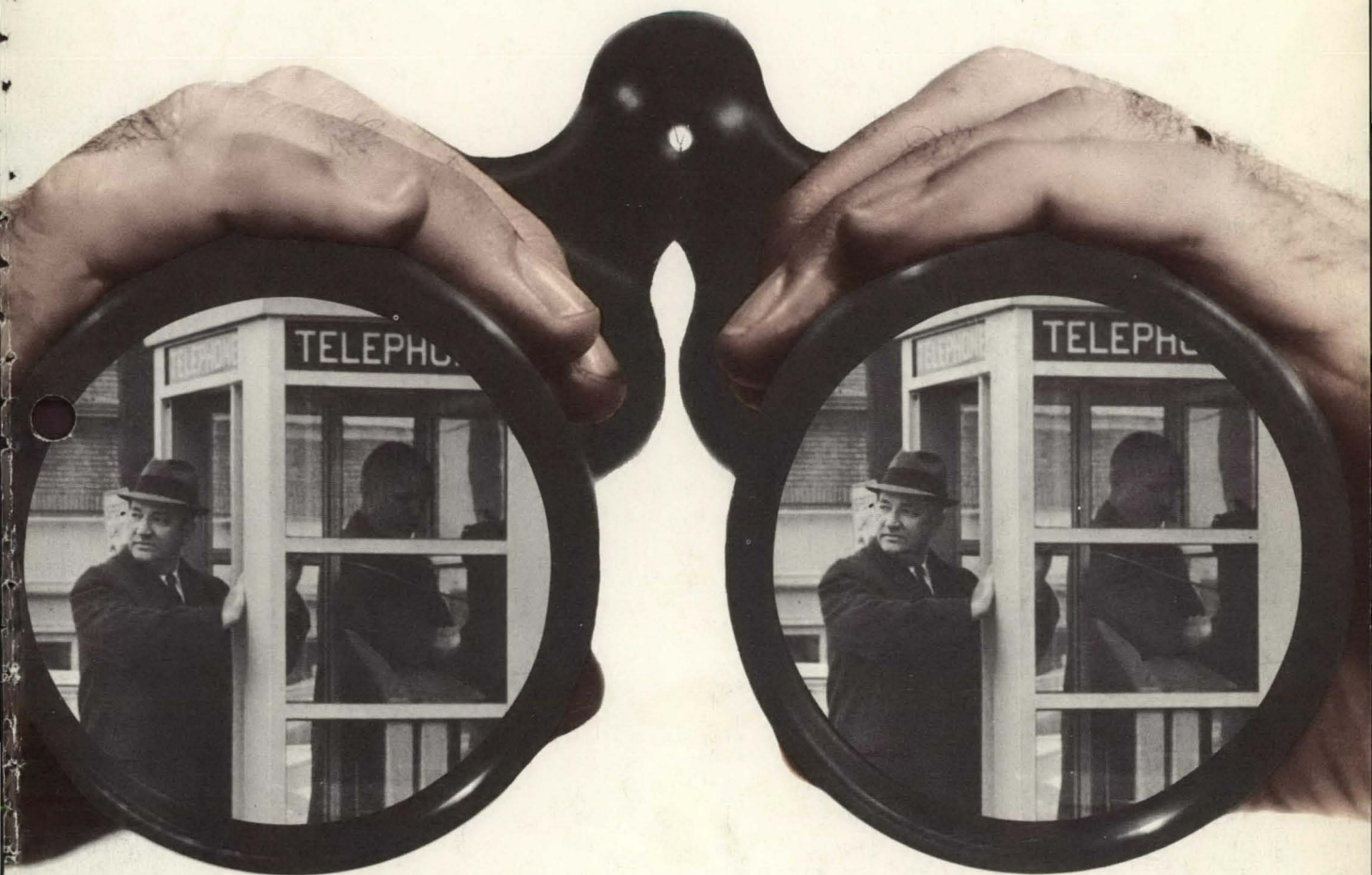


OCTOBER 1968



FBI

LAW ENFORCEMENT BULLETIN



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

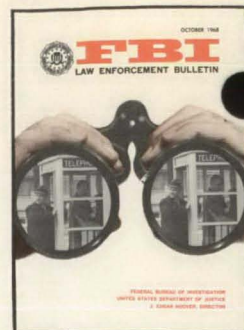
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OCTOBER 1968

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THE COVER—A look at
coin telephone burglary.
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MESSAGE FROM THE DIRECTOR

UNITY IS A BASIC ELEMENT of our Nation's strength. The United States rise to a world power has been possible because its people, who often disagree on the means to an end, have been unified in a common cause—the cause of freedom, liberty, and justice under the rule of law. Dissent, discussion, and opposition are healthy and vigorous components of our way of life. This is how democracy works. However, it is important that we keep sight of our objective, that we preserve our system of self-government, and that we remain united.

Passing the heritage of unity from one generation to the next is a crucial and vital step. Effective communication is essential in this transition, and it becomes more difficult as the complexities and challenges of our society increase.

Without a doubt, our young people today are exposed to more extremists and radicals than ever before. These fanatics deal in bigotry, hate, and falsehoods, and their primary aim seems to be to turn young Americans against their country. They preach theories overburdened with simplicity but with no depth in principle. Understandably, many young people are confused by these agitators and their high-sounding dictums on love and peace. Logic and moderation are obscured and overrun by emotional causes which do not measure up under the scrutiny of truth and reason. Virulent extremists see only the black and white; for them, there are no shades of gray. They act on impulse and have no patience with those who question their motives. Their demands for

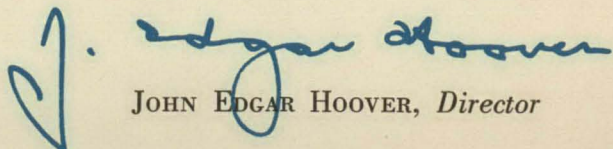
direct action with readymade remedies appeal to some rebellious-minded youths.

We can be grateful for the responsible young people who carefully weigh issues before committing themselves. They do not blindly follow self-proclaimed do-gooders without checking their credentials. The rational young man and woman today know the difference between constructive criticism and outright demagoguery, between meaningful inquiry and undermining conspiracy, and between liberty and license. No right-thinking young American wants to forsake the proven principles of lawful, democratic freedom for chaotic anarchy and disorder.

I would say that we do not give sufficient attention and credit to the responsible youth of our country. We are so concerned with the unlawful conduct of a small segment that we fail to fully appreciate and recognize the worthy ideals, aspirations, and achievements of the overwhelming majority of our young people. This is a grave injustice and, no doubt, is one reason we find it difficult to effectively communicate with the young age group. We must improve our communication with the younger generation and strengthen the chain of unity before it is too late.

Americans of all ages, of all races, and of all stations in life must face reality. The undeniable truth is that no nation, regardless how great or strong, can survive when torn by internal discord and strife. Unless we stand united—a free society ruled by supremacy of law—we shall fall prey to the forces which seek to enslave the world.

OCTOBER 1, 1968



JOHN EDGAR HOOVER, *Director*



Professional lock pickers prefer daylight hours and sites where coin-operated telephones receive lots of business. Here, two telephone company security officers show how a team of lock pickers works.

Big Business for Burglars

By

JAMES P. HENDRICK, JR.

General Security Manager,
South Central Bell Telephone Co.,
Birmingham, Ala.

Coin telephones provide a vital communications link for millions of people every day. Pay telephones are everywhere—in buildings, gas stations, on street corners, and even on isolated highways. They often make the difference between life and death.

Strong public demand has increased the number of pay phones in Southern Bell Telephone Company from 95,289 to 144,946 in the past 12 years.

Yes, coin telephone service is big business for telephone companies. But it is also big business—too big—for coin telephone burglars. This is caus-

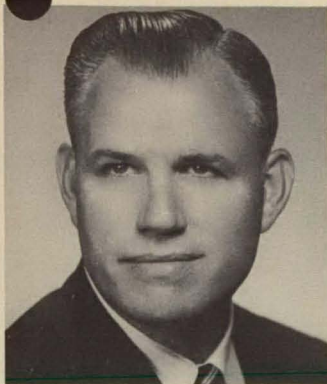
ing great concern to telephone companies and to law enforcement officials. The burglaries result in revenue losses for telephone companies, much work for law enforcement officials, and poorer service for the public when the phones are damaged.

In 1957 thieves burglarized 403 coin telephones in Southern Bell's nine States for a loss of \$41,503, including damage to equipment. In 1961 almost nine thousand burglaries in the Southern Bell system resulted in losses of about \$1 million. Losses since 1961 have totaled more than \$5 million.

Each burglary costs the company approximately \$130.

For the Bell System as a whole, losses from coin telephone burglaries during recent years have been more than \$3 million annually. And without the preventive measures carried out by law enforcement and the Bell System, the annual losses could easily have been many times that figure.

What about the risk thieves take? The risk of detection, apprehension, and conviction up to now has not been great enough to be a significant deterrent. Since January 1, 1962, in



Mr. Hendrick.

