issued a pamphlet entitled "Policeman's Primer on Jewelry."

This booklet is published for law enforcement officers by the Jewelers Security Alliance of the United States, 535 Fifth Avenue, New York, N.Y. 10017. The pamphlet describes different kinds of jewelry and all types of precious stones and is illustrated with a colored picture of each stone. During the training course the officer, using the pamphlet as a reference, is afforded the opportunity to examine 15 types of precious stones which the instructor passes around for observation.

Observations

During the safe burglary investigation class, an FBI training film is shown. This excellent color film shows two men making a roof entry into a liquor store, while the third man stays on point, using a walkie-talkie. The entry is successful, after which they force an entry into the safe. The bur-



The photograph shown above is an example of a safe "rip."

glars then break out, setting off the burglar alarm which summons officers to the scene. Detectives and identification men are called to investigate. A considerable amount of physical evidence is left outside as well as inside the store. The film also brings out the fact that this same *modus operandi* has shown up in several other parts of the State. The film closes with a courtroom scene depicting a successful prosecution, after competent testimony of the detectives and laboratory technicians as to the evidence they recovered and processed. While viewing the film, officers use a "Crime Against Property" form for recording their notes. They may take these notes home to make up a finished report.

Trained Investigators

Instruction is given on how to investigate and identify various methods used to gain entry into a safe. A square-door safe and a round-door money chest are used as props to

demonstrate the techniques of the "knob-knocking" amateur and the highly specialized professional, the one who uses industry's most modern tools, such as the burning bar, the cord drill, and electronic equipment. This instruction is supported by 35 millimeter slides and motion pictures showing the different *modi operandi* used in attacking safes and vaults, namely: punch, peel, burn, drill, blow, rip, and chop. Also used as a visual aid is a 16 millimeter color film which demonstrates the making of nitroglycerine from chemicals, then shows how this "nitro" is used to blow two safes.

The course covers some points on communications regarding burglaries. As soon as a series of burglaries develops into a pattern, the investigation should be assigned to one investigator, and all subsequent burglaries falling into this category should then become the responsibility of this individual. One of his first functions is to use the teletype to alert prowling units in the metropolitan area and specif-

ically units working the suspect area, along with other law enforcement agencies which border the same area.

A teletype technique is suggested for requesting aid while working a pattern of burglaries. In preparing the teletype, select a peculiarity or technique which appears in most of the burglaries. This peculiarity, if placed in the heading of the teletype, will, when spotted by other agencies, widen the field of investigative help.

In one series of burglaries, the peculiarity in the teletype heading was selected because the burglar would turn back the bedcovers in search of firearms and money during each burglary. He was given the title of "Bed-cover Burglar."

Officers attending our training course show a keen interest in classes which give them the opportunity to participate in open discussion with a person who at one time was a member of a gang which specialized in commercial and bank burglaries. This man appears before the class and freely answers questions as to how he first started in crime, what his homelife as a child was like, how he justified his criminal actions, why he chose to rehabilitate himself, how his family looked upon his criminal activities, and specific inquiries on all phases of burglary. This provides the officers a look at crime as seen by an ex-criminal.

Increasing the Risk

Burglary, because of conditions which make it easy to commit, will probably always be one of our most prevalent crimes, and law enforcement will most likely always have a heavy volume of burglary investigations. To make the risk of detection and apprehension too great for burglars to operate with any degree of success is our objective in training Portland officers and members of other departments taking the course. FBI

THE LEGAL DIGEST

(Continued from page 13)

Conclusion

The point being made here of course is not that American courts have been more vigorous than the English in safeguarding the liberties of those they serve. A definitive comparison of the two systems would

³¹ The Criminal Law Act, 1967, S. 2, reported in 8 Halsbury's *Statutes of England*, 3d ed. 553, as follows:

2. Arrest without warrant

- (1) The powers of summary arrest conferred by the following subsections shall apply to offences for which the sentence is fixed by law or for which a person (not previously convicted) may under or by virtue of any enactment be sentenced to imprisonment for a term of five years, and to attempts to commit any such offence; and in this Act, including any amendment made by this Act in any other enactment, "arrestable offence" means any such offence or attempt.
- (2) Any person may arrest without warrant anyone who is, or whom he, with reasonable cause, suspects to be, in the act of committing an arrestable offence.
- (3) Where an arrestable offence has been committed, any person may arrest without warrant anyone who is, or whom he, with reasonable cause, suspects to be, guilty of the offence.
- (4) Where a constable, with reasonable cause, suspects that an arrestable offence has been committed, he may arrest without warrant anyone whom he, with reasonable cause, suspects to be guilty of the offence.
- (5) A constable may arrest without warrant any person who is or whom he, with reasonable cause, suspects to be, about to commit an arrestable offence.
- (6) For the purpose of arresting a person under any power conferred by this section a constable may enter (if need be, by force) and search any place where that person is or where the constable, with reasonable cause, suspects him to be.
- (7) This section shall not affect the operation of any enactment restricting the institution of proceedings for an offence, nor prejudice any power of arrest conferred by law apart from this section.

³² Coinage Offences Act, 1936, S. 11, reported in 8 Halsbury's *Statutes of England*, 3d ed. 324, in pertinent part, as follows:

11. Provisions as to arrest, discovery and seizure

- (3) Where it is made to appear by information on oath before any justice of the peace that there is reasonable cause to suspect that any person has been concerned in counterfeiting any current coin, or has in his possession any counterfeit coin or any counterfeiting instrument or any other machine used or intended to be used for making or counterfeiting any current coin (in this section referred to as "counterfeiting machine") or any counterfeiting material, it shall be lawful for any justice

require exhaustive study and development of a single scale on which the actual degree of restraint intended to be imposed on police activity could be demonstrated. The impracticability of undertaking such a task is suggested by the numerous variables that would have to be considered, e.g., the relative status among their fellow citizens enjoyed by the police; the differ-

of the peace, by warrant under his hand—

- (a) to cause any place whatsoever belonging to or in the occupation or under the control of that person to be searched, either in the day or in the night; and
- (b) to cause to be seized and carried forthwith before a justice of the peace any counterfeit coin or counterfeiting instrument, machine or material found in any place so searched.

³³ This view is supported by decisions of the English courts. See *Hussein v. Kam*, (1969) 3 All E. R. 1626, in which Lord Devlin wrote:

Suspicion in its ordinary meaning is a state of conjecture or surmise where proof is lacking; "I suspect but I cannot prove." Suspicion arises at or near the starting point of an investigation of which the obtaining of *prima facie* proof is the end. When such proof has been obtained, the police case is complete; it is ready for trial and passes on to its next stage. It is indeed desirable as a general rule that an arrest should not be made until the case is complete. But if arrest before that were forbidden, it could seriously hamper the police. To give power to arrest on reasonable suspicion does not mean that it is always or even ordinarily to be exercised. It means that there is an executive discretion. In the exercise of it many factors have to be considered besides the strength of the case. The possibility of escape, the prevention of further crime and the obstruction of police enquiries are examples of those factors with which all judges who have had to grant or refuse bail are familiar. There is no serious danger in a large measure of executive discretion in the first instance because in countries where common law principles prevail the discretion is subject indirectly to judicial control.

The test of reasonable suspicion prescribed by the code is one that has existed in the common law for many years. The law is thus stated in *Bullen and Leake, Precedents of Pleadings* (3d ed.), p. 795, the "golden" edition of 1868:

"A constable is justified in arresting a person without a warrant, upon a reasonable suspicion of a felony having been committed and of the person being guilty of it."

Their Lordships have not found any English authority in which reasonable suspicion has been equated with *prima facie* proof. In *Dumbell v. Roberts*, (1944) 1 All E. R. 326 at p. 329, Scott, L. J., said:

"The protection of the public is safeguarded by the requirement, alike of the common law and, so far as I know, of all statutes, that the constable shall before arresting satisfy himself that there do in fact exist reasonable grounds for suspicion of guilt. That requirement is very limited. The police are not called on before acting to have anything like a *prima facie* case for conviction. . . ."

ing rules regarding the admissibility of evidence; the availability of judicial decisions interpreting the standard required for arrest or search; and a consensus as to the connotation of terms.³⁴

What has been observed here is that, during the development of the modern rationale of Fourth Amendment limitations, American courts

See also *Dallison v. Caffery*, (1964) 2 All E. R. 610, a case in which a police officer was accused of false imprisonment in making an allegedly improper arrest. Lord Denning, M. R., wrote:

"Thirdly, the issue of 'reasonable cause' is for the judge. He is not bound to leave to the jury every single issue of fact which may bear on it. He is entitled to make his own findings of fact. He need only leave to the jury the issues on which he feels he needs their help. The evidence here was overwhelming that Miss Phillips, when shown the photographs, did in fact pick out the plaintiff as the man. The judge was entitled to act on that evidence; and to hold, as he did, that as she had picked out the plaintiff (and the defendant knew that she had picked him out) it afforded reasonable cause for him to suspect that the plaintiff had committed the crime. The defendant was therefore not guilty of false imprisonment in making the arrest."

