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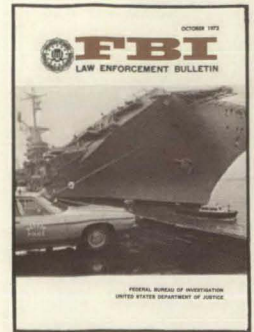
## LAW ENFORCEMENT BULLETIN



FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE

OCTOBER 1972

VOL. 41 NO. 10



THE COVER—Pictured are a New Orleans Harbor Patrol Department officer and patrol boat assigned to the U.S.S. Lexington. See article beginning on page 18.

# FBI

LAW ENFORCEMENT BULLETIN

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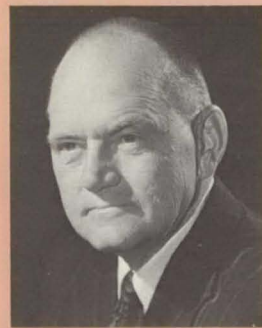
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# MESSAGE FROM THE ACTING DIRECTOR . . .

. . . To All Law Enforcement Officials



There are few uglier crimes than taking a hostage for criminal gain. When such criminal acts manifest themselves in passenger aircraft hijackings, as they have substantially in recent years, there is an urgent need for a united and redoubled effort to rid the Nation's airways of the predators who would commit these crimes.

Intimidating as many as several hundred innocent men, women, and children at a time is a grave, terroristic act which no society concerned with its ultimate welfare can long tolerate. With an estimated 14,000 scheduled airline flights a day and an average of one-half million daily passengers in the United States alone, the threat of hijacking imperils a huge segment of the traveling public and seriously obstructs one of the Nation's most vital arteries of commerce.

Today's aircraft requires the highest order of skills for its successful operation. To threaten the safety of it and its infinitely more valuable cargo of human life is a crime of monstrous proportions. The desperate individuals who commit these crimes must be dealt with sternly. Punishment should leave no doubt in any potential

hijacker's mind that he will be confronted by an outraged society which will demand swift justice.

As with any crime, there is no sure method of preventing aircraft hijacking. Obviously, the most effective countermeasures possible lie in preventing the hijacker from gaining access to the aircraft. Through the cooperation of the airline industry and the Federal Aviation Administration, screening of boarding passengers is increasingly being practiced on major airline routes throughout the country. Intensification of this detection program together with the expanded use of sophisticated equipment to detect weapons carried by passengers on their persons and in their luggage offers much promise as a future deterrent to hijackings.

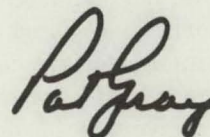
While hijackings are troublesome to authorities, they have proved to be much more distressing to a great majority of their perpetrators. Well over 90 percent of all hijackers during the period January 1, 1968, to August 25, 1972, have been identified. In all but one hijacking in which money was obtained either the hijacker had been

## MESSAGE

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apprehended or his ransom denied him. Five hijackers have been killed in the commission of their crime, six more have been wounded, and three others chose suicide. Considering that a few more than 200 persons have been involved in the crime, the statistics prove that hijacking ranks with the most futile of criminal enterprises.

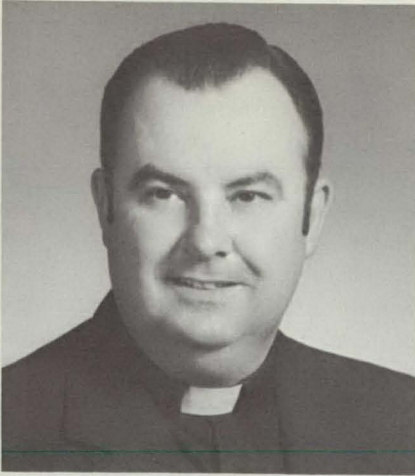
The tragedy inherent in aircraft hijackings requires that this crime be given the most determined and vigorous law enforcement response. The combined efforts of the FBI, other Federal agencies, the airline industry, local law enforcement, the courts, and the public will resolutely demonstrate the increasing folly of aircraft hijackings.

A handwritten signature in dark ink, appearing to read "Pat Gray", written in a cursive style.

L. PATRICK GRAY, III  
*Acting Director*

OCTOBER 1, 1972





## *My Uniformed Parish*

By

REV. R. JOSEPH DOOLEY\*

Chaplain,  
Metropolitan Police Department,  
Washington, D.C.

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*"The dedicated chaplain stands ready to extend a helping hand—whether it is to offer comfort to those distressed by the death or injury of a loved one or to neutralize the corrosive bitterness and frustration of those who cannot understand 'why?'"*

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It usually begins with a phone call from police communications, "Police officer has been shot, Father." Your day's work, you thought, was done. It is probably late at night, and just as likely as not, you are already in bed. You ask the lieutenant in communications a few questions, but he has only a few of the particulars. You are given the officer's name and unit to which he is assigned, the hospital to which he is

being transported, a sketchy account of the location, and circumstances surrounding the tragedy. Most of the time his religion remains unknown until you reach the hospital—and, even then, you administer the Last Rites of the Church conditionally because no one knows.

From officials at the hospital, you get the officer's home address, wife's name, and whether or not there are

\*Born in Washington, D.C., Father Dooley received his early education there before entering St. Charles College, Catonsville, Md., to begin studies for the priesthood which he continued at St. Mary's Seminary, Baltimore, Md. Ordained in 1960, Father Dooley has served as a police chaplain since 1963 and since 1968 has been the only Catholic chaplain to the Metropolitan Police Department, the Executive Protective Service, the U.S. Park Police, and the District of Columbia Fire Department. He also serves as chaplain of the International Conference of Police Associations.





Father Dooley (right) swaps experiences with members of homicide squad.

any children or close relatives. You arrange to go with an official of the department to a quiet neighborhood consisting of long rows of single family dwellings. You ring the bell and all at once you are alone with a woman who is about to have the bottom drop out of her world.

And so your day or night begins. . . .

On call 24 hours a day and never knowing where the next, and often urgent, summons will take him, the police chaplain stands ready to respond. The key word is "service," and chaplains pride themselves on the fact that they respond any time, day or night, when a police officer is seriously injured or some other serious incident occurs in the city. "Presence" becomes a very important thing to the chap-

lain—to be with his men and women whenever and wherever they may need him.

As Catholic Chaplain of the Metropolitan Police Department of Washington, D.C., since 1963, my "uniformed parish" consists of the 5,100 members of the Metropolitan Police Department, the 800 Executive Protective Service officers (formerly the White House Police), and the 461 members of the U.S. Park Police, as well as the retired personnel from these forces. I am also assigned as an assistant pastor at St. Patrick's Church in downtown Washington. As with the majority of police chaplains across the country, I am part time and not salaried by the police department.

"What does a police department need with chaplains, anyway?" "How

did you ever get involved with the police?" "What is a police chaplain?"

How frequently I have heard these questions—but the answers are not too easily given.

The police chaplain must earn the respect and confidence of the police officer. In most United States and Canadian communities, police chaplain is an honorary and voluntary position. In former years as well as today, some police chaplains are names on a piece of paper who have done little to serve every man and woman on the force. Then, too, some police officers are skeptical of the clergy in general, for they have seen too many "do-gooders" who, in any kind of confrontation, prejudge the police as always in the wrong. Therefore, the clergyman can usually determine by his own actions, or lack of them, the value of the police chaplaincy.

In 1968 the National Association of Police Chaplains was organized in this country. In its statement of policy, it declared: "The National Association of Police Chaplains believes that America's police face the most serious spiritual drain of any work force inside America today. We, therefore, recognize the need for police chaplains in every department as a way of providing spiritual help, guidance, counseling and highest moral, ethical and professional standards of conduct."<sup>1</sup>

Law and Order magazine in July 1969 conducted a survey of police departments in an attempt to define the role of chaplains. The periodical received some 1,564 replies to its questionnaire and discovered that the status and use of the chaplains varied greatly. Here is a sampling of some of the replies: "The police chaplains have indirectly and directly been a great assistance to our department" . . . "I have worked with chaplains and found them quite useful and understanding of our prob-

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*"The key word is 'service,' and chaplains pride themselves on the fact that they respond any time, day or night, when a police officer is seriously injured or some other serious incident occurs. . . . 'Presence' becomes a very important thing to the chaplain—to be with his men and women whenever and wherever they may need him."*

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lems" . . . "More ministers should get involved in our work, we deal with the very problems they should be working on" . . . "All departments regardless of size should have someone available that is qualified to serve as chaplain, volunteer or otherwise" . . . "Who needs one?"<sup>2</sup>

As the late J. Edgar Hoover, distinguished former Director of the Federal Bureau of Investigation, said in this publication on August 1, 1971, "Since law enforcement represents the government's first line of defense against violence and disorder, police officers become the immediate enemy of those who want to rule by mob action. Some groups circulate oral and written instructions on how to injure and kill police. Thus, it is not surprising that more and more officers are being slain."<sup>3</sup>

The reports from around the country of police officers being ambushed and ruthlessly gunned down are horrifying. Is it any wonder that police officers are expressing angry bewilderment, frustration, and bitterness? Or that police families are filled with fear, apprehension, and anxiety for those going on duty?

These reports bring home very vividly the need for police chaplains. All police officers and their families



Having listened empathically to a problem, the chaplain counsels a policewoman on patrol.

The police chaplain checks in with headquarters to learn the location of his next call.



must now draw on inner strengths and faith in an effort to maintain proper decorum and retain their perspectives. Each must, of course, work out the problem in his own way. Many are, however, turning to the chaplains for solace and guidance.

The dedicated chaplain stands ready to extend a helping hand—whether it is to offer comfort to those distressed by the death or injury of a loved one or to neutralize the corrosive bitterness and frustration of those who cannot understand "why?"



Because he understands the feelings and problems of those he serves, the chaplain can be most helpful in guiding those who turn to him for help through these unsettled times. He can, and does, provide an invaluable service to the police department.

Chaplains have functioned in the Metropolitan Police Department for the past 38 years. Chief Jerry V. Wilson has enhanced the chaplain program during his tenure as chief by encouraging and approving a chaplain's handbook. The opening statement of the handbook reads: "Today perhaps more than ever in the history of Police Departments, the need for religious guidance and assistance offered to police officers is greater and more demanding." <sup>4</sup> In an effort to provide a closer relationship between the chaplain and the department, Chief Wilson has equipped the chaplains with two-way radios for their private automobiles and made office space available in a police facility for the chaplain's office.

Three chaplains, a Protestant minister, a Jewish rabbi, and a Catholic priest, representing the major faiths in the United States, are constantly available to give assistance and guidance to all personnel from recruitment through retirement. Their services help provide the moral fiber needed to strengthen police officers in the discharge of their duties. They are responsible for the organization and development of the three religious societies in the department: the Police and Firemen's Protestant Society, the Shomrim Society, and the Catholic Police and Firemen's Society.

These religious organizations sponsor memorial services and religious activities during the year. Members of the Catholic Police and Firemen's Society have their annual Communion Mass and breakfast each year on Mother's Day—the beginning of Police Week. The Police and Firemen's Protestant Society has a prayer



Chief Jerry V. Wilson

breakfast annually on Father's Day. These religious functions bring together as many as 800 officers and their families in a meaningful and deeply spiritual experience. Members, together with men in their respective districts, also attend wakes to pray for their deceased comrades, both active and retired. The three chaplains

participate in the annual Police and Fire Memorial Service, held at the close of Police Week, in memory of the deceased members of the forces who have died since the previous May. Catholic officers journey to Loyola Retreat House each October for their annual retreat under the direction of the Jesuit Fathers. These organizations also sponsor dances, picnics, crab feasts, and other social events during the year.