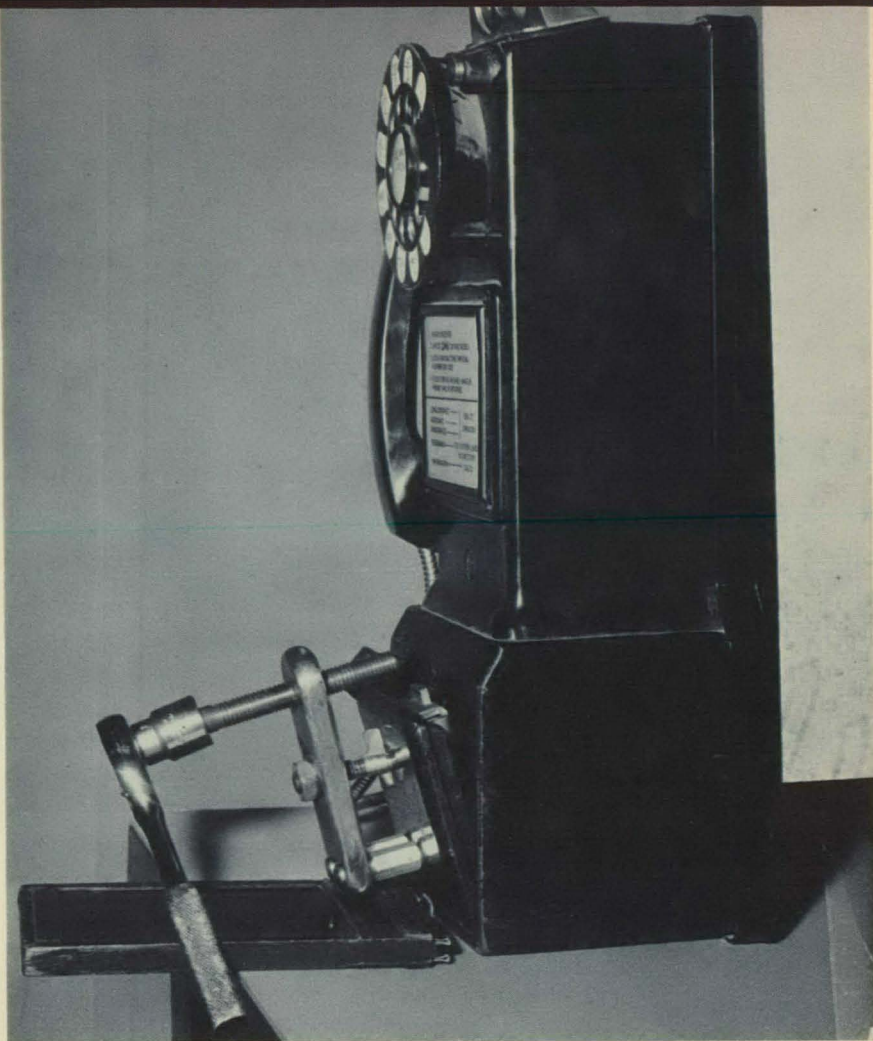
Southern Bell, the arrest rate has been one offender arrested for every 45 burglaries committed, and the conviction rate has been about one for every 60 burglaries committed.

Every day new adult professional criminals join the swelling army of telephone burglars.

Techniques Used

At one time the modus operandi of most coin telephone burglars was the use of strong-arm techniques—frequently the rip, pry, peel, and punch techniques of the common safe burglar. The thief would rip the whole instrument off the wall, carry it away, and break into it in some secluded location. Our initial preventative—stronger mounting of the telephone instrument—forced the thief to make too much noise and spend too much time for what he expected to gain from the burglary.

The thieves then began to concentrate their burglary attempts on the phone cash compartments and continued to use common burglary techniques, such as punch-pin, drilling and cutting with a torch, and an innovation known as the “shoot-out.” In the



The wheel puller MO is the newest technique of coin telephone burglars.

“shoot-out,” the burglar places the muzzle of a stud gun or some other high-powered sawed-off rifle directly in front of the lock cylinder, fires the weapon, and shatters the lock mechanism.

To discourage strong-arm techniques, our preventive measures, in addition to stronger mounting installations, were better locations, more and better lighting, and, in general, use of those devices designed to prevent crimes against property.

Lock Pickers

With the containment of the strong-arm burglar, a new MO emerged—lock picking.

Following are some basic similarities of most lock-pick operations. Lock-pick burglars usually:

- (1) Operate in pairs and sometimes in sets of pairs with an auto driver acting as a lookout for those working simultaneously.
- (2) Operate in broad daylight and even with many people around. They feel they attract less attention in a crowded place, and also the coin telephones in such an area produce the largest yields.
- (3) Carry several sets of lock-pick tools in their car and/or on their person and dispose of the tools they are using at the slightest sign of suspicion or detection.
- (4) Take up temporary residence in a motel or hotel during the several days that they will hit telephones in a particular city or area. A search of

such locations generally will yield lock-pick tools and material to make them—grinders, files, hacksaw blades, steak knives, piano wire, and key blanks.

- (5) Have bank deposit bags in their cars or at their residence and almost always carry money wrappers.
- (6) Claim to be coin collectors if caught in possession of quantities of coins.
- (7) During lock-picking forays, hide coins in the car-heater hose, in the hollow part of the car armrests, behind the back seat, in the gas tank, and under the dash.

After the lock-pick burglar removes the cash compartment door on the telephone, he takes the cash receptacle and generally relocks the door. Some burglars have emptied the receptacle into a coat pocket and replaced it, but they are the exception. It is usually carried away in a newspaper, camera case, briefcase, or something similar.

Wheel Pullers

The problem of coin telephone burglary and, broadly, burglary of coin operated machines, has been likened to a long-running giant checker game; that is, the thief makes a move and we make a countermove—then he moves—then we move.

We have traced the coin telephone burglar through the strong-arm technique, into lock-picking, and quite recently to a technique known as wheel-pulling. In this MO the thief is still concentrating on the cash compartment area. This method is quiet, quick and doesn't require the finesse necessary to pick locks. Many lock pickers are turning to wheel-pulling.

Legal Aspects

As coin telephone burglaries rose to alarming proportions, strong laws were lacking. Offenders generally faced misdemeanor charges—petty larceny, malicious mischief, or vandalism. The first major breakthrough came with the application of second-

and third-degree burglary statutes to coin telephone burglary, making it a felony. In such cases the prosecutors argued and the courts held that coin telephone booths are buildings within the purview of such statutes—hence entering such “buildings” with intent to commit a crime would come under burglary statutes.

In Colorado the Supreme Court held that “while a telephone booth may be only a closet when within another structure, it is a building within the purview of the burglary statute when set apart.” (*Sanchez v. People*)

Prior to that, a California court, in the case of *People v. Miller*, affirmed the conviction of a defendant and held that a telephone booth constituted a building and was within the terms of the burglary statute.

In 1961 the Palm Beach County Criminal Court of Record, in *Florida v. Lyick, et al.*, cited the *Sanchez* case as authority for holding a telephone booth a building as defined in Florida statute 810.05 (entering without breaking with intent to commit a misdemeanor). Violation of this statute is punishable by 5 years in prison.

Other strong felony statutes dealing with possession of burglary tools, such as false keys and lock-picking instruments, have been used successfully in convicting coin telephone thieves. Usually such success has been enhanced by expert testimony at the trial to show that the tools and/or false keys can be used only for entering locks and specifically, in most instances, can be used only in locks of coin telephones.

Physical Evidence

Following a cardinal rule with respect to physical evidence, an investigator should remember that anything might be evidence. Some very unusual items have turned out to be important evidence in coin telephone burglary cases.

Possession of any of the three coin telephone keys or a coin receptacle by other than authorized telephone employees would constitute the basis for a charge of possessing stolen property. Possession of a homemade version of the keys would warrant a charge of possession of burglary tools or a similar violation.

On the charge of possession of burglary tools, Southern Bell has recently prosecuted two gangs operating in its area—one in Florida and the other in Tennessee. In both instances the evidence was lock-pick tools and homemade telephone keys.

In Palm Beach County, Fla., a telephone coin collector found an empty cash compartment while making his rounds. Because this station normally got heavy usage, he knew the burglary had just occurred. He made a quick neighborhood investigation and learned that a car with a Duval County, Fla., license had just left the area. He relayed this information to Southern Bell's division security manager, who, from intelligence information available, quickly deduced that the auto probably belonged to a well-known lock-pick burglar from Jacksonville. This man is a former locksmith who has been successful in picking coin telephone locks throughout the United States. We'll call him “the Pro.”

A broadcast was sent out, and within 15 minutes the Palm Beach County Sheriff's deputies located him and two associates at a nearby coin telephone. Investigation revealed that the subjects possessed lock-pick tools and keys.

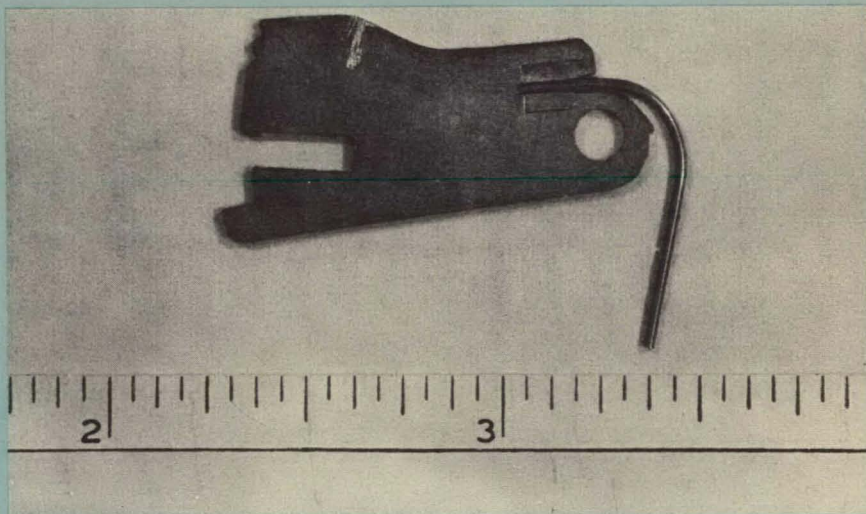
The accomplices were tried on charges of entering without breaking with intent to commit a misdemeanor and possession of burglary tools. They received 15 years each to be served in the Florida penitentiary.

At the time of the trial, “the Pro” had jumped bond. He had been arrested in Tennessee and placed under



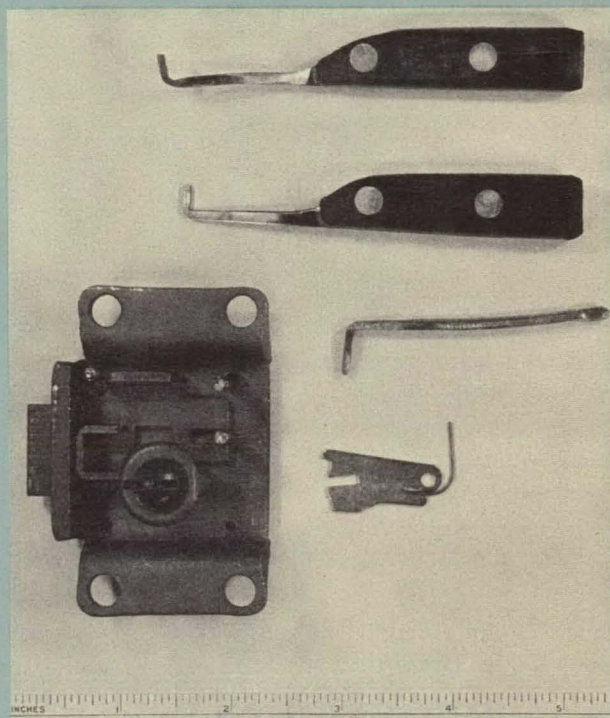
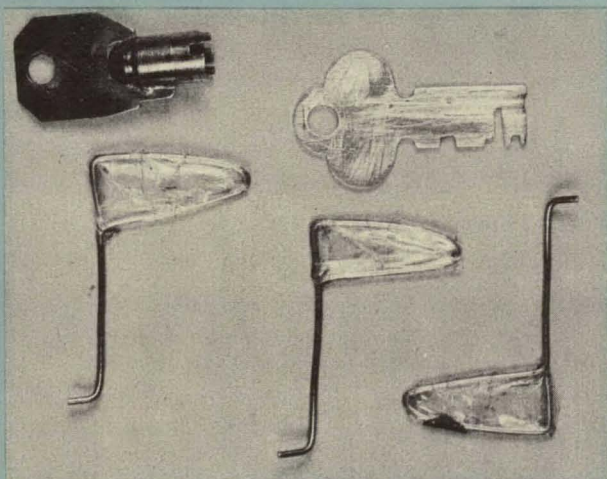
This is a 200 series coin telephone with the three locks and keys most commonly used. All keys are serially numbered and can usually be traced to place of issue and the employee to whom issued.

