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SEPTEMBER 1967



# FBI

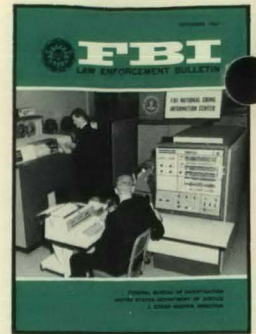
## LAW ENFORCEMENT BULLETIN



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

SEPTEMBER 1967

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THE COVER — NCIC's expanding service aids law enforcement. See page 2.

# FBI

LAW ENFORCEMENT BULLETIN

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# MESSAGE FROM THE DIRECTOR

EACH YEAR, THOUSANDS OF BUSINESSMEN look up from their work into the menacing muzzle of a gun wielded by a trigger-happy robber. In recent months, murderous snipers have waged guerrilla warfare against law enforcement officers in our city streets. In 1963, our President was slain with a mail-order rifle. During the calendar year of 1966 alone, more citizens were killed or assaulted with guns in American streets and homes than were killed in battle during the entire Korean conflict.

The use of firearms in crime is indeed a serious and major problem in our country today.

A firearm continues to be the instrument of death in virtually every murder of a law enforcement officer. Last year, 55 of the 57 law enforcement victims killed in the line of duty died from gunshot wounds. These figures are in keeping with the trend since 1960 which reflects that firearms have been the murder weapons in 96 percent of the 335 police killings.

There has been an increasing interest on the part of the public in this admittedly complex issue. I have publicly stated my view for many years that better control of firearms is not only desirable, but also necessary to public welfare. We have reached the point where the time for debate is past; the time for action is here.

I think mail-order firearm purchases should be banned, interstate transportation of firearms controlled, and local registration of weapons required and enforced.

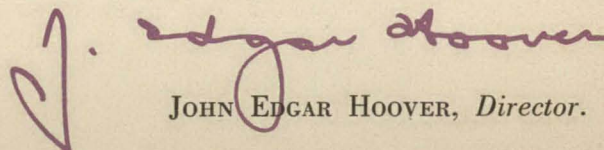
The primary thrust against this serious problem must be from the local level, but Federal

assistance must strongly complement State gun legislation. While it is true a hardened criminal will obtain a gun regardless of statutes in force, most authorities agree that controls would make acquisition more difficult. With a large percentage of the murders in the United States occurring within the family or among acquaintances, the readily available lethal firearm, seven times more deadly than other murder weapons, becomes a major factor.

Enforced controls at the local level provide the possibility of investigative leads in tracing stolen weapons and those used in crime. This possibility takes on added significance in view of the nationwide capabilities of the rapidly expanding FBI National Crime Information Center. Pertinent weapons information stored in this computer network is available to law enforcement throughout the country in a matter of seconds.

Some States and jurisdictions have laws which allow courts to impose stiffer penalties for criminals who use firearms in the commission of felonies. A realistic application of these laws by the courts, plus the passage of similar legislation in areas where none now exists, together with mandatory prohibitions against suspended sentences in cases involving firearms, would certainly be a strong deterrent to those who contemplate using firearms for violence.

There is no doubt in my mind that the easy accessibility of firearms is responsible for many killings, both impulse and premeditated. The statistics are grim and realistic. Strong measures must be taken, and promptly, to protect the public.



JOHN EDGAR HOOVER, *Director.*





## NCIC

# Progress Report

*In fighting crime, timely information is a most valuable weapon. In the past the time lag in communications between enforcement agencies has been a big asset to criminals. With the FBI's National Crime Information Center in operation, the true identity of many fugitives can now be established in a matter of seconds. Consequently, a traffic violator on the West Coast may be immediately identified as a man sought on a murder charge by the Maryland State Police. Instead of paying a small fine and gaining his release, the fugitive is now incarcerated and held for extradition. This article gives a brief progress report on the information system since it became operational in January 1967.*



**J**anuary 27, 1967, marked a major milestone in the history of law enforcement. On that date the complex electronic information system known as the FBI National Crime Information Center (NCIC) became operational in a testing or pilot phase. For the first time local, State, and Federal government agencies throughout the Nation were linked in one computerized network to serve a common need. It is not surprising that the agencies involved were law enforcement agencies. Throughout the years representatives of law enforcement have consistently demonstrated a degree of cooperation and esprit de corps not generally found in other professions. This willingness to work together in attempting to find solutions to common problems was the motivating force which enabled the NCIC to become a reality in an almost unbelievably short time by normal industry standards.

### ***The Concept***

The concept of the NCIC and preliminary steps taken in developing the system were set forth in detail in the May 1966 issue of the FBI Law Enforcement Bulletin. It will be recalled that the FBI first embarked on this project in September 1965. Our goal was to place at law enforcement's disposal a computerized information system, national in scope, to complement the development of similar systems at local and State levels. Further, such a system was deemed essential to the coordination of standards which



Technician checks IBM disk storage device capable of storing almost 2 million stolen motor vehicle records.

would enable all such systems to readily interchange information. The need for metropolitan and statewide law enforcement computerized information systems was stressed, since the ultimate benefits of a nationwide network could not be fully achieved until such systems were developed.

It is, therefore, most timely now to give a progress report on the successful implementation of the NCIC and on the rapid strides being made in various parts of the country to bring the ultimate network closer to realization.

To adequately report on the progress of the system, we should first comment on the physical construction of the center and its supporting communications network. In July 1966, two IBM System 360, Model 40, computers were installed at the FBI's computer center in Washington, D.C. Peripheral equipment, including 2702 transmission control units and 2311 disk pack storage devices, was next added. These are essentially the main instruments in use today, although the 2311 storage units have been replaced according to plan by two newer and larger 2314 models. It is in-

teresting to note that each of these new storage devices can accommodate nearly 2 million records containing 125 characters each.

### ***Initial Network***

The initial communications network was designed in accordance with recommendations of the Institute of Telecommunication Sciences and Aeronomy (ITSA), Environmental Science Service Administration, Department of Commerce. ITSA was under contract to the FBI to assist on the project. Low speed leased lines are used for the initial phase of the system. These lines, handling transmissions up to 135 words per minute, link each terminal agency directly to the center's computerized file. One or more lines are assigned to each terminal device so that no contention factor exists. Each terminal is able to communicate directly and immediately with the NCIC computer. A constant polling of these terminals is conducted, and responses to all messages are made on a "one for one" basis, with no buffering or queuing of incoming or outgoing messages. The



communication lines are furnished by the Western Union Telegraph Co. and are billed to the FBI by General Services Administration under Telpak rates. The American Standard Code for Information Interchange (ASCII), an eight level code, was recommended and is used in communicating with the NCIC computer.

Terminals now in use range from IBM Model 1050 and teletypewriter Model 35 devices to computers of various makes including the RCA 301, IBM Model 7740, and Univac 418. With respect to the latter terminals, direct computer-to-computer interfaces exist, and the terminal computers are in turn serving numerous remote terminal devices connected to their own systems. By using this arrangement, the local remote devices can communicate with the NCIC computer through the terminal computer.

### ***Extensive Programming***

The extensive programming needed to place the center in an operational mode progressed simultaneously with the physical construction of the system. The substantive programs necessary to handle the jobs required of the system had to be originally devised, and complex telecommunications programs, in existence but virtually untested, were given their first operational exposure when the NCIC went on the air. This, of course, necessitated many hours of testing and revising before the system functioned properly. All who are familiar with the implementation of computer systems can appreciate the extra hours of effort this involved, particularly since a short deadline had to be met. The necessary programming was accomplished under a tight schedule by the FBI's programming staff in conjunction with the manufacturer's representatives. Advice and assistance were also generously afforded by the Cali-

fornia Highway Patrol and the St. Louis Police Department, which had real time systems in operation.

The planning of system applications and files, as well as standards necessary to develop an effective nationwide system, was and is being accomplished with the assistance of an Advisory Group to the Committee on Uniform Crime Records, International Association of Chiefs of Police (IACP). This group is composed of representatives of all levels of law enforcement, local, State, and Federal. Meetings of this group, held periodically in 1966, resulted in a report to the parent committee at the annual meeting of the IACP in Philadelphia, Pa., on October 2, 1966. This report recommended files to be initially included in the system, the criteria for entry of records in those files, procedures to be used, as well as the codes and formats to be adopted by the NCIC and all developing law enforcement information systems. The report was accepted as written by the Committee on Uniform Crime Records and later presented to the entire convention, where it was adopted by floor resolution. Thus, the concentrated efforts of the NCIC Advisory Group during a space of approximately 8 months resulted in a concrete set of standard codes, formats, and procedures which will prove invaluable in years to come. Agreement on the standards by the many law enforcement representatives involved typifies the teamwork which existed throughout the project.

The activities of the advisory group were far from completed with the submission of the aforementioned report, however. This was only a first step. Assistance and advice concerning the system's operation are and will be sought as the system progresses, since the NCIC is a law enforcement system designed to service law enforcement agencies at all levels of government. At a recent meeting in

May of this year in New Orleans, La., a critique was held concerning actual system operations. Various changes to existing procedures recommended at this meeting have resulted in modifications of the system. Through the continuous discussion of ideas, recommendations, and suggestions, the system will remain healthy and can be expected to produce optimum results.

### ***Financial Assistance***

Financial assistance which materially aided the rapid development of the network was received from the Office of Law Enforcement Assistance, Department of Justice. To date, grants totaling \$502,197 have been made available for the communications study, advisory group meetings, and communication line costs and terminal equipment costs for the initial local and State agencies participating in the system. None of these funds were applied to the costs of the center itself, as all hardware and development costs in that regard are being borne by the FBI. Similarly, each of the initial participants has contributed substantially from its own resources in the form of personnel and other development costs, thus enabling it to tie into the system.

