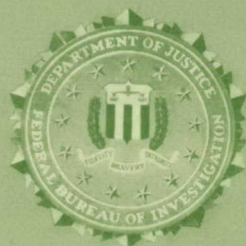


# FBI

*Law Enforcement*

# BULLETIN



1958

OCTOBER

Vol. 27 No. 10

Federal Bureau of Investigation

United States Department of Justice

J. Edgar Hoover, Director

# FBI Law Enforcement Bulletin

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OCTOBER 1958

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United States Department of Justice  
Federal Bureau of Investigation  
Washington 25, D. C.

October 1, 1958

**TO ALL LAW ENFORCEMENT OFFICIALS:**

In a Nation where peace under law is a cherished way of life, American law enforcement today faces a challenge of paramount importance. Plagued by a crime problem of unprecedented proportions, law enforcement must necessarily find the means of discharging its basic obligation--the protection of society. Yet, in seeking the victory over crime, law enforcement cannot afford, at any time or under any circumstances, to violate its historic responsibility in defense of the rights of individuals.

To carry out this dual obligation, it is essential that law enforcement constantly and emphatically stress its cause in the open forum of enlightened public opinion. It is not enough to rest on past accomplishment. By positive action and intelligent planning we must increase the public confidence and cooperation upon which our profession is built.

From time to time there come unwarranted cries concerning the danger of a national police force. Without question, such a monster can never exist in our land while American police authority operates within the safeguards of the Constitution, in the searching spotlight of a free press, and with each citizen guaranteed the sacred right to vote. American law enforcement itself must champion these safeguards against tyranny.

The most certain answer to any fear of a national police force lies in the public actions of law enforcement. Now more than ever before, it is incumbent upon each one entrusted with police duties to strive as diligently to establish innocence as to prove guilt. There are occasions, unfortunately, when the public atmosphere becomes clouded by prejudice or blighted by ignorance of facts. Then, above all, it is the solemn duty of those sworn to uphold the law to stand firm in defense of the rights of all citizens, regardless of race or creed or other characteristics. As the guardian of individual rights, the stature of law enforcement depends upon the integrity of each member of the profession.

Against the crime wave, however, law enforcement cannot struggle alone and succeed. Despite notable advances in police efficiency and scientific crime detection, the total of major crimes has soared from 1,685,000 in 1946 to an all-time record total of nearly 2,800,000 last year.



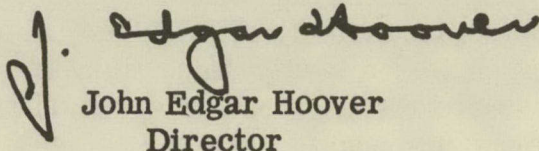
Today, the estimated annual cost of crime has reached the unprecedented toll of 22 billions of dollars, amounting to \$128 for every man, woman and child in the United States.

The efforts of law enforcement in welding a united front against the crime wave have been truly praiseworthy. Organizational integrity, mutual respect, and willing cooperation now mark the day-to-day dealings on all levels--city, county, state, and national. Typical of this modern spirit are the 18th annual meeting of the National Sheriffs' Association held last June at Philadelphia, Pennsylvania, and the 65th annual conference of the International Association of Chiefs of Police which will be held this month, October 26-31, at Miami Beach, Florida.

The basic power of law enforcement, however, still rests in the citizens of the country. Too often, the inhabitants of crime-ridden communities are solely to blame for their own plight. Vice and organized crime cannot survive without the consent of the citizens--either through tolerance of corrupt politics or indifference to the needs of strong local policing. Certainly support for honest and effective law enforcement should be a prime issue in every election or campaign for public office. In addition, good law enforcement should be a matter of daily concern to citizens and civic leaders.

For its past performance in upholding individual rights and in protecting society, the Nation owes law enforcement a debt of gratitude. Assuredly, a fitting and rewarding payment would be an aroused public spirit of intolerance toward crime conditions in every community throughout the country.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Edgar Hoover". The signature is written in a cursive style with a large initial "J" and "E".

John Edgar Hoover  
Director



# The Law and the Layman

by DIRECTOR J. EDGAR HOOVER

*Address before the Judicial Administration Section  
of the American Bar Association on August 25,  
1958, at Los Angeles, Calif.*

The American Bar Association for 80 years has served notably the legal profession and the citizens of this Nation. During this period it has become firmly established as a bulwark dedicated to upholding and preserving the Constitution of the United States. It has steadfastly advanced the great historic goals of our dynamic American society. It has kept pace with the changing times, while holding true to the fundamental principle that justice is based upon law and order.

There is no more important Section in the American Bar Association than the Judicial Administration Section, whose broad objective is the improvement of the administration of justice. This objective is not solely a concern for the lawyer or the judge, but it is also of paramount interest to the layman and the law enforcement officer.

The history of mankind has been marked by frequent disagreement. This is particularly true in regard to law. Much of this disagreement has emanated from the conflict between man's ideals and the frailty of human nature. As a result, many diverse views have been expressed on the relationship between law and man. However, I am sure that there will be no disagreement among us on Aristotle's view that "good law means good order."

The application of law is the practical expression of man's desire for order. Every improvement in the administration of law represents a vital contribution to man's search for the orderly existence befitting his rational nature. Since peace can be described as "the tranquillity of order," our efforts here can contribute to a world free from domestic and international strife.

At no other time in history has it been more imperative to establish order and peace in the world than it is today. Man always has possessed the capacity to destroy himself. Today, he possesses the capacity to destroy the world. He has the responsibility to formulate, interpret, and enforce laws not only to shape the future of mankind, but also to insure his preservation.

The future of the human race was never more in jeopardy than it is today. A powerful, lawless conspiracy—world communism—remains a constant and serious menace to not only the international rules of law but to civilization itself. The recent execution of former Premier Imre Nagy of Hungary, as horrifying as it was to the Free World, was merely one of a long list of treacherous acts by the rulers of the Kremlin. Brutality and slaughter, the abiding essence of communism, struck with Hitlerian savagery. This flagrant disregard of the pledged word once again exposed the brutality and arrogant treachery of the lawless communist society.

A recent study of nearly 1,000 treaties indicated that in a 38-year span, the Soviet Union had broken its word to virtually every country to which it had given a signed promise. The word of the Kremlin has been and remains a counterfeit commodity.

The tyrants of the world communist movement are boasting that the Soviet Union is now powerful enough to wage the most devastating war ever known. Combine this with the treachery, deceit, and illegal acts which have marked the communists' rise to power. Add to it the recent warning of Nikita Khrushchev that "We Bolsheviks are a ravenous people. . . . We want more and



more." Clearly, communist imperialism constitutes a threat to the continued existence of mankind, without parallel since the beginning of time.

The very fact that world communism has the potential to destroy the Free World can be traced in large measure to the lawless subversive and espionage activities by communists in our own and other countries. Communist agents are at work in our Nation today, at this very moment, both openly and secretly, attempting to obtain our latest technological and scientific developments. At the same time, they are taking advantage of every legal technicality to nullify our security precautions.

The Communist Party in the United States attempts to foster the myth that it is a legitimate political party operating completely independent of foreign control. Nothing could be further from the truth, despite the naive declarations and beliefs of some Americans. Statements and actions by leaders of the party within the past year leave no doubt that American Communists are an integral part of the international communist conspiracy which was born in tyranny and which has been nurtured by tyranny.

Next to subversion itself, the greatest danger this country can face is an attitude by its people and officials that our way of life is so well established that nothing need to be done to protect it. The doctrine of "unassailable" institutions induces a dangerous apathy. We cannot afford to accept it.

Are we prepared to meet the threat which the lawless force of world communism presents to the future of mankind? To be prepared, our Nation must be as representative of law and order as world communism is of lawlessness and disorder. But, at the very time that it is most imperative for us to evidence a mounting respect for law and order, we are forced to concede an ever-growing national disregard for it. The moral fibre of the Nation is growing weaker, not stronger, at this most crucial period in world history.

Despite remarkable progress in the science of crime detection and the best efforts of law enforcement, the crime problem in our country continues to grow at an alarming rate. In the post-war years, crime has grown steadily from 1,685,000 major offenses in 1946 to an all-time record of nearly 2,800,000 in 1957. Since 1950, crime has increased four times as fast as our spiraling population.

Each year, our Nation pays a shocking ransom to the underworld. The estimated annual cost of crime now totals a staggering 22 billions of dollars, or \$128 for every man, woman, and child in the United States. Even though there have been vast increases in our expenditures for education to meet our growing needs, the amounts spent are more than matched by the cost of crime. Crime costs \$1.11 each year for every \$1.00 spent on education. For every dollar we contribute to churches, crime costs us \$12.

My concern over the increase in total crime and the toll in dollar costs is matched by my concern over the disturbing growth of juvenile crime. In 1957, persons under 18 years of age represented 53 percent of all arrests reported for robbery, auto theft, burglary and larceny.

The greatest participation of youths under 18 was in connection with auto thefts, where they represented 67.6 percent of all arrests. Auto theft has proved to be a training ground for more serious crimes. With rare exception, the most vicious hoodlums in America today began their careers as car thieves.