Below, a closeup of a wafer from a compartment lock shows a toolmark left by a lock picker.



This actual evidence photograph shows a cut-out compartment lock, one of the wafers from the lock, a torsion bar, and two lock-pick tools.

These keys and lock picks made from piano wire were found in the possession of an arrested lock picker.



\$35,000 bond on a Tennessee charge of third-degree burglary. Earlier in Decatur, Tenn., he and two other accomplices had been convicted of third-degree burglary and possession of burglary tools. He subsequently pleaded guilty in Florida to possession of burglary tools and was sentenced to 5 years in prison.

Unusual items of evidence which have been used by lock pickers, and which might ordinarily be overlooked, are illustrated by several other recent cases prosecuted in the Southern Bell area.

Case of the Gem Clip

On November 13, 1965, in Forest Park, Ga., a painter standing on a ladder looked down into a pay station to see a man and woman inside. He saw the man take the door off the lower part of the telephone, remove the coinbox, and then replace the door. When the subjects drove off, the painter called the police and gave them a description of the pair and their car.

Within minutes police arrested the couple in another coin telephone booth nearby. The subject and his wife told officers that he was a coin collector and that he had a quantity of coins in the car. With his permission the car was searched. Found in their possession were more than \$1,500 in nickels, dimes, and quarters; a piece of metal which appeared to be a fragment of a hinge from a coin receptacle; a master set of automobile ignition keys; and a straightened gem clip.

Subsequent investigation by police and telephone company security managers revealed that five other coin telephones in the area had been burglarized and that the tumblers of the locks on the cash compartment doors bore scratch marks.

The Georgia Bureau of Investigation Crime Laboratory concluded that the fragment of metal was similar in character, shape, size, and spectro-

graphic analysis to the metal hinges used on Bell System coin telephone receptacles. Also, the laboratory proved that toolmarks appearing in four of the locks were made by the straightened gem clip.

Faced with this physical evidence and the painter's eyewitness account, the male subject pleaded guilty in Clayton County Superior Court to possession of burglary tools and simple larceny. He received an aggregate 4-year probated sentence and a \$2,000 fine. His wife pleaded guilty to the simple larceny charge and received 1 year's probation and a \$1,000 fine.

Toolmarks Comparison

One preventive and investigative technique which Southern Bell and the Bell System have used successfully is to wire the telephone with an alarm. When the alarm signal sounds (always without the knowledge of the thief), business people close to the coin station can observe the people in the telephone booth.

In Opelika, Ala., on March 10, 1966, at 11:45 a.m., a motel operator, who had been briefed only days before on what to do if the burglar alarm sounded, was cleaning up around the motel. Suddenly the alarm buzzed. She immediately began observing two men in the telephone booth outside the motel. One of the men smiled at the lady, who carefully noted both men's dress, appearance, and actions. Although she could not see what went on in the booth, she was certain a burglary was in progress, and she jotted down the car's license number when it pulled away. She immediately called Opelika police and the Southern Bell Security Department to relay her information.

It was quickly determined that the coinbox was missing from the station. Within 25 minutes, police stopped the subjects' car. The driver and his passenger were both from Jacksonville,

Fla. A legal search of the car revealed over \$1,000 in coins, a torsion tool used commonly in lock picking, a strip of metal covered with layers of black vinyl electrician's tape.

A search of the area where the car was stopped uncovered two lock-pick tools fashioned from steak knives.

Telephone company personnel discovered that when the alarm switch was installed in the phone, it had been wired into place with black vinyl electrician's tape. The telephone repairman still had the roll of tape he used while installing the alarm and had not used it since that alarm installation.

All of the evidence gathered was submitted for examination to Assistant Director Paul E. Shoffeitt, Alabama Department of Toxicology and Criminal Investigation.

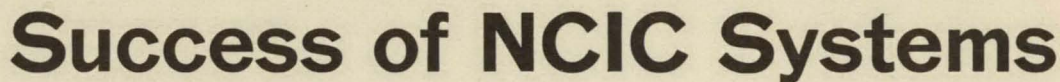
At the lab, questioned marks on one wafer of the burglarized lock were matched with known marks made in the laboratory with one of the picking tools. Also, the piece of black vinyl electrician's tape found in the subjects' car was fitted into its original position on the telephone repairman's roll of tape. On another piece of tape found in the car was an indentation which Assistant Director Shoffeitt concluded was made by the depressed plunger switch of the alarm inside the burglarized telephone.

The tape evidence provided clinching proof that the subjects had entered the cash compartment area of the Opelika telephone, and the toolmark comparisons further circumstantially linked the subjects to the crime.

Both men were convicted of second-degree burglary in Lee County, Ala. Because of their extensive criminal records, they received the maximum sentence of 10 years. This case also illustrates well the type of adult professional criminal specializing in coin telephone burglaries. One of the men has served other felony convictions for robbery, breaking and entering,

(Continued on page 22)

AS OF AUGUST 15, 1968



The National Crime Information Center (NCIC) and its supporting metropolitan and statewide systems have been in continuous operation since the early part of 1967. Success has come to this computerized index of criminal information as a result of close cooperation between the FBI and local and State law enforcement. Since that time, system expansion has exceeded all expectations. Materially aided by additional financial assistance from the Office of Law Enforcement Assistance in the Department of Justice, new participants have joined the system at a rapid rate. Funds received by local and State agencies

have made it possible for them to tie into NCIC much earlier than would have been possible under existing budgets. Thus, the NCIC now has 64 control terminals which extend coverage into 44 States, the District of Columbia, and Canada (see map). Over 700 law enforcement agencies have direct access to NCIC through local and State computers. At the present time the system extends from Maine to Hawaii and from Canada to Florida. Plans are being made by the few remaining States to tie into the system over the coming months.

Most of the connecting control terminals are Teletype Model 35 devices, which transmit at 100 words per minute, or IBM 1050 data communication devices, which communicate at 135 words per minute. However, agencies need not use equipment of any particular manufacturer since equipment of several different companies has been successfully interfaced with NCIC. Computer terminals operating at this time include: California Highway Patrol (IBM 7740); California Department of Justice (RCA 301); St. Louis Police Department (IBM 7740); New York State Police (Univac 418); Michigan State Police (Burroughs 5500); Metropolitan Police Department, Washington, D.C. (IBM System 360, Model 40); and Metropolitan Dade County, Fla. (IBM System 360, Model 30).

The Louisiana State Police is involved in testing operations using Univac 418. Other agencies in advance stages of developing computer systems to interface with NCIC include the Arizona Highway Patrol, Phoenix (IBM System 360, Model 30); Arkansas State Police, Little Rock (IBM System 360, Model 40); Pinellas County, Fla., metropolitan system (IBM System 360, Model 30); Georgia Department of Public Safety, Atlanta (Honeywell H-1200); Detroit, Mich., Police Department (IBM System 360, Model 40); Ohio State

Highway Patrol, Columbus (IBM System 360, Model 40); City of Cincinnati-Hamilton County, Ohio (RCA 70-45); and the Cleveland, Ohio, Police Department (IBM System 360, Model 40). Additional metropolitan areas and States have computer systems in various stages of development and anticipate interfacing with NCIC in the near future.

Where funds are not immediately available to purchase or lease computers and peripheral equipment solely for law enforcement purposes, some agencies are planning to share computers with other governmental agencies in the interim. In such cases the systems will include procedures, such as continuous activity monitoring capability, to prevent retrieval of police information by unauthorized persons and to prevent modification or deletion of data by other than the proper police agency. Such safeguards were discussed in a resolution offered by the Committee on Uniform Crime Records and adopted by unanimous consent of the full conference at the International Association of Chiefs of Police in Kansas City, Mo., in September 1967. This resolution provided that controls governing access to police information must remain, as historically placed, with law enforcement agencies.

Increased Data Base

When NCIC became operational on January 27, 1967, in the pilot phase, approximately 23,000 records were available to a limited number of participants. As of August 1, 1968, the data base had increased to more than 586,000 active records. NCIC files include the following records:

Stolen motor vehicles.....	200, 979
Stolen, missing, or recovered guns..	166, 872
Stolen articles.....	132, 818
Stolen license plates.....	60, 871
Wanted persons.....	24, 824

But expansion alone was not

enough. The effectiveness of the system had to justify its existence. This effectiveness has been demonstrated by a consistently increasing number of "hits." In one instance the first inquiry made by a new control terminal resulted in a "hit" on a stolen out-of-State car and the immediate arrest of the driver.

Overall, the system's effectiveness can be illustrated in many ways, but especially by pointing to July 1968 "hits." The NCIC monitor in Washington recorded 3,088 "hits" on the data banks in response to operational inquiries that month. Distribution of these "hits" among NCIC files was as follows:

	Percent
Vehicles	67. 45
Wanted persons.....	17. 65
License plates.....	6. 06
Guns	5. 21
Articles	3. 63

July "hits" represented more than twice as many (107.5 percent) as those in January 1968. During the period January through July, 14,868 operational "hits" were made records in the system.

Message traffic in NCIC continues to increase apace as new terminals enter their records and make inquiries of the system. As existing terminals develop greater experience with the system, they establish internal procedures to increase the flow of information into the computer and thus generate a greater number of inquiries each day.

The following tabulation, which compares January and June 1968 message traffic for the 25 terminals having the largest volume, is arranged in groups of five terminals according to volume and shows the percentage of total traffic volume for each group.