During the first few months of operation, 16 terminals were tied into the computer by dedicated lines. These terminals are located in the following agencies:

	Type of terminal
California Highway Patrol, Sacramento----	IBM 7740
California Department of Justice, Sacramento -----	RCA 301
Texas Department of Public Safety, Austin	Two 1050's, Tape
New Orleans, La., Police Department----	1050, Tape
Georgia State Patrol, Atlanta -----	Model 35, Tape
Virginia State Police, Richmond -----	1050, Tape



	<i>Type of terminal</i>
Washington, D.C., Police Department-----	1050, Tape
Wyland State Police, Pikesville-----	1050, Tape
Pennsylvania State Police, Harrisburg-----	Model 35, Tape
Philadelphia, Pa., Police Department-----	1050, Tape
New York State Police, Albany-----	Univac 418
New York City Police Department-----	Two 1050's, Card read and punch
Boston, Mass., Police Department-----	1050, Tape
Chicago, Ill., Police Department-----	Two 1050's, Tape
St. Louis, Mo., Police Department-----	IBM 7740
Denver Field Division of the FBI-----	Model 35, Tape

The first computer-to-computer interface was effected between the California Highway Patrol and the NCIC computer on April 27, 1967. This interface made it possible for 229 remote terminals located throughout the State of California and surrounding States to directly use the national file via the California Highway Patrol computer. Since this initial breakthrough, similar computer interfaces have been established with the St. Louis Police Department, the California Department of Justice, and

the New York State Police. The remaining agencies making up the network are using manual terminals which require an operator at the terminal site to relay communications from the local agencies being served. However, plans are already under way in several of these agencies to develop computerized systems in the near future.

The foregoing briefly summarizes the developmental steps in making the system operational. Now let us look at NCIC operations as they are being carried out at present.

### **Information Stored**

Records on file concern stolen vehicles, vehicles used in the commission of felonies, stolen engines and transmissions, stolen or missing license plates when all plates issued for a specific vehicle are missing, stolen guns, other items of stolen property which are serially identifiable, and wanted persons. The latter category includes all Federal fugitives and individuals wanted on local felony or misdemeanor charges, provided the municipality or State involved will extradite from anywhere in the United States. The above criteria are more inclusive than that originally estab-

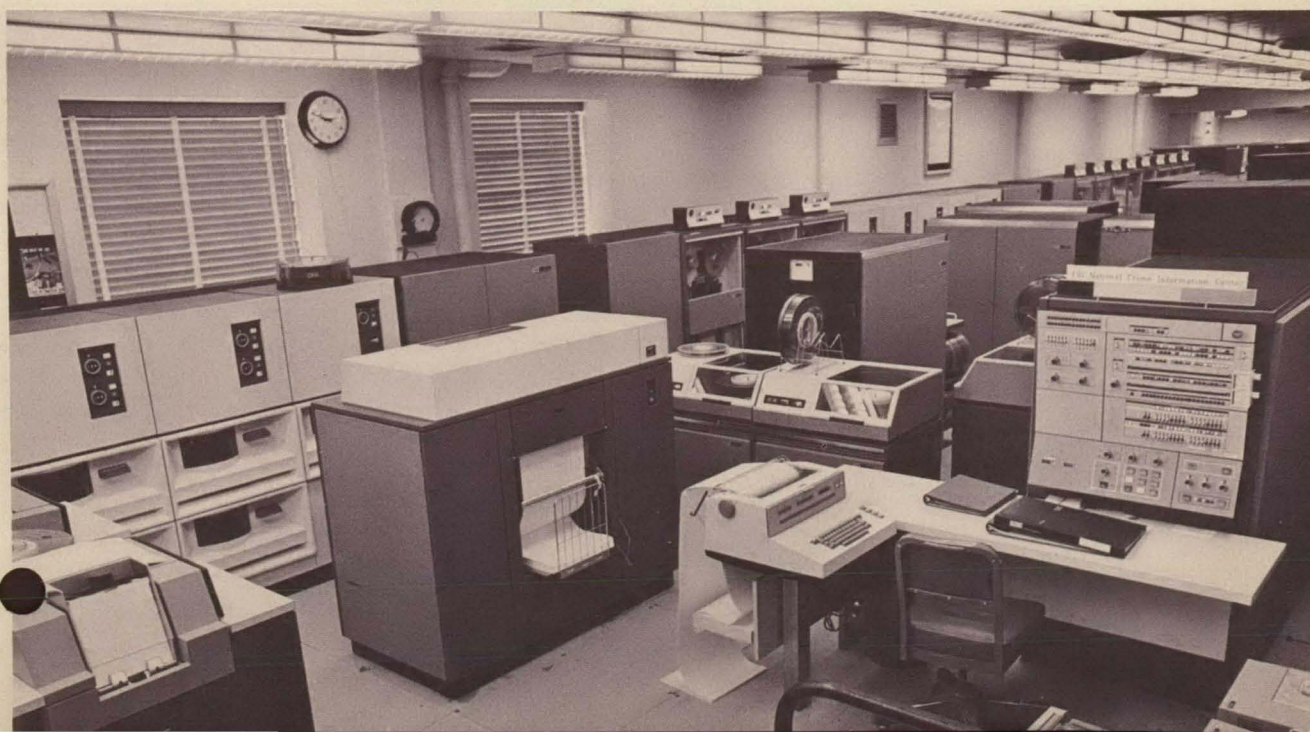
lished, as some changes suggested by the NCIC Advisory Group have been incorporated.

There are presently over 260,000 active records in file. These can be roughly broken down into 115,000 stolen vehicle and license plate records, 95,000 stolen gun records, 30,000 stolen article records, and 20,000 wanted person records. These totals are expected to increase at a rapid pace as more terminals are added and more manual files are converted for inclusion in the system.

The system is operational 7 days a week and 22 hours a day with limited down time. Transactions with the NCIC computer, entries and inquiries, are approaching 10,000 a day. This rate, too, is expected to increase materially as operational procedures are developed by the terminals to accommodate larger volumes of inquiries from the patrol cars and officers on the street. It should be noted that the latter usage is where the real potential of the system lies, that of making the vast index immediately available to the police officer at the scene.

More and more inquiries are being made with respect to recovered property as agency procedures are revised to take advantage of the benefits of

**Efficient placement of equipment facilitates operation of the center.**





the system. It is of utmost importance that inquiries in all categories, whether they pertain to persons or property, be made at the earliest possible time. A delayed inquiry defeats the value of the system. Such delays in checking individuals have already resulted in subjects' being released prior to the receipt of the NCIC response which indicated they were wanted felons. To obtain maximum value from the system, some agencies will have to change investigative habits and patrol tactics to take advantage of the existence of this vast store of information which is virtually at the officer's fingertips. Utilization of instant information from a national index requires review and revision of many internal police agency procedures now outmoded.

Response times by the NCIC computer to date have more than exceeded expectations. Responses are averaging less than 15 seconds from the time the last character of the incoming message is received until the first character of the reply goes back to the transmitting terminal. As transaction volume and file sizes increase, the average response time may also increase; however, any slowdown will be offset by improvements both in computer equipment and in programming. Actual incidents have demonstrated that an inquiry from the street by radio or phone to a dispatcher at an NCIC terminal can be answered back to the street in 90 seconds. Improved communications can also decrease this time.

We are all learning as this new technology is put to use. It is agreed that presently we can but generally envision the many benefits which will ultimately be derived as computerized systems improve. The time-honored saying that experience is the best teacher is still appropriate, and especially when applied to applications of this newest technological development.

As an illustration of the effectiveness of the system, the following typical cases have been selected. These are representative of the utilization now being made. Increasing numbers of successful identifications are occurring as the volume of entries and, particularly, inquiries increases. It is axiomatic that the more use made of the system, the greater the payoff will be.

### *Apprehension of Fugitives*

The system has been very successful, even with a limited data base and a limited number of inquiries, in the apprehension of interstate fugitives. As was anticipated, these highly mobile fugitives wanted in one State are "brushing" with law enforcement agencies in other States. In most instances police agencies in remote States are arresting these individuals for new violations, and, through NCIC, the agencies obtain immediate information on warrants outstanding in other States. The fugitives are then held rather than released.

The example below is used to show the need for a total system and to suggest potential savings, in addition to the primary objective—a high risk of detection for the criminal.

An FBI fugitive wanted on a Federal warrant since November 16, 1965, attempted to register a 1967 Buick in Tallahassee, Fla., on March 22, 1967. There had been absolutely no leads as to the whereabouts of this fugitive since 1965. The subject showed two identifications, one under an alias and one under his true name. The Tallahassee Police Department, being suspicious, made inquiry by teletype of the Maryland State Police as to the existence of any outstanding warrants on this subject. The Maryland State Police had no local wants but inquired of NCIC and were immediately advised of an outstanding Federal warrant. Since the Tallahassee Police De-

partment had inquired by teletype, they could not hold the subject, but did maintain possession of the vehicle. The subject, of course, fled. On receipt of information concerning the warrant, the Tallahassee Police Department and the FBI searched the subject's car and developed numerous leads as to his recent activity and location. Hot pursuit investigation was immediately instituted, and on April 5, 1967, the subject, under pressure, surrendered.

The NCIC inquiry led to the apprehension of this fugitive; however, had the Tallahassee Police Department been on line in a complete system, the subject would not have walked away on March 22, but would have been apprehended immediately. The investigative and clerical costs to locate the subject from March 22 to April 5 amounted to many thousands of dollars.

Except for stolen gun records, the stolen property file is the least used by participating terminals. Investigative habits with respect to other identifiable stolen property need to be changed to facilitate more frequent use of the centralized information.

In April of 1967 the New Orleans Police Department made inquiry on a number of weapons which had been recovered in connection with a narcotics violation arrest. The NCIC identified three of the weapons as having been reported stolen from Louisiana, Texas, and the U.S. Marine Corps. In June 1967, when the Washington, D.C., Metropolitan Police arrested a woman on an assault charge, they recovered a .22 caliber revolver. A check of NCIC supplied information that the weapon had been taken in the burglary of a sports store in Maryland on May 1, 1964. As a result of this arrest, the burglary case in Maryland was reopened and new suspects developed. These examples demonstrate that the

*(Continued on page 23)*





**JAMES F. BALE**

Chief of Police,  
Whittier, Calif.

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## *Gifts, Gratuities, and the Professional*

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# *Brother, Can You Spare a Dime?*

Do the men of your department receive free coffee, meals at half price, 10 percent discount at the department store, cigarettes, candy, cigars, and other "gifts" at Christmastime?

These gratuities have, unfortunately, been viewed as acceptable "fringe benefits" to law enforcement careers in some areas.

I am sure there are many in the police profession who see nothing wrong with a grateful businessman's expressing his heartfelt appreciation to the local police department by presenting something free, or at least a discount on items purchased at his establishment. I would suggest this has no place in the development of law enforcement as a truly recognized profession. There is little doubt that there are a number of "professionals" engaged in law enforcement, but the

stark fact remains—law enforcement, while such circumstances exist, is not truly a profession.