The chaplain is not a law enforcement officer, but a man of God, duly ordained—an approved and experienced representative of his denomination. His responsibility is to assist all officers upon request on matters within the chaplain's realm.

A police chaplain's duties are similar to those of a military chaplain—a man who is always there when the officers and their families need him. How does one train for this work? Again, there is no easy answer. One does not train for it, he learns by doing. To the author's knowledge,



The three chaplains of the Metropolitan Police Department (left to right), Rabbi Morris Gordon, Father Dooley, and Dr. W. Kenneth Lyons, attended the recent dedication of a new department helicopter.



there is no police chaplain training course available anywhere in the United States or Canada. The clergyman's previous education helps him, but there is no substitute for actual experience in this special type of apostolate.

The chaplain, very early in his career, has the unique opportunity to see men as they really are and in that sense gets a deeper understanding of human nature. To see a person's reaction as he is approached by a police officer, to see one who is caught in the web of crime, or to hear people say things that they would not normally say in the presence of a clergyman—these are perhaps things that some clergymen never experience.

Yes, the chaplain is there in times of need. Just as a pastor cannot serve his people unless he is one of them, neither can the police chaplain serve the department unless he is a part of the police team. He cannot wait for the men and women to come to him. The police chaplain must go to them. He must meet those who need his services wherever they may be—at the station house or in a scout car or cruiser, at the scene of a disturbance or disaster, in the hallway or office, or at social functions. Unless the chaplain is known, he cannot be a spiritual leader. Unless he understands the trials and difficulties of the members of the force, the chaplain cannot be effective.

Washington, D.C., is a city of some 750,000 residents with 17 million visitors a year. The buildings and streets of our Nation's Capital play host to thousands of persons. They range from tourists coming to see the many historical monuments to masses of protesters engaged in peaceful and nonpeaceful activities. In the last few years the Metropolitan Police Department has established an outstanding record in dealing with numerous demonstrations in all ranges and combinations—large and small, peaceful

(Continued on page 26)



A hospitalized detective is offered a word of encouragement.

*“ . . . the police chaplain . . . is a part of the police team. He cannot wait for the men and women to come to him. The police chaplain must go to them. He must meet those who need his services wherever they may be. . . . ”*

In a reenactment from a scene all too common to the police chaplain, the Last Rites are administered conditionally to a felled officer.





# Narcotics Detector Dogs

This is the conclusion of a two-part article. Part I appeared in the September issue.

## PART II

*Canines with the ability to detect narcotics are not a panacea for the drug offenses confronting many law enforcement agencies. They are, however, with proper selection, training, and handling, a valuable enforcement tool in assignments that justify the economics of their need and the legality of their use.*



By  
**MAJ. HOLLEY D. BRADLEY\***  
United States Army

\*Major Bradley, a career military police officer, is currently serving with a criminal investigation unit in the Republic of Vietnam. Prior to his current assignment, he was Chief, Military Police Committee, Canine Training Group, U.S. Army Military Police School, Fort Gordon, Ga. A member of the U.S. Police Canine Association, Major Bradley trains dogs professionally. He is a graduate of the U.S. Army Command and General Staff College, and the Royal Canadian Mounted Police College. He also holds a B.A. degree in history from the University of Oklahoma and an M.S. degree in police administration from Michigan State University.

Under certain circumstances, narcotics dog teams will materially assist police agencies in whose jurisdiction there is a serious drug abuse problem. This is especially true in locations adjacent to international boundaries, seaports, and terminal facilities where a lucrative opportunity for smuggling exists.

Generally, narcotics dog teams are most advantageously employed under circumstances associated with screening and search operations. Their inherent capabilities are more fully exploitable in this form of endeavor than when utilized in on-the-street enforcement techniques or undercover



situations. Actually, however, methods of using dogs are sufficiently flexible so that they may be tailored to meet individual problem areas. In the final analysis, situations in which dogs may be used are limited mostly by the imagination of enforcement officials.

Experience indicates that narcotics dogs greatly expedite screening and inspection procedures, while at the same time increase the probability of success. For example, with a narcotics detector dog, it takes an officer approximately 1½ minutes to inspect a vehicle, 7 minutes to screen 125 packages, and 3 minutes to check 50 boxes and suitcases. Screening operations of this nature conducted in the same time frame without the use of a dog would be highly perfunctory in nature and stand only a very limited chance of success.

Although a high degree of initiative is required in order to optimize utilization of dog teams, they must always be employed within the constraints imposed by law. Furthermore, to be effective, there must be a significant narcotics incident rate in the jurisdiction to which the team is assigned. Despite a team's technical proficiency, it cannot locate illicit narcotics where none exist.

In drug suppression operations, narcotics detector dog teams significantly increase the capability of the police to detect hidden narcotics during raids and searches conducted pursuant to a warrant. They may also assist customs inspectors in screening parcels, luggage, mail, and vehicles for the presence of narcotics. A high degree of success, moreover, has been achieved in screening public areas to identify users, sellers, or locations used to secrete narcotics. Information gained from such screening operations provides a valuable source of police intelligence data. This is possible because trained detector animals alert on trace odors left by narcotics

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*"Normally, . . . dogs specializing in narcotics work are economical only if they are used daily in conjunction with narcotics suppression operations and if legal parameters are sufficiently broad to permit full exploitation of their capabilities."*

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as well as on the actual substance. This capability allows law enforcement personnel to identify suspected users or smugglers and place them under surveillance until more tangible physical evidence is developed. Finally, the mere presence of narcotics detector dog teams has a tremendous psychological impact upon users and sellers of illicit drugs. Often this psychological impact alone will reduce the frequency of drug abuse incidents.

### **Specialist or Generalist?**

Should dogs be allowed to specialize in narcotics detection work or must they possess other skills in order to earn their keep? The answer to that question depends upon those circumstances that are unique to each department. Are sufficient personnel resources available to allow specialization? What is the narcotics incident rate and what type of abuse is most prevalent? How frequently will the animal be used? Under what conditions? Does the department already have an effective police dog program? These are just a few of the considerations that will affect the decision whether to cross-train or specialize.

Generally speaking, cross-training can be highly effective if a department already has a police dog program. This is especially true if their training includes "nose work" such as article seeks and tracking. Animals proficient in these skills are easily trained to detect narcotics. The next issue concerns frequency of use. If a major portion of each workday is to be de-

voted to narcotics detection, a specialty dog is justified. Otherwise, the multiskills of a police dog would be unavailable to the patrol force when they were needed for tracking, building searches, or other similar tasks. If it is anticipated that narcotics detection skills will be used only periodically, then cross-training is the best solution. On this basis the animal can be used daily to perform other essential tasks and can remain on standby for narcotics work.

Under conditions where optimum effectiveness is required, a specialty dog is highly desirable, especially if it must detect several types of narcotics. A small department, or one that has no existing canine program, might, of necessity, elect to procure a specialty animal. Normally, though, dogs specializing in narcotics work are economical only if they are used daily in conjunction with narcotics suppression operations and if legal parameters are sufficiently broad to permit full exploitation of their capabilities. The U.S. Bureau of Customs is an example of the type of agency that can best utilize specialty animals.

### **Capabilities**

Few people will dispute the fact that dogs have a phenomenal ability to discriminate scent. Until fairly recent years, though, the extent of that ability was based largely upon a combination of old wives' tales and crude estimates. Modern scientific studies, however, have done much to dispel myth and quantify canine capabilities in the area of olfaction, so much so, in fact, that



scientific inquiry into the realm of olfaction has become a discipline in itself.

Although total consensus within the scientific community does not exist, certain facts are fairly well accepted and for the layman they do much to explain the dog's capabilities as a biosensor. Essentially they may be summarized as follows:

1. The dog is a more sophisticated sensing device than is commonly imagined.
2. Its ability to discriminate scent is based primarily upon three factors:
  - a. An efficient system for getting large amounts of air to the sensitive area of the nose.
  - b. An olfactory area that is sensitive to a broad spectrum of sensations.
  - c. A brain that is well equipped to register, retain, and interpret the data its nose brings it.
3. The composition of scent is basically molecular in structure.
4. The strength of a particular scent can be evaluated in two ways:
  - a. A low threshold of identification.
  - b. A rapid increase in the strength of the smell once the threshold has been passed.

Scientific researchers are deeply involved in studying canine olfaction as it relates to detecting narcotics and explosives. An examination of odor profiles is but one of many areas they are considering that will expand the capabilities of narcotics detector dogs. By identifying certain substances, if any, that are common to most forms of narcotics, training could be expedited and technical proficiency significantly enhanced. While definitive



A narcotics detector dog team screens mail while searching for illicit narcotics during followup training.

information in this area is not yet available, dog trainers can await its publication with anticipation.

To a dog, its whole world must be a vast panorama of scent. It is so much so, in fact, that some experts claim that a dog can virtually see with its nose. This is not literally true, of course, but the fact remains that the dog uses its olfactory sense much more effectively than does man. For this reason, statistical comparisons between human and canine olfactory acuity is largely meaningless. This is true despite the fact that on some odors dogs can detect concentrations of scent that are a million times lower than that discernible by humans.

This unique ability to discriminate scent is what makes dogs so effective as narcotics detectors. Despite their natural ability, however, extensive training is required in order to make

dogs competent biosensors. First, they must be taught to recognize the specific scent of a particular narcotic. Then they must be conditioned to alter their normal behavior pattern in a clearly discernible manner when that particular scent is discovered. This is a painstaking process because the dog must be able to discriminate the scent of the narcotic even though attempts have been made to mask that scent with a strong, persistent foreign odor such as perfume, gasoline, or formaldehyde. Dogs must also be trained not to alert on items that have a similar, but not identical, scent to that of the narcotic for which they are searching. Artificial distractors are items that have an odor so similar to the narcotic that the dog might alert falsely when it perceives that scent. Oregano, alfalfa, parsley, and certain spices are examples of artificial distractors that

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***"It is not unreasonable to expect an average narcotics dog to detect the presence of one-half ounce of marihuana in a vehicle, a package, or an item of luggage, even though reasonable attempts have been made to mask its odor."***

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*“... on some odors dogs can detect concentrations of scent that are a million times lower than that discernible by humans.”*

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might confuse a dog trained to detect marihuana. Certainly, any substance containing acetic acid might confuse a dog that is searching for heroin. With adequate training, however, most dogs learn to totally disregard artificial distractors. They also develop an amazing aptitude for detecting narcotics even though the criminal has made a concerted effort to hide that scent from the dog.

It is not unreasonable to expect an average narcotics dog to detect the presence of one-half ounce of marihuana in a vehicle, a package, or an item of luggage, even though reasonable attempts have been made to mask its odor. They should be able to accomplish the same thing in a room of reasonable size. Of course, many variables must be taken into consideration when conducting room searches. Obviously, the more marihuana there is, the easier it will be to detect. A high degree of proficiency can also be expected when cross-training dogs to detect opium.

Heroin is another matter entirely, and to date little definitive information has been amassed concerning a dog's effectiveness in detecting it. Certainly, dogs can be trained to detect heroin without fear of becoming addicted to it. During experimental training at the U.S. Army Military Police School, dogs have detected as little as 200 milligrams of heroin hidden in rooms, envelopes, luggage, and vehicles. Extremely detailed search techniques are required, however, since the dog's alert is significantly less noticeable when encountering heroin than it is for marihuana

and opium. Also, no deliberate attempts were made to mask the scent, and the heroin was undiluted by additives of the type usually found in heroin in the illegal drug market.