Figures from city police reports show that since 1952 the population group under 18 years of age has increased 22 percent, while arrests of persons under 18 have increased 55 percent. This is graphic evidence that this major problem is no longer one of youthful offenders, but rather one of young criminals.

All too often, in discussions of juvenile misbehavior, the smog of ill-considered theories, unrealistic contentions and gushing sentimentalism obscures the basic facts. We have tried the practice of overindulgence, and it has failed. In the interest of self-preservation, it now is time for sterner measures.

Just how intolerable the juvenile crime situation has become is shown by the total disregard for authority recently exhibited by a group of teen-age hoodlums in a large eastern city. This group, ranging in age from 15 to 19, created turmoil when they invaded the corridor of the municipal court and threatened witnesses waiting to testify in juvenile cases. These "terrorists," as the judge called them, were identified as part of a gang that had beaten a witness in the same corridor the previous week.

Tyranny and terror were not meant to be the governing factors in man's existence. Rule by these methods is sustained by fear and by a mis-



understanding of the real meaning and purpose of law in a society. We can combat tyranny and terror by creating a deeper understanding of, a greater willingness to abide by, and a firmer confidence in the law. A greater understanding of the law derives from the individual's full knowledge of both his rights and his obligations under the law as a member of an orderly society.

Our concept of freedom stresses the rights of the individual. However, our founding fathers recognized that freedom could not be completely unlimited. They recognized that unconditional liberty would inevitably give rise to anarchy, terror, and chaos. Freedom without any limitation would have led to the abrogation of the very rights they were attempting to insure. This is why our freedom is a freedom under law. This is why our laws are enacted to protect and preserve both the individual and society.

The right of individual freedom, as all other rights, imposes definite obligations, not only on the individual but also on society. The founders of our Nation recognized this dual responsibility and visualized law as performing a dual function. In establishing our Nation, they drew upon law to create the form of government under which our Nation has grown and prospered. At the same time, they looked to law as the guardian of the rights of the individual against infringement by the Government which they established. Through the Bill of Rights, they insured the individual citizen against abuses by his Government. This emphasis on the rights of the individual provides a dramatic contrast between our Government and all totalitarian regimes.

The rights which we all enjoy place numerous responsibilities on each of us. Above all, we must protect and defend the priceless heritage of freedom wrested from the subjugations of the past. We must exercise our individual rights as the most effective way of insuring that they will be preserved for future generations. We must respect the limitations placed by law on our individual liberties in order to guarantee the rights of all individuals and those of society. We must obey both the spirit and the letter of the law.

The citizen has the affirmative obligation to furnish information concerning violations of law and to be a willing witness. Often, officials must forego prosecution against the criminal offender because the citizen is unwilling to discharge this vital responsibility.

An equally vital responsibility for the citizen in the administration of justice involves the privilege of jury service. Reluctance to assume the obligations of citizenship often has thwarted the ends of justice. The layman is afforded an opportunity to directly participate in the law enforcement processes of government. Under our system of jurisprudence, the jury accepts the rules of law set forth in the instructions by the court and determines the questions of fact within this framework. This is both a serious responsibility and an opportunity to render valuable service. The citizen who avoids jury service deprives himself of one of the most precious privileges of citizenship.

Freedom of speech and freedom of the press are basic liberties guaranteed by the Bill of Rights. Yet, these freedoms of expression are not unconditional. They must be exercised within the limits of common decency, with respect for the rights of others and with due regard for the general public safety. Failure to observe these conditions results in the perversion of our fundamental rights to freedom of expression.

There are those who, by irrational and unfounded criticism, either accidentally or deliberately corrode and undermine the very foundations of our Government. As a function of Government, law enforcement has frequently been subjected to scurrilous and unwarranted attacks. There have been loud and slanderous charges that law enforcement is gravely impairing the historic liberties of the people. The epithet, "Gestapo," has even been used as descriptive of our efforts. The record of law enforcement in our society refutes these baseless accusations. While the rights to freedom of expression must be defended to the end, the critic, in exercising these rights, has a corresponding obligation to be correct in his facts.

Nowhere is the problem of maintaining a balance between the rights of society and those of the individual faced in a more practical fashion than in the field of day-to-day law enforcement. Society must be protected from the criminal. Yet, the rights of the accused must be observed. Police power must be exercised for the benefit of society. But it must not encroach on the rights of the individual. Moreover, the protection of the innocent is as fundamental a principle of our legal system as is the apprehension of the wrongdoer.

Thus, law enforcement has a dual responsibility. It has a sacred trust to enforce the law impartially while meticulously observing the rights of citizens.



The division of responsibility among numerous law enforcement agencies through delegation of specific jurisdiction stems from a fundamental constitutional concept. Under our constitutional division of powers, approximately 90 percent of crimes committed are within the investigative jurisdiction of local and State law enforcement. This constitutional concept has proved most effective in preventing the rise of any one agency into anything resembling a national police force. Moreover, it has focused individual responsibility where it belongs—at the local level.

The abdication of local community responsibility can lead only to disrespect for law and order. The local administration of justice accurately reflects the moral fibre of any community. Crime is essentially a local problem with local solutions.

Nowhere does the problem of maintaining the balance between the rights of society and those of the accused present more difficulty than in the area of appellate court review. In the final analysis, the courts must draw the line between the rights of the individual and the right of society to protect itself by punishing those who violate its laws. This is the problem of balancing the rights of a specific individual against the rights of all other individuals in our system of freedom under law. Some balance must be maintained between the rights of the accused as opposed to the rights, not only of the victim, but of all other law-abiding citizens.

In 1883, Mr. Simeon Baldwin, former Governor of Connecticut and a founder of the American Bar Association, stressed that our laws must be interpreted in the true spirit of their meaning to maintain a proper balance between the rights of society and criminals. This warning given 75 years ago remains pertinent today.

Frequently, emphasis is placed on the rights of the accused to the obvious exclusion of the rights of law-abiding citizens. Carried to extremes, this tendency can actually infringe upon the freedom of all individuals—of society itself. In protecting the accused from abuses by the Government, the rights of the law-abiding citizen and the innocent victim of crime who look to their Government for protection must not be neglected.

The administration of justice is faced with complex problems. The inequities arising from disparities in sentences are well known. While there is a need for discretionary action by the courts, there is also a need for greater consistency in sentencing.

All of us are acquainted with the problem of congested court calendars and with the many remedies which have been suggested to alleviate this problem. The accused is entitled to a speedy trial. Society is entitled to the prompt administration of justice. One of the most effective deterrents to crime is the certainty of swift and impartial justice.

The final responsibility for protecting the innocent rests upon our courts. However, some courts, in discharging this responsibility, seem to be guided by a tendency to be overly solicitous of criminals. Misapplied leniency adds to the already serious problems in the administration of parole and probation. It also aggravates the rising problem created by the criminal repeater.

The ready reservoir of criminal replacements available through loopholes and abuses of our systems of parole, probation and other forms of clemency has been a most formidable handicap to the measures taken against expanding lawlessness. I wish to emphasize that I am not criticizing the humanitarian principle of parole and probation, but I most emphatically do criticize the administration of it when one sees repeaters constantly being released only to commit more serious crimes.

James L. Shepherd, Jr., Chairman of the House of Delegates of the American Bar Association, this year highlighted another problem in the administration of justice. He related several instances of the reversal of criminal convictions for absurd reasons. He cited, for example, the dismissal of an indictment of a man for drowning his wife and child, which did not specify the kind of liquid in which they were drowned, and a similar dismissal of the indictment of a hitchhiker for stomping a motorist to death, which failed to state that the murderer used his feet "with his shoes on." The confidence of the layman in the administration of justice obviously is shaken when learning of such hair-splitting rulings.

The distinguished Judge Learned Hand expressed a realistic approach when he stated, "Our dangers do not lie in too little tenderness to the accused. Our procedure has been always haunted by the ghost of the innocent man convicted. It is an unreal dream. What we need to fear is the archaic formalism and the watery sentiment that obstructs, delays, and defeats the prosecution of crime."

The Honorable Warren E. Burger, United States Court of Appeals, District of Columbia



Circuit, in April, 1957, found cause to warn of what he considers " \* \* \* an unfortunate trend of judicial decisions \* \* \* which strain and stretch to give the guilty, not the same, but vastly more protection than the law-abiding citizen."

The late Justice Benjamin N. Cardozo of the United States Supreme Court so aptly stated, "But justice, though due to the accused, is due to the accuser also. The concept of fairness must not be strained till it is narrowed to a filament. We are to keep the balance true."

When mere technicalities of procedure are magnified out of proportion to their actual function in the judicial process, justice is not served. The tendency to accentuate procedural detail in legal decisions has enabled lawbreakers to exploit technicalities and loopholes in the law to defeat the ends of justice.

One of the most vital of court responsibilities is to provide definite decisions on cases affecting individual rights. Law enforcement faces the daily task of protecting society while observing the rights of the individual. Such procedures as arrests, arraignments, searches and seizures, confessions, interrogations, and the collection of evidence are vital to effective law enforcement. At the same time, these procedures touch upon individual rights and must be accomplished with strict adherence to constitutional limitations in order to protect our freedom under law. There is no easy solution to this problem. There can be no handy yardstick which the courts can provide. But, the courts can, by realistic comprehension of these crucial points, attempt to spell out as definitively and consistently as possible the limits within which law enforcement can operate without impinging unlawfully on individual freedom.