### ***Acting Professional***

Many law enforcement administrators lament the fact that we are not a recognized profession. Yet, they tolerate and sanction the acceptance of gifts and gratuities by police personnel. We would enjoy the same social status and public acceptance as that experienced by the "learned professions," but we are not willing to act like professionals. How many times have you "tipped" your doctor for receiving a medical service, or how many times have you sent him a gift at Christmastime? I am sure the attorney's fee is considered ample remuneration for legal services received

and needs no fortification in the form of a gratuity. It would be interesting to note whether the doctors and lawyers receive free coffee or a discount on their meals at the local restaurants. Or would they feel insulted at the offer of a handout?

High ethical standards, honesty, and integrity are essential to professionalization, and any action by members of law enforcement agencies that tends to detract from these important aspects of professionalism has no place in the law enforcement service.

### ***For Service Performed***

In reality these gifts and gratuities are nothing more than "tips" for a service performed. A law enforcement officer, by the very nature of his responsibilities, should not permit himself to become "obligated" to anyone.



Many restaurants gladly give back-door handouts of free coffee and free meals to vagrants, transients, and other destitutes who have come upon "hard times." How does the law enforcement officer stack up in this category? Does it really matter whether he comes in the front door or the back door for the free handout? I think not. The important consideration is the image of the visible symbol of law and order in our society eagerly awaiting his gratuity.

An immediate reaction to these statements may be one that is reflected when dishonest law enforcement officers are found in our midst. "If they paid them more money, they wouldn't have to steal." The analogy would be, "If they paid peace officers more money, they could afford to buy their meals and cigarettes and pay the full price in the department store." The question really is, can you buy honesty and integrity?

### **Keeping Public Trust**

Thomas Jefferson once said, "When a man assumes a public trust, he should consider himself as public property." The law enforcement officer has assumed the highest pub-

lic trust, the preservation of social order. He cannot afford, even for one moment, to allow that public trust to be shaken by any action on his part that reflects in a negative manner upon the good of the department or agency he represents. He must never place himself in a position of compromise or indebt himself, even if only by inference, to anyone. A quotation from sacred scripture should serve as an admonition, ". . . in whose hands is mischief, and their right hand is full of bribes."

It has been my experience, on several occasions, to cause discontinuance of just such negative practices as exemplified in this article. The reaction of the personnel affected by the general order prohibiting the acceptance of gifts or gratuities was interesting and worthy of examination.

### **Personnel Reaction**

The initial reaction was one of disappointment, not necessarily because of the restriction, but because the officers had never viewed the practice of receiving gratuities or discounts as an undesirable practice. Does this mean then that the administration thinks they are something less than

honest? Of course not. The honesty and integrity of the men were above reproach. They had simply slipped into a bad habit which was soon accepted as a way of life. The bad habit had to be replaced with a good habit, by paying for what they received.

The subsequent reaction reflected the true spirit of dedication and professionalism. The fact that police personnel were prohibited from accepting gratuities of any kind became a source of intense pride and reached proportions of becoming a status symbol. The officers were pleased to say, "I appreciate your thoughtfulness, but we do not accept gifts." It is interesting to note that in one city, the practice of refusing gifts originated in the police department and quickly spread to all other departments in the city with positive results.

Every police administrator should examine the current policy in his department relative to the acceptance of gifts and gratuities. Do you carefully recruit, select, and train your police officers? Do you instill in them a sense of pride and uniform them with the badge of honor worn proudly over their heart? And then, do you send them out into the marketplace to say, "Brother, can you spare a dime?"

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### **DELAYED REVENGE**

For a period of 48 hours, an elderly lady was the recipient of obscene telephone calls made every 5 to 10 minutes by two females impersonating male voices.

When the calls appeared to be continuing over a period of time, the police department commenced investigation and stationed relays of officers at the victim's house to listen in on the calls in an effort to determine their source.

As a result of the more than 40-hour vigil the police maintained, they

were able to determine that the calls were emanating from some establishment with heavy telephone traffic and two-way radio communication. The investigation further narrowed down the possible source to a privately owned telephone-radio answering service and resulted in the arrest and conviction of two switchboard operators.

Subsequent to their arrest, the subjects gave as their reason for the harassment the fact that one of them had been evicted from the victim's apartment house over a year prior to the calls, and she was taking revenge.

### **SHOE WORRIES**

During a routine search of Federal prisoners confined in a local jail recently, a U.S. Marshal uncovered a spot where a hacksaw blade had been hidden in an inmate's shoe. It was that portion of the shoe which contains the lace eyelets and covers the tongue of the shoe. The threads holding the leather inner lining to the outer leather were cut for approximately three-fourths of an inch. This opening allowed the hacksaw blade to be inserted between the two pieces of leather.



# Fingerprint Records

for the

## Small Department



Chief Taelour.

**FRANCIS D. TAELOUR**

Chief of Police,  
Elko, Nev.

and

**SGT. ROBERT BRUSH**

Elko, Nev.,  
Police Department

In all police departments in every section of our country, there comes a time when an evaluation of the presently employed system of maintaining fingerprint records becomes necessary. This is especially true in the small police department located near or adjacent to a large metropolitan area or a national highway. The current influx of transient persons into such areas makes it imperative that the police department function in the most efficient and progressive manner possible.

Many small police departments are still utilizing the original filing system that was set up on a numerical or alphabetical basis at the time of inception and organization of the department. In many cases this filing system has never been revised since it was begun 20 or 30 years ago.

Is there need for a change? To some this would be a debatable question. "The old system has worked for 20 years, so why change it now?" is the commonly expressed argument in claiming protection for the old standby system. Let us illustrate a couple of the more obvious disadvantages of the old standby system.

A subject appears at the police station to be fingerprinted as required by a city ordinance before he can go to work on a specific job. This same subject, 10 years ago, was printed while suspect in a murder. He subsequently escaped from custody and disappeared. His name was John Doe.

When last seen, he was tall, thin, and had thick curly hair. Now his name is Joe Doakes; he is tall, very heavy, and is completely bald. His appearance has changed to the point that his own mother would be unable to recognize him. A check of your file shows no record for a subject by the name of Joe Doakes. This subject is still a free man and the crime must remain in the unsolved file.

The body of an elderly man is found in an out-of-the-way place in town. There is no identification on the body. The face of the deceased is vaguely familiar. Someone remembers that this man was fingerprinted several years ago but cannot remember his name. The man was a recluse in recent years and as such became unfamiliar to other people in town. What is his name? How can you verify his identity unless you know his name?

Joe Doakes changed his name and altered his appearance. Because of an



outmoded fingerprint filing system, he was able to return to the scene of his crime and still remain free. With the use of a classified filing system, Joe would have been in jail facing a murder charge because he could not change the patterns on the tips of his fingers. They have not changed in the slightest degree, except to grow in size, since before he was born.

The unidentified elderly man's body may be consigned to an unmarked grave. Why? Because no one could remember his name. And his name, under a numerical or alphabetical system, must be known in order for the officers to find his fingerprint card. In a classified fingerprint file, the name is unnecessary since the fingerprint card is filed only under the classification in accordance with the individual's fingerprints.

A routine search of the classified fingerprint file in each of the above instances would quickly and positively have identified each of the subjects.

### Top Responsibility

The desire to have a classified fingerprint file must, of course, originate with the top administrator of the department. It is his responsibility to the public and to the department to keep the organization operating at peak efficiency. Once the need for revision is realized and the desire to accomplish this revision is present, the major obstacles to making the desire a reality have been overcome. There are now only two other items to consider. First is the training of some member or members of the department in the technical aspects of interpretation, classification, and filing of all fingerprint cards. Next is the overall price of the revision.

A minimum of equipment is needed, and it is inexpensive and readily available. A fingerprint magnifier with a Henry disc insert may be obtained for approximately \$25 from any law en-

forcement supply house. A ridge counter for classification purposes costs less than \$2. A serviceable ridge counter may be improvised by filing a point on an old crochet needle. The needed classification index guide cards, if purchased, will cost in the area of \$70 and will accommodate up to 5,000 sets of fingerprints. These, too, are readily available through one of the department's supply houses. The index guide cards also can be readily and inexpensively improvised, as explained later in this article.

### The Trained Technician

The presence of a trained fingerprint technician is indispensable to the establishing of a classified fingerprint file. He is the man who must process the fingerprint cards and actually put into practice the mechanics of establishing the fingerprint file. The technician must also arrange for the basic training of all other members of the department in the method of searching the file for a set of fingerprints. The procedures to be used must be carefully explained to each officer if the full value of the file is to be constantly realized by the department.

Experience has clearly shown that even after the officers have been trained to properly search the files, mistakes will be made in refiling the fingerprint cards once they have been examined. This type of mistake in a classified filing system can be nearly fatal to the operation of the system since a lost or misplaced card may be lost forever. For this reason it has been a rule in our department that a card once removed from the file by an officer be placed in a box to be refilled later by the technician or his assistant.

It is important in the small department that each man be capable of conducting an intelligent search of the files. Crime and criminals do not work an 8-to-5 shift. The fingerprint tech-

nician will not be present 24 hours a day to search the file, and it is therefore necessary that each officer be able to find the fingerprint card that he needs when he needs it.

### Preparations

Proper filing of the fingerprint cards requires that they be correctly classified under the basic Henry Classification System. There may be a large number of cards already filed either numerically or alphabetically. Also, these cards may never have been classified or they may have been classified by the FBI and returned to the department. In either event it is imperative for the sake of uniformity and simplicity that the cards be classified, if unclassified, or reclassified, if classified by the FBI, to conform with the Henry System as it will be used by the department.

A card, for example, returned by the FBI and properly belonging in one of the more common or crowded sections of their files will ordinarily have a classification containing many more subdivisions or extensions than are required for filing in a small fingerprint system. For example, a card may be returned from the FBI with a classification such as:

				MLL					
10	I	1	U	OOO	15				
	L	17	R	IOO					

For use in a small file, such classification is superfluous and will only confuse the members of the department who must be able to search the file. If we reduce this example to the basic Henry System, we have a classification that reads simply:

	1	U	OO	15
	17	R	IO	

In other words we have eliminated all extraneous subdivisions and retained only the primary



classification of  $\frac{1}{17}$ , the secondary classification of  $\frac{U}{R}$ , the subsecondary classification of  $\frac{OO}{IO}$ , and the final classification of 15. This type of classification is sufficient for all practical purposes for the small department and may even be used with some minor extensions for up to 100,000 sets of prints.