Volume ranking	Percentage of total volume		
	January	June	Change
1 through 5....	55. 0	48. 8	-6. 2
6 through 10....	16. 8	12. 7	-4. 1
11 through 15....	9. 8	9. 3	-. 5
16 through 20....	5. 3	6. 4	+1. 1
21 through 25....	3. 5	4. 5	+1. 0
1 through 25....	90. 4	81. 7	-8. 7

During the first 6 months of 1968, the volume of average daily message traffic increased 6,241 messages (52 percent), as indicated below:

1968	Average daily message volume
January	12,113
February	13,235
March	15,039
April	15,314
May	16,569
June	18,354

Traffic volume by day of the week has been lightest on Saturday (7 a.m., Saturday, to 7 a.m., Sunday, eastern daylight saving time, e.d.t.) and Sunday (7 a.m., Sunday, to 7 a.m., Monday, e.d.t.), with Sunday traffic only about one-half that of the heaviest days. During the month of June 1968 the average message volume by day of the week was as follows:

Day	Average message traffic volume
Sunday	11,332
Monday	19,252
Tuesday	20,737
Wednesday	20,698
Thursday	21,611
Friday	21,242
Saturday	13,608

The average number of messages per day during June 1968 was 18,354. This figure was exceeded each day of the week except Saturday and Sunday.

The heaviest message traffic period during the day has occurred generally between 1200 and 1700, e.d.t. During an average day in June 1968 messages exceeded 1,000 per hour between 1300 and 1700, e.d.t. At the peak period from 1400 to 1500, e.d.t., approximately 1,122 messages were generated. Occasionally NCIC has handled as many as 2,300 messages in 1 hour.

During the first 4 weeks of July 1968, traffic in operational inquiries followed the June 1968 pattern of messages closely. The heaviest 5-hour period was from 1300 to 1800, e.d.t., however. Approximately one-fourth (25.16 percent) of all operational inquiries was made during this period.

An analysis of NCIC message traffic for the first 4 weeks of July 1968 discloses a traffic distribution over the standard police watches 2400 to 0800, 0800 to 1600, and 1600 to 2400 as follows (all local times for control terminals):

Hours	Proportion (percent)
2400 to 0800	23.65
0800 to 1600	40.94
1600 to 2400	35.41
	100.00

Generally, the 0800 to 1600 watch traffic has been almost double that of the 2400 to 0800 watch while the 1600 to 2400 watch has lagged behind the 0800 to 1600 watch by about 5 percent of total traffic. An analysis of the traffic by time zones discloses only minor variations except for the Pacific zone in which the California Department of Justice and the California Highway Patrol are the only control terminals. The Pacific zone pattern of traffic was as follows:

Hours	Proportion (percent)
2400 to 0800	37.00
0800 to 1600	35.09
1600 to 2400	27.91
	100.00

Thus, the California control terminals have a better traffic distribution for all shifts than the other terminals. This is a desirable situation from the standpoint of field, terminal, and computer operations.

Traffic volume of terminals grouped by time zones for the first 4 weeks of July 1968 varied widely. The following proportions were computed:

Terminals in—	Proportion (percent)
Eastern time zone	57.63
Central time zone	24.18
Mountain time zone	3.94
Pacific time zone	14.25
	100.00

These percentages show that traffic volume is heaviest in those time zones of densest population.

Participants may be interested in the percentage of traffic generated by types of messages. FBI experience in June 1968 revealed a pattern as follows:

Types of messages	Percentage of total traffic
Inquiries	69.4
Entries	13.7
Clears and cancels	7.6
Rejects	8.2
Modifies	1.1
	100.00

A comparison of clears and cancels (7.6 percent) with entries (13.7 percent) indicates a record growth in which the entries exceeded clears and cancels by more than 80 percent. Thus, for every 100 clear and cancel messages, 180 records were entered for a gain of 80 records in the system.

The rejection rate of 8.2 percent for June exceeded the total of clears and cancels. While the figure appears to be high, it continues to improve from month to month. A proportionately higher rate of rejections at any one control terminal indicates a need for additional training at the local level to improve the proficiency of personnel assigned to terminal operation. Terminal managers can increase productivity by identifying those persons in need of additional training and holding periods of instruction on points requiring attention.

New Computer

A new IBM System 360, Model 50, computer has been recently installed at NCIC Headquarters in Washington, D.C. It replaces one of two IBM System 360, Model 40, computers previously in NCIC operation.

Subsequent to the progress report appearing in the September 1967 issue of the FBI Law Enforcement Bulletin, the 2702 Transmission Control Units were replaced by 2703 Transmission Control Units, each of which handles up to 176 lines. Additional

2703 Transmission Control Units on order will produce higher speed transmissions in the 2400 baud range once that phase of NCIC development is reached in early 1969.

Improved Service

Effective May 27, 1968, the scheduled down or inoperable time for the NCIC system was reduced to 2 hours and 15 minutes a week. The system is scheduled to be down 45 minutes per day on 3 days only each week (Monday, Wednesday, and Friday). As a result, greatly improved service is afforded all participants. The ultimate goal is to eliminate all scheduled down time with a fully duplexed system.

At the present time inquiry and locate messages are allowed only during a 3-hour-45-minute period (7:15 a.m. to 11 a.m., e.d.t.) on 3 days a week and during a 2-hour period (7 a.m. to 9 a.m., e.d.t.) the remaining days of the week. The Model 50 computer will greatly facilitate NCIC operations and reduce limitations on the system.

A Converter Application

In order to reduce human intervention in message transmission, some NCIC control terminals are testing different models of code converters with varying degrees of success. Agencies having remote terminals not compatible with the control terminal may wish to consider the successful converter application of one of our participating agencies.

The Department of Communications in Miami, Fla., with an 8-level ASCII code Teletype Model 35 ASR for communication with NCIC, has communication with remote terminals through 5-level Baudot code Model 28 devices. This department has installed one converter which accepts the tape of incoming NCIC messages and pro-

duces a 5-level signal which can be read by Model 28 remote terminals. A second converter receives 5-level signals from remote terminals and produces an 8-level tape for transmittal on the Model 35 to NCIC. Manual punching of tape has been eliminated and queuing time has been reduced substantially.

Terminal managers using IBM 1050 equipment may process 7-level BCD code through the use of a switch on this converter.

Validation of Records

Periodically all control terminals are provided printouts, cards or tapes of the records which they have entered in NCIC. This procedure enables participants to check the status of data entered in NCIC files and determine if it is accurate and up to date. The record of a wanted person who has been apprehended should not be in file. This also applies to a record of a stolen car or other property which has been recovered. Allowing the record of an apprehended individual or recovered property to remain in NCIC can be hazardous to all participants in the system. A "hit" on such a record could result in improper action by the inquiring agency—a person free on bond might mistakenly be temporarily detained, or recovered property subsequently sold legally could be seized erroneously.

Recently control terminals were requested to advise NCIC of the results obtained in validating records entered through those terminals. Most participants found their records generally in current status; however, in a few instances updating procedures had not been closely followed, with the result that certain records had not been promptly cleared.

The validation procedure is a valuable management control device, as it points up weaknesses to the terminal manager. The improvement noted in

the status of the records of various agencies is ample justification for the procedure.

Batch or In-Line Updating?

Perhaps at this time a question should be asked of control terminals: Should NCIC files be updated periodically after information has accumulated for 12 or 24 hours, or should information be processed promptly as it is received?

The answer lies in the fact that NCIC is a real-time system with randomly organized files designed to provide the agency holding an arrest warrant or stolen report with the capability of entering a record at the earliest opportunity, thus increasing the possibility of apprehension or recovery. Inquiring agencies are just as likely to make inquiry on a wanted person or stolen property one hour after the warrant was issued or the stolen report received as 10 days later. This is the case because the criminal has become highly mobile.

While it may appear simpler to organize the flow of information into the system by batch processing, this degrades the real-time value of the system. Extra thought and planning make it possible, in most circumstances, to process updating with the same speed as inquiries are handled.

Additional Applications

Approximately 100 representatives of NCIC control terminals conferred as an Advisory Group in Washington, D.C., on May 1 and 2, 1968, and reconsidered current and examined proposed policies and operating procedures. The Advisory Group supported establishing a Securities File in NCIC to include stolen, embezzled, counterfeited, or missing serially numbered identifiable "securities." Securities, for the initial purposes of this file, will include currency (presently in-

cluded in the Article File) and those documents or certificates which are generally traded in the securities exchanges in the United States, with the exception of commodity futures. Also to be included are warehouse receipts, traveler's checks and money orders. The Securities File is being incorporated into NCIC.

The Advisory Group also recommended inclusion of stolen aircraft and snowmobiles in the Vehicle File. The numerous thefts of the popular snowmobile and increasing thefts of aircraft have necessitated their inclusion, and this has been done.

A subcommittee of the Advisory Group is considering the advisability of including missing persons in the Wanted Persons File. A survey made by the New York City Police Department disclosed that 97 percent of 10,000 missing persons cases reviewed were closed within 30 days after being reported to the police. Such information is vital in the establishment of entry criteria, especially since a future determination may be made to include missing persons in NCIC.

Among other applications under present study is digital storage of criminal identification records (commonly known as "rap sheets"). A computerized file of identification records in a well-conceived format would be of invaluable assistance to law enforcement. Records of arrests and dispositions could be entered or retrieved instantaneously in the NCIC real-time system, providing this information when needed, whether at the time of arrest by the law enforcement agency, during a preliminary hearing, or prior to sentencing in the criminal justice system.

Digital storage of criminal identification records will be of inestimable value in criminal justice statistical programs. Through the manipulation by computer programs of digitally stored records, it is possible to rapidly access a large amount of criminal

data and provide a wide variety of current statistical information of greater value and of broader scope than is now available to law enforcement.

A working group is presently engaged in developing the necessary standards for recording "rap sheet" data. This is an essential first step and should be accomplished in much the same manner as the development of standards for other NCIC applications.

Ways To Use NCIC

For maximum benefit NCIC should be used in those instances when there is reason to believe that an individual may be wanted or property may have been stolen. While the individual officer should not be restrained in the reasonable use of NCIC, he should recognize those circumstances which may be the most productive. On the basis of information furnished by participating agencies, a partial list of activities which have been productive in identifying wanted persons or stolen property is set forth as a guide for the establishment of routine procedures:

Vehicles

Inquiring on the following:

1. Vehicle identification numbers and/or license plates of cars possessed by persons being booked.
2. License plates, especially during the slack period of evening hours, in such places as airport, municipal, motel, and hotel parking lots when cars show signs of forcible entry, have out-of-State licenses, or indicate by markings that they are "rental" cars.
3. License plates of
 - a. Unattended cars parked in remote areas.
 - b. Cars towed in.
 - c. Cars of individuals who have been detained temporarily on suspicion.
 - d. Cars of individuals cited for moving violations.