The dogs used in the heroin experiment were highly proficient at detecting marihuana before experimental training commenced, and there has been no loss of effectiveness in detecting marihuana subsequent to cross-training with heroin. In fact, with one of the dogs, its proficiency actually increased. While much remains to be done in documenting the effectiveness of heroin detector dogs under the exigencies of field service, the ability to train them is well established. The principal concern now is determining the type and amount of heroin a dog should be trained to detect.

### **Limitations**

No sensing device, regardless of how sophisticated it may be, is 100 percent effective. This is certainly true with narcotics detector dogs. Generally speaking, their operational effectiveness is limited by the following considerations:

- The type of narcotic for which the dog is searching and the amount involved.

- The length of time the narcotic has been hidden.
- The manner in which the narcotic is packaged and concealed.
- The nature of the area to be searched.
- The number of distractions present in the search area.
- The temperature and other climatic conditions that affect a dog's willingness or ability to work.
- The quality of training the animal received.
- The attitude and physical well-being of the dog handler.
- The tendency of some handlers to attempt to rationalize the legitimacy of a given situation subsequent to a positive alert by his dog.

Despite a rather lengthy list of limiting factors, a well-trained narcotics detector dog team is capable of working quite effectively under a myriad of challenging operational conditions. It is essential, however, that police administrators understand the conditions that will limit a narcotics dog's effectiveness and plan ac-

*(Continued on page 28)*

After alerting on a closed baggage locker in a crowded bus terminal, a dog alerts on a briefcase containing a training packet which holds 800 milligrams of heroin.





# PROGRESS OF AUTOMATION AND OTHER PHASES OF FINGERPRINT IDENTIFICATION\*

*"All of the problems and challenges that face us today, not only in the identification field but across the whole spectrum of law enforcement, demand that we act in concert to meet them."*

## Scanner

First, to acquaint you with where we stand on the development of a fingerprint scanner, you will recall that this time last year I presented schematic drawings on slides of the prototype scanner system for which we had contracted. By way of background, this is a complete system for automatically reading, classifying, and searching fingerprints with a flying-spot scanner, a semiautomatic card-feeding device, and a small general purpose computer that performs control and data recording tasks. I had hoped to be able to tell you this year that the system was set up and humming along in a test mode in our Identification Building in Washington. I cannot quite report that, because of the inevitable slippages in a complex construction of this type which have resulted in about a 2-month delay in delivery. These slippages are inevitable because the equipment is the first of its kind; and the contractor, Cornell Aeronautical Laboratory of Buffalo, N.Y., is literally inventing as it goes to enhance and improve the final product.

The system has been built, however, and is set up at Cornell's Laboratory for final testing and acceptance before it is crated up for shipping to us later this month. It is reading and storing test fingerprint cards at the rate of approximately 5 seconds per

Again it has been both a professionally rewarding and personally pleasurable experience to be spending the full time with you here at the annual conference. Our new Acting Director, L. Patrick Gray, III, asked me to convey to you his warmest wishes for an educational, productive, and successful conference and that he looks forward to the opportunity of meeting personally with you at a future conference. As my topic suggests, I shall be dealing with a number of subjects in this time period to bring everyone current not only on where we stand in our efforts to automate the identification functions but in other areas of national policy and legislative considerations pending which affect all of us in the field of identification—one of the most vital and significant fields in the law enforcement profession.

By

**L. M. WALTERS**

**Assistant Director,  
Identification Division,  
Federal Bureau of Investigation,  
Washington, D.C.**

\*This was an address given by Assistant Director Walters before the 57th Annual Educational Conference of the International Association for Identification in Milwaukee, Wis., on August 2, 1972.



card. Also, the scientists at the National Bureau of Standards who have been working with us since the inception of this research project have developed an automatic fingerprint registration program to go along with previously developed matching programs and, in June 1972, published a description of it. Also included in their published technical note was the description of a method for manually positioning a fingerprint under a superimposed reticle so that manually read minutiae data can be searched by computer against a file of fingerprint data previously read and stored by machine. This is in furtherance of our ultimate goal of being able to make a search of a crime-scene latent print against a large file of computer-stored fingerprint data.

When is it going to be a nationwide day-to-day operational system? That is what everyone asks. I cannot tell you—there is simply no way to forecast or schedule invention. Extensive testing and evaluation of the scanner equipment and of the registration and matching programs must be performed, as well as additional work to perfect an automatic classification scheme. A fast card-feeding device must be designed, and a mass storage device selected to house the huge amounts of fingerprint data that will be generated by the scanner. Therefore, we cannot put a firm, final date on the operational system. But, we are firmly committed and we are going to have a working system. We envision, in the future, scanners strate-

gically located throughout regions of the country so a distant law enforcement agency can extract characteristics from a fingerprint card, transmit them over National Crime Information Center (NCIC) communications lines to the Identification Division, search our massive files, and obtain the results of the search with no human intervention.

### **Other Automation Efforts**

For a year and a half now, we have had under contract specialists from North American Rockwell Information Systems Co. (NARISCO), examining work functions in minute detail and preparing an overall systems design for the automation or semiautomation of all of our identification processing. In the current fiscal year, we shall begin implementing this overall system in time-phased steps. One of the first phases to be automated will be the recording of incoming fingerprint cards by automatically reading the contributor's identity from the preprinted block on the fingerprint card showing the contributor's name and number. You have probably noticed the special type font we are using. Through optical character recognition (OCR) equipment, we will automatically record daily, monthly, and annual volumes from each contributor, segregated by criminal and civil prints. At the same time this is done, a processing number will be assigned each individual card so it can be followed and

located as it moves through the various processing steps to final answer and storage of the information collected.

### **Name Index**

Within the next few months, we will begin to build a computerized name index to eventually supplant our present manual card index name file system. We will begin by computerizing the name, descriptive information, charge, arresting agency and its arrest number, and of course, if known, the final disposition—on all nonident, i.e., on all persons for whom this represents the first arrest known to us. Thus, we will be building into computer storage not only a name file for future searching but a means of automatically printing out for return to the contributor a "nonident answer slip" with the newly assigned FBI number. The next time then the same individual is the subject of an arrest fingerprint card the computer-stored data will be updated with the new arrest, and a rap sheet with available information applicable to both arrests will be generated by the computer (rather than prepared by a typist) for response to the contributor.

Further down the road, after we have gained experience with the non-idents, we will undertake adding identents to the name index. Here we plan to microfilm a previously existing manual record with the ability to thereafter also reproduce the historic manual record as an adjunct to the computer-stored arrest data printout. However, we will *not* endeavor to convert the old manual record or the data represented on it to computer storage. Such a task simply would be too mammoth and expensive for the FBI to attempt alone and has properly been assumed by the Computerized Criminal History Program (CCH) of NCIC. The combined resources at

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*"We envision . . . scanners strategically located throughout regions of the country so a distant law enforcement agency can extract characteristics from a fingerprint card, transmit them over National Crime Information Center (NCIC) communications lines to the Identification Division, search our massive files, and obtain the results of the search with no human intervention."*

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both Federal and State levels thus can be brought to bear on this task.

### **Computerized Criminal History Program**

The foregoing discussion leads naturally to the question of how this all fits into the computerized criminal history program of NCIC which as you know is characterized "CCH." CCH became operative last November with some 76,000 records of Federal offenders, converted and coded by the FBI, and some 50,000 records of one State converted and coded by Florida. Illinois began entering records last month, and three more States (New York, Michigan, and Maryland) are scheduled to come on board this month. This is the program I outlined last year, with slides showing the flow of data, under which the States using Law Enforcement Assistance Administration (LEAA) grant funds convert criminal history records and thereafter enter into the national system all arrests of other than a minor nature. It is designed to provide a national rapid exchange of information over NCIC communications lines to serve the entire criminal justice community. The data collected is segmented into arrest, court, penal, and post-release information and will provide a data base for research and statistical programs, as well as day-to-day service to the criminal justice community.

The fingerprint card remains the basic source document for all offense entries, and State identification bureaus have the responsibility for updating the national record when the individual can be identified at the State level. Under the concept adopted by the NCIC Advisory Policy Board, the ultimate system calls for retention at the State identification bureau of additional arrest prints (i.e., after the first print has been submitted to the

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*"[The Computerized Criminal History Program] is designed to provide a national rapid exchange of information over NCIC communications lines to serve the entire criminal justice community."*

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FBI) on offenders whose criminal activity is limited to that State. The national index on such "single-State" offenders will always have an abbreviated record on such offenders showing at least as much information as the present manual rap sheet with respect to each criterion offense, i.e., other than minor offenses. The complete record of all offenses and dispositions thereof will be available through message switching into the State that holds it.

The overall systems design for automation of work functions of the FBI Identification Division has been carefully planned to support and complement CCH. For example, in gathering the data pertaining to first arrests as we begin to build our computerized name index, the formatting has been constructed so as to allow CCH to take advantage of entering the information directly into that system, if the States so desire. The result, of course, would be a much more rapidly constructed data base for CCH, faster initial entry, greater geographic coverage, and establishment of an initial data base for future State usage for those States not yet beginning participation of direct input to the national CCH system.

The FBI Identification Division already is a vital and integral part of CCH. We must be relied upon to: (1) establish that an arrestee is a first offender; (2) issue FBI number to all first offenders; (3) establish that an offender who is new to one State is in fact known and has a prior record from a previous encounter with the law in another State; (4) supply manual identification records for con-

version purposes; and (5) act as the interface between the CCH system and the manual system to detect when action needs to be taken to update a CCH record upon receipt of data transmitted through the mails from nonparticipating States.

### **Facsimile Transmission of Prints**

Turning next to the matter of facsimile transmission of fingerprints, there has existed, of course, for some while a clear need for rapid transmission of fingerprints (or fingerprint card data) from local law enforcement agencies to the FBI Identification Division. The need is particularly evident in cases involving suspected wanted persons, unknown deceased, and amnesia victims. For some while the FBI has had facsimile links with two law enforcement agencies, using equipment of the Datalog Division of Litton Systems, Inc., and Broadband Dial-Up Communications Lines. Because of transmission costs, the two police agencies use the facilities only for urgent transmission. The principal impediment to widespread adaptation and extensive usage of facsimile transmissions has been the high cost of communication modes required to support high-resolution facsimile equipment.

The FBI has long advocated that some way should be found to use the direct dial telephone exchange for transmitting high-resolution facsimile data. Telephone service has the advantages of: (1) being available throughout the United States; (2) it has the lowest service charges; and, (3) it has great redundancy as there



are alternate circuit routes to most subscriber locations. However, the problem has been that, although the quality of telephone lines is suitable for voice transmission where the listener unconsciously filters out extraneous noises, this interference seriously degrades the clarity of a facsimile transmission.

The FBI recently has completed negotiations with representatives of the Datalog Division of Litton Systems, Inc., regarding an interstate test of newly developed facsimile equipment which is claimed to have the capability of transmitting high-resolution facsimile fingerprint data over ordinary dial-up telephone lines. The test is to begin the first week of September 1972, and will run for approximately 30 days. Outside participation in the test is limited to the two law enforcement agencies with which we presently have facsimile links. The reason for this is that the presently established dial-up Broadband facsimile lines can be operated in parallel with the test dial-up telephone circuits, thereby allowing a meaningful basis for a comparison of the two systems.