### Classification Divisions

While this is not intended as a "quickie fingerprint course," it is necessary that the reader understand how the four basic classifications are obtained. As has already been illustrated, the Henry System utilizes four classification subdivisions: the primary, the secondary, the subsecondary, and the final.

In obtaining the primary classification, numerical values are assigned to the various squares on the fingerprint card. These values are as follows:

- Squares 1 and 2—16.
- Squares 3 and 4—8.
- Squares 5 and 6—4.
- Squares 7 and 8—2.
- Squares 9 and 10—1.

Only whorl patterns falling within these squares receive the numerical value of a given square. Even-numbered squares, 2-4-6-8-10, form the numerator or top line of the primary classification. Odd-numbered squares, 1-3-5-7-9, form the denominator or bottom line of the primary classification.

A count of one is arbitrarily given to both the numerator and the denominator in all cases. Thus, in a set of prints having no whorl patterns, the primary classification would appear to be  $\frac{O}{O}$ , but the count of one added to each gives us a

more workable classification of  $\frac{1}{1}$ . There are a total of 1,024 possible primary classifications ranging from  $\frac{1}{1}$  through  $\frac{32}{32}$ .

### Secondary Classification

The secondary classification is obtained on the basis of the fingerprint patterns found on the index fingers. In this and in subsequent subdivisions, the right hand makes up the numerator while the left hand makes up the denominator. In the event that a whorl pattern appears on either or both of the index fingers, no secondary classification is obtained for that set of prints.

Secondary classifications for the small fingerprint file are necessary only when arches, tented arches, ulnar or radial loops appear on both index fingers. There are 16 possible secondary combinations which may be used under the Henry System. These 16 combinations are shown below:

ATRU	ATRU	ATRU	ATRU
AAAA	TTTT	RRRR	UUUU

### Subsecondary Classification

The subsecondary classification in the Henry System utilizes the index and middle fingers of both hands. The classification is obtained by counting, in the case of ulnar or radial loops, the ridges intervening between the delta or outer edge of the pattern area and the core or theoretical center of the pattern area. Where whorl patterns are present, a ridge trace from the left delta to the right delta is made to determine the value of the fingerprint for classification purposes.

In the case of ulnar or radial loops, the value assigned may be inner (I) or outer (O). This value is determined by the ridge count of the individual finger. The count for the index finger being 1 through 9 equals I or

inner, and 10 and above equals O or outer. For the middle finger the ridge count 1 through 10 equals I or inner, and 11 or above equals O or outer.

Where the patterns present in the index and middle fingers are whorl formations, the ridge, beginning at the left delta, is followed or traced to see if it comes inside the right delta (I), meets the right delta (M), or goes outside of the right delta (O). This procedure is used regardless of which finger of the hand is being evaluated.

### Final Classification

The final classification is obtained simply by counting the total number of ridges between the delta and the core of the right little finger, and, since the right hand is the numerator, the total count is placed above the line. If the right little finger is a whorl, the ridge count may be obtained from the left little finger and the total count placed on the bottom or denominator line of the classification. In the event that both little fingers are whorl patterns, no final is used. The exception to this rule is made when the section is crowded and the proper definition of the prints is necessary. In this instance a ridge count may be obtained from the right little finger by counting the ridges between the left delta and the center of the core, much the same as if it were, in fact, an ulnar or radial loop.

### General Filing Procedure

Now that the reader is generally familiar with the basic classifications and how they are obtained, we may proceed with the mechanics of actually setting up a classified fingerprint file. If a fingerprint file of sorts is already maintained by the department, the needed filing cabinets for proper storage will be readily available. When a group of 50 to 100 cards



has been processed, the next step is to place the classification on a three-by-five index card which will be filed in alphabetical order under the name of the subject. As much additional information as desired by the department may be placed on the remainder of the index card.

### The Index Card

The actual operation of filing a group of fingerprint cards is accomplished by means of a fingerprint classification index. This index is nothing more than a series of guide cards which have tabs bearing the various classification combinations. Sets of these cards may be obtained from any law enforcement supply house or, as in the case of our department, made up as required from the old manila jackets that originally contained the numerically filed fingerprint cards.

If the department decides to utilize the latter method of securing cards, it is recommended that a single card be used as a pattern in correctly placing the classification tabs. This pattern card measures 8 by 8 inches and is so designed as to position each tab in the proper place and sequence.

### Filing System

A definite system is employed in the filing of fingerprint cards, and they are sequenced in logical order to facilitate an accurate and easy filing and searching procedure. Fingerprint cards are filed and searched in the following manner: The primary, the secondary, the subsecondary, and the final, in that order. Within each of these divisions, the denominator or bottom figure is filed before the numerator or top figure. The proper filing sequence then is as follows:

1. The primary denominator.
2. The primary numerator.
3. The secondary denominator.
4. The secondary numerator.

5. The subsecondary denominator.
6. The subsecondary numerator.
7. The final.

In the classification divisions, the denominator remains unchanged or constant until all the numerators have been used in combination with it. For example, in the primary classification,  $\frac{1}{1}$  is first, followed by  $\frac{2}{1}$ ,  $\frac{3}{1}$ ,  $\frac{4}{1}$ , etc., until  $\frac{32}{1}$  is reached. After  $\frac{32}{1}$  is attained,  $\frac{1}{2}$  begins, followed by  $\frac{2}{2}$ ,  $\frac{3}{2}$ , etc. In this manner each denominator is used with each of its numerators from 1 to 32 until  $\frac{32}{32}$  is reached. The same principle is applied to the secondary and subsecondary classifications, using, of course, the various classification combinations of the respective subdivisions.

### Color Coding

The various classification tabs will be most helpful if they are color coded to some degree. In the case of our files, we used a red felt pen to mark all denominator tabs and a black felt pen to mark all numerator tabs. As an example of the described filing sequence, let us examine a specific classification in relation to how it is filed and the color code utilized.

We will use the classification of

1	R	OO	10
1	U	II	

In filing this set of prints, the following order or sequence is used:

1. Find the primary denominator of 1 (marked in red ink).
2. Find the primary numerator of 1 (marked in black ink).
3. Find the secondary denominator of U (marked in red ink).

4. Find the secondary numerator of R (marked in black ink).
5. Find the subsecondary denominator of II (marked in red ink).
6. Find the subsecondary numerator of OO (marked in black ink).

Upon reaching this stage of the filing, the only thing remaining is the placing of the card by numerical value in its proper position in relation to the final count. In this case the final is 10, so the card would be filed before any cards with a final of 11 and after any cards with a final of 9. All cards must be filed to the rear of the classification index card.

### Overcrowding

It should be noted that some primary divisions will be more crowded than others because of a preponderance of cards of like primary classifications. For example, in a file comprised of some 5,000 cards, fully one-fourth of these cards will fall into the  $\frac{1}{1}$  primary. Other primaries in this same size file may contain only three or four cards. For this reason, it is suggested that the index guide cards be made up only as the need arises and the file be allowed to grow as the divisions become crowded.

As more cards are processed or received, additional drawer space will be required. A single four-drawer filing cabinet will be sufficient to handle approximately 5,000 fingerprint cards and the necessary guide cards.

The tabs to be placed on the index guide cards may be purchased at any dime store or stationery store at a very reasonable cost. These adhesive tabs, once applied to the guide index cards, will have a longer useful life if they are then completely covered, front and back, with a strip of transparent tape.

(Continued on page 24)



## *“I’m Ashamed of Having Been So Indifferent”*

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*Mr. Moore recently served as an appointed police commissioner and was specifically charged with the responsibility of studying the law enforcement situation in his city. Upon completion of his investigation, he wrote an article on his experiences for a column which he authors for his company magazine, Look Around. Mr. Moore kindly granted permission for the Bulletin to reprint pertinent excerpts from his article.*

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**GERALD W. MOORE**  
Vice President,  
H. W. Moore Equipment Co.,  
Commerce City, Colo.

Being a good officer is one of the most demanding jobs our society has to offer. No one likes to get caught breaking the law, and those who do are generally very abusive of the police who catch them. The policeman is the only symbol of government with which many of those in problem areas come in contact. As such he is the recipient of disproportionate amounts of hatred, mistrust, and fear which many people direct toward any representative of government because of dissatisfaction and despair with their lot in life and their feeling that the “authorities” must be responsible.

“Police brutality” has become a rallying cry for minority groups and demonstrators.

“Abuse of police power” has become a rallying cry for liberals. A portion of this attitude exists because of a justifiable fear of a repetition of a police state such as Nazi Germany, or

some of the Communist countries, and is an emotional carryover from the Second World War and from the subsequent cold war. The other portion of this attitude exists because police make good whipping boys; they don’t talk much about themselves, or about what they do; they aren’t much for public relations. Most of them still think that performance speaks for itself. They have to perform some very nasty duties and people resent that. All of this makes them subject to abuse; more than almost any other segment of the populace.

Policemen are notoriously underpaid. Most of them are required to literally lay their lives on the line every day that they work. They are almost invariably overworked; they are ignored by the majority of the public (except when they are needed) and abused by the rest. The number of devoted law officers in existence is

amazingly large when you consider these conditions under which they work.

One of the most disturbing thoughts that I have had over the past 3 months is that if everyone in the world had paid as little attention to policemen as I had in the past, the police department I was investigating would have deteriorated completely for lack of attention, and there would have been virtually no law enforcement in this area. I am ashamed of having been so indifferent to law enforcement, and I feel lucky to be able to help the situation.

My questions are:

1. What is the condition of your local law enforcement agency in regard to salary, morale, conduct?
2. Do you care enough about law enforcement to find the answer to question number one and, if necessary, to help do something about it?