- e. Cars which individuals are attempting to sell under suspicious circumstances (through liaison established with automobile dealers). Vehicle identification numbers should be checked if available.
 - f. Cars in possession of suspected automobile dealers.
 - g. Questionable cars moving through roadblocks or toll stations.
 - h. Cars of persons checking into motels or hotels under questionable circumstances (through liaison with managerial staff).
4. Vehicle identification numbers of all out-of-State cars being newly registered in the State.
 5. Cars which raise suspicion at points of entry to a State or border points.
 6. Used cars to be sold at auto auctions or being exhibited.

Guns

Checking the following:

1. Abandoned or "found" guns.
2. Those guns in possession of arrested individuals.
3. Confiscated guns.
4. Guns observed during legal search of premises or vehicle.
5. Guns registered as required by law.
6. Guns acquired by dealers in used guns (through established liaison).
7. Guns used in connection with or recovered at the scene of a crime.

Property (other than guns or vehicles)

Inquiring on the following:

1. Pawned identifiable property after receipt of information submitted by dealers as required by law or as a result of informal arrangement.
2. Identifiable property observed during legal search of premises or vehicle.
3. Identifiable property in possession of suspects as determined by informants.
4. Identifiable property which individuals are attempting to dispose of at questionable prices to legitimate dealers (through established liaison).

Wanted Persons

Inquiring on:

1. All persons booked.
2. Individuals who have been temporarily detained on suspicion (stop and frisk).

(Continued on page 23)



Lieutenant Williams.

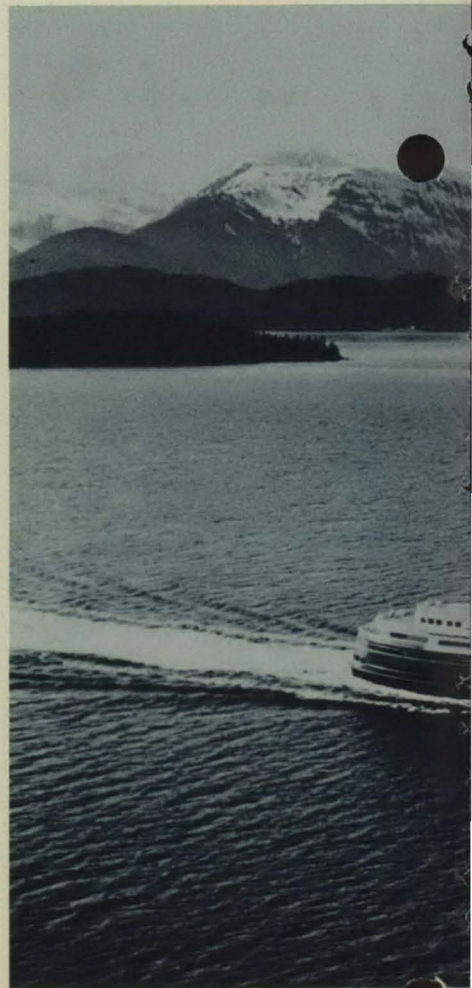
By
LT. GERALD O. WILLIAMS
Training Officer,
Alaska State Troopers,
Juneau, Alaska

Cooperation between law enforcement organizations of Alaska and Canada has a history beginning in 1898 when the first reports of the gold strike at Dawson Creek reached the outside world. By the fall of that year, a detachment of the Northwest Mounted Police (changed to Royal Canadian Mounted Police in 1919), under the command of Inspector Constantine, had moved up the Yukon River through Alaska to Dawson. A subdetachment was established at the peak of the Chilkoot Trail over which the miners passed en route to the gold fields. The methodical Mounties imposed the requirement that no one could enter Canada en route to the mines unless he first packed in a year's supply of food. The Dawson and Chilkoot detachments worked closely with the U.S. Deputy Marshals on the other side of the border at Eagle and Skagway.

Alaska Troopers and Canadian Mot

Cooper

Fugitives sometimes use the Alaska high-speed Fer



FBI Law Enforcement Bulletin

tion on the Border

one of a fleet of three vessels operating between Prince Rupert, British Columbia, and Alaska, to flee from one country to another.



This tradition of cooperation has continued to the present day between the Royal Canadian Mounted Police (RCMP) and the Alaska State Troopers who patrol the sparsely populated 2,600-mile-long border between the 49th State and Canada. The problem of the highly mobile criminal is one which confronts these two agencies to the same extent as it does their brother officers in other jurisdictions, but it is further complicated in the northland by the difficult terrain, harsh weather, and thinly distributed police personnel. New modes of mass transportation, particularly those of the new Alaska marine highway ferry system with high speed vessels capable of carrying 500 passengers, create additional requirements for coordination and cooperation between the RCMP and the Alaska State Troopers.

Law enforcement coordination on the ferry route between Prince Rupert, British Columbia, and Alaska is effected principally through the Ketchikan office of the Alaska State Troopers. In a recent incident, the suspect in a burglary at Ketchikan managed to flee to Prince Rupert by air before he could be apprehended. The RCMP could not be alerted in time to effect his capture at Prince Rupert, but they arrested him several days later at Kitimat in central British Columbia.

When the suspect refused to voluntarily waive extradition back to Alaska, a hearing was held, and the subject was soon on his way back to Ketchikan. In other instances when fleeing suspects are known to be aboard the ferries and the RCMP can be advised in time, the suspects are met at the dock and turned back to Alaska as "undesirable immigrants." Few fugitives have been lost in the 80 miles of storm-tossed seas which separate Ketchikan from the Canadian port city.

Although the new Alaska ferry system carries thousands of passen-

gers between Canada and Alaska each month, lack of personnel does not permit the regular stationing of Troopers aboard these vessels. The single exception is during the basketball tournaments in southeastern Alaska, when the ferries are crowded with 400 to 500 teenage enthusiasts shuttling between the various communities of the Alaska "Panhandle" providing encouragement for their teams. After several instances of costly vandalism, the assignment of Troopers to these vessels was approved.

Boundary Incidents

At other locations along the border, Alaskan and Canadian communities are situated side by side, and occasionally Troopers and Mounties may find themselves patrolling opposite sides of a street marking the boundary line between the two nations. In these towns criminals who pass over the border are usually returned with a minimum of formality. Hyder, Alaska, and Stewart, British Columbia, are two such communities situated at the head of Portland Canal. Troopers and Mounties team up together to patrol the two small communities during the summer months when the loggers and miners of the region come to town for a fling. Because of the difference in closing hours of the bars in the twin communities, the officers may find themselves, at times, in the other's jurisdiction working cooperatively and cautioning inebriated loggers.

The suspect of a burglary in Hyder, in the summer of 1966, succeeded in getting over the line into Canada before he could be apprehended. The Stewart RCMP Post was asked by the Alaska Troopers to interview the suspect. He was encountered on the streets of Stewart the following day by a Mountie who, after a brief discussion, talked the fugitive into surrendering to Troopers at the Alaskan line.



Commissioner Mel. J. Personett, Alaska
Department of Public Safety.

Mutual Assistance

Alaska Troopers have also participated in investigations and apprehensions initiated from the other side of the border as well. The suspect in the murder of a Canadian Customs Officer in 1961 was apprehended by Alaska Troopers in the town of Haines, Alaska, and turned over to the RCMP.

Trooper lie detector operators have been utilized by the Mounties in several of their major investigations in the northland. One such incident involved a murder in which the body of

the victim could not be located. The polygraph examination was conducted in conjunction with a roadmap of Alaska Highway which was painstakingly reviewed with the suspect to determine at which location on the route a positive nervous reaction could be noted. It was through this means that the body of the victim was located.

Mounties have also participated in special training sessions in Alaska, such as the Medico-Legal Seminar conducted in 1964.

Contrasting Methods

Alaska law enforcement officers who testify in the Canadian courts are amazed at the swiftness of justice in the Canadian system. Canadian officers, on the other hand, have been surprised at the liberality and delays in the American system. The marked contrast between the American and Canadian methods of taking testimony from a witness is, in some ways, indicative of the differences in the two systems. In Canada a witness testifies in an open box, which is raised above the level of all other courtroom participants, and he is allowed to deliver his testimony in a continuous manner without extensive



Corporal MacWhirker, (left), RCMP, and Sgt. Richard Burton, Alaska State Troopers, discuss the problem of the highly mobile criminal at the seaplane ramp in Prince Rupert, British Columbia.

questioning. This is a unique experience for American police officers familiar with the probings and interrogations of defense counsels in the U.S. courtroom. It is difficult for many of them to understand how the American legal system, which is derived in common with that of Canada from our British heritage, could have taken such a divergent course in recent years.

Marksmanship Matches

Since 1958 the RCMP subdivision headquarters at Whitehorse has participated in a revolver marksmanship match with Alaska State Troopers. The competition is held annually, alternately in Alaska and Canada. Although the trophy was recently retired by the Alaska Troopers, it has customarily been won by the host team for obvious reasons.

In 1964 as the Alaska State Trooper team members were en route to Whitehorse to participate in the tourney, they crossed the Canadian border on the Haines Highway and prepared to submit to the customary Canadian Customs formalities. The Canadian official inquired whether or not the Troopers were armed and, receiving an affirmative reply, informed them that Canadian law required that all firearms be placed under seal and remain sealed until they had exited from Canada. The Troopers were nonplused, but had no alternative except to comply and reluctantly surrendered their weapons to the Canadian officer. As the crestfallen Troopers prepared to depart, the customs inspector called them back and said: "RCMP Inspector Vachon said that this is really all that you would need," and thereupon presented each of the Alaska State Trooper team members a small bag of rocks.

Mountie representatives participate in the annual Alaska Crime Conference, when investigators representing all Alaska police agencies and the

FBI come together and exchange information about "traveling criminals," in and out of the State. These meetings are closely associated with the West Coast Crime Conference which is attended by State Trooper criminal investigators. As a result of the Alaska meeting, a current booklet containing photographs, description of vehicles driven, previous criminal history, and MO's of all persons discussed at the conference is prepared. Copies of the booklet are distributed to Mounties and Troopers on each side of the border.