³⁴ Some tentative comparison is possible; for example, in *Willey v. Peace*, (1950) 2 All E. R. 724, a police constable observed an individual on the public street and asked him what he was doing. The individual replied that he would go to the police station and complain of the officer's conduct. The officer did not know of any recent theft or housebreaking and did not suspect him of being in possession of property unlawfully obtained or stolen. At the station, a detective constable listened to an account of the events on the street and "... noticed that the man's pockets were bulging, and he saw the appellant doing things which he regarded as an endeavor to conceal something." The detective asked him what he had in his pockets, but he would not say. The detective then said, "Very well, I shall search you," and as the man resisted, he was detained by the police while he was searched. No stolen property was found. The man was convicted of assaulting the detective in the execution of his duty during the search. The specific issue before the court on appeal was whether the detective's actions were authorized by a statute which permitted such searches where there was "reason to suspect" that anything stolen may be found on the person.

Reviewing these facts, the court affirmed the conviction and declared: "In my opinion, in the present case, as soon as the appellant entered the police station and the respondent formed a reasonable suspicion—and there is no question he had a reasonable suspicion—the respondent had power to search him."

Would the facts that a man voluntarily appeared at a police station to lodge a complaint about police conduct and that his pockets were bulging and that he refused to say what his pockets contained be acceptable in American courts as probable cause to believe that he was in possession of stolen property? It becomes even more difficult when it is noted that the officers specifically did not know of any recent theft or housebreaking.

have emphasized the need to adhere to a theoretical standard identified as reasonable grounds to believe and that it has been distinguished from reasonable grounds to suspect.³⁵ The distinction thus drawn becomes blurred very quickly and may even disappear when judges and lawyers attempt to do more than merely repeat the phrases in discussing constitutional limitations. Law enforcement officers are not better prepared than lawyers and judges to isolate and comprehend such a theoretical standard, but they are regularly reminded to act in accordance with it. This, understandably, may leave some officers in

³⁵ Speaking of early decisions, the opinion in *Henry v. United States*, 361 U.S. 98 (1959), declared, "... common rumor or report, suspicion, or even 'strong reason to suspect' was not adequate to support a warrant for arrest. And that principle has survived to this day." Later, the opinion says, "Under our system suspicion is not enough for an officer to lay hands on a citizen."

"... Probable cause is a reasonable ground of probability supported by circumstances sufficiently strong in themselves to warrant a cautious man in believing the accused guilty. 'Probable cause' or 'reason to believe,' therefore, is like a third-quarter percentile; it is more information than would justify the officer saying, 'From all the circumstances I suspect this man,' but it need not be such information as would justify the officer in saying, 'From all the circumstances, I know this is the man.'" *Monroe v. Pape*, 221 F. Supp. 635 at 642-3 (1963).


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.

confusion and doubt as to whether they have been afforded a useful guideline at all.

One answer may be that officers should not attempt to compete in accomplishing the formidable goal of defining the standard. Instead, they may find it sufficient for their own purposes to settle upon a concise view of the ultimate objective intended by the standard and to strive in good faith toward that end.

Until the Supreme Court announces more precise limitations, officers might be guided by the proposition that the Fourth Amendment was in-