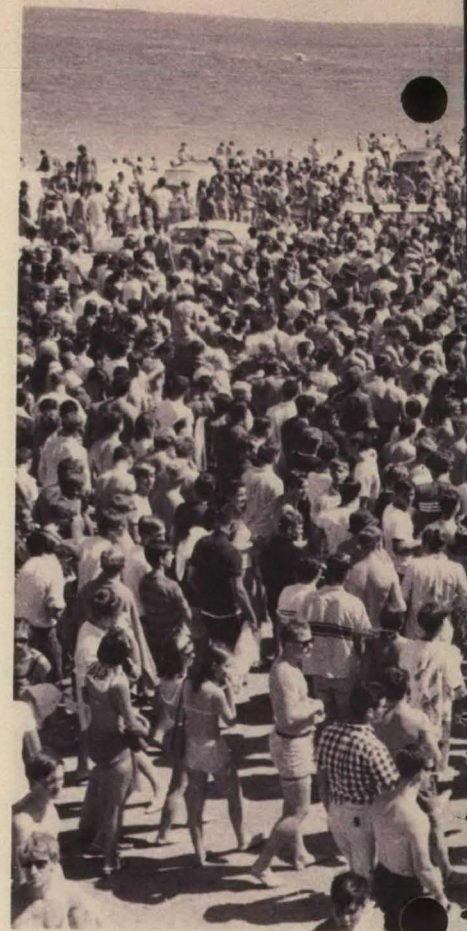


# Holiday Weekend Disturbances

To most people the Easter season means the celebration of the holy days and the Resurrection. To a Fort Lauderdale police officer, it means going to college or, to put it more precisely, college coming to the Fort Lauderdale police officer. To us the Easter season signals the arrival of some 30,000 college students from over a hundred colleges in an annual migration to our world-famous 5½-mile stretch of sun-soaked public beach.

The college "invasion" of Fort Lauderdale by visiting students began on a modest note in 1938, when approximately 300 students attended the first Swim Forum. Impressed with their visit, they became self-appointed publicity ambassadors, extolling the advantages and merits of this resort city, and, along with many other college classmates, they began returning

**ROBERT W. JOHNSTON**  
Chief of Police,  
Fort Lauderdale, Fla.



to spend spring or Easter vacations here.

## *Mild Beginning*

Each year, although the number of visiting students now started to reach the thousands, the collegians were generally well behaved. We experienced just minor incidents of vandalism, such as the placing of dead sharks in hotel swimming pools and other similar "highjinks."

In 1961, due to a number of factors, the rapport between the visiting collegians and the local citizens and police was shattered by a full-scale, major disturbance. Although we are blessed with miles of free public beach, the students crowded into a four-block area, pinpointed at the intersection of East Las Olas and At-





(Photos courtesy Fort Lauderdale News)

ousands of students spill from the beach into the streets.

lantic Boulevards near the Elbo Room, their favorite beachfront bar. At this time no recreational facilities were provided for the students.

That year the colleges, because of an early Easter, were almost all on vacation at the same time. This was also a banner year for tourism for Fort Lauderdale. To complicate matters further, the movie, "Where the Boys Are," publicized Fort Lauderdale nationally. These factors brought over 50,000 college students at one time, jammed into an already tourist-crowded beach. Because of our strictly enforced local ordinances covering alcoholic beverages and sleeping on the beach, the students, in great numbers, journeyed nightly to Jade Beach, a lightly patrolled area located in an unincorporated section of the county just north of Fort Lauderdale. Here

they built bonfires, drank, and generally let off steam. The straw that broke the camel's back occurred when the sheriff's office, upon demand of the owner, closed Jade Beach.

### *Restlessness Grows*

The students, deprived of their one area of lightly supervised relaxation, became restless, returned to Fort Lauderdale, and decided to take over the main intersection of our beach at East Las Olas and Atlantic Boulevards. This they accomplished by sheer numbers, stopping vehicular traffic by surging into the street by the thousands. The rallying, or focal, point of attention was a student who had climbed a light standard and had begun performing acrobatics to the delight of the cheering students below.

Once the student was removed from the pole and several arrests were made, order was restored. However, we were to experience one more night of rowdiness and make 408 arrests, ranging from public intoxication to resisting arrest, before full control was gained and maintained on the third night.

### *Corrective Measures*

After the students returned to their schools, a searching evaluation was made of the incident and our lack of preparation or anticipation of trouble. Corrective measures were taken immediately to prepare for 1962. The community realized that this was a total community problem, not just a police problem. A progressive city commission, with the assistance and support of civic groups such as the Jaycees and Panhellenic Women's Club, made plans for recreational activities. A booklet was prepared and sent to the colleges that usually had students come to Fort Lauderdale. The booklet listed the steps that we were taking to assist the students in enjoying their visit here and provided a list of hotels and motels that would have accommodations available for visitors. Nightly dances with bands were organized just for the collegians along with daytime activities, such as volleyball and similar games that could be played on our beach. Also, local merchants provided gift certificates for winners of various contests.

### *Crowd Control Taught*

From the police viewpoint, the trouble in 1961 pointed out just how ill-prepared we were to handle a major crowd problem. An intensive 40-hour course in crowd control was planned and given to all members of the Fort Lauderdale Police Department. This same course, with modifications and current practices added, is now a part



of the curriculum of the Broward County Police Academy. As all of the county agencies send their men to this academy for training, we were able to institute a program of standardized procedures.

When the 1962 Easter season arrived, we were prepared and had also set up a temporary substation on the beach to facilitate the handling of any arrests that might be made as well as to provide information and assistance to the visiting students. The year 1962 was relatively calm, with no major incidents or problems. We attribute this to the entertainment and recreation provided by the city fathers for the visiting students as well as to the added confidence of the officers, due in great measure to the training that they had received in the methods of crowd control.

### ***Explosive Group***

Although some high school youngsters had been coming into the area each year during the Easter vacation, their numbers were not fully realized until 1962, when a "tag system," or registration system, was instituted. The collegians would identify themselves with their school identification, and they were given a tag which would allow them to participate in all city-sponsored functions, such as competition games, dances, etc. The high school youngsters, wanting to be part of the crowd and rub shoulders with the college students, began getting college identification cards from any source whatsoever. (You name the source—they had thought of it.) By 1966 the high school youngsters from southeast Florida and many other States came to this area in numbers at least equaling the collegians, and they now are the bigger problem. They are the "explosive" group and the group that needs the most supervision.

Peace and tranquillity reigned through 1965. The entertainment pro-



Flying wedge of mounted motorcycle officers keeps open a main thoroughfare paralleling the beach.

vided for the students and a firm, but fair, enforcement of local ordinances were working out satisfactorily. The students were an economic boon to the community. It is estimated that during their stay they poured \$11½ million into local merchants' businesses. Also, many students have returned to this community after graduation to become permanent citizens.

### ***Rumblings of Trouble***

In 1966 we experienced our first trouble since 1961. On Thursday, April 7, at 2 p.m., a woman preacher climbed to the roof of a vehicle and began to speak on the evils of drinking and carousing with college girls. Almost immediately a large crowd gathered and blocked off the intersection of East Las Olas and Atlantic Boulevards. They began poking fun and shouting derisive comments at the female preacher. Once she and some student troublemakers were removed from the scene, order was quickly restored. This was accomplished with a minimum of manpower. Because of the publicity this incident received over area radio stations, stu-

dent activity that night was heavy and the young people were looking for excitement. Late in the evening an attempted crossburning on the beach was thwarted by alert uniformed officers, and the crowd quickly broke. There were no further incidents.

### ***Student Buildup***

This background brings us up to date—to 1967. Again, because of a shortened Easter vacation period and a banner tourist year, an estimated crowd of 30,000 college students saturated our beach. With the increasing buildup in the days preceding Easter, our Tactical Patrol Unit was detailed to the beach area exclusively. This 14-man unit worked in the problem area from 7 p.m. to 3 a.m. daily in teams of walking men and radio car patrol. Experience had shown us that this was generally the most crucial time period. It soon became evident that the daytime crowd was also increasing measurably, and traffic control officers were dispatched daily at 11 a.m. to handle pedestrian and vehicular traffic at the main intersection of East Las Olas and Atlantic.



Since there was a lack of hotel and motel facilities, caused by a heavy tourist season, we felt the need to relax somewhat in the strict enforcement of a local ordinance prohibiting sleeping in the open. The city of Fort Lauderdale owns a metered lot with a 900-vehicle capacity just two blocks from the beach. Through the news media we got word to the students that they would be permitted to sleep in their vehicles in this lot at night, provided they did not disturb the surrounding motels. It was felt that in this way, we would have the students in one area instead of riding around town increasing problems of surveillance. They would also be afforded some protection at night as we patrolled the lot. This worked out well, and there were no incidents at the lot during their stay.

### ***Police Deployed***

With the stage set similarly to 1961, a wary eye was kept on the situation. The method used to maintain a close watch on the problem was the utilization of plainclothes detectives to filter through the crowd to gather intelligence and ascertain just what the students might be planning. Our youngest detectives, as well as three of our policewomen, were attired in bathing suits and mingled with the students on the beach. Other detectives assuming the role of tourists walked among the street crowds. Once trouble did start this year, the detectives performed an invaluable service by discreetly and quietly ushering troublemakers out of the crowd and into the hands of uniformed officers. In this fashion we were able to apprehend students who were throwing sand-filled beer cans, firecrackers, and bottles from the rear of the massed crowds.

On Good Friday, March 24, a series of events began that were to touch off a full-scale disturbance once again.

At 1:13 p.m. our department received a call requesting oxygen for a sick person at the corner of Almond Avenue and East Las Olas, just one block west of the beach. At 1:18 p.m. a supervisor on the scene advised that oxygen was being administered and alerted the ambulance driver to slow down his emergency run as there was no way he could get through the heavy traffic. We finally had to send two motorcycle officers to assist the ambulance in making its way through the tremendous traffic jam in the beach area at that time.

### ***Students on Rampage***

At 1:41 p.m. the traffic control officers, who had been on duty since 11 a.m., reported that they had completely lost control of the intersection. They further reported that approximately 2,500 students had filled the intersection and were beginning to take part in acts of vandalism. A soft drink truck, which had been caught in the traffic tieup, and a bakery truck were looted by the rampaging stu-

dents. Some students started to hurl soft drink bottles at the officers who were attempting to quell the disturbance. It was obvious that we did not have sufficient manpower available to handle the situation, so officers were given orders to try to hold their positions. A call for assistance was made to our off-duty personnel and to other police agencies in the county.

By 2:30 p.m., or 45 minutes after the trouble started and a call for assistance was made, agencies from as far as 10 miles away were on the scene in riot formations moving against the crowd. Students looted a vegetable truck delivering vegetables to a beach hotel and were using the produce as missiles against the officers, as well as throwing them at each other. Two blocks north of the main trouble area, students tried to tip over a large bus but were dispersed by a squad of officers. A flying wedge of mounted motorcycle officers cleared the beach road after traffic had been rerouted. A skirmish line kept the students off the street and on the beach.