Freedom under law cannot be maintained without the ultimate safeguards provided by the courts. It also cannot be maintained without the faith of our laymen in our court procedures and decisions. To our laymen, therefore, it is essential that the courts continue to function in a free environment in order to fulfill their responsibilities to the citizens they serve. The preservation of our heritage of freedom depends upon this cornerstone of our democracy.

Time alone will tell whether or not this cornerstone will remain intact in the future. The future is the realm of the unknown for all of us. As we stand today upon its threshold we feel the power-

ful pull of this unknown, the awareness of its dangers and the stirring demands of its lofty peaks as yet unscaled in the social relations of man. On charting our course we find a number of complex problems facing both the legal profession and the layman:

Lawlessness, to be met with intelligent and resolute action.

Juvenile crime, which calls for the deepest understanding, discipline, and self-sacrifice in all of our local communities.

Law interpretations, which require the immediate attention of our most brilliant legal minds.

Judicial administration, which needs discernment, judgment and maturity for the solution of its problems.

World communism, which must be combated by a reaffirmation of the positive, creative, dynamic, and democratic concepts rooted in the rule of law and in the inherent dignity and preciousness of every human being.

This is what our Nation faces in the future—a Nation which has been, since its inception, a beacon for the oppressed peoples of the world who are still struggling heroically to achieve freedom. Will we continue to be a beacon to these people? Will we light the way to freedom, security and peace under law for all mankind? These questions constitute the major challenge of our time.

To meet this challenge no confused, hesitant, indifferent and half-apologetic actions on our part will suffice. To meet this challenge we must have clarity of thought, dedication, confidence and positive actions. These can be achieved by deepening our convictions in, and by applying effectively to this Nation, the imperishable religious and moral values of western civilization which remain a living, fertile source of both our law and our justice.

## EVIDENCE

To prevent evidentiary material such as soil or paint samples from sifting out of the containers in which they are mailed, the containers should be sealed.

## ESCAPE TECHNIQUE

In a recent investigation of an escaped prisoner it was learned that the criminal succeeded in opening his handcuffs by the use of a key made from shoe polish tins which are frequently used as ash trays in many places of detention. It is pointed out that such keys can be easily fashioned, readily concealed, and efficiently used by prisoners.



# **Program Arranged for 65th Annual IACP Conference**

*by LEROY E. WIKE, Executive Secretary,  
International Association of Chiefs of Police*

Police interest and action in social, medical and family problems—international extradition—policing limited access highways—how Alaska, as a State, proposes to cope with its police problems—impact of recent higher court decisions on law enforcement—and many other timely and interesting discussions are featured on the program for the 65th Annual Conference of the International Association of Chiefs of Police, to be held at Miami Beach, Fla., Hotel Fontainebleau, October 26 through October 31.

It is anticipated that some 2,000 police administrators and their guests will attend the Conference from all sections of the United States, Canada, West Indies, Central and South America, Alaska, Hawaii and the free countries of the Far East.

President John D. Holstrom, chief of police, Berkeley, Calif., will preside at the 5-day Conference. Host of IACP members and guests is Chief Michael Fox, Miami Beach, Fla., Police Department.



*Leroy E. Wike.*

Two events will precede formal opening of the Conference. On Saturday, October 25, an international seminar will be held for orientation of members and guest officials from other countries. On Sunday afternoon, October 26, the Association's Executive Committee will meet in annual session to act upon routine business and to finalize its recommendations to members for adoption of a revised IACP Constitution.

The traditional 4-day Conference is being lengthened by one day this year, on an experimental basis, to give delegates more opportunity for full discussion of current police problems.

In addition to law enforcement authorities, prominent city, state, and federal government officials, as well as leaders from business and industry, will address the police officials. Governor LeRoy Collins of Florida and Mayor Kenneth Oka of Miami Beach, Fla., will participate in the opening ceremonies on Monday morning, October 27. There will be an opening address to the members by president John D. Holstrom. Among the speakers for this day will be: Chief Bernard C. Brannon, Kansas City, Mo.; Assistant Director Quinn Tamm, Federal Bureau of Investigation; Carrol M. Shanks, president of the Prudential Insurance Company of America, Newark, N. J.; Richard W. Galiher, attorney at law and counsel to the IACP, Washington, D. C.; Major General Haydon L. Boatner, The Provost Marshal General, United States Army, Washington, D. C.; and Lt. Jack Dudek, national president of the Fraternal Order of Police, Cleveland, Ohio.

In the afternoon of Monday, October 27, there will be a report of the International Relations Committee by Lt. Col. Leon Lambert, deputy director, Quebec Provincial Police. A panel on international extradition will follow with Police Commissioner Stephen P. Kennedy, New York City, acting as moderator.

"State and Provincial Police Day" is Tuesday, October 28, with the program featuring problems of primary concern to state and provincial police forces, but of equal interest to chiefs of municipal departments. Colonel William H. Morris, superintendent of the Illinois State Highway Police and general chairman of the IACP State and Provincial Section, will open the program with a summary of the Section's activities during the preceding year. Other discussions include a report on crash injury research; effect of increased patrol on accidents, diversion and speed; bank robberies; how Alaska, as a State,



proposes to cope with its police problems; why business must support traffic safety, and the interstate highway system. The Section will hold its annual business meeting and election of officers for 1958-59 at a short afternoon session.

"Traffic Day" is Wednesday, October 29. Reports of the IACP Traffic Committee and the IACP Traffic Division open the session, followed by announcement of the 1958 IACP Police Fleet Contest Awards. Papers to be presented by authorities in the field include such subjects as chemical tests to determine intoxication, enforcement in traffic collision cases, use of pedestrian signals for school crossing protection, Chicago's traffic accident prevention program, and policing of limited access highways.

Annual reports of IACP standing committees on arson, auto theft, civil defense, communications, crime prevention, police education and training, police legislation, and public relations open the Thursday morning session, October 30. These will be followed by a panel on police interest and action in social, medical and family problems.

On Friday morning, October 31, a panel on administrative techniques will precede the Association's annual business meeting. In addition to selection of a conference city for 1960 (the 1959 Conference is scheduled for New York City), and annual election of officers, members will vote upon adoption of a new IACP Constitution to bring the existing one adopted in 1937 up to date and provide for future progress of the Association.

The early morning training seminars are being repeated this year at request of members and will be held from 7:30 to 9:00 a. m., Monday through Thursday.

Host Chief Michael Fox and his local committees are planning social and recreational activities for hours when the Conference is not in session. These arrangements include a reception Sunday evening, October 26; a President's Ball, Monday evening; a fish fry, sight-seeing trips by boat and bus, and a program of entertainment for the traditional Wednesday evening banquet.

★

### SECRET COMPARTMENT

The importance of careful crime scene and vehicle searches is certainly emphasized by the recent experience of a police department in a large city.

Officers of this department located in an automobile an ingeniously constructed secret compartment behind the rear seat which could very easily be used for storage of loot, weapons, instruments of crime, etc.

The compartment behind the rear seat had been enlarged by moving a cardboard separation wall further back into the rear trunk compartment, thus enlarging the secret compartment behind the rear seat. The secret compartment is reached by first turning on the ignition and then by pressing a switch which is hidden under the upright portion of the upholstery between the rear left arm rest and the rear seat. This switch activates two solenoids mounted on a 2 by 4 behind the rear seat, upright portion, and two snap locks are released and the top of the rear seat, upright portion, swings forward revealing a 10½" opening, showing the secret compartment which is actually 16½" by 58" wide and 28" high. However, there is a smaller plywood box built on the floor of this secret compartment which is 9" deep by 41" wide by 18" high. The 9" depth measurement is increased somewhat at the bottom of this plywood box to 12½" due to the fact the seat is inclined. The trunk depth, which apparently has been decreased several inches from its original depth, measures 44".

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### RIVER VICTIM IDENTIFIED

On June 11, 1958, the Identification Division received from the police department of Chattanooga, Tenn., the 10 inked fingerprint impressions of an unidentified white male, found floating in the Tennessee River at Chattanooga, Tenn. It was estimated the body had been in the water about a week. A piece of red building tile, weighing about 10 pounds had been fastened to the man's belt at the back in an effort to keep the body weighted down.

A search of the criminal files in the Identification Division resulted in the positive identification against a master print of a man whose latest arrest was on November 8, 1940, when he was sentenced to 3 months in the Federal Prison Camp, Montgomery, Ala., for removing and concealing liquor on which tax had not been paid.

This information concerning the deceased was wired to the contributing police department the same day the fingerprints were received in the Identification Division.





## **Denver Sticker**

### **Program Combats**

### **Hit-Run Cases**

*by* DETECTIVE SERGEANT THOMAS L. O'NEILL,  
*Denver, Colo., Police Department*

A new investigative technique surrounding accident investigation, directed in particular to the solution of hit-and-run cases, has been employed by the Denver Police Department since May 8, 1957.