Search and Rescue

Cooperation is effective in areas other than those concerned exclusively with law enforcement. Police responsibilities in the wilderness areas of Alaska and Northern Canada are considerably broader than the routine duties performed by other law enforcement organizations. Search and rescue and the transportation of injured persons are frequent tasks of the two organizations. In searching for lost or missing hunters, Trooper-and-Mountie-directed search parties are often initiated simultaneously from both sides of the border. A coordinated system for the evacuation of seriously injured persons on the Alaska highway has been developed in consort with the Yukon Territorial Department of Transport and Health and the U.S. Air Force Rescue Center at Elmendorf Air Force Base in Alaska. Alaska State Troopers frequently call for USAF helicopter evacuation of injured persons deep in Canadian territory.

Mine Disaster

Perhaps the most noteworthy example of the close working relationship which exists between the two organizations can be found in recount-

ing the story of the Grand Duc Mine disaster which claimed the lives of 29 men in northern British Columbia on February 18, 1965. On that day, at 10:15 a.m., an Alaska Communications System radio operator at Ketchikan reported receiving a MAY-DAY rescue call stating that a snow avalanche in the vicinity of Unuk River had buried over a hundred persons. Reception was weak and the operator reported that he was losing radio power and could send, but could not receive, messages. The Coast Guard Rescue Center at Ketchikan and the Ketchikan Volunteer Rescue Squad were alerted by Sgt. Richard Burton, State Trooper detachment commander.

Rescue Plans Made

The RCMP detachment at Prince Rupert was also advised of the call for help and of the fact that radio triangulation indicated that the transmitter was located in the vicinity of the Grand Duc Mining Camp 30 miles north of Stewart in British Columbia. Assistance from the Alaska side was offered and accepted by the Mounties, since winds of excess of 60 m.p.h. prevented the Canadians from launching any rescue efforts at that time. In Juneau instructions were given to the Alaska State Ferry *Taku*, then en route north from Ketchikan, to turn around and proceed to Prince Rupert to take aboard personnel and equipment of the Canadian rescue party. Civil defense headquarters at Juneau authorized the release to Sergeant Burton of all available civil defense equipment in the Ketchikan area. He was also nominated by the Governor to direct and coordinate the rescue efforts from the Alaska side.

Handtools, blankets, medical supplies, and 20 barrels of aviation gasoline were moved to the U.S. Coast Guard base at Ketchikan, where they were loaded aboard the 95-foot cutter



At the Grand Duc Mine disaster RCMP and Alaska State Troopers worked together to rescue the victims.



Cape Romain which was assigned to assist in the operation. A second cutter stationed at Juneau was also ordered to the scene. The *Cape Romain* was loaded with rescue workers and equipment and en route to a selected rescue base camp site at the head of the Chickamin River within 4 hours of the receipt of the initial call for help. At 3 o'clock the next morning, a landing was made at high tide. Rescue squad members and Troopers went ashore to clear an area for a helicopter pad and to establish a first aid station.

Extent of Disaster

An hour after first daylight on Friday morning, February 19, the first evacuees from the mine site began arriving at the base camp after walking 13 miles over trackless snow-covered terrain. It was then that the first information became known of the true extent of the disaster. The Grand Duc copper mine, located in the rugged mountain area of northern British Columbia, was partially dug under the face of a glacier. On the morning of February 18, the glacier face collapsed after being weakened by heavy rains. An avalanche descended upon the camp wiping out all of the buildings and burying all but a handful of the 140 men working at the site. Forty men who were working in the 11-mile-long mineshaft were still trapped, and over 30 were missing.

Rescues Effected

The first arrivals were taken to the two waiting Coast Guard cutters, the second vessel from Juneau having arrived during the night. Coast Guard and private amphibious aircraft also began landing to assist in evacuating the stricken miners. Helicopters provided transportation for the seriously injured directly from a 'copter pad

prepared at the site of the disaster, and the 11 volunteer workers from the Ketchikan rescue squad were at work reopening the mouth of the mine tunnel to free the trapped miners. One man was found alive after being entombed for 72 hours. Numerous bodies were found.

On February 20, at the scene with Canadian Mounties, Sergeant Burton established communications with the Canadian base rescue camp at Stewart and learned that a caterpillar train of six cats accompanied by Canadian troops was at work opening the avalanche-covered trail which still blocked access from the Canadian side. The train was expected to arrive the following day. At this time the American volunteer rescue workers, who were at the point of collapsing with fatigue after 3 days of continuous digging, were withdrawn and replaced by Canadian troops who arrived by helicopter. In the meantime, the Alaska State Ferry *Taku* had reached

Prince Rupert, taken aboard the Canadian rescue teams and their equipment and transported them to Stewart.

Alaska State Troopers remained at the scene maintaining radio communications and assisting the RCMP in the recovery of bodies and property of the still missing miners. The American Coast Guard cutters were recalled to Ketchikan with their burden of more than a hundred rescued miners, and the watch at the mouth of the Chickamin River was taken up by an RCMP police boat. Sergeant Burton remained at the scene as American coordinator of the joint rescue operation. The base camp was maintained and resupplied with aviation gasoline by the Coast Guard cutters, and the last American rescue workers, medical personnel, and Troopers at the disaster scene were returned to Ketchikan by cutter on February 25.

On the Canadian-Alaskan border, cooperation is indeed the backbone of effective law enforcement.



American and Canadian helicopters helped evacuate victims of the mine disaster. The steep cliffs in the background show the rugged terrain of the area.

INVESTIGATORS' AIDS

REAR UNGUARDED ACTION

Two burglars established what they thought was a good lookout prior to entering a building they planned to burglarize. They attached one radio transmitter-receiver to a parking meter in front of the business place and carried a second radio inside with them.

Their plan was that in the event a police car approached the establishment, the radio transmitter-receiver would pick up interference from the police radio, transmit it to the second radio they carried, and thereby warn them of the arrival of the police.

However, the police drove up an alley in the rear of the building, out of range of the radio on the parking meter in front.

The two bungling burglars were arrested before they could get away.

CHEATING THE MACHINE

Police in a western city have uncovered another scheme to obtain money unlawfully from money-changing machines. Generally, a dollar bill is inserted into a money-changer which verifies that the bill is genuine by means of photoelectric cells. A lever then drops down to the middle of the bill, pulls it into a receptacle, and gives a dollar in change. However, crooks have discovered that the lever merely passes through a bill cut in half, completes the circuit, then gives the change without taking the bill.

FULL-FACE FLOUT OF THE LAW

The State of California requires all minors to have profile photographs on their driver's licenses. Adults are depicted in full-face photographs on theirs. Any official checking licenses can then immediately tell if an individual is under 21 years of age.

Recent investigations have shown that teenagers have obtained passport-type full-face photographs from coin-operated machines, placed these over the original profile photos, and then reproduced the entire driver's license on a copying machine.

The newly created driver's license allows a minor to enter taverns and bars where the operators rely solely on the individual's photograph to determine that he is an adult.

GUN TRAP

Police officers investigating a burglary in a large department store found an unusual booby trap set for them by the thieves.

After collecting their loot, the burglars left one of the store's shotguns, fully loaded, on the floor. One end of a thin wire was attached to the trigger and the other end was fastened to a counter. When one of the officers picked up the gun, it discharged and slightly injured several other officers.

Apparently the thieves had held the weapon in readiness during the burglary and afterward rigged it as a booby trap to deter pursuit.

An automobile dealer erected a 6 foot-high fence around his lot to discourage thefts of parts and accessories from his new cars.

A thief, however, cut the fence at the bottom, spread the links apart, and entered the lot.

Next a detective of the local police department purchased a pressure switch, buried it beneath the opening in the fence, and connected it to an alarm in the fire department with 480 feet of wire at a total cost of \$13.88.

Two false alarms were caused by dogs that came through the fence. But one night the detective's strategy paid off when the alarm was sounded and police found the culprit hiding under a truck.

The thief had entered the lot on five different occasions and stolen accessories worth more than a thousand dollars.

WITNESS IDENTIFICATION

A criminal statute in the State of Texas appears to be of considerable value to law enforcement officers in the identification of persons at a crime scene. The statute reads as follows:

"Whenever a peace officer has reasonable grounds to believe that a crime has been committed, he may stop any person whom he reasonably believes was present and may demand of him his name and address. If such person fails or refuses to identify himself to the satisfaction of the officer, he may take the person forthwith before a magistrate. If the person fails to identify himself to the satisfaction of the magistrate, the latter may require him to furnish bond or may commit him to jail until he so identifies himself." (Article 2.24, Texas Code of Criminal Procedure)

1983 TODAY

When executing an arrest, rely on probable cause or a valid warrant instead of the mere promise of a citizen to file a complaint "later." Do not accede to the demand of any person, whether he be an official or a private citizen, that such action be taken without probable cause. The resulting civil suit will name the officer and not those whose interests he was protecting.

This is the conclusion of a three-part article on police liability.

Section 1983 should be read against the background of tort liability that makes a man responsible for the natural consequences of his actions. Included in that background are the defenses of good faith and probable cause.

Drawing from both *Monroe v. Pape* and *Pierson v. Ray*, there are some broad general guidelines that can be ascertained. As an officer, you may be liable under 1983:

1. If you are enforcing a valid statute in such a way as to deprive an individual of constitutional rights.
2. If you are enforcing a statute you know or reasonably should know to be unconstitutional in such a way as to deprive such rights.
3. If you violate the State constitution and laws, as well as the Federal, in depriving rights (you are still acting "under color of" law).
4. If you do not have the specific intent

to deprive of a known constitutional right.

In contrast, you should *not* be held liable under 1983:

1. If you act in good faith and on reasonable grounds, assuming that the law you are enforcing is constitutional. The fact that some court decides at a later time that the statute is unconstitutional should not deny you this defense.
2. If you fail or refuse to act and you had no legal duty to act in regard to the complainant, there is no basis for liability.

Besides the main body of law under 1983, there are two incidental points that need to be considered. The first is the problem of filtering out the rights which a *prisoner* is permitted to retain from those which he loses upon confinement.