The results of the test will first have to be obtained and evaluated before the FBI will be able to determine whether, and in what manner, it will expand its present facsimile fingerprint services. However, it is already apparent that even if the use of lower cost dial-up telephone services proves successful, the present long-distance telephone costs and associated burdens of operating a facsimile network will make it impractical to attempt to send *all* fingerprint cards by facsimile. Therefore, only those fingerprint cards requiring urgent handling—those involving a suspected fugitive, an unknown deceased, or an amnesia victim, for example—will be transmitted by facsimile. Most routine transactions can properly await the mails. Therefore, it is the FBI's present view that there will have to be ad-

ditional technological advancements before an economically feasible means is found to transmit *all* fingerprint card data by a national facsimile system.

One such technological breakthrough may prove to be the automatic fingerprint-reading scanner system that is presently under development by the FBI. As mentioned previously in my comments regarding the fingerprint scanner, only certain characteristics of a fingerprint are required for classification and matching purposes; the entire fingerprint pattern need not be transmitted. Therefore, it may well be possible someday for a distant law enforcement agency to possess a remote fingerprint scanner which will extract the characteristics needed from fingerprints and transmit them to the FBI Identification Division digitally over the NCIC communications network for a search of the FBI computerized fingerprint file. With such a development, all types of facsimile transmission of fingerprints by wire might well become obsolete.

### **Disposition Reporting**

Last year I discussed the urgent need for more meticulous reporting of final dispositions and displayed our newly designed form to be completed and forwarded by the arresting agency, prosecutor, or the court—wherever final disposition was concluded. A resolution is under consideration by the resolutions committee here this week encouraging support of the enactment of State legislation to mandate the reporting of final disposition data, applicable to each arrest, to the central file at the State or national level to which an arrest fingerprint card was submitted. Similar resolutions have been adopted this past year by the National District Attorneys Association, the National Association of Attorneys General, and the Inter-

national Association of Chiefs of Police.

We have been pleased to note a greater flow of disposition information reported in a number of areas since the problem was stressed here last year. I am sure many of you have had a hand in this improvement. The basic problem of disseminating records without dispositions and the criticism such practice engenders, particularly in employment and licensing situations, is not a problem that is going to go away. On the contrary it looms ever larger as one that must be firmly resolved. Until mandatory reporting is a reality throughout the country, we must all continue to spread the gospel of complete voluntary reporting.

### **Non-Federal Applicant Prints**

At just about this time every year, we seem to be up in the air as to exactly what services we shall be authorized to render in processing non-Federal applicant prints for employment and licensing purposes. This year is no exception. You recall last summer we suspended such service because of the ruling of the U.S. District Court in Washington, D.C., in the *Menard* case. In December 1971, the Congress provided statutory authority for the resumption of that service. Under these statutory provisions, contained in an appropriations measure and under the guidelines approved by the Attorney General, there can now be processed such prints from federally insured banks: plus, all that are authorized by a State law requiring fingerprinting for the position or license, provided they are first searched through the State identification bureau or other central State agency designated for that purpose.

Recently, however, the temporary statutory authority provision has come under attack in both houses of

*(Continued on page 30)*



**THE FUTILITY OF A**

Between January 1, 1968, and August 25, 1972, there have been 144 incidents of hijacking or attempted hijacking of American aircraft. The perpetrators have been identified in all but 10 of these cases. Of the 203 individuals who have participated, all but 13 have been identified and prosecutive action taken against them. This includes those being sought as fugitives. Five hijackers have been killed by FBI Agents and six wounded. Passengers have killed one

and wounded another. Crewmen have wounded one and three have committed suicide.

In the same period, 29 individuals charged with Air Piracy violations have been convicted in Federal District Court and received sentences averaging in excess of 14 years. One

of these individuals received a life sentence.

Since the beginning of this calendar year to August 25, 1972, there have been 32 aircraft-hijacking incidents participated in by 46 individuals. All of these persons have been identified and are either dead, have

DATE	NAME	AIRLINE	DEMAND	RESULTS
June 4, 1970	Auther Gates Barkley	Trans World	\$100, 000, 000	Wounded by FBI Agent; taken into custody and committed to a State mental institution.
May 28, 1971	James Edwin Bennett, Jr.	Eastern	\$500, 000	Overpowered by airline officials; tried and found not guilty by reason of insanity.
June 12, 1971	Gregory Lamar White	Trans World	\$75, 000	Wounded by FBI Agent; taken into custody; awaiting trial.
July 2, 1971	Robert Lee Jackson; Ligia Lucrecia Sanchez Archila	Braniff	\$100, 000	Taken into custody in Buenos Aires, Argentina, and incarcerated.
November 24, 1971	Unknown subject; Dan Cooper	Northwest Orient	\$200, 000	Identity and whereabouts unknown; money not recovered.
December 24, 1971	Everett Leary Holt	Northwest Orient	\$300, 000	Surrendered to FBI Agents; charged with Aircraft Piracy; awaiting trial.
December 26, 1971	Donald Lewis Coleman	American	\$250, 000	Overpowered by crew; charged with Aircraft Piracy; awaiting sentencing.
January 12, 1972	Billy Eugene Hurst, Jr.	Braniff	\$1, 000, 000	Taken into custody by FBI Agents; charged with Aircraft Piracy; awaiting trial.
January 20, 1972	Richard Charles LaPoint	Air West	\$50, 000	Bailed out; taken into custody by FBI Agents; sentenced to 4 years' imprisonment; money recovered.
January 26, 1972	Merlyn LaVerne St. George	Mohawk	\$200, 000	Shot and killed by FBI Agents.
January 29, 1972	Garrett Brock Trapnell	Trans World	\$308, 600	Shot and wounded by FBI Agents; charged with Aircraft Piracy; awaiting trial.
April 7, 1972	Richard Floyd McCoy, Jr.	United	\$500, 000	Bailed out; identified; charged with Aircraft Piracy; sentenced to 45 years' imprisonment.
April 9, 1972	Stanley Harlon Speck	Pacific Southwest	\$500, 000	Arrested by FBI Agents; charged with Aircraft Piracy; awaiting trial.
April 11, 1972	Major Burton Davenport	Continental	\$500, 000	Taken into custody by FBI Agents; charged with Hobbs Act violation; Federal process dismissed by reason of mental condition.



# AIRCRAFT HIJACKING

been prosecuted, are awaiting prosecution, or are being sought as fugitives. In these 32 incidents, four of the hijackers parachuted from the aircraft. All have been identified, and they either have been prosecuted or are awaiting prosecution.

A recent trend in aircraft hijack-

ings has been the appearance of extortionate demands for ransom payments to insure the safety of the victim aircraft, its crew, and passengers. Twenty-five of all hijackings or attempted hijackings of American aircraft involved extortionate demands totaling nearly \$112 million. These

crimes were perpetrated by 35 individuals. All of these individuals are in custody, having been prosecuted or awaiting prosecution, except for seven who are in Algeria and one not as yet identified. Four of the 35 were wounded by FBI Agents before being apprehended and three were killed. Of the money demanded and received, all has been recovered except for approximately \$503,000. The abortive record of nearly all these hijackings for money is evident from the following chart:

DATE	NAME	AIRLINE	DEMAND	RESULTS
April 17, 1972	William Herbert Greene	Delta	\$500, 000	Taken into custody by FBI Agents; charged with Aircraft Piracy.
May 5, 1972	Frederick William Hahneman	Eastern	\$303, 000	Bailed out over Honduras; taken into custody; charged with Aircraft Piracy; money not recovered.
June 2, 1972	Willie Roger Holder; Catherine Kerkow	Western	\$500, 000	Arrived Algeria; money returned; both charged with Aircraft Piracy
June 2, 1972	Robb Dolin Hedy	United	\$200, 000	Bailed out; taken into custody by local authorities; charged with Aircraft Piracy; pleaded guilty; sentenced to 30 years' imprisonment.
June 23, 1972	Martin Joseph McNally; Walter John Petlikowsky	American	\$502, 500	McNally bailed out; arrested by FBI Agents; charged with Aircraft Piracy; Petlikowsky charged with aiding and abetting.
July 5, 1972	Dimitri Krestiv Alexiev; Michael Dimitrov Azmanoff; Lubomir Peichev	Pacific Southwest	\$800, 000	Alexiev and Azmanoff killed by FBI Agents; Peichev charged with Aircraft Piracy.
July 6, 1972	Francis M. Goodell	Pacific Southwest	\$455, 000	Taken into custody by FBI Agents; charged with Aircraft Piracy.
July 12, 1972	Michael Stanley Green; Lulseged Tesfa	National	\$600, 000	Taken into custody by FBI Agents; charged with Aircraft Piracy.
July 12, 1972	Melvin Martin Fisher	American	\$550, 000	Taken into custody by FBI Agents; charged with Aircraft Piracy.
July 31, 1972	George Edward Wright; George Brown; Melvin McNair, III; Jean Carol McNair, nee Allen; Joyce Tillerson	Delta	\$1, 000, 000	Subjects in Algeria; money recovered.
August 18, 1972	Frank Marcoe Sibley, Jr.	United	\$2, 000, 000	Wounded by FBI Agents; charged with Aircraft Piracy and awaiting trial; money recovered.



*"... yonder in New Orleans. . . ."*

# ***POLICING THE WATERFRONT***

*"A few years ago a Lloyd's of London agent commented that the 'security of the Port of New Orleans is not excelled in any Port of the world.'"*



**By**

**LOUIS H. DEUTSCHMANN\***

**Superintendent,  
Harbor Police Department,  
New Orleans, La.**

\*Superintendent Deutschmann has been with the New Orleans Harbor Police Department (HPD) since 1940, and has been the head of the department since 1947. He is a graduate of the FBI National Academy (NA) and is a past president of the NA Associates' Louisiana chapter which he presently serves as secretary-treasurer. Superintendent Deutschmann is a member of the board of directors of the International Association of Port Police and is an instructor for the Louisiana State University Law Enforcement Institute.



Coast Guard. The HPD works very closely with these agencies, exchanging information and also turning over cases for Federal prosecution which have been investigated by the HPD.

The department consists of a complement of 80 men, each of whom works one of three 5-day, 8-hour shifts covering the entire day.

Within the HPD, a detective division has been formed. The detectives carry on surveillance work and do backup investigation on reports made by patrolmen.

### ***Patrolling the Port***

The department also operates a canine squad which is a rarity among harbor police departments. It has been proven that these dogs help immensely in the patrolling of the wharves for suspicious activity and individuals. These dogs are also used for crowd control during the city's annual Mardi Gras celebration and other events which bring masses of people onto the New Orleans wharves.

A patrol boat equipped with fire equipment to extinguish small fires and to assist in controlling larger ones is also operated by the New Orleans HPD. The men who operate the patrol boat also log ship arrivals and departures as well as patrol the harbor for violations on the water.

The HPD patrolmen walk beats

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*"The department . . . operates a canine squad which [has] proven that . . . dogs help immensely in the patrolling of the wharves for suspicious activity and individuals."*

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which range in length from 1/2 to 1 mile. They make their rounds, looking for violations of the law and for the most feared thing that can happen on the wharves, fire. Many of the wharves contain highly explosive and inflammable commodities. If a fire ever gets out of control, millions of dollars' worth of goods will be destroyed. The patrolmen, via portable radios, can immediately contact the New Orleans HPD Headquarters, which in turn can contact the New Orleans Police Department, New Orleans Fire Department, and dock board fire boats.