The City and County of Denver comprise approximately seventy-one (71) square miles, a population in excess of one-half million, and a motor vehicle registration of over 210,000. This presents a police traffic problem not unique among American cities. Our department was faced with investigating more than 20,000 accidents a year, 2,300 of which were hit-and-run cases. A 5-man squad was charged with the responsibility of the investigation and solution of the latter category of hit-and-run cases.

Now under the new program, upon investigating an accident, the officers will issue a "damaged car release sticker." Prior to the inauguration of

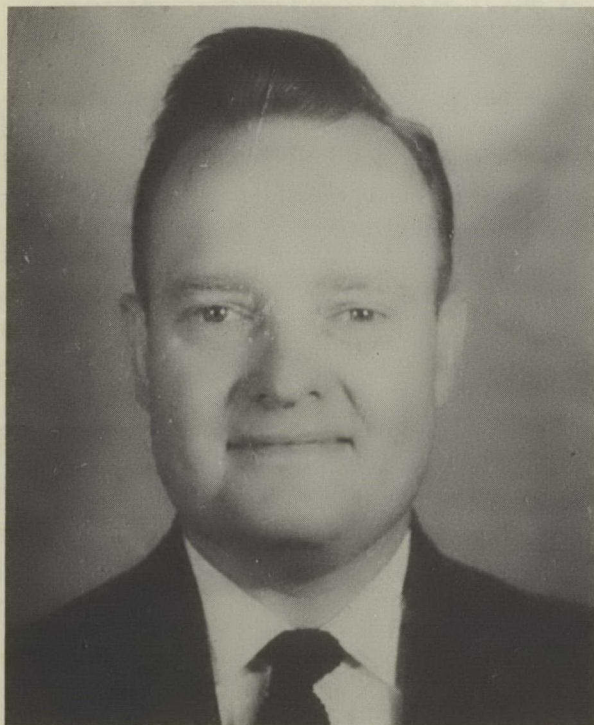
this program, endless man-hours were spent in checking out and tracing vehicles which might or might not be wanted in hit-and-run cases. As a result of the new technique now employed by this department, the same man-hours are devoted to duties more constructive in nature. In addition, more communication air time is saved, air time which was formerly consumed when patrol officers, upon observing a car on the street which reflected damage, had to clear through the dispatcher, who in turn had to check through the Traffic Division for a clearance of this car. This procedure in itself was time-consuming, inasmuch as files had to be searched and a clerk's time was taken in checking out the wanted information.

Traffic administrators must consider the alleviation of traffic congestion, the expeditious movement of traffic, the reduction of accident frequencies, the exploration of accident causation, and the solution of the hit-and-run accidents. In this last phase, the location of the hit-and-run vehicle followed by the arrest and prosecution of the subject responsible is the problem.

Tracing the hit-and-run vehicle is of top priority in this program. With this new investigative technique of issuing stickers to cars involved in accidents the Denver department confidently expects not only to reduce the number of hit-and-run accidents but to determine swiftly the car and driver involved in one of these violations.

Through an educational program using the media of newspapers, radio, and television, we have acquainted the driving public with our program. We advertised the fact that any car involved in an accident will have the damaged car-release sticker placed on the right front windshield by the investigating officer at the time of his investigation. It was made clear that the absence of the damaged car-release sticker on a car showing damage will be the subject of additional inquiry by a police officer.

Detective Fred C. Bartle, who has 13 years of traffic experience, is credited with the original



*Detective Sergeant Thomas L. O'Neill.*



planning and designing, and initial execution of the damaged car-release sticker plan.

This program has had the unqualified support of the general public, the newspapers, civic groups, garage owners, and repair shops. Actually a twofold purpose has been accomplished. First, in connection with accidents, we are able through this program to check out damaged cars which do not bear a damaged car-release sticker. Secondly, those cars involved in accidents which carry the sticker may be repaired when brought to a garage without the garage owner having to advise the police department.

### **City Ordinance**

At the present time a city ordinance requires that garage operators must note any vehicle which is brought to them which shows evidence of having been involved in an accident or of having been struck by a bullet and the garage owner must report such fact or cause it to be reported to the police department not later than 24 hours after such vehicle has been received. Such reports must include the engine number, the registration number, and the name and address of the driver, owner, or person in control of the motor vehicle, with a description of the location and type of damage to the vehicle and a description of any missing parts. The presence of the damaged car-release sticker on the windshield of the car to be repaired serves as notice to the garage owner that the accident has been reported to the police department. This notice relieves him of the responsibility of making a notification, which in itself is time-consuming.

It is easy to see why the garage owner wholeheartedly accepts the department's program. It is now necessary for the garage owner to notify the police department only when the car brought for repair fails to bear a damaged car-release sticker. In the great majority of such cases the police department is able to check out the car satisfactorily, as the car owner can usually give a satisfactory explanation as to how the damage occurred.

To date, the damaged car-release sticker program has been handled administratively. We have neither a city ordinance nor a State statute behind the enforcement of the sticker, except the above-cited city ordinance requiring a garage owner to report a damaged car brought to his at-

tention. However, we anticipate asking the State Legislature to create a statute which will place the program on a statewide basis. This action would preclude the possibility of a car involved in a hit-and-run accident being taken outside of Denver for repair.

### **Procedure**

Operating under the present rules and regulations of the police department, every officer is assigned a pad of damaged-car stickers which have been printed in pads of 25. Through a filing system which is maintained in the Traffic Division, the officer to whom the damaged car-release stickers are issued is held responsible for them to the same degree that he is held responsible for traffic citation books issued to him.

There is also a file maintained to be used as a cross reference, reflecting data which can be checked against the car for which it was issued, the investigating officer, and the location of the accident.

There is a space provided on the accident report itself in which to record the number of the damaged-car sticker, and no accident report is acceptable which does not bear a damaged car-release sticker number. The damaged-car stickers are



**Detective Fred C. Bartle.**



numbered consecutively and have a letter prefix. Through this system an absolute control is maintained over the issuance of these stickers.

The simple mechanics of the operation, the ease with which the program was put into effect, and the limited facilities needed to make the technique workable are features of the sticker program. The sticker itself, glued on one side, reflects the date and location of the accident, the license number of the vehicle involved, the names of the investigating officers, and the damage to the vehicle. The reverse side of the sticker sets out the damaged-car sticker number, which number can be reconciled against the accident report made by the investigating officer.

The officer in the field, upon conclusion of his investigation, places the damaged-car sticker on the inside of the right front windshield. The sticker is then removed and destroyed by the garage owner or his agent at the time the repair of the vehicle is completed.

Patrol officers in the field, as a result of this system, can now concentrate attention on vehicles showing damage but failing to bear a damaged-car sticker. If a car is found on the street which shows damage but has no sticker, a memorandum is prepared and forwarded to the hit-and-run unit of the Traffic Division where a complete check-out of the car is made.

### Results

Prior to the establishment of the damaged car-release sticker system, the hit-and-run squad was confronted with the overwhelming problem of checking out hundreds of memos coming in from the field regarding damaged cars. Since the damaged-car sticker program started, the memos for-

warded from the field have been reduced approximately 90 percent.

To date, over 3,000 damaged-car stickers have been issued. From the administrative standpoint alone, they reveal a valuable accident picture to the police administrator who is charged with selective enforcement and assignment of personnel. A driver, when involved in even a minor accident, will now be much quicker to report the accident to the police department. The driver will know that if the damaged car bears an appropriate release sticker, he will not be under suspicion and he can obtain rapid repair without question. Hundreds of man-hours have been saved as a direct result of this program.

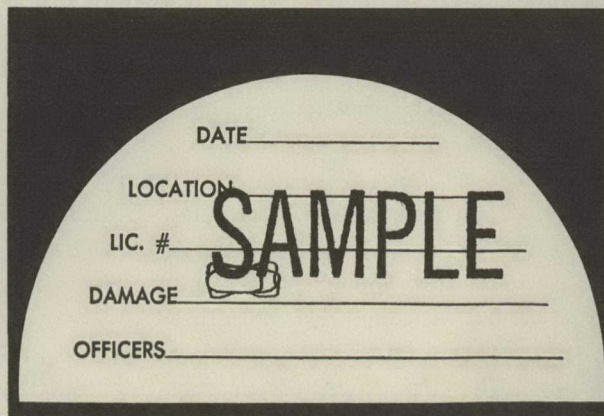
### Need

The need for the damaged-car sticker was very graphically brought to light in a case occurring shortly before the system was inaugurated. Three teen-age children were struck by a hit-run vehicle, and as a result of this accident two of them died and one was injured for life. A certain amount of trace material, consisting of glass fragments and paint particles, was left at the scene. An immediate appeal for citizen help and cooperation was issued through the newspapers by the police department. In less than a week 3,000 calls had been received and all of this information was checked.

Within the week the hit-run car and the subject responsible for the accident were apprehended and the case was concluded by successful prosecution. If the damaged-car sticker system had been in effect at the time, hundreds of man-hours could have been saved and a more expeditious handling of the case would have resulted.



Sticker—front.



Sticker—back.