It is clear that the mere fact an individual is serving a term in prison does not deprive him of the capacity to sue. *Cancino v. Sanchez*, 379 F. 2d 808 (1967); *McCullum v. Mayfield*, 130 F. Supp. 112 (1955). But the

courts have not looked with favor upon such suits. In *Weller v. Dickson*, 314 F. 2d 598, 603 (1963), the court said:

We know from sad experience . . . that imprisoned felons are seldom, if ever, deterred by the penalties of perjury. They do not hesitate to allege whatever they think is required in order to get themselves even the temporary relief of a proceeding in court. The prospect of amercing their jailers in damages must be a most tempting one, even if it will not get them their freedom. The disruption of prison discipline that the maintenance of such suits, at government expense, can bring about, is not difficult to imagine. Particularly since *Monroe v. Pape*, . . . it has become apparent that the "jailhouse lawyers" think that they have a new bonanza in the Civil Rights Act.

Prisoners are turned away where their claims are not recognized as raising constitutional issues. *Rice v. Schmidt*, 277 F. Supp. 811 (1967) (inaccurate computation of prison release date is violation of statutory right, not constitutional right).

Even where they allege a constitutional violation, the courts, from time

to time, will dismiss the case because the claim appears to be merely frivolous. For example, in *Brown v. Brown*, 368 F. 2d 992, 993 (1966), the plaintiff alleged that when he could not give an Agent of the FBI certain information, he was set upon by the Agent and three prison officers. He claimed he was beaten, kicked, knocked, stomped, thrashed, and cursed in an effort to coerce him into making a statement. The court said, "The pleadings . . . contain allegations which could be said to tax a reader's credulity."

Some cases are dismissed on the grounds that prison discipline is an executive function and the judicial branch ordinarily should not interfere. *Walker v. Blackwell*, 360 F. 2d 66 (1966) (limiting religious practices). But the courts do require that such rules as are imposed must be uniformly applied. In *Cooper v. Pate*, 378 U.S. 546 (1964), an inmate of the Illinois State Penitentiary brought an action under 1983, alleging that, solely because of his religious beliefs, he was denied permission to purchase certain religious publications and denied other privileges enjoyed by other prisoners. The Supreme Court held the complaint was sufficient to support the suit under 1983.

Thus officers having custody of a prisoner may restrict his freedoms as long as the restrictions are reasonably related to security of the detention and are not applied in a discriminatory fashion. The amount of access permitted visitors, including the prisoner's use of the mails, may be limited. *Labat v. McKeithen*, 361 F. 2d 757 (1966); *Goodchild v. Schmidt*, 279 F. Supp. 149 (1968). The exercise privileges of prisoners may be limited where special circumstances exist, such as confinement to death row. *U.S. ex rel. Raymond v. Rundle*, 276 F. Supp. 637 (1967).

The time and place in which prisoners are permitted to engage in legal

research and writing may be limited, *De Witt v. Paul*, 366 F. 2d 682 (1966), as long as the prisoner is not denied reasonable access to the courts. *Ex parte Hull*, 312 U.S. 546 (1941) (State prisoner's right of access to Federal courts); *White v. Ragen*, 324 U.S. 760 (1945) (State prisoner's right of access to State courts). An example of this kind of complaint occurred in *Taylor v. Burke*, 278 F. Supp. 868 (1968), where a prisoner sued the warden for having confiscated certain legal papers. He claimed

Develop a program of internal analysis, planning, and training. Work out departmental guidelines and enforce them administratively, thereby precluding much external criticism that could ripen into a civil action.

this denied him the right of access to the courts, but the suit failed because it was noted the court had received six previous petitions from the same plaintiff during the past year.

In *Hatfield v. Bailleaux*, 290 F. 2d 632, 640 (1961), the court said:

"State authorities have no obligation under the federal Constitution to provide library facilities and an opportunity for their use to enable an inmate to search for legal loopholes in the judgment and sentence under which he is held, or to perform services which only a lawyer is trained to perform. . . . (H)e has no due process right to spend his prison time or utilize prison facilities in an effort to discover a ground for overturning a presumptively valid judgment."

Prisoners in need of medical attention must be afforded care to avoid physical injury, damage, or death. *Elsberry v. Haynes*, 256 F. Supp. 735 (1966) (sheriff sued by his prisoner for failure to provide urgently needed medical care). But *improper* medical treatment is not a denial of constitutional rights. *Commonwealth of Pennsylvania ex rel Gatewood v. Hendrick*, 368 F. 2d 179 (1966); *U.S. ex rel*

Gittlemacker v. Pennsylvania, 281 F. Supp. 175 (1968).

The second point, incidental to main body of 1983 law, is the availability of legal counsel to assist plaintiffs in filing suit against officers. Contrary to what some plaintiffs would like to believe, there is no *right* to counsel here. However, there is a privilege to have free counsel made available, so that the expanding application of 1983 will not necessarily be slowed by the factor of cost of obtaining a lawyer for the plaintiff.

Title 28, United States Code, Section 1915(d), provides that a Federal court may "request" an attorney to represent a person unable to employ counsel in a civil case. Such appointments are discretionary with the judge and usually depend upon some showing that the case has merit. *Roberts v. Peppersack*, 256 F. Supp. 415 (1966); *Jefferson v. Heinze*, 201 F. Supp. 606 (1962).

It is not difficult to understand that, in an appropriate case, it would be unfair to deny counsel to an indigent plaintiff. The problem involved here was described by the court in *Roberts v. Barbosa*, 227 F. Supp. 20, 23 (1964), as follows:

Where indigent plaintiffs are encouraged by the offer of free counsel ". . . there will be no recourse to defendants even for costs, against plaintiffs, for ill-conceived and malicious and unfounded suits, to say nothing of the trouble, harassment, time, and expense such as attorney fees incurred or expended in defending a suit, which cannot be covered by an assessment for costs."

Should the court decide to deny the request for free counsel, this will not

be a violation of due process. *Weller v. Dickson*, 314 F. 2d 598 (1963).

Counsel is generally denied where the plaintiff has had a history of filing suits which appear to be patently vindictive and part of a scheme to utilize the provisions of the civil rights act for the purpose of harassing law enforcement officers. *Allison v. Wilson*, 277 F. Supp. 271 (1967).

By now, the present and future significance of 1983 to law enforcement officers should be readily apparent. Its potential for affecting the personal lives of policemen has no limits, and such influences on individual officers ultimately color the effectiveness of the entire force. It seems imperative that 1983 be recognized today as an important factor to be considered in law enforcement planning and operations.

The most reasonable response would be, first, to admit that in these perilous times officers face the added threat of civil suit for failing to abide by a large and extremely complex body of constitutional law. This threat is aimed at the officer individually; neither his department, nor his employing government, may be sued. Next, the problem should be carefully analyzed to see how it might affect officers in your own jurisdiction. Finally, various alternatives should be considered to provide some measure of protection for individual officers.

The most obvious solution would appear to be to extend the government's immunity to the law enforcement officer. But that is legally impossible where the right originated in the Constitution and it is protected by a Federal statute. No local rule of immunity, unassociated with a generally recognized common law immunity, can stand as a defense in a 1983 suit. Even if the State were affirmatively to sanction the officer's acts, a plaintiff could still have a right to sue for violation of his rights under color of

State law. *Cohen v. Norris*, 300 F. 2d 24 (1962).

The two practical alternatives available under the present law are indemnification by the government and insurance. Tennessee has recently enacted legislation to provide indemnification for employees sued for damages in the course of their employment. Section 6-640 of the Tennessee Code, effective July 1, 1967, provides that whenever an officer is sued for damages arising out of the performance of his official duties, his agency will provide defense counsel and indemnify him from any judgment rendered against him in such suit. But the obligation to back up the officer is limited to \$50,000 for each person injured in any one accident and \$100,000 for all injuries from any one accident.

It is doubtful whether this statute will protect officers who lose a 1983 suit. Section 6-640 refers to "accidents" and appears to be concerned primarily with the usual instances of civil liability. Therefore, one thing that Tennessee officers may do is to seek to broaden the protection of this section to include the potential liability of a 1983 judgment.

In Wisconsin, if a commission determines that the officer against whom a judgment has been rendered was acting in the line of duty and in good faith, it may award the officer the amount of judgment, fees, and costs, up to \$5,000. If this amount is inadequate, the matter is referred to the State legislature for action on a private bill. Wis. Stat. Ann., Section 285.06. In Massachusetts, the State attorney general may defend the officer in a civil suit, and, under a 1965 amendment, where there is a compromise or an adverse judgment, the State will pay up to \$25,000. Ann. Laws of Mass. Ch. 12, Section 3 B.

Illinois law provides that if an officer of a municipality having a population of 500,000 or over injures the

person or property of another while performing his duties as a policeman, the municipality shall indemnify the policeman for any judgment recovered against him as the result of such injury, except where the injury results from the willful misconduct of the policeman. In the case of cities under 500,000 population, the indemnity to the officer shall not exceed \$50,000, including cost of suit. Ill. S.H.A., Ch. 24, Section 1-4-6.

Connecticut law provides for indemnification for all sums the officer becomes obligated to pay, by reason of a judgment for damages to persons or property which occur while he is acting within the scope of his employment and which are not willful or wanton. Conn. Gen. Stat. Ann., Section 7-465.

Insurance designed to protect individual officers may be the most useful means of softening the impact of 1983 liability. The Tennessee Code, Section 6-641, effective July 1, 1967, provides that all municipal corporations or other political subdivisions of the State are authorized to contract, at governmental expense, for policies of liability insurance to protect employees in the course of their employment, but it specifies no limits of liability. Tennessee officers may want to inquire and assure themselves that any protection they are afforded extends to potential 1983 judgments and that the extent of such insurance coverage is adequate.

Other States, such as California and Oregon, authorize State agencies to provide insurance for their employees through self-insurance or by an insurer, but such programs should be examined carefully to determine their actual protection to the individual officer.

A 1983 suit can be expensive for an officer even if he is the eventual winner. Somebody has to pay for the officer's attorney and other incidental expenses. Therefore, officers might

well consider their need to seek the establishment of authority for their government to provide necessary legal counsel. If that is unsuccessful, they might resort to self-help as others have done. In some instances, counsel is available through the support of mutual benefit associations.

If this whole situation is viewed objectively, the best solution of all is not difficult to describe. The original purpose of 1983 has been modified so that it now attempts not only to compensate the plaintiff for his loss of rights but also to discipline officers. It fails in both respects. Officers generally do not have the financial resources to compensate adequately the plaintiff who truly has been deprived of his rights. Few officers are aware of the body of law that has grown up around 1983, and, therefore, only

those caught up in an actual case are disciplined.