By 3:06 p.m., or 1 hour and 25

A produce truck was stalled by the throng of students who raided it for "missiles" which they threw at officers and one another.





minutes after the trouble had started, full order was restored and we were in control of the situation. At this time some 90 officers from our own department were on the scene, augmented by about 200 officers from other agencies in the county. At 3:30 p.m. an additional reserve force arrived from Miami in neighboring Dade County. This reserve force, which was never committed to the disturbance, amounted to 25 motorcycles from Miami and a 55-man unit from the Dade County sheriff's office, including 28 motorcycles.

By 8 p.m. most of the outside agencies, including those from Miami, were relieved and an attempt at normalcy made. All remained quiet until 11 p.m., when the crowd started to build up again. At 11:30 p.m. we were alerted to a disturbance about eight blocks from the usual problem area. The officers sent to quell that disturbance were met with a barrage of rocks, sand-filled beer cans, and bottles. By 12:30 a.m. the men on duty, coupled with sheriff's deputies who had remained on duty with us, had the situation cleared up and there were no further incidents throughout the night.

### ***Tactics Used***

The next day, Saturday, our full complement of men was scheduled to work overlapping shifts to provide additional manpower on the beach. By 11 a.m. we had over 65 men from our department in the immediate vicinity of the beach on standby in the event that trouble arose. With the exception of some catcalling and taunting of the officers, things remained relatively quiet until about 2 p.m., when the students surged into the street and again blocked traffic. Reserve forces augmented our officers, and in relatively short order the students were forced over onto the beach. We kept walking them back

and forth until they tired. Then we let small groups at a time off the beach and provided escape routes until the whole area had been cleared of students. At 11:30 p.m. we again had a buildup, and the same methods were employed to break things up. By 1:30 a.m. all reserves were relieved and normal patrol was resumed.

On Easter Sunday an exodus of students began, as most of them had to return to school. We also had over 200 officers, men from area agencies and Fort Lauderdale, on the beach this day. The day was spent in heavy enforcement of all traffic laws and city ordinances, and there were no further incidents.

After Easter Sunday the entire situation was handled by our own officers who had their days off canceled.

### ***Arrests Made***

A total of 817 arrests were made on the beach during the disturbances. The charges were as follows:

Liquor laws.....	136
Disorderly conduct.....	326
Public intoxication.....	121
Resisting arrest.....	36
Vagrancy.....	24
Unlawful assembling.....	59
Inciting riot.....	16
Petty larceny.....	16
False information to police.....	10
False identification.....	2
Assault and battery of police.....	8
Failure to obey police.....	7
Destroying property.....	13
Interfering with police.....	10
Contributing to delinquency of minor.....	5
Indecent exposure.....	3
Weapons.....	2
Possession of firecrackers.....	9
Driving while intoxicated.....	2
Trespassing.....	4
Possession of stolen property.....	2
Contempt of court.....	1
Hotel skip.....	1
Gambling.....	1
Work without identification.....	1
Breaking and entering motor vehicle.....	1
Aiding escape.....	1

Students arrested attended schools as follows:

University.....	207
Junior college.....	81
Institute/academy.....	21
High school.....	79
Not stated.....	179

Bonds were set generally at \$500. With few exceptions we received cooperation from the press and news photographers. The photographers did create some problems when they moved into a crowd to take photos, as this would set the students off again. When asked to leave, generally they complied. A photographer who was employed by a major network refused to leave and he was arrested, much to the chagrin of the network.

### ***Damages Sustained***

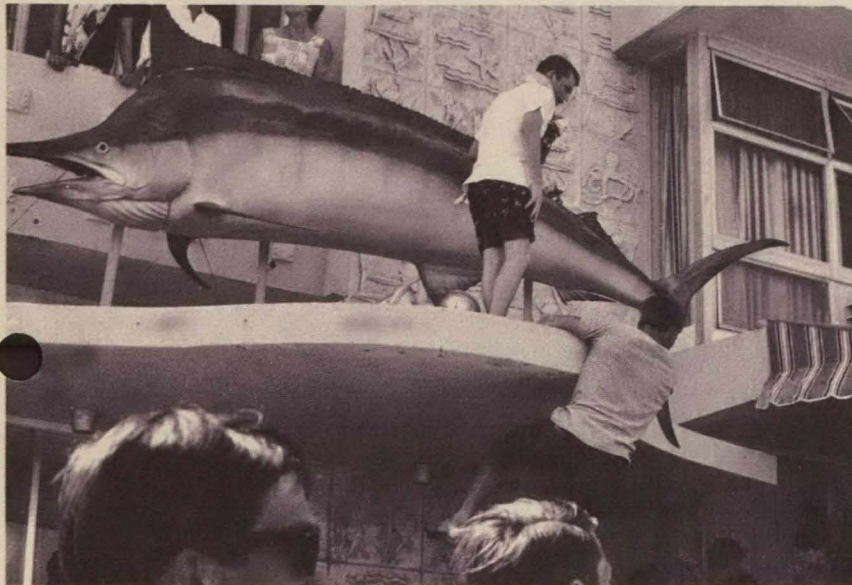
The police department did not receive any formal complaints of damages to private property. However, based on observation of damages by officers and supervisors on the scene, the official police department estimate was set at \$5,000. Damages observed included scrapes and dents on private vehicles and on rooftops of vehicles where students perched for a better view of the activity and windshields broken by the projectiles thrown by students. Also, there was considerable pilferage of the soft drink, bakery, and vegetable trucks.

Damage to police-owned equipment was set at \$2,500. This included lost, stolen, and damaged riot helmets and batons, broken windshields, paint damage to police vehicles, and fire damage to a prisoner van. The prisoner van was set on fire by some students who were being transported to the city jail, and only alert action by auxiliary officers averted what could have been a tragedy. Only one student suffered minor burns. We also lost a few uniform caps to souvenir-hunting students, and several uniforms were torn.





One group tried, but failed, to tilt over a city bus.



Some youngsters scaled the fronts and sides of buildings for better vantage points.

A soft drink truck is looted by the rampaging students.



The quick mobilization of outside agencies in response to a plea for assistance was the result of a plan formulated by the Broward County Chiefs of Police Association after our community and Pompano Beach, our neighbor to the north, had been rocked by racial disturbances in August 1966. There now exists a mutual aid pact among law enforcement agencies in the county. Each agency assumes its own liabilities and pays its men or provides compensatory time off for hours worked. A roster which shows the number of men available, along with equipment and time required for mobilization, has been given to each unit. This year was the first time the plan had to be put into effect, and it worked very well. Refinements, such as in the area of radio communication, are being considered and evaluated now, and it is felt that things will go even more smoothly in the future.

### ***Mutual Respect***

The officers involved in the Easter incident were drawn closer together, and it was heart-warming to see the fellowship between officers facing a mutual problem. I am certain that many new friendships were made, and the feeling of mutual respect has aided the morale of all the departments involved.

Our department, through the sponsorship of the Fort Lauderdale Police Benevolent Association, hosted a barbecue for all of the agencies which sent or offered aid to us. At the barbecue an idea thought of and paid for by the patrolmen of Fort Lauderdale Police Department was brought to a conclusion. The city and the police department had sent formal letters of appreciation. From the men came plaques inscribed, "From the Police Officers of Fort Lauderdale to the Police Officers of (Department Name) Easter Season 1967—THANKS!" I, too, feel that this one word best sums up my feelings.



Since the search authority under this procedure derives from the right to arrest, it carries no greater validity than the arrest itself. Should the arrest fail for some reason, the incidental search will fail and any evidence directly obtained thereby, whether oral or physical in nature, will be barred from admission against the accused. *Beck v. Ohio*, 379 U.S. 89, 91 (1964); *Wong Sun v. U.S.*, 371 U.S. 471 (1963). But, as to oral evidence, see *Clewis v. Texas*, 386 U.S. 707, 711, fn. 7 (1967). Although an arrest may be declared invalid for a variety of reasons, e.g., improper warrant, failure to comply with statutory requirements, etc., the most common deficiency is a lack of probable cause. This is not surprising in view of the inherent vagueness of that term. And because the concept lacks definition, the officer acting in good faith, on what he conceives to be a fair belief that reasonable cause exists, often finds his arrest rejected by the court as based on insufficient grounds. [In this connection, see A.L.I., Model Code of Pre-Arrest Procedure, sec. 9.02, advocating, as to statements made after illegal arrest, that exclusion ought not to be invoked where the officer was acting "under emergency circumstances with colorable justification, even though a court may later determine that he made a mistake."]

The best assurance of probable cause is found in the warrant of arrest, for the law has long shown a preference for decisions made by "the neutral and detached magistrate." *Aguilar v. Texas*, 378 U.S. 108, 110 (1964). In an effort to encourage greater reliance on this procedure,

some courts have stressed that in a doubtful or marginal case of probable cause, an arrest with a warrant may be sustainable where without one it would fall. *Ford v. U.S.*, 352 F. 2d 927, 932 (1965). See also, *U.S. v. Ventresca*, 380 U.S. 102 (1965) (expressing this principle with regard to search warrants). An added advantage lies in the fact that use of the warrant requires that the arrest decision be reviewed in advance by the court. This avoids an "after-the-event justification" which, as the Supreme Court has noted, is "too likely to be subtly influenced by the familiar shortcomings of hindsight judgment." *Beck v. Ohio*, 379 U.S. 89 (1964).

Of course, in many instances it simply is not practicable to obtain a warrant before effecting the arrest. Where this is the case, the officer should recognize that probable cause will be measured by the facts and circumstances available at the time the arrest is made; it cannot acquire added support by what is uncovered later on. *Beck v. Ohio*, *supra*; *Byars v. U.S.*, 273 U.S. 28, 29 (1927); *Murray v. U.S.*, 351 F. 2d 330 (1965). By divorcing the arrest from the search in this manner, the law attempts to discourage officers from searching suspects indiscriminately in the hope of finding evidence to support an arrest. The theory, of course, is that a policeman who is denied the fruits of his illegal efforts is less likely to circumvent the law. Application of this rule is found in *Beck v. Ohio*, 379 U.S. 89 (1964), where police officers accosted the defendant while he was driving his vehicle and ordered him to pull over to the curb. Beck was placed under arrest and a search was made of his

# Search of Motor Vehicles

*This is the seventh of a series of articles discussing the Federal law on search of motor vehicles.*



vehicle, but no incriminating evidence was found. He was then taken to a police station, where a search of his person disclosed a number of clearing house slips "beneath the sock of his leg." The arresting officer testified that he had "information," that he had "heard reports," that "someone specifically did relate that information," and that "he knew who the person was." The record failed to indicate the nature of information received or the source of such information or reports. Neither did it show that the informer had stated Beck could be found at any particular time or place. Reversing the judgment of conviction, the Court said: "The constitutional validity of the search in this case . . . must depend upon the constitutional validity of the petitioner's arrest. Whether that arrest was constitutionally valid depends in turn upon whether, at the moment the arrest was made, the officers had probable cause to make it. . . ." *Id.* at 91. On the basis of the record before it, the Court concluded that the "case does not contain a single objective fact to support a belief by the officers that the petitioner was engaged in criminal activity at the time they arrested him." *Id.* at 95.