## **Modern Facilities**

# **Promote Maximum Police Efficiency**

*by* CHIEF PAUL PRICE, Dayton, Ohio,  
*Police Department*

Today, many city and State governments are expressing interest in new and improved police buildings. This is a very wholesome attitude and indicates that local authorities are recognizing the fact that modern facilities and equipment are necessary to obtain maximum efficiency in law enforcement.

Prior to January 21, 1956, we were operating under the same handicap still facing many departments—cramped and antiquated quarters. Our administrative offices, detective section, criminal records and municipal courts occupied the second and third floors of a building constructed in 1876. The first floor of this building was used as a public market. Our patrol section, city jail and property room were in another building almost as old. Our traffic section, traffic records and police academy were in a third building,

while in still another location were our PBX boards and dispatchers.

Today all of our operations are housed in our new five-floor building consisting of almost 86,000 square feet of floor space, constructed and equipped at a cost of \$2,040,000.

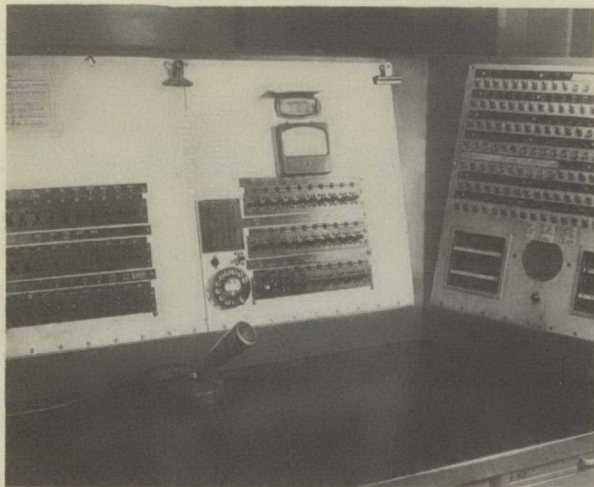
In 1952 we learned that we were finally to get a new building, and that architects for the job had been selected. We found that if we were to obtain a floor plan which provided for efficient operation, we would have to draw the plan ourselves and then let the architects fit it into the construction plans.

This was a project that required hundreds of man-hours. It was accomplished through numerous conferences with section commanders in regard to section needs and layouts. The constant concern was to look forward to expanded



*Safety building.*





*Dispatcher's console.*

operation in future years and yet to keep within prescribed financial boundaries in the building program. Our primary objective was to obtain the greatest possible value in both the structure and design in order to give us the greatest possible efficiency with the least amount of manpower.

The many hours of planning paid dividends. We have now occupied the new building for over 2 years. If we were to start building again tomorrow with the same amount of money available, we would make very few changes.

Since approximately 85 percent of police budgets are used for salaries of personnel, we gave attention in the building design to saving man-hours in our operation and in making working conditions pleasant. The building, except for the

jail floor, is air conditioned. We used rubber tile on all floors and the ceilings are of acoustical tile. In the IBM room, dispatcher's room and PBX room, the acoustical tile was extended from the ceiling halfway down all of the walls to provide for better soundproofing and better working conditions. We expected, and received, some good-natured remarks about selecting a pastel pink for the wall colors in the various offices. However, the final appearance of the pink walls and the beige floor tiles resulted in a restful and attractive color combination.

### ***Prisoners***

Previously, our lack of proper facilities required us to transport prisoners from one building to another and to lead them through public halls where they were objects of curiosity in public view. In our new building, all prisoners are brought into the building from the rear entrance. The patrol wagon or a cruiser drives inside the building through an overhead door into an area to which the public does not have access. A special automatic elevator, which can be operated only with a key, runs from this area to the jail on the top floor. The jail elevator was made large enough to easily permit the entrance of an ambulance cot for emergency removal of individuals requiring attention.

The Municipal Courts are located on the floor directly below the jail floor, and prisoners are sent directly into the Criminal Court by a special stairway from the jail floor into the Court. Again, this eliminated the necessity of leading



*Electric file cabinet.*



*Jail kitchen.*





*Central records office.*



*Uniform assembly room.*

prisoners through public areas. This procedure also eliminates security risks.

The second floor of the new building houses the detective, patrol and traffic sections, as well as the police academy. Having the three "line" sections of our operation on the same floor makes for greater efficiency. Uniform officers and detectives share a common locker room and fraternize in the halls. In this manner, exchange of information is made easy and petty misunderstandings dissolve quickly. The traffic and patrol officers share the same assembly room and commanding officers of all three sections find it almost as easy to contact each other in person as to use the telephone.

### ***Public Access***

The offices used most frequently by the public are located on the first floor. This includes the information and complaint office, the records section and the administrative office. In addition, the PBX boards and the dispatcher's room and the juvenile bureau are on this floor. The ground floor, or subbasement, houses mechanical and housekeeping equipment and the property room. The equipment includes a diesel generator that starts automatically in 8 seconds after the failure of city electric current. This generator provides power to operate both the public and jail elevators, communications, and the special recessed ceiling lights over the entire building. Recessed speakers in the ceilings, each with individual volume control, are located in all offices, halls, locker rooms, and toilets. These speakers provide radio

monitoring throughout the entire building. The system is also used as a paging system when it is necessary to locate any member of the organization for any reason.

In the accompanying photographs there are shown some of the building facilities and equipment which now enable us to render greater service to the citizens of this community.

Shortly after moving into the new building, we sensed that our officers seemed to express a greater sense of pride in the organization. The attitude of the public transacting business in the building changed for the better also. Industry learned long ago that adequate and attractive facilities were a good investment. Our experience in our new building has proved that such investment is equally good for law enforcement.



*Crime laboratory.*





# POLICE TRAINING

## *Moot Court—a*

## *Vital Phase in Police Training*

The term "moot court" is used in law schools to describe the practical training given students in trial procedure and technique. This type of instruction is sometimes defined as practice court, model trial, case presentation, or mock trial.

The purpose of a moot court is to help bridge the gap between legal theory and practice. Through this means a student becomes familiar with the law in action. He puts the knowledge of procedural law he has gained from books and lectures into actual play under the guidance of a professor, and moves step by step in a make-believe trial along the same paths he will follow on many occasions in later professional life.

The need for the moot-court method of mastering trial procedure became apparent in legal education after the change was made several years ago from apprentice-type preparation for the Bar to university training. In former days, an aspiring young lawyer learned his profession by working and reading in a law office under the direction of an experienced practitioner. In those days he learned mainly by doing. But in time this on-the-job preparation, despite the obvious advantages, was considered to be inadequate. It was concluded that proper training for a lawyer required the broad knowledge, the intellectual discipline, and the professional approach gained through the medium of formal education.

Nevertheless, the merits of the old system were not completely ignored and an attempt was made by the law schools to recapture some of the benefits by moot-court training. Thus, today, in order to give the student as much practical instruction in trial work as the heavy curricula will allow, most law schools employ the moot court as the best substitute for real-life experience. Moot court mistakes of a student lawyer are not crucial but in the trial of an actual case in court the same mistakes may result in a client's loss of property or liberty.

In law school moot-court training, student teams prepare a lawsuit from the first step, the original interview with a make-believe client, to the final step, return of a jury verdict. The facts of the

case may be taken from an actual past dispute or they may be fictional, or they may be a mixture of truth and fiction. Proceeding from the opening conference with the client, the law students interview prospective witnesses, take depositions, plan trial tactics and strategy, draft pleadings and motions, prepare memoranda of law, and negotiate stipulations. In the moot court itself, they select a jury, argue motions, examine witnesses on the stand, and, in short, do the many things a lawyer may be called upon to do in connection with a trial. A law school moot court will usually last from four to five hours from start to finish.

### *Police Training*

The sound principle underlying the teaching of law students by means of the moot court has been adapted to law enforcement training. There is, however, a difference in its application. Furthermore, the phases of trial procedure and the degree to which they are stressed vary in law school and in police school training. On the one hand, the law student is vitally interested in every technical detail of trial procedure which will make him a skilled advocate. The police-school trainee, on the other hand, is interested in many of the technical details of trial procedure in only a secondary manner; his prime consideration in moot-court training is how he may become a better witness in court, which is one of his most important responsibilities.

### *Value*

Generally, in police schools the basic lectures on testifying in court are followed by classroom demonstration of the "do's and don'ts" of this technique. In addition, this combination lecture-demonstration instruction should be supplemented by moot-court training. The experience and self-confidence in testifying which are gained by a trainee as a result of his performance as a moot-court witness are comparable to that obtained in actual trial.



Although it is axiomatic that there is no substitute for the real thing, a trainee officer in the atmosphere of a properly conducted moot court can gain an abiding sense of the importance, seriousness, solemnity, and drama of a criminal trial. He feels what it is like to be isolated and alone on a witness stand—the point of attention of everybody in a courtroom. He learns what attributes and abilities make an effective witness. He becomes conscious of the pitfalls of cross-examination and learns why this searching questioning is often referred to in the books and lectures as “the crucible of cross-examination.” The reason why the word “martyr” should be derived from a Greek word meaning “witness” becomes plain.