### ***Port Security***

The port of New Orleans is an extension of the city of New Orleans and employs over 50,000 people in its maritime industry and related jobs. It is an integral part of the city of New Orleans and has to be policed as such. There are no fences separating the wharves and the city. The port of New York and the European ports of

The port of New Orleans consists of approximately 25 miles of shoreline on the Mississippi River and on the Industrial Canal which connects the Mississippi River with Lake Pontchartrain. There are 10.18 miles of wharves and 6.55 miles of transit sheds or 10,819,251 square feet for the handling of export and import cargo. The port of New Orleans is second among U.S. ports in the value of import and export cargo. In the year 1971, this consisted of 3,405 million dollars' worth of cargo.

The Harbor Police Department (HPD) is an agency under the Board of Commissioners (dock board) of the Port of New Orleans and was founded in 1896 by an act of the Louisiana State Legislature. By acts of the State legislature, patrolmen were given complete police authority on the dock board property as well as the entrances to and exits from the wharves and in the three parishes, Orleans, St. Bernard, and Jefferson, where dock board property lies. In addition to the normal police duties, the patrolmen investigate accidents, log ship arrivals and departures, and make fire checks.

The HPD is in a unique position of having jurisdiction on the wharves along with the Federal Bureau of Investigation (FBI), the Bureau of Customs, the Immigration and Naturalization Service (INS), and the U.S.

Using a portable radio, a patrolman on his beat checks with HPD Headquarters.







After receiving information about stolen cargo, an officer alerts patrolmen through the HPD communications system.

London, Antwerp, Rotterdam, and Hamburg are, on the other hand, fenced, and police manpower in those ports can be concentrated at key locations within the compound area. Once a shipment is loaded onto a truck at New Orleans and the papers signed on the wharf by a clerk, the driver may take his shipment off the dock at any exit. In those ports that are fenced there are only certain gates through which a vehicle may exit. At those points, its cargo along with all the papers in the driver's possession is again checked by a guard.

London's container wharf is so modernly equipped that if a theft is discovered or cargo is found mysteriously missing the gates to the area may be closed automatically, sealing off the entire wharf.

The police assigned to European ports have more diverse duties to perform than the harbor police in the port of New Orleans, or many other U.S. ports. For example, the port of Hamburg has 27 launches which are used for patrol and the detection of customs and immigration violations. At the port of New Orleans, the HPD

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*"Large thefts . . . have not been as frequent as those reported in many other large domestic ports."*

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has only one launch for patrol. Customs violations are handled by the Bureau of Customs, while immigration offenses are the responsibility of the INS. Many other harbor laws are enforced by the U.S. Coast Guard, and a variety of investigative matters related to the maritime industry are within the FBI's jurisdiction. Consequently, the HPD employs only 80 officers, as compared with the aforementioned European ports which employ 500 or more officers.

### **Dock Thefts**

Theft or pilfering of cargo is the biggest problem in policing the New Orleans wharves as well as ports throughout the world. Fortunately, thefts have not been of the same magnitude at the port of New Orleans as they were when Jean Lafitte, the pirate, roamed the Mississippi River and the bayous and confiscated whole ships. People who work aboard the ships and on the wharves are the greatest contributors to these thefts. For as long as ships have been loaded and

An officer with a dog looks for a fleeing suspect on the New Orleans wharf.





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*"The port of New Orleans is an . . . integral part of the city . . . and has to be policed as such. There are no fences separating the wharves and the city."*

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unloaded and their cargo separated on the wharves, it has been a common practice for the contents of broken crates to become the immediate objects of theft.

Liquor, radios, and electrical appliances are some of the items most readily taken. Seasons sometime dictate the goods to be stolen. Before Christmas, liquor thefts are common, and before the duck hunting seasons, rice is often taken.

Curbing this practice has been next to impossible. There have been times when professional thieves among dock employees have been organized enough to take orders for specific items. Working in groups, they signal one another when a patrolman walks onto the wharf. Such activity is difficult to control, and those suspected of casing a particular cargo usually cannot be restricted from the wharf unless caught with stolen goods.

Longshoremen, of course, predominate on the docks. Those who are union members are hired by the steamship companies in preference to nonunion members. The latest contract between the longshoremen union and the steamship companies provides for revocation of a longshoreman's union card for 60 days for his conviction of stealing from the docks and for 6 months if convicted a second time. It also provides for permanent suspension of the card on the third conviction. However, until the third conviction, the defendant is entitled to return to the wharves in his same position after restoration of his union card.

Even if a man's union card is suspended, he may still work without a card if all available union personnel have been hired. Because of this, even a thrice-convicted dock thief sometimes cannot be prevented from working on the wharves where millions of dollars' worth of cargo is stored.

At the present time, thefts from the New Orleans port facilities have been slowed to a trickle. One of the major

ularly conducted as cars leave at lunchtime and at the close of the working day. Many stolen items have been recovered and numerous arrests have been made as a result of these searches.

Vagrants on the port's wharves have proved to be a source of petty thefts on the docks. Experience has shown that 80 to 90 percent of these individuals are narcotic addicts.



Members of the HPD detective division check the markings on green coffee which has entered the port of New Orleans.

contributions to this trend has been legislation enacted by the Louisiana State Legislature granting the HPD power to stop and search anyone entering or leaving the wharf area. Searches for stolen articles are reg-

Success in apprehending the vagrant thief has been achieved through a study which identified the wharves and cargo on which they especially prey. As do most port employees who

*(Continued on page 28)*

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*"For as long as ships have been loaded and unloaded and their cargo separated on the wharves, it has been a common practice for the contents of broken crates to become the immediate objects of theft."*

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# Searches by Private Persons

By  
**JOHN J. BURKE**  
Special Agent,  
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*The  
Legal*



*Digest*

*"The ruling of the Court that evidence is admissible when obtained by a private person, regardless of the manner used in conducting the search, has remained virtually unchanged and is the general rule accepted by both Federal and State courts."*

Those who appreciate the need for endurance and vitality in criminal procedural law, especially in the rapid-changing area of search and seizure, can take courage and be heartened—*Burdeau v. McDowell*,<sup>1</sup> decided by the Supreme Court of the United States in 1921, lives. In *Burdeau*, the Court held that the fourth amendment of the U.S. Constitution applied to governmental action, and "its origin and history clearly show that it was intended as a restraint upon the activities of sovereign authority, and was not intended to be a limitation upon other than governmental agencies. . . ."<sup>2</sup>

It should be noted that the fourth amendment provides: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated. . . ." It does not speak of excluding evidence obtained in violation of its provisions, nor does it limit its application to "governmental agencies." However, a brief review of the common law and Supreme Court decisions concerning wrongfully obtained evidence will illustrate the gradual evolution of an exclusionary rule and the limitation of the rule to government officers.



At common law and during the early years of American constitutional law, it was generally accepted that the admissibility of evidence was not affected by the illegality of the means by which the evidence was obtained.<sup>3</sup> This position was based upon judicial unwillingness to deny evidence of unquestioned probative value and the courts' reluctance to introduce into trials the "collateral but often complex issue" of the methods used to obtain the evidence.<sup>4</sup> Wigmore commented on the simple policy of the common law in characteristic fashion: "[A] judge does not hold court in a street-car to do summary justice upon a fellow-passenger who fraudulently evades payment of his fare; and, upon the same principle, he does not attempt, in the course of a specific litigation, to investigate and punish all offenses which incidentally cross the path of that litigation. Such a practice might be consistent with the primitive system of justice under an Arabian sheikh; but it does not comport with our own system of justice."<sup>5</sup>

But what may have been incidental to Wigmore was not to the Supreme Court of the United States which decided *Weeks v. United States*<sup>6</sup> in 1914 in a setting far removed from any sheikhdom. The Court ruled that evidence obtained by an unlawful search and seizure by Federal officers could not be admitted in Federal criminal trials. In the course of its decision, the Court stated that if the evidence could be used in the trial of an accused, "the protection of the Fourth Amendment declaring [the] . . . right to be secure against such searches and seizures is of no value, and so far as those thus placed are concerned, might as well be stricken from the Constitution."<sup>7</sup>

In 1921 *Burdeau v. McDowell*<sup>8</sup> presented the issue whether objects seized illegally by a private individual could be admitted into evidence at a Federal criminal trial. In that case, Mc-

Dowell moved for the suppression of documents stolen by a private detective and turned over to Burdeau, a Special Assistant to the Attorney General, for use in the prosecution of McDowell for the fraudulent use of the mails.

The ruling of the Court that evidence is admissible when obtained by a private person, regardless of the manner used in conducting the search, has remained virtually unchanged and is the general rule accepted by both Federal<sup>9</sup> and State courts.<sup>10</sup> The acceptance of the holding in *Burdeau* is all the more extraordinary since it stands unspoiled in the evolution of the exclusionary rule.

After declaring that it accepted the *Weeks* decision, the Supreme Court of the United States in *Wolf v. Colorado*,<sup>11</sup> decided in 1949, ruled that "in a prosecution in a State court for a State crime the fourteenth amendment does not forbid the admission of evidence obtained by an unreasonable search and seizure."<sup>12</sup> During the same year, the Court in *Lustig v. United States*<sup>13</sup> indicated that evidence obtained improperly by State officials might still be used in Federal criminal cases, if no Federal official had participated in the unlawful search.

But, neither *Wolf* nor the "silver platter"<sup>14</sup> doctrine announced in *Lustig* survived. In 1960, *Elkins v. United States*<sup>15</sup> ruled that evidence obtained illegally by State officials could no longer be used in the Federal courts. Finally, in 1961, the Supreme Court in *Mapp v. Ohio*<sup>16</sup> made the exclusionary rule mandatory in State courts where evidence was obtained through a wrongful search by State officers, overruling *Wolf*.

It has been argued in both Federal and State cases that *Elkins* by rejecting the "silver platter" doctrine has overturned the admissibility rule announced in *Burdeau*, but this contention has been rejected in each

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

instance.<sup>17</sup>

But why should the "fruits" of an illegal search only be excluded when they are uncovered by State or Federal officers? In addition to the rationale offered in *Burdeau* that the fourth amendment of the Constitution is directed only against government activity, the explanation has been offered that to apply the exclusionary rule to illegal private searches would not serve to deter such lawless searches, since private individuals are generally unaware of the rule and most often their searches are not motivated by the desire to obtain a criminal conviction.<sup>18</sup> But is this latter rationalization for the *Burdeau* limitation as convincing in the case of private security guards, for example, whose main purpose or objective may, in fact, be the gathering of evidence for use in prosecutions? This matter will be discussed below.