One answer may be to reexamine the statute and adjust the emphasis so that the objectives can be realized more fully. Pressure of a potential civil suit against an employing agency would probably result in better selection and training of personnel, with the result that greater personal discipline would be achieved. Plaintiffs permitted to sue the principal would be more likely to collect on judgments awarded them because of the greater resources available.

Finally, if nothing more, officers should seriously consider the importance of 1983 today and provide themselves with the means by which they can avoid being caught unawares and unprepared by a civil suit filed under this statute.

COIN TELEPHONES

(Continued from page 6)

and escape. He has served a total of 11½ years in prison. The other subject has prior sentences in the Florida penitentiary for breaking and entering to commit a felony and a 2-to-10-year sentence in Minnesota for third-degree burglary.

Latent Fingerprints

Although latent fingerprints have not played a great part in the prosecution of coin telephone burglars, they should not be overlooked, especially on lock picks. Because lock-pick burglaries generally occur in the daytime, lock pickers usually do not wear gloves which might call attention to their activity. Also, a delicate sense of touch is necessary in some of the lock-picking maneuvers.

Normally, dusting for latents on a coin receptacle or any inside portion of the telephone instrument is unpro-

ductive because of the surface material of the inner parts. Good results have been obtained recently by "smoking" the suspected metal area with the smoke from a highly resinous pine-wood (colloquially called literd). After smoking, the suspected area is brushed with a clean brush, using a side motion rather than an up-and-down stroke. Successful results have been reported also on the use of a chemical spray.

Two Caught

Latent fingerprint evidence was used successfully in a case in Tennessee in 1966. Here, two well-known lock-pick experts met their Waterloo at the hands of the Lebanon, Tenn., Police Department and the Tennessee Bureau of Investigation. About 4 o'clock in the afternoon, a lady in a restaurant noticed two strangers acting suspiciously at the coin telephone. When they left, she notified the police who put out a broadcast.

A local service station operator heard the police broadcast and noticed the suspects' car parked next to the coin telephone booth outside his station. He summoned police, who soon approached the subjects at the booth. Seeing the officer, the subjects left the telephone, but were ordered to halt. As they stopped, the officer heard metal falling to the ground. The noise was caused by lock-pick tools which the officer recovered. A subsequent search yielded additional tools both in the possession of the subjects and in their automobile.

A search behind the restaurant uncovered a coin receptacle in a trash heap. Company records indicated it was from the restaurant's coin telephone. Later, a latent fingerprint identified as belonging to one of the subjects was lifted from the receptacle by the Tennessee Bureau of Criminal Investigation.

The subject and his accomplice were convicted on three counts each of third-degree burglary; attempt to commit third-degree burglary; and possession of burglary tools. They received consecutive sentences totaling 4 years. Again, the court took notice of extensive criminal records in reaching the heavy sentence decision.

What's the Future?

The telephone industry considers coin telephone burglaries a major problem but not an insurmountable one. We feel it is a problem that will be solved by a combination of efforts by law enforcement—for which we are extremely grateful—and the industry, with the cooperation of the public.

The industry is concentrating on preventive measures, assistance to law enforcement agencies on follow-up investigations and on the training of new police officers in the field of coin telephone burglary work, and enlistment of public cooperation in reporting



Theodore A. King, Southern Bell's State security manager for Georgia, conducts a training class for the Atlanta Police Department while police instructor Lt. Charles E. Wright (standing) looks on.

suspicious happenings around pay telephones.

Security department personnel throughout the Bell System—and in some independent companies—are available to assist law enforcement agencies in coping with the problem of coin telephone larceny. They are thoroughly trained experts on the modus operandi of coin telephone burglars. They want to cooperate with law enforcement agencies. Call on them to help you.

Our people are available and qualified to lecture before training classes of new police officers, or perhaps to just keep all the officers informed on the latest developments and techniques of the coin telephone burglars.

Telephone people need and appreciate your advice and assistance. We hope you will familiarize yourselves

with the telephone equipment and the burglary tools that a coin telephone thief is likely to have in his possession. Even when investigating a crime other than coin telephone burglary, a good interrogation of subjects and a check of the tools and other items in their possession might implicate them in coin telephone burglaries.

The coin telephone operation will continue to grow and grow in volume and utilization by the public. We telephone people are dead set in our determination to make it shrink and shrink as a burglary target.

Thanks for joining us in our battle against coin telephone burglars.

Subsequent to the preparation of this article, Southern Bell Telephone & Telegraph Co. split; and Southern Bell now covers Florida, Georgia, North Carolina, and South Carolina, and South Central Bell Telephone Co. covers Alabama, Kentucky, Louisiana, Mississippi and Tennessee.

NCIC SUCCESS

(Continued from page 11)

3. Suspects developed through criminal investigation.
4. Suspects who have furnished identification, e.g., checkpassers.
5. Questionable individuals who have been required to show driver's license.

Securities

1. Through contacts with banks, brokerage houses, and lending or other financial institutions, liaison should be established for the purpose of having responsible individuals in such organizations furnish information concerning stocks and bonds which are being offered as collateral by persons of unknown or questionable background who are seeking loans.
2. Business houses which accept traveler's checks and money orders should be made aware of the value of inquiring concerning traveler's checks and money orders being offered in payment under abnormal circumstances.

Conclusions

The rapid development of comprehensive metropolitan area and State computerized information systems, closely coordinated with NCIC, will provide law enforcement with a stronger deterrent against crime. Such systems will also provide a base for more intelligent criminal justice planning and evaluation.

Savannah Crumdel - 4-36
Bufile # 63-4296-49
A MISSING ORCHARD

Some thieves are not selective, they strike wherever their fancy and opportunity lead them. One unusual report of the theft of an acre and a half of young peach trees from a southern plantation had officials wondering, "What next?"

Tractors and truckloads of soybeans and pecans have been stolen in the area, but this is the first time that actual crops have been snatched from the ground.

WANTED BY THE FBI



VERNE ALLEN LYON, also known as "Sonny."

Destruction of Airport Facility

Verne Allen Lyon is currently being sought by the FBI for the destruction of an airport facility. Lyon was arrested in connection with the exploding of a bomb device at a municipal airport in St. Louis, Mo., on December 20, 1966. He was charged with the bombing and released on \$50,000 bond. Trial was scheduled to begin in Federal court on October 10, 1967, but Lyon failed to appear. On October 16, 1967, a Federal warrant for his arrest was issued at St. Louis, Mo.

Description

Age----- 25, born Apr. 12, 1943,
Davenport, Iowa.
Height----- 6 feet.
Weight----- 140 to 150 pounds.
Build----- Slender.
Hair----- Brown.

Eyes-----	Blue.
Complexion-----	Medium.
Race-----	White.
Nationality-----	American.
Scars and marks-----	Scar on center of forehead.
Occupation-----	Aeronautical engi- neer.
Remarks-----	Reportedly suffers from headaches and blackouts and may be in need of med- ical attention.
FBI No-----	866,424 F
Fingerprint classification:	
17 O 1 R-r 9	Ref: 1 9 9
S 17 U	1 1 17

Criminal Record

Lyon was convicted of forgery in August 1961 and immediately placed on probation. He was discharged from probation in 1962.

Lyon allegedly possesses a revolver, may have suicidal tendencies, and should be considered dangerous.

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.

Jacksonville Criminel 3-2
Buf. # 63-4296-240
COLD BLUE NUMBERS

Since factory stamping of vehicle serial numbers is sometimes only lightly visible, it is not always possible to obtain a lift of the numbers by using normal methods.

A cold blueing solution, the type used to touch up the blueing on firearms, can be applied to the sanded surface and allowed to darken. A light sanding with steel wool, fine sandpaper, or emery paper will remove the color from the surrounding area and leave the numbers dark. The numbers can then be photographed for permanent record.

Jackson Criminel 1-2-2
Buf. # 63-4296-54
AGED IN WOOD

Acting on a tip, police in a small southern town arrested a suspected bootlegger as he walked down the street carrying two pieces of 2 by 6 lumber on his shoulder. When the officers separated the pieces of lumber, they found several pints of whisky concealed in pockets dug out of the wood.

FOR CHANGE OF ADDRESS

Complete this form and return to:

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

_____ (Name)		_____ (Title)
_____ (Address)		
_____ (City)	_____ (State)	_____ (Zip Code)

Scientific Aid

*I.I.L. Craft #1249, Bufile #149-5207
3-14-68.*

PLANE BOMBER CONVICTED

Late in 1967 a bomb exploded in the baggage compartment of an airplane in flight from Chicago to San Diego while over Denver, Colo. The plane with its 73 passengers and crew was able to continue to its destination in California and land safely.

Investigation of the incident, which came under FBI jurisdiction as a violation with intent to destroy an aircraft, led to the arrest of the husband of one of the passengers. The husband denied any implication.

Lab Examination

At the trial in Chicago, the combined efforts of a team of FBI Laboratory experts helped to prove the defendant's involvement in the case.

Based upon examination of evidence from the baggage compartment, FBI experts determined that the bomb had been placed in a suitcase which

was blown apart. At least four electric blasting caps had detonated. Other blasting caps had come loose but failed to ignite. The explosion resulted in damage to the baggage compartment only.

Because claim checks of certain passengers on the plane were immediately recovered, FBI Agents were able to prove which baggage strap had been attached to the suitcase containing the dynamite.

One of the Agents testified that toolmarks on an alarm bell on a clock used as a time delay switch were identified as having been produced by a vise found in the basement of the subject's home. Tiny fragments of metal like that of the alarm bell were also found in the jaws of the vise.

Three types of wire were used in the bomb and three similar types of wire were found in the subject's home. Testimony regarding the composition and

structural makeup of the wires attached to alligator clips found in the home of the subject and their comparison with those of similar design found on the bomb in the aircraft vitally contributed to the overall evidence against the subject.

Prior Attempts

Investigative information presented during the trial established that the defendant had made attempts dating back to 1963 to do away with his wife and that she was insured for more than \$117,000.

The defendant was found guilty and sentenced on two counts to 20 years each, sentences to run concurrently.

On February 16, 1968, a motion for a new trial was filed. On February 19, 1968, the U.S. District Court judge denied the motion for a new trial.

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



This interesting and questionable pattern is classified as an obstruction-type central pocket loop-type whorl with a meeting tracing. The ridge designated as A forms an obstruction at right angles to the line of flow (an imaginary line drawn between the inner delta and the center of the innermost recurving ridge). This impression is referenced to a loop with one ridge count, and, because of the questionable nature of the recurve in front of the left delta, the pattern is also referenced to a tented arch.