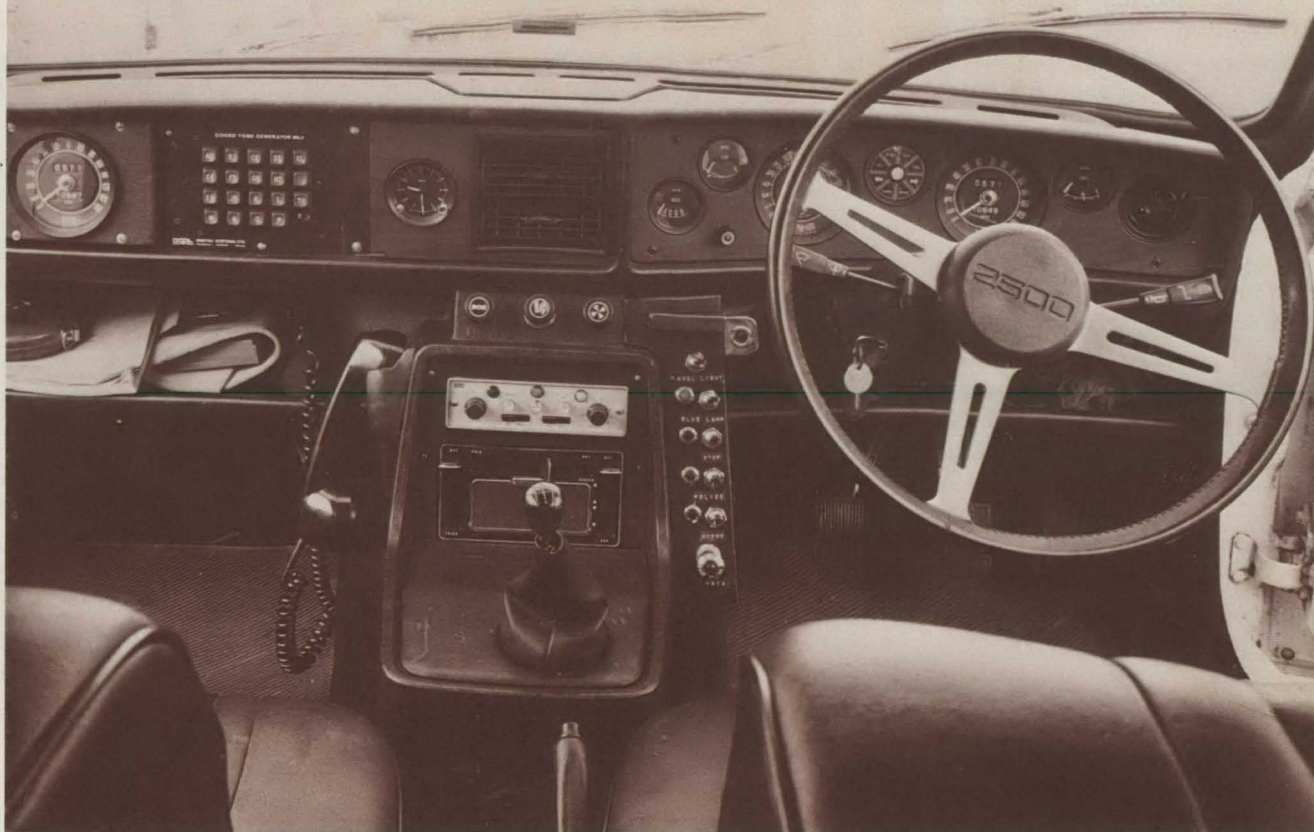
tended to stop arbitrary police action and that adherence to procedures which demonstrate the reasonableness of police conduct will provide the restraint envisioned by the theoretical standard regardless of the language employed to express it.

Some guidance for this purpose has been suggested by the Supreme Court, the most crucial of which has been the insistence by the Court that the factual basis for an arrest or search be examined by a magistrate for an independent determination of the reasonableness of the action. Officers testifying in support of an arrest without a warrant and those drafting an affidavit for a warrant should respond by communicating an understanding of the facts collected and not merely by presenting a declaration of conclusions drawn from an investigation. The restraint imposed by observance of this requirement constitutes evidence that the Fourth Amendment is working. Moreover, faced with the necessity of explaining their actions by pointing to specific facts, officers acting in good faith will likely be prepared to satisfy the courts as to the probable cause standard in the vast majority of their cases. 

QUOTABLE QUOTE

"It is a welcome symptom in an age which is commonly denounced as materialistic, that it makes heroes of men whose goals lie wholly in the intellectual and moral sphere. This proves that knowledge and justice are ranked above wealth and power by a large section of the human race. . . . This idealistic outlook is particularly prevalent in America, which is decried as a singularly materialistic country."

—Albert Einstein



Each police vehicle has a coded tone generator (left side of dashboard) for sending coded messages to headquarters.

POLICE COMMAND

(Continued from page 15)

trol during emergencies. For most of the time, however, the command and control of all units, VHF and UHF, will be within the command structure of the area in which the units are operating.

In this future phase the location of units will be shown on the wall map in one of four different colored lights: Green if the officer is on foot; blue if mobile; red if on inquiry; and red pulsating if on a call for emergency service. This will provide at all times an immediate evaluation of the location and state of every VHF and UHF unit throughout the force.