### ***Accidental Discoveries***

The general rule in cases where a private person accidentally discovers criminal evidence is that State or Federal constitutional prohibitions against unreasonable searches and seizures are not applicable, and there is no requirement that the wrongfully obtained evidence be excluded.<sup>19</sup> The



following cases illustrate the general rule:

- A California service station attendant who peeked through holes in the station restroom and saw the defendant taking a white substance from his wallet and using a hypodermic syringe was allowed to testify to his observations in a prosecution for the possession of heroin.<sup>20</sup>
- In an Arkansas case, a blood sample taken from the defendant by a laboratory technician during the hospital treatment of the defendant following an automobile accident was admitted into evidence to show the percentage of alcohol in a prosecution for involuntary manslaughter. Here there was no evidence that the technician acted on the instructions of the police or with any prior or standing arrangement with them.<sup>21</sup>
- Marijuana found by parking lot attendants in the glove compartment of a defendant's automobile was admitted into evidence over the defendant's objection in *State v. Bryan*.<sup>22</sup> The Oregon court stated that the attendants were not acting with or for the police, nor were they looking for evidence of criminal conduct, but were simply trying to identify the owner of the vehicle.
- Items discovered by a hospital worker during a search of an unconscious defendant's trouser pockets in order to identify him were ruled admissible by the U.S. Court of Appeals for the Sixth Circuit in a prosecution for possession of stolen mail. The court found that there was no police involvement in searching the clothing.<sup>23</sup>
- In a recent case where a landlady entered defendant's apartment during his absence and found his wife's body in a closet, the U.S. Court of Appeals for the Ninth Circuit ruled that whatever evidence the lady found before the police were called was admissible against the defendant in a murder prosecution. The statement of the

court was, "Evidence of a crime, found by a private party, is not excludable under the Fourth Amendment, because it was not discovered by officers of the government."<sup>24</sup>

### *Search for Evidence of a Crime*

Even in those cases where it is obvious or admitted that a private person has conducted a lawless search with the intention of uncovering evidence of crime the exclusionary rule is generally not invoked.

In a case reviewed by the U.S. Court of Appeals for the Third Circuit, it was held that evidence taken by former employees of the defendant without his knowledge or permission and turned over to the Internal Revenue Service was admissible in a prosecution for income tax offenses. The court ruled that the Government had no part or knowledge that the private persons were going to take the records they turned over.<sup>25</sup>

In another instance, the Court of Appeals of Kentucky ruled that where a private person posed as a deputy sheriff and falsely claimed to have a search warrant in order to obtain evidence of possessing intoxicating liquors the evidence discovered by the ruse could be used in the defendant's prosecution. The court stated that the fact that a private citizen poses as a public officer, or assumes to act under a search warrant, does not change his status so as to affect the competence of the evidence disclosed.<sup>26</sup>

In *People v. Johnson*,<sup>27</sup> a case decided by the District Court of Appeals, California, it was held that in a prosecution for grand theft where an employer without the defendant's consent unlawfully searched his automobile for missing merchandise, the discovered evidence was admissible.

Likewise, in *Reed v. State*<sup>28</sup> the court held admissible testimony of an Oklahoma store owner and another

who followed and searched the automobile of the defendant whom they suspected of stealing clothing from the owner's store. The court reasoned that these persons were acting without any authority from the State and constitutional provisions against unreasonable searches and seizures do not attach to searches by private individuals.

### *Searches by Security Police*

Generally, as the following cases illustrate, evidence obtained by the unlawful searches of private police or security police has been admitted based on the theory set forth in *Burdeau* that the fourth amendment's prohibition on unlawful searches is not applicable in the case of private individuals.

Shoplifting evidence obtained by a private store detective in California who searched and seized a person after seeing her place a garment in her purse was held admissible in a prosecution for theft. Here the court commented that neither the State nor Federal constitution prohibits unlawful searches by individuals.<sup>29</sup>

Pieces of silver that were taken from a defendant's locker and others taken from his car parked at a service station by a private detective and company guard were deemed admissible by the Superior Court of New Jersey in a larceny prosecution of the defendant. The court ruled that since no government officials had participated in the searches the exclusionary rule was not applicable.<sup>30</sup>

In a New York decision, *People v. Trimarco*,<sup>31</sup> it was held that where private security guards wrongfully used force to remove a defendant from an airplane and then one of the guards took documents from him, the evidence was still admissible in a prosecution for forgery and attempted larceny since the illegal seizure was committed by a private individual.



A semiautomatic pistol forcibly taken from a defendant by two private store detectives in a New York department store was admitted into evidence even though the arrest was illegal, ruled the court in *People v. Horman*. Again, the court repeated that State and Federal prohibitions against unreasonable searches and seizures do not apply to private individuals.<sup>32</sup>

But, as commented on above, the rationale that the exclusion of evidence obtained by illegal private party searches would not deter such searches in the future is not nearly as persuasive in the case of the private policeman or the security guard. Very often they are charged by their employers with the duty of obtaining evidence for criminal prosecutions. This was the observation in the California case of *Stapleton v. Superior Court*,<sup>33</sup> where the court, commenting on an unlawful search by a private investigator, stated: "The application of the exclusionary rule to such 'private' searches is more likely to deter unlawful searches than it would be in other cases."

### **Police Participation in Private Searches**

In those instances where it can be shown that a private citizen is acting upon the order, instruction, or request of a government officer, the exclusionary rule will be applied to the illegally obtained evidence. Under these circumstances the illegal acts of the private citizen will be attributed to the police and it does not matter whether the agency relationship is voluntary or induced by request or by duress.<sup>34</sup> The cases turn on the theory that to allow otherwise would be to frustrate the underlying purpose of the exclusionary rule.

In the case, *Corngold v. United States*, an airlines employee was re-

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*"In those instances where it can be shown that a private citizen is acting upon the order, instruction, or request of a government officer, the exclusionary rule will be applied to the illegally obtained evidence. Under these circumstances the illegal acts of the private citizen will be attributed to the police and it does not matter whether the agency relationship is voluntary or induced by request or by duress."*

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quested by Federal customs agents to open a package which a scientific instrument indicated might contain illegally transported watches. The court ruled the evidence inadmissible since the employee conducted the search "solely to serve the purposes of the government" and the Government lacked the authority necessary to conduct the search.<sup>35</sup>

In a case reviewed by the Supreme Court of Indiana, the owner of an automobile repair shop towed a car from the scene of an accident and was instructed by the police to search for weapons. He complied and found two guns which later were held inadmissible. The court reasoned that the repair shop owner was acting as the agent of the police officer who could not, himself, legally search the vehicle without a warrant.<sup>36</sup>

A conviction was reversed where evidence was illegally seized by a motel owner, who, after observing what he believed to be narcotics, notified a California sheriff and was instructed to take some samples from the room. The court, while recognizing the admissibility of evidence obtained by the illegal seizure by private persons, pointed out that here the motel operator was the agent of public officers and the vicarious violation of the defendant's constitutional rights brought the exclusionary rule into effect.<sup>37</sup>


In *Stapleton v. Superior Court*,<sup>38</sup> it was held that even in a situation where the police neither direct, order,

nor request the illegal search, but merely have knowledge that such an unlawful search is going to be conducted, the evidence from such a search will be excluded. Here, the agents of a credit card company requested the assistance of the police in arresting the defendant who was being sought for the fraudulent use of a credit card. The police arrested the defendant at his home. One of the credit card agents, in the presence of the police, learned that the defendant's automobile was parked outside the premises and took his keys to conduct a search. The evidence found by the credit card agent was held inadmissible because "the search of petitioner's car was clearly a part of a joint operation by police and the credit card agents aimed at arresting petitioner and obtaining evidence against him. . . . The police need not have requested or directed the search in order to be guilty of 'standing idly by'; knowledge of the illegal search coupled with a failure to protect the petitioner's rights against such a search suffices."<sup>39</sup>

### **Conclusion**

The fourth amendment does not address itself to searches by private persons. *Burdeau v. McDowell*, decided by the Supreme Court of the United States in 1921, is the basis for the overwhelming weight of authority that evidence otherwise admissible is not made inadmissible by the fact



that it was obtained through a wrongful seizure by a private party. However, evidence will be excluded where a private individual conducted the lawless search upon the suggestion, request, or order of government officials. In these instances, the courts have invoked the exclusionary rule because they have found a vicarious violation of State and Federal constitutional prohibitions of unreasonable searches and seizures. 

#### FOOTNOTES

<sup>1</sup> 256 U.S. 465 (1921).

<sup>2</sup> *Id.* at 475.

"The exclusionary rules were fashioned 'to prevent, not to repair,' and their target is official misconduct. . . . But it is no part of the policy underlying the Fourth and Fourteenth Amendments to discourage citizens from aiding to the utmost of their ability in the apprehension of criminals. If, then, the exclusionary rule is properly applicable to the evidence taken . . . it must be upon the basis that some type of unconstitutional police conduct occurred." *Coolidge v. New Hampshire*, 403 U.S. 443, 488 (1971). (Emphasis added.)

<sup>3</sup> 8 Wigmore, *Evidence*, § 2183 (3d ed. 1940).

<sup>4</sup> McCormick, *Evidence*, § 165 (2d ed. 1972).

<sup>5</sup> Wigmore, *supra* footnote 3.

<sup>6</sup> 232 U.S. 383 (1914).

<sup>7</sup> *Id.* at 393.

<sup>8</sup> *Supra* footnote 1.

<sup>9</sup> E.g., *Barnes v. United States*, 373 F. 2d 517 (5th Cir. 1967); *United States v. Goldberg*, 330 F. 2d 30 (3d Cir. 1964), cert. denied, 377 U.S. 953 (1964).

<sup>10</sup> E.g., *State v. Bryan*, 1 Or. App. 15, 457 P. 2d 661 (1969); *Walker v. State*, 244 Ark. 1150; 429 S.W. 2d 121 (1968).

<sup>11</sup> 338 U.S. 25 (1949).

<sup>12</sup> *Id.* at 33.

<sup>13</sup> 338 U.S. 74 (1949).

<sup>14</sup> *Id.* at 79.

<sup>15</sup> 364 U.S. 206 (1960).

<sup>16</sup> 367 U.S. 64 (1961).

<sup>17</sup> E.g., *United States v. Goldberg*, *supra* footnote 9; *United States v. McGuire*, 381 F. 2d 306 (2d Cir. 1967), cert. denied, 389 U.S. 1053 (1968); *People v. Horman*, 22 N.Y. 2d 378, 292 N.Y.S. 2d 874, 239 N.E. 2d 625 (1968), cert. denied, 393 U.S. 1057 (1969); *State v. Bryan*, *supra* footnote 10.

But see, *People v. Williams*, 53 Misc. 2d 1086, 281 N.Y.S. 2d 251 (1967); *Lowry v. State*, 42 Okla. Crim. 326, 276 P. 513 (1929).

<sup>18</sup> *People v. Botts*, 250 Cal. App. 2d 478, 58 Cal. Rptr. 412 (1967).

<sup>19</sup> See 36 A.L.R. 3d § 8 (1971).

<sup>20</sup> *People v. Botts*, *supra* footnote 18.

<sup>21</sup> *Walker v. State*, *supra* footnote 10.

<sup>22</sup> *Supra* footnote 10.

<sup>23</sup> *United States v. Winbush*, 428 F. 2d 357 (6th Cir. 1970), cert. denied, 400 U.S. 918 (1970).

<sup>24</sup> *Eisentrager v. Hocker*, 450 F. 2d 490 (9th Cir. 1971).

<sup>25</sup> *United States v. Goldberg*, *supra* footnote 9.

<sup>26</sup> *Chapman v. Commonwealth*, 206 Ky. 439, 267 S.W. 181 (1924).

<sup>27</sup> 153 Cal. App. 2d 870, 315 P. 2d 468 (1957).

<sup>28</sup> 50 Okla. Crim. 287, 297 P. 327 (1931).

<sup>29</sup> *People v. Randazzo*, 220 Cal. App. 2d 768, 34

Cal. Rptr. 65 (1963), cert. denied, 377 U.S. 1000 (1964).

<sup>30</sup> *State v. Robinson*, 86 N.J. Super. 308, 206 A. 2d 779 (1965).