But just as the arrest cannot be justified by what is turned up, so failure to find the item sought or the discovery of evidence of an unrelated offense does not render the search invalid. The officer deals in probabilities, not certainties. *Brinegar v. U.S.*, 338 U.S. 160, 175 (1949); *Bell v. U.S.*, 254 F.2d 82, 86 (1958). Consequently, the law does not require that his conclusions be correct but only that they be reasonably drawn from the circumstances. If the arrest is made, for example, on the basis of a report that the suspect has stolen a suit from a men's clothing store and a search of the vehicle fails to disclose such a suit, but it does reveal several other stolen garments, the mere fact that the search

yielded evidence of a crime other than the one anticipated does not indicate the officer acted without sufficient cause. *State v. Rye*, 148 N.W. 2d 632, 634 (Iowa, 1967). Similarly, the fact that Federal agents looking for whisky in connection with a known interstate violation find, instead, stolen radios which are part of an unrelated offense would not be a decisive issue in determining the question of probable cause. See *Henry v. U.S.*, *infra*, discussed below in detail; *Harris v. U.S.*, 331 U.S. 145 (1947) (sustaining seizure of illegal draft cards discovered during search incident to arrest for mail fraud and interstate transportation of forged checks); *U.S. ex rel Wilson v. LaVallee*, 251 F. Supp. 292 (1966) (arrest for robbery, search of vehicle uncovered narcotics).

#### **When Does the Arrest Take Place?**

Inasmuch as the legality of the arrest is judged by the facts and circumstances known to the officer at the time it is made, it is important to know precisely what type of police activity constitutes an arrest. To illustrate, consider the case of *Henry v. U.S.*, 361 U.S. 98 (1959), involving a theft from an interstate shipment of whisky at a terminal in Chicago. On the day following the offense, FBI Agents were investigating in the neighborhood of the theft, when they saw Henry and one Pierotti leave a tavern and enter a nearby automobile. Pierotti's employer, an officer of a freight company, had given the Agents "information concerning the implication of the defendant, Pierotti, with interstate shipments." The Agents followed the car and saw it stop in an alley in a residential area. Henry got out of the car, entered a gangway, and returned within a few minutes carrying several large cartons. He placed the cartons in the automobile and drove away. Although the

Agents were unable to follow, they later located the vehicle parked near the same tavern. Shortly thereafter the defendants came out of the tavern, drove back to the alley following an indirect route, entered the same gangway, and loaded additional cartons into the car. The Agents were several hundred feet away and were unable to determine the size, number, or contents of the cartons. When the defendants drove off, the Agents intercepted their car and waved them to a stop. The key question now is, "Does this compulsory detention constitute an arrest?" As we shall see, the admissibility of evidence and indeed the success or failure of prosecution in this case depend on the manner in which this question is resolved.

If the arrest took place when the car was stopped, it was necessary to establish *at that point* that the Agents had reasonable grounds to believe a Federal crime was being committed. In the absence of such a showing, the arrest was illegal and any incidental search thereto was unreasonable; the arrest could not be saved by what might later be uncovered through interrogation of the suspects or a search of their automobile.

Before we decide whether probable cause existed, it might be helpful to reexamine the facts and circumstances as they were known to the Agents prior to the stopping of the automobile. A proper evaluation of the arrest decision must necessarily go slightly beyond the court opinion. First, the information received from Pierotti's employer was more substantial than the opinion indicates. At the trial the prosecution failed to make clear for the record the fact that the implicating information concerned "thefts" from interstate shipments; this was the same type of offense as that under investigation. Of course, a simple, unsupported accusation of this kind would not alone justify arrest,



but such information may be taken into account by an officer when it comes from a credible source. The persuasiveness of this factor, however, will depend in large measure on the extent to which it can be corroborated by other circumstances. At the very least, the statement in this instance served to narrow the focus of the investigation.

Second, the defendant Henry had a prior arrest record and a reputation for engaging in the sort of criminality for which the investigation was being conducted. This fact was known to the Agents at the time of the stop and obviously it was relevant to the arrest decision. *Jones v. U.S.*, 362 U.S. 257, 271 (1960) ("petitioner was known by the police to be a user of narcotics"); *Brinegar v. U.S.*, 338 U.S. 160, 165 (1949); *Carroll v. U.S.*, 267 U.S. 132, 160 (1925); *Husty v. U.S.*, 282 U.S. 694, 700 (1931); *U.S. v. Reincke*, 341 F. 2d 977 (1965) (prior criminal record pertinent to determination of probable cause); *Dixon v. U.S.*, 296 F. 2d 427 (D.C. Cir. 1961) (one of occupants of car known to officers as a safe breaker); *Ellison v. U.S.*, 206 F. 2d 476 (1953) (officers investigating the burglary of a drugstore knew defendant had been arrested for similar offense one year earlier).

Third, the appearance of the defendants at a tavern and their later return to the same location, where they unloaded several large cartons, were also pertinent, since the tavern might well have been an outlet for disposal of the stolen liquor. In addition, the liquor taken from the trucking terminal had been boxed in cartons of a similar size and description.

Fourth, when returning to the gangway from which they had departed earlier, the defendants followed a "circuitous route through streets and alleys." *Id.* at 105. This, too, has been found to bear on the validity of the arrest. If the suspect's

behavior is *out of the ordinary* or if he is conducting himself in a manner not usual for law-abiding citizens, that fact is relevant to the arrest decision. On that basis it is reasonable to say that the average person making two trips between the same given points in the space of a few hours is not likely to follow a different and somewhat involved route on each occasion. Moreover, as pointed out in the Government brief: "One does not *ordinarily* make deliveries of merchandise to a bar in a private passenger vehicle. And one does not *ordinarily* make repeated deliveries of merchandise in bulk to a retail dealer unless one is carrying the kind of merchandise which the dealer is licensed to sell." (emphasis added). Government brief, *Henry v. U.S.*, page 19.

This, then, is the extent of the information available to the Agents at the time the car was called to a halt. While the situation indicated an obvious need for prompt investigative action, it would seem that the evidence, at this point, fell somewhat short of the amount of proof normally required for arrest and a formal charge. Nonetheless, the Government conceded both in the lower courts and on appeal that an arrest took place when the defendant's car was stopped, arguing that the Agents then had probable cause to believe that a Federal crime was being committed. The Supreme Court accepted the Government's position on the arrest issue, stating, "That is our view *on the facts of this particular case*. When the officers interrupted the two men and restricted their liberty of movement, the arrest, *for purposes of this case*, was complete." (Emphasis added). The Court concluded, however, that there was insufficient cause either to arrest or to search; consequently, the examination of the car, which had disclosed not the whisky which was sought but stolen radios, was de-

clared invalid and the conviction was reversed.

But consider now the events which directly followed the stopping of the car. As the Agents approached the vehicle, Henry was heard to say, "Hold it, it's the G's. Tell them he [you] just picked me up." *Id.* at 99. The Agents knew this comment to be untrue since they had seen the defendants together for several hours. By its very nature, therefore, this obvious attempt to invent an alibi was suggestive of guilt and could properly be relied on in the decision to arrest. See, e.g., *Bell v. U.S.*, 280 F. 2d 717 (1960) (suspect walking in opposite direction from his stated destination). Other incriminating circumstances were present. After Henry got out of the car, one of the Agents looked through the open door and saw stacked up inside three cartons resembling those which had just been taken from the gangway. The cartons bore "Admiral" shipping labels and were addressed to an out-of-State company, thus it was readily apparent they were part of an interstate shipment. This provided still another element in the pattern of probable cause. Asked about the cartons, Henry stated they were in the car when it was borrowed from a friend; here again the statement was patently untrue. Also, Pierotti denied having just been to the tavern, stating that he might have been there that morning. Plainly, this was inconsistent with what the Agents had observed. Moreover, he claimed that he "just got off work at 2:30," yet he had been seen at the tavern at approximately 2:10 p.m. In short, several additional and very important elements of probable cause were developed during the course of the inquiry at the car.

In the opinion of Justice Clark, who dissented in the case along with Chief Justice Warren, the Agents now had "reasonable ground to believe that a

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## NCIC REPORT

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NCIC system will not only provide the benefit of instant information but also increase workload because of the necessary followup investigation.

The NCIC stolen vehicle file has been very successful in identifying stolen motor vehicles moving inter- and intrastate. In connection with a car theft ring between New York City and Knoxville, Tenn., the NCIC system immediately identified 14 of 23 suspect vehicles as stolen. Another example of the use of the system occurred in San Antonio, Tex., in April 1967. An automobile dealer in that city, after completing some service on a 1966 Pontiac, called the local FBI office, stating that he was suspicious as to the status of the car. An immediate check through the Texas Department of Public Safety to the NCIC identified the vehicle registered in Florida, as having been stolen in Atlanta, Ga., November 17, 1966.

The ultimate user of the system is, of course, the police officer on the street. The objective of the system is to increase the number of case solutions and to increase the risk of detection for the criminal. This type of use is perhaps best illustrated in the actions of an alert Maryland State Police officer. While on patrol on the Maryland highways, the officer noticed a vehicle with out-of-state tags parked on the shoulder of the highway. Within a mile he observed two youths walking along the highway. The officer made an inquiry on the car of NCIC through his car radio to Maryland State Police Headquarters. He then approached the two youths and questioned them concerning their identity and reasons for being in the area. While questioning the youths, he received a radio reply that NCIC had identified the vehicle as a stolen car, giving a complete description of the car and date of theft. The elapsed time



The Motor Vehicle Subcommittee of the NCIC met recently in New Orleans to discuss additional plans and operations.

from his initial radio inquiry to receipt of the message was 3 minutes. The officer advised that the radio reply on the stolen car was heard by the youths, and from their reaction it was obvious that they were possibly involved. The officer took the boys to the Maryland State Police Troop Headquarters, where they immediately confessed the theft.