On the witness stand or watching a fellow officer testify, the trainee sees how the formalities of trial procedure unfold. He observes the rules of evidence in action and notices their far-reaching effects. He learns in a concrete way the importance of keeping the evidentiary rules in mind when he gathers evidence during investigation. Without danger to himself, to his case, or to the administration of justice, he obtains experience and confidence as a witness.

### ***Realism***

The most important consideration in a moot court is to make it realistic. There are three principal means of achieving this realism. Briefly, the first concerns the physical properties used in the moot court; the second concerns the persons who play the roles of those regularly involved in a criminal trial; and the third concerns the fact situations used as the basis for the practice trial. To make the experience of the trainees as rewarding as possible, these three factors should be combined as effectively as conditions permit.

The setting must be as lifelike as possible. Thus, it is desirable to obtain the use of an actual courtroom—complete with judge's bench, witness stand, jury box, clerk's desk, and tables for the prosecutor, defense attorney and reporter. Although it is preferable to obtain an actual courtroom as the forum for a moot court, this cannot always be done. In that event, a room with tables and chairs arranged in traditional position to simulate bench and bar and containing other physical properties of a courtroom will give a certain amount of realism.

Additional realism can be obtained by having persons play the roles of the members of the

court, namely those of judge, counsel, juror, clerk, and bailiff. The part of witness, of course, will be taken by a trainee. The positions of bailiff, clerk, and juror can generally be filled by members of the training class who are not scheduled to testify, by other members of the police department or by cooperating outside persons.

The role of judge and that of prosecuting or defense attorney can be played by members of the instruction staff or by senior officers of the department; but far more realism is achieved if the cooperation of local judges, official prosecutors and members of the Bar is sought and obtained. Experience has shown that judges, prosecutors and civic-minded lawyers have been most generous with their time and abilities in taking part in moot court police training sessions. These individuals add dignity and interest to the proceedings as well as a note of effective reality.

When a judge, prosecutor or lawyer participates in a moot court, the instructor has more time for other work. The instructor, thus relieved, can spend his time on the important task of closely observing the trainees' performances on the witness stand, on making notes for the critique which follows the moot court, or on bringing out desired training points. If necessary, he can pass slips of paper to counsel stressing particular questions or procedures.

### ***Situations Used***

Concerning the facts and circumstances which form the subject matter of the case on trial and the testimony given at the moot court, it is preferable that these be within the personal knowledge of the trainee called as a witness to them. In other words, to make his moot-court experience as a witness as beneficial to him as possible, the trainee who takes the stand should be in a position to testify to facts he has observed with his own senses or action he has himself taken, such as seeing a subject flee, hearing an admission, or obtaining a soil sample at a crime scene. Only in this way can his performance in giving direct testimony and his reaction to cross-examination on this testimony be of the greatest value to him.

If he is testifying to pure fiction, such as merely repeating sentences he reads in a transcript of made-up events, the student will be able to shift his position easily when cornered by counsel and to change the substance of his testimony in a small but important way by use of his imagina-



tion. If this happens, the real purpose behind his moot-court examination on the witness stand will be defeated. This weakness is always present when a "canned" script for testimony is used because then the trainee-witness must be given some latitude in his use of the script or his testimony will be nothing more than a mere memory exercise.

To avoid these dangers, experience has shown that the best way to obtain a feasible basis of moot-court testimony for the trainee is for him to testify to facts developed and circumstances occurring in a practical case exercise. Furthermore, the best time to hold a moot court is immediately after the execution of a practical case. As the trainees move from the initial complaint in a practical case to its solution, they personally observe and actually take part in activities which have really occurred. Almost everything they see or do in a typical practical case is of evidentiary value and thus becomes the basis of future testimony to be given by them as competent witnesses. For example, they collect, identify and preserve items of physical evidence at a crime scene; they obtain documentary-type evidence such as written admissions or confessions following interviews of suspects or subjects; and they make arrests and conduct searches and seizures.

Because of this close interplay between practical case and moot court, much thought must be given by the instruction staff to the construction of the practical case and the preparation of the fact patterns upon which it is based. Although many practical cases have been built, with considerable success, upon the facts of true cases which have happened in the past, it may well be that a purely hypothetical case or an actual case modified and extended to some degree may be a better vehicle of instruction so far as the moot-court work that follows is concerned. The reason for this is that an actual case may not involve sufficient questions of evidence or a sufficient variety of evidential problems to give each participating trainee an opportunity to testify and thus obtain the benefit of the training. The more trainees who have the chance to gather facts of an evidentiary nature in a practical case, the more potential witnesses will be available for the moot court. It follows that the instructor in planning the practical case must incorporate into it sufficient fact situations, in number and variety, to give the trainees both the chance to exercise

powers of observation and the opportunity to later demonstrate abilities as witnesses in court.

### **Preparation**

As in an actual court case, the key to success in the moot-court method of instruction is preparation. The necessary detailed preparation requires a great deal of time and thought on the part of the instruction staff and cooperating persons. If it is to be successful, a moot court can never be a casual, spur-of-the-moment affair.

The matters to be considered are many. Thought should be given, for example, to the preparation of a control file based upon the facts of the practical case which will eventually be brought out in the moot-court trial and logically flow into it. This file should contain a brief narrative of the simulated crime involved, the location of the crime scene and the date the crime allegedly occurred, the number of witness-trainees who will be called to testify at the moot court and a short summary of the facts to which each can testify. The various items of physical and documentary evidence which are collected during the practical case and the witnesses who are competent to introduce them should be listed as well as other evidence which will be helpful to the prosecuting counsel in laying out a "prima facie" case to prove the charge in the indictment or information forming the basis of the mock trial. These physical objects and documents should be readily accessible for actual introduction into evidence at the trial where they can be seen by all of the class.

It may be helpful to have the various legal points to be made at the trial set out in chart form in a logical manner following the natural order of the time of establishment at the trial. In this way the trial will progress in an orderly way and its usual stages can be followed by all the trainees in the courtroom as it proceeds from the laying of venue, to establishment of the corpus delicti, to the identity of the defendant as the criminal agent, and, in general, to proof of the whole charge in the indictment beyond a reasonable doubt.

Those facts which may be helpful to the judge, the prosecutor, and the person playing the part of the defense attorney should be available in handy memorandum form to be given to these officials before trial for their assistance. In order for the trial to move easily from start to



finish, it may be helpful also to prepare statements of those facts to which persons other than the members of the class, such as senior officers playing the part of necessary civilian witnesses, will testify. These facts and circumstances should be typed out in memorandum form so they also can be handed out before trial for study. These memoranda can be collected at the end of the moot court and used in future training sessions.

By following the progress of the moot-court trial with the aid of his control file, the instructor will be able to compare the actual training court procedure with the legal procedure he has in mind. He will be able to note in this way a great deal of information which will assist him in discussing the trial with the trainees in the critique following the moot court.

### *The Moot-Court Trial*

After the jury has been selected and sworn, a typical criminal trial in real life proceeds in stages. Very briefly, these stages begin with the opening statements of the prosecution and the defense outlining what they propose to prove. Although the defense may make its opening statement immediately after the prosecution, it may wait until the latter closes its case. The prosecution follows its opening statement by calling its witnesses and producing evidence to prove its case. After the prosecution closes, the defense may call witnesses and produce evidence to disprove the prosecution's case. Rebuttal evidence may then be introduced. Both sides will follow with their arguments to the jury. The judge will then instruct the jury as to the law and the jury will retire, deliberate and return its verdict. During the trial, of course, there may be many motions and objections made to offers of evidence, and rulings on these motions and objections by the judge.

Although all the foregoing stages of trial procedure are stressed in detail in a law-school moot court, some of them can be treated more or less lightly or dispensed with entirely in a police-school moot court. The instruction staff will make the decision in each school on what phases of trial may be omitted in the interests of conserving time. It should consider giving the class a desired familiarity with the formalities of trial procedure. It should also keep the fundamental fact in mind that the prime purpose of a police-school moot court is to develop the experience and confi-

dence of trainees in testifying in court. From this viewpoint, generally speaking, it can be seen that there is no need to spend time in the actual selection of a jury. Opening statements may be cut short or omitted if desired, as may all argumentation. Detailed instructions to the jury by the judge may be limited or omitted. Various motions and rulings may be dispensed with unless they concern evidentiary principles of value to the trainees, or have interest to the general problems of examination of witnesses and the introduction of physical objects into evidence. Concentration must be made on such matters as the taking of the oath, direct and cross-examination, and the trial problems concerning the collection, identification and preservation of physical and documentary evidence.

Those trainees who are to be called as witnesses during the moot court should remain in the courtroom for the entire trial so they may observe all that is going on. Whatever training advantage there may be in having them sequestered and confined to a witness room while awaiting their testimony is outweighed by the valuable points that might be missed during this forced absence from the courtroom.

During the moot court, the trainees are examined on direct examination by the prosecuting attorney. Although a witness may be allowed by the rules and practice of a particular jurisdiction to tell a straight narrative story on his direct examination uninterrupted by specific questions, it may be better for moot-court purposes to have a trainee also give separate distinct answers to separate distinct questions and have some of his facts elicited in this piecemeal way. This will give him additional practice, and highlight the need for a witness to answer a question on the stand precisely without volunteering or otherwise bringing in objectionable matter. At any rate, a mere narrative of facts in the form of a memorized story should be avoided. The use of notes may be allowed the trainee only in those instances when it would be permitted under the evidentiary doctrines of "present recollection refreshed" or "past recollection recorded."