<sup>31</sup> 41 Misc. 2d 775, 245 N.Y.S. 2d 795 (1963).

<sup>32</sup> 22 N.Y. 2d 378, 292 N.Y.S. 2d 874, 239 N.E. 2d 625 (1968), cert. denied, 393 U.S. 1057 (1969).

<sup>33</sup> 70 Cal. 2d 97, 73 Cal. Rptr. 575, 447 P. 2d 967 (1968).

<sup>34</sup> *United States v. West*, 453 F. 2d 1351 (3d Cir. 1972).

<sup>35</sup> 367 F. 2d 1 (9th Cir. 1966).

<sup>36</sup> *Machlan v. State*, 248 Ind. 218, 225 N.E. 2d 762 (1967).

<sup>37</sup> *People v. Fierro*, 236 Cal. App. 2d 344, 46 Cal. Rptr. 132 (1965).

<sup>38</sup> *Supra* footnote 33.

<sup>39</sup> *Id.* at 103, Cal. Rptr. at 578, 579, P. 2d at 970, 971.

## CHAPLAIN

(Continued from page 7)

and nonpeaceful. Indeed, in calendar year 1970, the department handled a total of 361 demonstrations.

The chaplain is on call and on the streets during any major demonstration in our city or any public function requiring the presence of a large number of police officers. He is notified and responds to all major disasters: bombings, building collapses, airplane crashes, multiple alarms of fire, barricaded criminals, unusual industrial accidents, and others. Each month the writer travels more than 2,000 miles on city streets in connection with his various duties as chaplain.

The scope of the chaplain's work includes more than wild flights in the early morning hours to render spiritual succor to members of the force. The chaplain spends countless hours counseling officers with personal problems. He participates in the orientation of recruits at the police academy. He makes hospital visits, leads policemen in prayers at wakes, attends retirement and promotion ceremonies, and, upon request, represents the department before official bodies. Periodically the chaplain attends rollcalls in each of the units and writes a column in the Policemen's Association News.

Counseling is an important phase of my work as police chaplain. I tour the

various districts to talk to officers about their personal problems or have them visit me at the chaplain's office. Sometimes these consultations take place right in my car; sometimes they take place in a scout car.

A police job is a real hazard to marriage. Typical of the reasons for this are shift work and the long, tedious hours necessary during demonstrations or some investigations. Since each day the police officer faces potentially dangerous situations and comes into contact with the base elements of mankind, his outlook on life can be smudged with cynicism. He does not want to take his problems home because he wants to spare his family additional worry or alarm. At times the police officer needs to discuss his problems with someone who fully understands what he is up against, yet is detached enough not to be emotionally involved. In such cases a chaplain can listen with empathy, advise calmly, and offer assistance when such assistance is appropriate.

Another innovation recently inaugurated at the Metropolitan Police Academy is the Family Life Seminar designed to develop a basic understanding of police functions and duties among recruits and their wives. I feel that these seminars will do much to help young officers and their spouses overcome some of the problems of the job, prevent early resignations, and enable them to cope with life in these troubled times.

The activities of my workday can be a paradox. Following early morning Mass at St. Patrick's, I arrive at police headquarters around 7:30 a.m. and begin making my rounds. I visit the various offices and units of the department. I share their work, their coffee-breaks, their fears, their jokes. But in all this, I share mainly in the company and comradeship that these men and women give me, and it is in this way that I hope I give them the same in return.





Participating in the funeral of a slain officer is just one of the many sad duties of a chaplain.

I guess you could say I am even wired for sound. My living quarters constantly blare with the police radio—sometimes to the chagrin of the priest who shares the room next to mine. My car is equipped with a police radio. Designated Cruiser 115, it is an authorized emergency vehicle equipped with siren and red lights to be used in emergency situations. In the event I am not at the rectory or in my car when called, the department has given me a “page boy” which has a 30-mile capability.

Since 1963 a total of 20 police officers have been killed in the line of duty in the District of Columbia, and I have assisted 18 of them in their dying moments. In the first 7 months of 1972, 57 police officers have been killed across the country and seven of them have been ambushed in cold blood. To date, this year, I have been called nine times for a policeman shot and three times for officers stabbed—none fatally, thank God.

The most dramatic police case I have been involved in happened in March 1971. A young officer, 21 years of age and a Vietnam war veteran, was shot in cold blood during a drug raid. His young wife had learned only that day that she was expecting their

second child and was waiting for him to come home to tell him. It was my sad duty to break the news that he would not be coming home. It was heart rending.

Throughout our long history, a uniform has been not only a badge of courage, but a symbol of respect on the streets of America. Today, from Vietnam to Pennsylvania Avenue—in part because we as ordinary citizens have taken too much for granted and waited too long to fight back—a uniform is the target for filthy epithets, screeching abuse, and deadly target practice by hoodlums armed with bottles, bricks, and guns.

I am not amazed at the courage and dedication of these men and women. I know too many of them too well to be surprised at any act of courage on their part. I stand in awe, however, that they possess the willpower to put on those uniforms upon rising each morning. And I salute their spouses and children, who witness their departure for duty each day.

I enjoy my work. I enjoy fighting for my men. In a force of 5,100 men, there may be some who are not faithful to their oath, but I know so many, many good officers who reflect tremendous credit upon the department,

themselves, and the community. The good police officer is expected to be a doctor, lawyer, and judge molded into one, and he is expected to make split-second decisions, often when emotions are running high.

We owe a debt of gratitude to these dedicated police officers. Their courage has earned them the right to our respect; their sacrifice should elicit an obligation on our part to stand beside them; and their devotion to decency and order merits our sincere thanks. I salute them for what they have done and what they will be called upon to do for our community in the days ahead.

I also salute my brother police chaplains everywhere.

Yes, I am a very fortunate priest, who is allowed to share his time with men and women who are so dedicated to their way of life. I have fulfilled my priesthood to a greater extent because of it.

Dedication is an essential quality of effective law enforcement. Chaplains throughout the law enforcement community admire this quality and strive to achieve it in their mission, for dedication is more than a selfless way of life—it is a beatitude personified by Christ Himself.

#### FOOTNOTES

<sup>1</sup> “Statement on Police Chaplaincy,” National Association of Police Chaplains, Inc., April 1968.

<sup>2</sup> Dorothy Fagerstrom, “Chaplain’s Role Defined,” Law and Order, July 1969, p. 30.

<sup>3</sup> J. Edgar Hoover, “Message From the Director,” FBI Law Enforcement Bulletin, August 1971.

<sup>4</sup> “Police Chaplain’s Handbook,” Metropolitan Police Department, Washington, D.C., 1972.

*“At times the police officer needs to discuss his problems with someone who fully understands what he is up against, yet is detached enough not to be emotionally involved.”*



## DETECTOR DOGS

(Continued from page 11)

cordingly. Of the considerations mentioned above, the first three are the most important and will affect a dog's ability to find concealed narcotics, regardless of its technical proficiency. The extent to which they affect a particular animal is merely a matter of degree. For this reason, competent handling and adherence to established search techniques are essential.

Finally, the requirement for constant inservice training cannot be ignored. Regardless of how proficient an animal is when it completes the training program, its ability will deteriorate rapidly if it does not receive constant refresher training. The handler must also remain abreast of new developments concerning techniques used by sellers and users to mask the scent of narcotics. The dog, in turn, must be taught to overcome such deceptive tactics. Normally, at least, 2 hours a day is required for inservice training in order to maintain a dog's proficiency. Under some conditions, however, less time will be required, especially if the dog is employed operationally on a daily basis. Under these conditions training can be integrated along with the assignment.

### Legal Considerations

In order to protect traditional constitutional liberties, narcotics detector dog teams must always be employed in consonance with the law. Despite certain limitations, legal parameters are sufficiently broad to permit their effective

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*"It must be remembered, however, that the dog has no more inherent authority to search than does the police officer who handles it."*

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tive utilization. It must be remembered, however, that the dog has no more inherent authority to search than does the police officer who handles it. Therefore, the mere presence of the dog does not authorize searches that are arbitrary, indiscriminate, or unreasonable.

Until each dog proves its technical proficiency, its alert, standing alone, will not suffice to establish probable cause for conducting a search. Attaining the status of an expert witness is practical reality, however, and several police departments have done so after extensive documentation of a particular dog's success under field conditions. As a result, those specific dogs

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*"... legal counsel should be consulted before operational procedures are developed for utilizing narcotics detector dog teams within a particular department."*

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can establish probable cause by their mere alert alone. Until such recognition is granted, the general laws of search and seizure will apply to all narcotics detector dog teams regardless of the degree of technical competence they demonstrate during training. To document a team's competence, therefore, it is best to employ it initially pursuant to a search warrant or under circumstances where authority to search is inherent with the mission. Because of these considerations, a legal counsel should be consulted before operational procedures are developed for utilizing narcotics detector dog teams within a particular department.

## Conclusions

Canines, regardless of how sophisticated they become in their ability to detect concealed narcotics, are not a panacea for the problems confronting police administrators. At best, they are merely valuable adjuncts to proven enforcement techniques. Moreover, there is nothing mystical concerning their training and employment. The current state of the art has made such animals a practical reality; however, in considering employment, police officials must carefully avoid the obvious pitfall of excessive optimism or extreme cynicism concerning their capabilities. (FBI)

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## WATERFRONT

(Continued from page 21)

become involved in thefts, these vagrant thieves specialize in stealing easily concealed items such as bottled liquor, transistor radios, and small electrical appliances. Surveillance by New Orleans HPD detectives and alerts to beat patrolmen concerning stolen cargo have helped officers apprehend many of these thieves.

Large thefts involving coffee, nutria hides, steel, and other commodities have occurred over the years. These thefts have not been as frequent as those reported in many other large domestic ports. One of the reasons for this is the limited outlets available for disposing of large quantities of stolen goods in New Orleans and the surrounding area. When these outlets develop, the port of New Orleans will most certainly become a target for larger thefts, including truck-size containers and truckloads of cargo.

### Stolen Shipment

One recent large theft occurring at the port involved 60 rolls of steel rods valued at approximately \$6,000. A





HPD officer and dog check security of valuable container cargo at port facility.

ship carrying the rods arrived to have her cargo unloaded. The ship's cargo consisted of 13 rolls of steel rods consigned to New Orleans as well as other rolls of steel rods consigned to Houston, Tex. The 13 rolls of steel rods were unloaded, and through collusion of cargo clerks, ship personnel, and the stevedoring company, 60 additional rolls bound for Houston were unloaded. The 60 extra rolls of rods were taken from the wharf and sold to a scrap dealer, who in turn sold them to people in New Orleans. The individuals involved in this theft were caught.

If this theft had been carried out without detection, a shortage of 60 rolls of steel rods would have been determined at Houston, and tracers would have been sent to all ports where the ship had discharged cargo. After the tracers had arrived in New Orleans and other ports, dock searches and inquiries with logical consignees would have been made for the steel rods. Had none been found, the tracers would have been returned to Houston reflecting that fact. The steel would have been sold, the loot would have been split, and no one would have been the wiser.

Identification of stolen articles is another particularly difficult problem. It does very little good to find an individual in possession of suspected stolen goods which cannot be identified. A number of years ago, the steamship companies began using a uniform cargo theft reporting system. When a shortage or a theft is discovered, a listing of the serial number, if any, together with a complete description of the item and its carton is reported. Also reported are the means of shipment, the shipper, and the consignee. Copies of these reports are disseminated to the HPD as well as the FBI and the Bureau of Customs. This reporting and dissemination practice has helped immensely in the identification of stolen cargo.