UHF input to the system from foot patrol officers' pocket sets will be by speech converted to the 12-digit for-

mat by a radio operator who will use a keyboard for that purpose.

Interrogation facilities will be as described under the first phase and will indicate whether the unit is VHF or UHF.

In the event a burglar alarm is activated in a grid, the whole grid will glow red to show the relative location and state of all police units.

Normally, areas and stretches of road designated for reporting mobile duties are fairly large to minimize reporting, but, if necessary, updating can be effected by grid, i.e., every few hundred yards in towns or every few miles in rural districts. This facility can be useful for silently notifying the progress through or within the force area of a vehicle or train (if fitted with a CTG) and whether all is well or otherwise.

The most important aspect of the system is that the notification received from units as to their location and status provides a continuous picture for operational command and control purposes. The fact that the moving picture of police work throughout each day is captured for subsequent computer analysis is an automatic byproduct.

Input—Output

The hardware used in connection with the locator, storage, and retrieval parts of the system has been manufactured and installed by Digital Systems Ltd., of Cosham, Hampshire, and the telecommunications aspect of the system is being backed by the Home Office Telecommunications Directorate as an experimental project.

In addition to the input obtained directly from operational police units, as described above, details on crime of the type which might be prevented by police presence, e.g., robberies, burglaries, etc., and information on traffic accidents are input by punchcards compiled from source documents.

Other information fed into the system comprises: Total absences from duty owing to leave, sickness, etc., and abstractions from operational duty on station duty, courses, training, sports, etc. The source documents used for these purposes are mark-sensing and are read directly into the computer by a universal document transport at between 150 and 300 documents per minute.

The 32 types of duty input by operational personnel fall under three headings: (1) Uniform Patrol or Preventive Duty; (2) Uniform Immediate Service; and (3) Uniform, Other Operational Duty.

By operating a "back-up" input procedure, using mark-sensing documents and paper tape punches, we have had the data base of the current computer system available for analysis since January 1, 1970.

The computer output is of three main types relating to assignment, deployment, and the analysis of duties.

In connection with the assignment of manpower, each section is provided details of the average commitments on emergency calls, other duty, and patrol of their uniform strength for every hour of the day and corresponding information for every hour under the worst emergency conditions which occurred during the month reviewed. Patrol availability for every hour is related to crime and traffic accident frequency.

Output to aid deployment is presented in map form for "calls for service," crime, and traffic accidents

for periods of the day and day of the week. Other printouts show, by location and period, the density of uniform patrols related to crime and traffic accident frequency rates—the former by area and the latter by stretches of road. Average and maximum response times are also provided by location and period. We still use the Dorset County Council computer in analyzing the data we gather, but the output for our data takes only a few hours computer time per month.

The concept upon which the system is built is one which aims at complete flexibility and the use of manpower to optimum effect by assigning and deploying police units in relation to activity or potential activity. The system is a practical example of how these objectives may be achieved and is perhaps an indication of the direction in which policing throughout the world is moving. FBI

CRIME CONTROL

(Continued from page 19)

was able to clear one out of every three crimes. This is substantially higher than the citywide average of one in five. While the crime clearance rate does not receive any public attention, I believe it is an important measure of a police department's performance.

A third way to measure progress is to watch for changes in the citizens' "fear index." Regrettably, we did not include in our initial experiment plan a measurement for this parameter. The

fear index can be measured quite well by checking nighttime sales and nighttime use of the streets. Random checks during the latter portion of the experiment indicated that the citizens were increasingly less fearful of venturing out at night.

We have a long way to go before I will state flatly that the Crime Control Team experiment is a success. We have shown that it can reduce crime and increase the clearance rate. We think that it has demonstrated that police officers can accept more responsibility and can handle it well.

One team cannot be transplanted to another city or even another area of Syracuse and be expected to be as effective as it was in another. The tactics must be modified to match the characteristics of the area, but the management concepts are universal.

Our Crime Control Section is headed by a lieutenant who reports directly to me. We are continuing to expand the number of teams and the areas covered here in Syracuse. At present we have seven teams consisting of seven sergeants and 56 patrolmen covering seven areas of the city. FBI

QUOTABLE QUOTE

"Nothing will ruin the country if the people themselves will undertake its safety; and nothing can save it if they leave that safety in any hands but their own."