Following the direct examination by the prosecutor, the trainees are cross-examined by counsel for the defense. This performance under cross-examination is most important. Here in the exposing light of the moot court, the trainee-witnesses will demonstrate in actual practice whether or not they have absorbed the instruction previ-



ously received in lecture and classroom demonstration.

### **Cautions**

There is always a danger in a moot court that a particular trainee may be embarrassed by mistakes made on the stand or by the disclosure in his testimony of errors made in the gathering of evidence during the practical case. That possibility of embarrassment is, unfortunately, inherent in a moot court. Attempts to embarrass a trainee on the stand for the sake of embarrassment alone should never be made. But if he is upset because of a mistake on his part, the fact remains that the moot-court experience will caution him against making the same mistake in real life and the purpose of the training will thus be achieved. It must be realized by all trainees and it must be made clear by the instructor at the inception of the session that a moot court is no place for a "thin-skinned" person. If this caution is made and the trainees keep in mind that they are there to learn, whether from mistakes or otherwise, in a make-believe proceeding in order that they will be able to prevent a mistake at a real trial when property, liberty or even life is in issue, there is no reasonable cause for embarrassment to anybody.

During the course of the moot-court proceeding, the trial procedure and rules of court of the locality where the police school is being held should be followed rather than those of another jurisdiction, actual or mythical. It is to be borne in mind that the trainees will usually be testifying in that locality and accordingly they should get the knowledge in moot court of that procedure which they will later experience in actual trial.

The moot court is an enjoyable method of instruction for both trainee and teacher. But because in its essence it is a make-believe affair, there may be a natural tendency on the part of trainees to be somewhat frivolous. They may even attempt to make the courtroom a playground. This tendency, however, must be strongly guarded against if the moot court is to serve the purpose of its design. If the moot court is made a forum for attempts at humor or is considered a mere relaxation from classroom tedium, it can easily deteriorate into a burlesque and more harm than good will result. There is no reason whatsoever that a moot court cannot be both a serious under-

taking and at the same time an enjoyable and rewarding experience. The time, thought and effort expended on a moot court by all participants must be justified by results. The desired results are that the trainees take away a sound knowledge of the fundamentals of testifying in court and of courtroom procedure, and an added confidence which will make them better witnesses in court.

### **Critique**

The critique or so-called "post mortem" at the conclusion of a moot court is an essential part of this type of training. The participants may include the visiting judge and lawyers as well as the instruction staff and the trainees. The purpose of the critique is to highlight the significance of the many points in the trial the class has seen and experienced. Errors and weaknesses in testifying are pointed out at this time, and the manner and means of preventing them from occurring again are stressed. The critique need not be lengthy. It should take place, whenever possible, immediately after the close of the trial while its happenings are still fresh in the minds of the trainees. All members of the class should be present to share in the benefits of the observations made. They should be encouraged to discuss the results of their moot-court trial and make any constructive comments they desire. Here again good judgment must be exercised to insure good training results and to avoid senseless and needless embarrassment to an individual trainee.

### **UNEMPLOYMENT SOLVED**

In July 1958, a man executed an application for the position of police officer in the State of Missouri, in connection with which application he was fingerprinted. Processing of these fingerprints not only cost the candidate his chance at employment but also his illegal freedom as a fugitive. Records of the FBI Identification Division revealed that the individual was in fact a deserter from the military services.

### **CLOTH EXAMINATIONS**

Similarities in the woven construction of two pieces of cloth may be shown by comparing the warp (yarns running lengthwise) and filling (yarns running crosswise) of the fabric.



## OTHER TOPICS

# **Rescue of Persons Lost in Black Hills, South Dakota**

by RICHARD T. McGRATH, *Sheriff of Lawrence  
County, Deadwood, S. Dak.*

The problem of locating lost persons in the Black Hills area of South Dakota is rather complex due to the rough, hilly and mountainous terrain.

To point out some of the problems confronting law enforcement agencies in this particular location, it will be noted that the Black Hills area is a range of hills located in western South Dakota and eastern Wyoming which is approximately 50 miles wide and 100 miles long. There are several peaks in the Black Hills which are 6,000 to over 7,000 feet above sea level and the entire territory is heavily timbered and sparsely populated.

Lawrence County and Deadwood, S. Dak., are located within what is known as the northern Black Hills with the county entirely surrounded by hills and mountainous terrain. This area also has numerous historic tourist attractions such as the Homestake Gold Mining Company in Lead, S. Dak., the largest gold mine in North America; and Deadwood, S. Dak., which is known as one of the old wild west frontier towns where Wild Bill Hickock and Calamity Jane made their mark in history. They were both buried in Boot Hill Cemetery in Deadwood. This territory is visited by numerous tourists and hunters during the respective seasons. On occasions, these individuals become lost when their adventurous spirit overtakes them and they stray from the main traveled highways or become separated when hunting.

This particular problem is complicated further due to the fact that law enforcement agencies are insufficiently staffed and the majority of the police departments and sheriffs' offices consist of from one to four officers and are not equipped properly for this purpose; therefore, it is necessary and essential to enlist the services and equipment of other outside agencies.

Several years ago a small girl was reported lost in a neighboring county and due to the lack of personnel and equipment to conduct an appropriate organized search, this youngster was never found. This tragedy resulted in instituting an

organized program in Lawrence County which has proven successful in locating all lost persons reported since the program's inception.

The following is a brief outline of the procedure and equipment used when an individual is reported lost:

### **Personnel**

1. Immediately the use of the state police radio is enlisted to obtain the services of all neighboring law enforcement agencies, game wardens, volunteer fire departments, and forest service personnel.

2. The Homestake Mining Co. is immediately notified and all available personnel are requested to report to a specific location where the search is to be conducted.



*Sheriff Richard T. McGrath.*





*Deadwood, S. Dak., and surrounding area.*

3. This particular area is also fortunate in having a large Strategic Air Command air base located nearby at Rapid City, S. Dak. On occasions, the Ellsworth Air Force Base has made unlimited personnel available and supplied equipment to transport the searchers to the searching area.

4. When all personnel arrive, the number de-

pending on the scope and territory to be covered in the search, a central command post, which is generally a jeep radio-equipped vehicle, is set up.

5. One individual is designated to issue orders from the central command post.

6. In addition to the above-mentioned available personnel, the Rod and Gun Club is contacted to obtain additional experienced hunters who are thoroughly familiar with the area.

7. The searchers are then spaced within 10 feet of each other with an experienced individual spotted among the inexperienced searchers who are equipped with walkie-talkies. Then a specified area is searched and this procedure is followed until the individual is located. The search on the first drive must be as thorough as a crime scene search, due to the fact the victim may have fallen into a crevice and become unconscious, which occurred on one occasion in the case of an elderly woman.

8. Also, personnel of the Civil Air Patrol and Air National Guard have been extremely helpful in locating victims in the more sparsely timbered portions through the use of their small, slow-flying aircraft and helicopters.

### **Equipment**

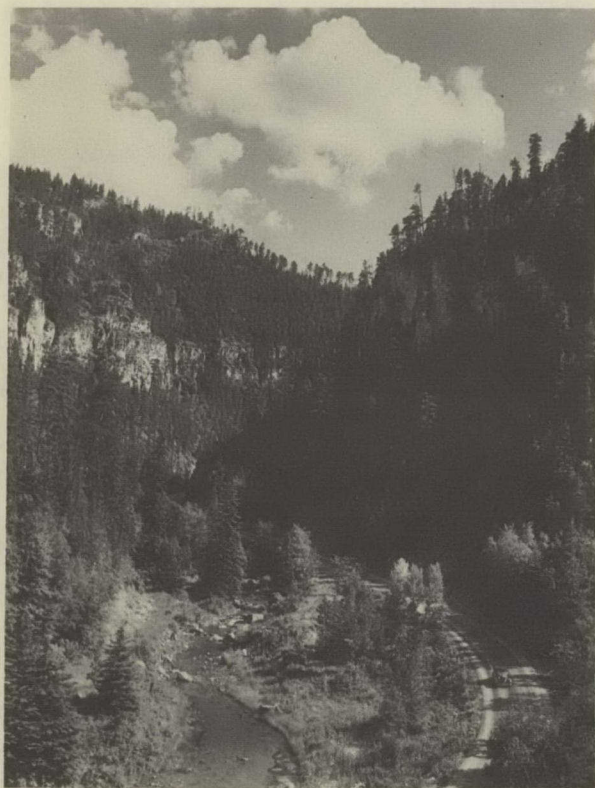
1. Jeeps and carryalls are utilized to transport searchers to the scene. These vehicles are made available by the Air Force, National Guard, Homestake Mining Co., Black Hills Power and Light Co., and Forest and Game Department Services.