Unfortunately, at the present time, communications between U.S. ports and foreign ports are inadequate con-

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*"One of the major contributions to this [slowed rate of thefts] has been legislation enacted by the Louisiana State Legislature granting the HPD power to stop and search anyone entering or leaving the wharf area."*

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cerning information on arriving and departing cargoes. An example of this is the aforementioned theft of steel rods. Had complete information been available to New Orleans port authorities concerning that cargo and its destinations, the theft quite probably would never have taken place or would have been discovered at the outset.

Recently, the International Association of Port Police, of which the New Orleans HPD is a charter member, was founded. One of the goals of this association is to encourage greater communications between ports throughout the world. Through better lines of communications, increased cargo security will be achieved and cooperation among all segments of the maritime service substantially improved.

A few years ago a Lloyd's of London agent commented that the "security of the Port of New Orleans is not excelled in any Port of the world." We of the harbor police are very proud of this testimonial to our efforts to protect the vital flow of commerce through the New Orleans port. The HPD recognizes that its performance would not be as effective without the legislation which gave it necessary authority on the wharves or the splendid cooperation that exists with other law enforcement agencies which also have jurisdictional interests in the port of New Orleans. FBI

## AUTOMATION

*(Continued from page 15)*

the Congress. It is yet to be resolved and one amendment would proscribe the furnishing of an identification record for employment and licensing purposes except as it relates to arrests followed by a guilty plea or conviction. Such approach, of course, once more underlines the problem of the numerous records of arrest in our files

which were, in fact, followed by conviction, but no disposition showing that fact was ever submitted.

## Legislation

In order to provide permanent authority for this service, the Department of Justice has drafted an excellent bill which was submitted to the Congress about 2 weeks ago. In addition to establishing clear criteria for the processing of non-Federal applicant prints, the bill provides for a means of review of his record by an individual and remedial steps that can be taken for correction of any inaccuracy and sets out both civil and criminal recourse in the event of willful misuse of criminal record information. This bill has been referred to appropriate committees of the House and Senate and hopefully will come up for hearings and be resolved during the remaining months of this session of the Congress.

All of the problems and challenges that face us today, not only in the identification field but across the whole spectrum of law enforcement, demand that we act in concert to meet them. Our own identification field looms ever more significant on the law enforcement horizon. The possibilities for increasing efficiency in identification services appear limitless in view of the potential for application of technical knowledge to traditional skills. In the continual efforts at crime reduction, such advances will be welcomed by the entire criminal justice community as were the innovations of the science of fingerprinting when it was in its infancy. In a world with population burgeoning, distances shrinking, and time telescoping, the challenges are tremendous. It's exciting for us all to be meeting them in a career dedicated to law enforcement and embracing a mainstream of society in this great country of ours. FBI

# NEW NCIC ADVISORY POLICY BOARD ELECTED

A new National Crime Information Center (NCIC) Advisory Policy Board has been elected consisting of 20 board members, including four representatives from each region representing State law enforcement agencies and one from each region representing a large city.

Listed below are the members of the Advisory Policy Board, 11 of whom served on the previous board:

### *Northeastern Region*

- Colonel David B. Kelly  
Superintendent  
Department of Law and Public Safety  
Division of State Police  
Box 68  
West Trenton, New Jersey 08625
- Mr. William E. Kirwan  
Superintendent  
New York State Police  
Public Security Building 22  
State Campus  
Albany, New York 12226
- Major Albert F. Kwiatek  
Director  
Bureau of Technical Services  
Pennsylvania State Police  
Post Office Box 2771  
Harrisburg, Pennsylvania 17120
- Colonel Walter E. Stone  
Superintendent  
Rhode Island State Police Headquarters  
Post Office Box 185  
North Scituate, Rhode Island 02857
- Mr. John R. West  
Deputy Superintendent  
Police Department  
154 Berkley Street  
Boston, Massachusetts 02116



2/72  
North Central Region

- Colonel Robert M. Chiaramonte  
Superintendent  
Ohio State Highway Patrol  
Columbus, Ohio 43205
- Mr. Edmund I. Hockaday  
Superintendent  
Missouri State Highway Patrol  
Post Office Box 568  
Jefferson City, Missouri 65101
- Mr. Clarence M. Kelley  
Chief of Police  
Kansas City, Missouri 64106
- Mr. Robert K. Konkle  
Superintendent  
Indiana State Police  
Indiana State Office Building  
100 North Senate Avenue  
Indianapolis, Indiana 46204
- Colonel John R. Plants  
Director  
Department of State Police  
714 South Harrison Road  
East Lansing, Michigan 48823

Southern Region

- Colonel R. L. Bonar  
Superintendent  
West Virginia State Police  
725 Jefferson Road  
South Charleston, West Virginia 25309
- Captain J. H. Dowling  
Communications Bureau  
Police Department  
128 Adams Avenue  
Memphis, Tennessee 38103
- Dr. Howard M. Livingston  
Director  
Police Information Network  
Department of Justice  
111 East North Street  
Raleigh, North Carolina 27602
- Colonel Ray Pope  
Director  
Department of Public Safety  
Post Office Box 1456  
Atlanta, Georgia 30301
- Honorable William L. Reed  
Commissioner  
Florida Department of Law Enforcement  
Post Office Box 1489  
Tallahassee, Florida 32302

Western Region

- Mr. Oliver C. Furseth  
Chief  
Washington State Patrol  
Olympia, Washington 98504
- Mr. L. Clark Hand  
Superintendent  
Idaho State Police  
Post Office Box 34  
Boise, Idaho 83707
- Mr. O. J. Hawkins  
Assistant Director  
Identification and Information Branch  
California Department of Justice  
Post Office Box 608  
Sacramento, California 95803
- Colonel James J. Hegarty  
Director  
Arizona Department of Public Safety  
Post Office Box 6638  
Phoenix, Arizona 85005
- Mr. George P. Tielsch  
Chief of Police  
Seattle, Washington 98104

*Jenkins to Felt Memo 7-7-72*  
**POLICE TRAINING  
SCHOOLS REACH  
ALL-TIME HIGH**

During fiscal year 1972, the number of police training schools conducted by the FBI reached an all-time high. For the 12-month period ending June 30, 1972, FBI instructors furnished 87,643 hours of instruction in 10,165 schools attended by 308,828 law enforcement personnel. The schools, in addition to basic and in-service police training, included sessions devoted to bombing investigations, antisniper operations, organized crime, racial extremists and violence, and police-community relations. Also, instructors from the FBI Training Division conducted 100 police management schools throughout the country which were attended by 3,248 police administrators and command personnel.

*Press release 7/13/72  
fiscal year 1972  
P. 18*  
**ALL-TIME HIGHS**

With the location of over 36,000 Federal fugitives in FBI investigations during fiscal year 1972, an all-time high was reached. This figure included over 2,900 individuals who had been charged under the Fugitive Felon Act and who were sought at the request of State and local authorities.

In the same period, convictions in all FBI cases reached a record high of 13,822, resulting in actual, suspended, and probationary sentences totaling more than 52,200 years.

*— I.I.L. #848*  
**DATED PROOF**

Charged with willful evasion of income taxes for 1962, 1963, and 1964, a defendant, in an attempt to prove his innocence, introduced into evidence at his trial a worksheet allegedly used to prepare his 1962 income tax.

The FBI Laboratory was requested to examine and verify the authenticity of the worksheet. A comparison with paper manufactured in 1971 revealed identical watermarks which were the manufacturer's mark for that year.

When an FBI Laboratory document examiner testified that the paper used for the worksheet was not in existence in 1962, the defendant was found guilty of the charges against him.

**INCREASE IN  
DISSEMINATION OF  
CRIMINAL INFORMATION**

During fiscal year 1972, the FBI disseminated 174,446 items of criminal information to local and State law enforcement agencies, and 171,084 items were furnished to other Federal agencies. Of the total 345,530 items disseminated, an increase of 5,079 over fiscal year 1971, 3,458 related to narcotics matters.



# WANTED BY THE FBI



**JOHN EMIL LIST**  
**Interstate Flight—Murder**

John Emil List is being sought by the FBI for unlawful interstate flight to avoid prosecution for murder. A Federal warrant for his arrest was issued on December 9, 1971, at Newark, N.J.

On or about November 9, 1971, List allegedly shot and killed his mother, wife, and three children at his Westfield, N.J., residence. The slayings were not discovered until December 7, 1971.

## Description

Age ----- 47, born Sept. 17, 1925,  
Bay City, Mich.  
Height ----- 6 feet.  
Weight ----- 180 pounds.  
Build ----- Medium.  
Hair ----- Black, graying.  
Eyes ----- Brown.  
Complexion --- Fair.  
Race ----- White.  
Nationality --- American.  
Scars and marks. Mastoidectomy scar behind right ear, herniotomy scars on both sides of abdomen.  
Occupations --- Accountant, bank vice president, comptroller, insurance salesman.

Remarks ----- Reportedly a neat dresser.  
FBI No----- 215, 305 J 4.  
Fingerprint classification:  
23 L 17 W IOI 14 Ref: 17  
L 1 R OOI 3

## Caution

List, who is charged in New Jersey with the multiple murders of his family, may be armed and should be considered very dangerous.

## Notify the FBI

Any person having information which might assist in locating this fugitive is requested to notify immediately the Acting 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.

## BOMBING INCIDENTS

During the month of July 1972, 154 actual and attempted bombing incidents occurred throughout the country. Seventy-one of these bombing incidents involved explosive types of bombs and 83 were situations involving the use of incendiary devices. The persons involved used a total of 226 devices in connection with the bombing matters. Eighty-six of the devices were explosive in nature and 140 were incendiary.

The July total brought to 1,187 the number of bombing incidents reported throughout the Nation, Puerto Rico, and the Virgin Islands during the first 7 months of 1972. Explosive bombs were used in 569 of the incidents while 618 were incendiary attacks. A total of 1,584 devices were used in connection with the bombing situations, and 638 of the devices used were explosive in nature and 946 were incendiary. One hundred and ten persons were injured, and 14 deaths were reported in connection with these bombing attacks.

Geographically, the Western States reported 473 bomb incidents, the North Central States 302, the Southern States 254, the Northeastern States 129, Puerto Rico 26, and the Virgin Islands three during the first 7 months of 1972.

The leading targets during this period were residences with 343 attacks. Commercial operations and office buildings were victims of 281 bombing attacks. Vehicles were targets of 137 reported incidents, and 127 attacks were directed at school facilities. Thirty-five attacks were against law enforcement personnel, buildings, and equipment. The remaining incidents involved other miscellaneous targets.



## FOR CHANGE OF ADDRESS ONLY

(Not an order form)

Complete this form and return to:

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

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(City) (State) (Zip Code)

*1 voluntary filler credited SAC Milwaukee 4/26/72*

## TUNED IN

Police officers in a northern city recently seized a small transistor radio from a known narcotics user. The working parts of the radio had been removed and the case used to store narcotics paraphernalia. Since it appeared to be an ordinary radio, this unique hiding place for contraband could have been easily overlooked.



Small transistor radio used to secrete narcotics equipment.



Narcotics paraphernalia found inside transistor radio.



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WASHINGTON, D.C. 20535

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## INTERESTING PATTERN



The pattern presented here is classified as an accidental whorl with an inner tracing. The tracing is determined by using the two outermost deltas. It is an interesting pattern in that it consists of a combination of a loop over a central-pocket loop whorl.