—Daniel Webster

THRUST FOR SEVENTIES

(Continued from page 22)

a recent address to the American Bar Association, spoke of the great need for judiciary reforms to facilitate trials and appeals.

"Centuries ago, Great Britain gave birth to the common law upon which the principles of our jurisprudence are founded. The presumption of innocence and all the guaranties to protect the rights of the accused are inviolate. Their laws are strictly enforced not only for the benefit of the accused but for society.

"Punishment is no deterrent to crime unless it is speedy and certain. To take 2 or 3 weeks to impanel a jury and permit the cross-examination of a witness in a homicide case for 15 days is absurd. To condone the

raucous harassing actions of defendants and their counsel in courts makes a travesty of trial court procedures.

"The interminable delays in appeal enable defendants on bail to prey again upon the lives and property of law-abiding citizens. No wonder crimes of violence increase in this country year after year.

"The apathy of ourselves and of the public must be awakened to speedy and just enforcement of our laws. Now is the time for action!"

Now indeed. The experience of the American Legion at the Portland Convention illustrates vividly how close we all are living to potential disaster. Action now to shake the apathy of America on the subject of law and order is, we believe, the only way to our survival. FBI

ceived a call from the station owner reporting the license number of a customer he considered suspect. This individual was located and interviewed by the officer, and he voluntarily furnished his fingerprints. Comparison of the prints and latents showed they matched, and, after further questioning, the suspect admitted the theft and stated he was a parole violator from another State.

"THE NAME IS SMITH*"

Late one afternoon a tall man patiently stood in a teller's line at a Midwest city bank. When his turn at the counter came, he calmly displayed a blue steel revolver and ordered the nervous teller to hand over the money. She gave him about \$2,000. As he confidently strolled toward the door, he stopped just before exiting, raised the gun high in the air, fired a shot into the ceiling, and proudly announced, "Tell them Joe Smith* did it."

Using this clue, FBI Agents positively determined that Joe Smith* did, indeed, rob the bank and apprehended him 2 days later.

*Fictitious.

NCIC TRAINING APTLY USED

Having attended an FBI police training class on the NCIC, one Atlanta, Ga., police recruit put his newly acquired knowledge to good use. While busy at his part-time service station job, he was approached by a man requesting assistance in starting his car stalled on a nearby interstate highway.

The recruit succeeded in getting the car with North Carolina license and its four occupants back to the service station, where he diagnosed the problem as a faulty voltage regulator. When he asked the year of the car to identify the model regulator needed, none of the four could name the model year of the car. Becoming suspicious, he went into the office, called the Atlanta Police Department, and requested an NCIC check on the license. In a matter of seconds he was advised that the 1969 sports-model car had been stolen a few days earlier in Char-

lotte, N.C., during a residence burglary.

The police recruit notified the FBI, and all suspects were taken into custody and charged with interstate transportation of a stolen motor vehicle. Subsequently, local authorities in Georgia and North Carolina charged the four with additional criminal violations and placed detainers against them.

FBI TRAINING PAYS OFF

An FBI-sponsored fingerprint school, which included instruction in latent fingerprints and interview techniques, proved practical to a Mineral Wells, Tex., police officer who the next day successfully apprehended the culprit in a service station coin machine break-in.

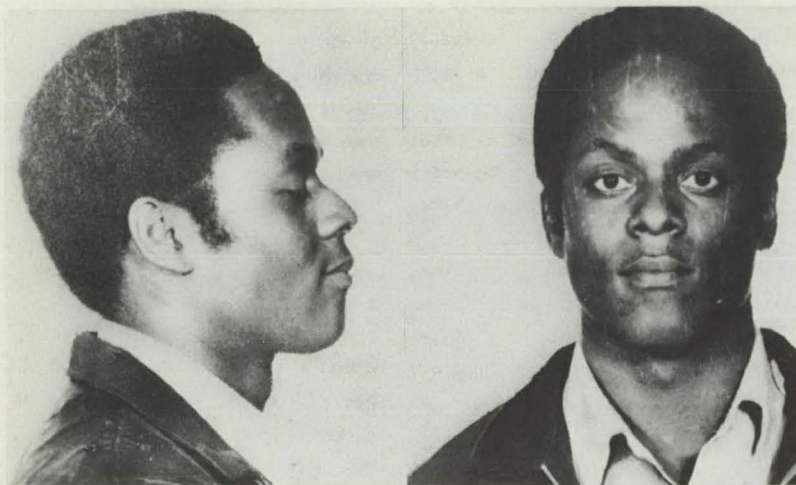
The officer, who investigated the crime and lifted latent prints, later re-

NEWS COVERAGE

Police in a southern city recently discovered that bookmakers in various taverns were using a local daily newspaper as a cover for their activities.