2. Walkie-talkies, which are used by the searchers, maintain contact with the central command post.

3. Large high-powered mobile searchlights have been used on searches in cases where the victim is able to see the light beam over the tops of the peaks. These lights have been made available by the Air Force.

4. The Thompson submachine gun has also been used successfully by firing tracer bullets into the air. These can be seen by the victim from a great distance and aid him in determining the direction of travel. During the dry seasons this technique is used with caution, due to danger of forest fires.

5. Snow cats, made available by the power company, have been a great aid during the late fall and winter searches because of the snow depth.



*Spearfish Canyon, Lawrence County, S. Dak.*



This equipment is highly mobile in rough terrain.

6. Snow shoes and skis are also used and are made available by the Ski Club.

In the past 8 years there have been on the average six cases a year of lost persons being reported to the Lawrence County sheriff's office with the above-described plan and equipment being used successfully in locating all victims alive.

In conclusion, the main factor in any search is to organize the personnel and equipment as speedily as possible. Organization is highly essential, especially in difficult, rough terrain, where without proper organization more time is spent searching for lost searchers than is spent looking for the victim.

(Photo of author through courtesy of Black Hills Studios, Inc., Deadwood, S. Dak.)

## **The Menace of the Friendly Stranger**

The program of the Wisconsin Sheriffs and Deputy Sheriffs Association in combating child molestation by distribution of a pamphlet entitled "The Menace of the Friendly Stranger" has met with widespread favorable response, according to Martin E. Wyrick, editor of the organization's publication, *The Wisconsin Sheriff and Deputy*.

This pamphlet contains suggestions for children and for parents in guarding against the dangers of child molesters. It also includes illustrations to graphically emphasize these suggestions. It lists the following rules for children:

- (1) Never get in a car with a stranger, even if the stranger says, "Your mother sent for you." Don't go near the car.
- (2) If you see one of your playmates get into a stranger's car, write down the auto license number and notify your parents, teacher, or a policeman. If you don't have a pencil, scratch the license number in the dirt.
- (3) Never go near a car when asked for directions. Stand several feet away from the car.
- (4) Never accept money or gifts from a stranger.
- (5) Never permit a stranger to put his hands on you or touch your clothing.
- (6) Never enter a stranger's house or room.
- (7) Never play alone in parks or empty buildings.

- (8) When you go to a theater or public place, tell the manager or usher if any person acts too friendly by putting his hands on you or by asking you to go with him for a walk or ride.

For the guidance of parents, the following rules are set forth:

- (1) Know where your children are at all times.
- (2) Know the character and background of your babysitter or anyone in whose care you place your children.
- (3) Teach your children the rules of safety, courtesy, and fair play.
- (4) Teach your children to respect law and order. Make them understand that the police officer is a friend, not a foe.

Mr. Wyrick reports that more than 100,000 copies of the pamphlet have been distributed to school children and parents in Wisconsin alone and that numerous inquiries regarding the program have been received from interested individuals and organizations in other parts of the country.

Anyone desiring additional information concerning this program should contact Mr. Martin E. Wyrick, Wisconsin Sheriffs and Deputy Sheriffs Association, 828 North Broadway Street, Milwaukee 1, Wis.



*Martin E. Wyrick.*







immediately the Director of the Federal Bureau of Investigation, United States Department of Justice, Washington 25, D. C., or the Special Agent in Charge of the nearest FBI Division, the telephone number of which may be found on the first page of local telephone directories.

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## OPERATION PILFERAGE

Although the technique of surveillance may prove to be expensive and time-consuming, there are occasions when a well-planned surveillance will be worth the time and the cost. This point was demonstrated in an FBI case involving the pilfering of crates of cargo from an oceangoing freighter at Seattle, Wash., a violation of the theft from interstate shipment statute.

Months of liaison between the FBI and various Seattle steamship companies had revealed that the companies were suffering heavy losses from petty pilferage on the part of workmen handling cargo on the docks. A plan was then set up wherein FBI Agents arranged a surveillance on a ship bearing liquor valued at about \$800,000 and other cargo which was to dock at a Seattle pier. Arrangements were made to have a representative of the United States Attorney's office as well as the United States Commissioner available for all-night consultation for the filing of any necessary complaints. Contact was also made with the United States Coast Guard to have a cutter standing by to prevent any pilfered cargo from leaving the pier by small craft.

When the designated ship docked, all plans had been coordinated. A car parked on a viaduct overlooking the pier served as "outside" surveillance while an auxiliary car stood by to be used in handling the filing of complaints with the United States Attorney and Commissioner as the thefts were discovered. FBI Agents stationed at prearranged locations outside the wharf kept a surveillance on cargo handlers moving to and from the dock.

To cover the "inside" part of the operation, FBI Agents dressed in typical waterfront clothing and carrying walkie-talkie radios, movie cameras, searchlights, flashlights, handcuffs, and firearms were divided into two groups. One group was concealed under the rafters of the dock warehouse overlooking the storage section designated to handle the incoming liquor. It was felt that this group would be in a good position

to operate the photography equipment since they could observe the overall operation. The second group was stationed in an enclosed electrical shop from which location they watched the operation through knotholes. Both groups were in radio contact with each other and also in contact with the outside surveillance groups.

Forty-five minutes after the unloading operation had commenced, the first of several thefts was consummated when a cargo handler opened a case of liquor and removed a bottle. The control car was notified and the auxiliary car was dispatched to contact the United States Attorney. The first "John Doe" warrant was soon issued. On into the early morning hours the surveillance continued, and six different workmen were observed engaging in similar pilferage. In some instances, certain persons would act as lookouts while others executed the thefts.

With warrants outstanding for the guilty parties, the FBI Agents stationed in the rafters and in the electrical shop left their concealment when the men ceased working. As the workmen filed out, the guilty ones were plucked from the line and placed in custody.

When the arrests were made, other longshoremen began to mingle around their arrested friends, and it looked as though they might protest. Through prior planning, squad cars of the Seattle Police Department arrived at the scene to disperse the crowd.

Many of the longshoremen arrested granted consent to search their vehicles. The search produced bottles of liquor, chocolate bars, hair tonic, rug cleaner, graphite air guns, and stainless-steel roasters. Four of the subjects entered pleas of guilty and juries returned verdicts of guilty against two more. The subjects received sentences totaling 3½ years and fines were levied in the amount of \$1,600.

One beneficial result of a successful investigation of this type is the deterrent effect upon other persons inclined to commit the same offense.

## RED CROSS ACT

False representation of connection with the Red Cross organization for the purpose of soliciting, collecting, or receiving any money or material is a violation of a Federal statute under the FBI's jurisdiction. The unauthorized use of the Red Cross emblem also is covered in the statute.



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

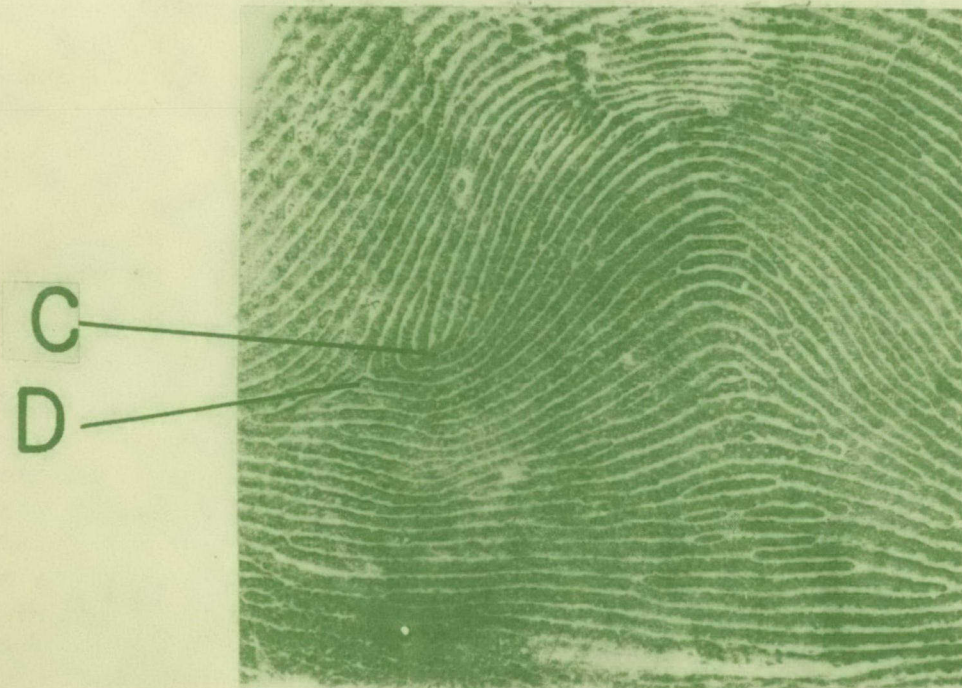
OFFICIAL BUSINESS

RETURN AFTER 5 DAYS

POSTAGE AND FEES PAID  
FEDERAL BUREAU OF INVESTIGATION

Superintendent  
State Police  
Salem, Oregon

## *Interesting Pattern*



The interesting pattern shown above is classified as a loop with no references. The core is located at Point C and the delta at Point D. A ridge count of three is assigned.