Keeping the front and back pages of a current paper on the bar, the handbook operators would conceal their scratch sheets and betting slips between the pages. Should a law enforcement officer check the tavern, the newspaper concealing the gambling paraphernalia would lie inconspicuously folded on a back counter.

WANTED BY THE FBI



THOMAS GOLDEN BERRY, also known as: Makuwa Berry, Mchina Berry, Mkuwa Berry, Mchina Berri, Conrad E. Pickett, Conrad Pipkins.

Interstate Flight—Conspiracy, Attempted Murder and Arson

Thomas Golden Berry is being sought by the FBI for unlawful interstate flight to avoid prosecution for conspiracy, attempted murder, and arson.

On April 2, 1969, Berry, a member of the Black Panther Party (BPP), was indicted along with 20 other BPP members by a New York Grand Jury on charges of conspiracy, attempted murder, and arson. A Federal warrant for his arrest was issued on May 6, 1969, at New York, N.Y.

Caution

Berry may be armed and should be considered dangerous.

Description

Age----- 27, born May 11, 1943,
New York, N.Y.
Height----- 6 feet 1 inch.
Weight----- 190 pounds.
Build----- Medium.
Hair----- Black.

Eyes-----	Brown.
Com- plexion.	Dark.
Race-----	Negro.
Nationality.	American.
Occupa- tions.	Clothing cutter, office worker, salesman.
Remarks---	May wear a beard, report- edly a user of narcotics.
FBI No----	513, 026 F.
Finger- print clas- sification.	10 S 1 U IOI 6 Ref: T M 1 U IIO U

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.

FATAL FUMES

Recently, a 16-year-old boy in a Midwest city died from sniffing fumes from an aerosol can of cooking pan lubricant. The victim had been found unconscious in an upstairs bedroom of his home and was dead on arrival at a hospital. The can and a cardboard funnel through which he had breathed the fumes were near his body.

The product is used for lubricating cooking pans to prevent food from sticking. The boy's mother said she did not keep the lubricant in her home and did not know where her son had obtained it.

According to one Midwest State toxicologist, the lubricant contains a colorless gas that when inhaled gives a person a feeling similar to intoxication from liquor. He advised that in his State in the past year there have been several deaths from sniffing such fumes. Use of this household item in this manner by young people is similar to the glue-sniffing craze that was popular a few years ago.

OBVIOUSLY OBVIOUS

During a recent east coast gambling raid, officers confiscated considerable amounts of money which gamblers hid in such intricate places as piano backs and ingeniously fashioned false books. In an effort to prevent the raiding party from finding their entire money supply, the gamblers secreted some of the money in the most obvious places, hoping the raiding party would overlook the obvious for the intricate.

For example, a neatly wrapped package, such as the type used for a wedding or birthday present, was filled with money and laid in plain view on a living room table. This ploy was soon detected.

FOR CHANGE OF ADDRESS ONLY

(Not an order form)

Complete this form and return to:

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FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535

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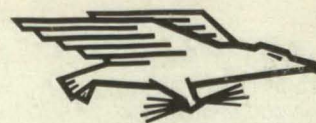


Hon. William M. Connelly and Hon. Peter M. Handwork, Assistant United States Attorneys, Northern District of Ohio, Toledo, Ohio, recently visited FBI Headquarters and were greeted by Director J. Edgar Hoover. Shown in Mr. Hoover's office, left to right, are: Mr. Handwork, Mr. Hoover, and Mr. Connelly.

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

OFFICIAL BUSINESS

RETURN AFTER 5 DAYS



POSTAGE AND FEES PAID
FEDERAL BUREAU OF INVESTIGATION

QUESTIONABLE PATTERN



Although the upper loop in this impression provides a sufficient recurve, no ridge count is obtainable. An examination of the lower formation reveals that the possible looping ridge does not extend far enough to form a sufficient recurve. Consequently, in the Identification Division of the FBI, this impression is given the preferential classification of a tented arch and is referenced to a loop with one ridge count and to a whorl with a meeting tracing.