The foregoing has briefly reported on the status and operation of the NCIC as of now. What does the future hold? Space does not permit a lengthy discourse as to detailed future plans; however, the following generally summarizes what is on the drawing board.

At the time of this writing, steps are under way to include additional terminals in the system. By the time this article is published, some will have undoubtedly become operational. The new terminals will include the Michigan State Police, East Lansing; the Illinois State Police, Springfield; the Florida Highway Patrol, Tallahassee; Miami Metropolitan System, Miami, Fla.; and several others. Priority is being given to those agencies planning computerized systems which will enable them to effi-

ciently service in turn numerous local terminals. Plans include rapid expansion of the system, consistent with the hardware and communications capability of the NCIC itself.

A supplemental communications study is under way by ITSA to carry the communications development logically to the broad band stage. This, of course, will not only be important to the computer-to-computer information exchanges but also to the transmission of facsimile and other graphic items. Communication via satellite is certainly not outside the realm of possibility and will contribute to the upgrading of communication procedures. It will be of interest to all potential NCIC participants that communications costs from the NCIC computer to the agency's terminal device will be borne by the FBI. Thus, the national communications network will be federally funded on a continuing basis.

Studies are under way on the development of new applications, including the establishment of a new "criminal profile" file of known repeating offenders who travel throughout the United States. In addition, research



is being conducted to ascertain the best and most practical means of storing the "rap" sheet in an automated file with rapid access capability. Facsimile transmission applications are being considered and evaluated. These would furnish each NCIC participant various graphic data including fingerprints and photographs. Visual display terminals may well displace current manual terminal devices, and continuous research is being conducted along this line. Mobile terminals are also a possibility and will be evaluated. The automatic scanning and classification of fingerprints are, of course, high on the priority list. Contracts have been awarded

recently by the FBI in anticipation of a prototype system.

The foregoing represents some of the ideas currently being explored. Certainly, as the technology progresses, new equipment will be available as well as new methods which will make even today's thinking obsolete. We must remain flexible to change and continue to search for the best technology has to offer to assist law enforcement in carrying out its assigned duties. Law enforcement, among other professions, is well up front in the use of technological advances. A new era has been entered. It is our responsibility to make continued progress an absolute certainty.

## FINGERPRINT RECORDS

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A few words about another fingerprint file which we have incorporated into our system may be of value to the reader. A search made in a standard classified fingerprint file for a single latent fingerprint, such as might be found at the scene of a crime, is a most difficult and time-consuming operation. A system known as the Five Fingerprint File, confined to known burglars, sex deviates, petty thieves, and like persons, is of great value and is easily maintained and searched.

### Five Fingerprint System

In the five fingerprint system, the various pattern types are assigned a numerical value. This system utilizes the fingers of the right hand as one unit and the fingers of the left hand as another unit. A card containing the right hand fingerprints is completed and another card containing the left hand fingerprints is made. These two cards are classified and filed separately under a primary division of right or left hand, and a second-

ary division under the subject's method of operation.

The numerical values assigned are as follows:

- 0—an amputated finger.
- 1—a plain arch pattern.
- 2—a tented arch pattern.
- 3—a right slope loop.
- 4—a left slope loop.
- 5—a plain whorl or a central pocket loop whorl pattern.
- 6—a double loop whorl pattern.
- 7—an accidental whorl.
- 8—a scarred or mutilated unidentifiable pattern.

In assigning these values, for example, if the right hand of the subject contained a right slope loop on the thumb and index finger, a tented arch on the middle finger, a left slope loop on the ring finger, and a double loop whorl on the little finger, the classification number for the five finger file, according to the numerical value chart, would be 33246. This number would be filed behind the right-hand guide card under the subject's principal method of operation. The cards are filed in numerical order

beginning with 00000. After this would come 00001, 00002, and so forth, until 88888 is reached. Behind each MO guide card, a complete number system from 00000 to 88888 will exist. The number given above, 33246, would be filed after 32246 and before 34246. This same filing procedure is followed for the left hand.

Now, if the scene of a burglary investigation discloses what is believed to be latent prints of a right slope loop on the index finger and a tented arch on the middle finger of the perpetrator's right hand, a search of the burglary right-hand file may be quickly made. This search would be made in the sections containing the value of 3-2 on the index and middle fingers. In other words, a maximum of nine sections of the file must be searched, i.e., 032, 132, 232, 332, 432, 532, 632, 732, and 832.

The five fingerprint card, as utilized by our department, is a 3 by 5 lined index card. The desired information on the subject, such as name, race, sex, date of birth, MO, known associates, police number, and fingerprint classification, is placed on the front of the card; the top line of the card is reserved for the hand, either right or left, and the five finger classification. A set of conventional fingerprints is cut from a standard 8 by 8 card and pasted to the back of the lined 3 by 5 card.

### Conclusion

Certainly, this article is obviously not intended to be a comprehensive study of fingerprint filing systems. Rather, it is written with the hope that a new awareness of the value of a properly operated fingerprint filing system will be brought home to the small department. The desire for such an upgrading of the department's filing system must originate with the administrative head of the department.



## SEARCH OF VEHICLES

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crime was in the course of its commission in their very presence." Refusing to accept the prosecution's assessment of when the arrest took place, Justice Clark declared. "This Court is not bound by the Government's mistakes." The suspicious activities of the defendants, he argued, warranted stopping the car for investigation. "Government agents are commissioned to represent the interests of the public in the enforcement of the law," Clark said, "and this requires affirmative action not only when there is reasonable grounds for an arrest or probable cause for a search but when there is reasonable ground for an investigation." *Id.* at 104. [This proposition had been stated earlier by Justice Burton in his concurring opinion in *Brinegar v. U.S.*, 338 U.S. 160, 179 (1949).] Thus, two members of the Court viewed the stop merely as a preliminary detention and concluded that the events that occurred thereafter, added to the previous knowledge the Agents had acquired, provided a proper basis for searching the car and seizing the cartons. The dissenters, therefore, would have affirmed the judgment in this case on the rationale of the Carroll rule, *i.e.*, the search of a mobile vehicle on probable cause to believe that it contains items which offend the law. Under this theory, probable cause was not required until the Agents began their search of the automobile.

The *Henry* case has been interpreted by some courts as laying down the broad proposition that any restraint on the suspect's freedom of movement constitutes an arrest which must be justified by a showing of probable cause. *U.S. v. Davis*, 265 F. Supp. 358 (1967); *U.S. v. Washington*, 249 F. Supp. 40, 41 (1965); *U.S. v. Souther*, 211 F. Supp. 848 (1962). See also, *Ortiz v. U.S.*, 317

F. 2d 277 (1963). This reading would obviously preclude the police from stopping and questioning persons suspected of crime unless they have the right to make an arrest at that moment. However, this has not been the predominant view. Most courts and legal writers addressing the problem have not considered *Henry* to be authoritative, since the point at which the arrest took place was not a contested issue in the case. As indicated earlier, the Government expressly conceded that the arrest occurred when the car in which the defendants were riding was intercepted by the Agents; thus, the sole question was whether they then had probable cause to believe that a Federal crime was being committed. A.L.I., Model Code of Pre-Arrest Procedure, sec. 2.02, comment at 94 (Tentative Draft No. 1). *Rodgers v. U.S.*, 362 F. 2d 358, 362 (1966); *Busby v. U.S.*, 296 F. 2d 328, 331 (1961), *cert. denied*, 369 U.S. 876 (1962); *U.S. ex rel Alexander v. Fay*, 237 F. Supp. 142, 148 (1965); *U.S. v. Bonanno*, 180 F. Supp. 71, 85 (1960), *rev'd. on other grounds sub. nom. U.S. v. Bufalino*, 286 F. 2d 408 (1960). Moreover, the language of the opinion, specifically limiting the holding to that particular case, suggests that the Supreme Court did not intend to foreclose all further consideration of the question. Indeed, as one Federal judge put it, if *Henry* can be read as holding that any restriction of movement is an arrest, it propounds a rule that is "more honour'd in the breach than the observance." *U.S. v. Thomas*, 250 F. Supp. 771, 781 (1966).

Later in the same term the Supreme Court was presented with still another opportunity to consider the issue of prearrest detention. In *Rios v. U.S.*, 364 U.S. 253 (1960), police officers were patrolling a neighborhood which had a reputation for narcotics activity when they saw the defendant come out of a building, look up and down

the street, walk across a parking lot, and enter a waiting taxicab. The officers followed for a short distance and approached the cab when it stopped at a traffic light. Although the record is not clear as to the precise sequence of the events which followed, it appears that, when one of the officers identified himself, the cab door was opened and Rios dropped a package of narcotics to the floor of the vehicle. He then fled into a nearby alley, where he was subsequently apprehended.

Here again, as the Court noted, the "validity of the search . . . turns upon the narrow question of when the arrest occurred." If the arrest took place when the officers approached the cab, at which time probable cause had not been established, nothing that happened thereafter could legalize the arrest or support a subsequent search or seizure. But if the arrest took place after the defendant had revealed the package of narcotics, the seizure was lawful, since disclosure of the drugs afforded the officers probable cause to believe that a crime was being committed in their presence. Because of the confused fact situation, however, the Court avoided any decision on that point and, instead, remanded the case to the district court for a determination of when the arrest occurred. [On rehearing, the district court held that the arrest was lawful, indicating that it took place after the officer had observed the narcotics. *U.S. v. Rios*, 192 F. Supp. 888 (1961).]

While the Supreme Court took no firm position on the Government's plea for explicit recognition of a right to make inquiry on suspicion, among the alternatives listed in the opinion for guidance of the court below was the prosecution's contention "that the policemen approached the standing taxi only for the purpose of routine interrogation and that they had no intent to detain the petitioner beyond the momentary requirements of such a mission." The fact that this argu-



ment was included as a possible justification for the officers' conduct seems to suggest that, under some circumstances, a stop for routine questioning may be permissible even though cause to arrest is absent. As a result, several courts have since cited *Rios* as precedent for that very proposition. *Brown v. U.S.*, 365 F. 2d 976 (C.A.D.C. 1966); *Wilson v. Porter*, 361 F. 2d 412 (9th Cir. 1966); *Nicholson v. U.S.*, 355 F. 2d 80 (5th Cir. 1966); *Commonwealth v. Lehan*, 196 N.E. 2d 840, 844 (Mass. 1964).

To date, six Federal appellate courts and numerous district courts have either unequivocally sanctioned the practice of detaining on suspicion or have referred to it approvingly in *obiter dictum*. *U.S. v. Middleton*, 344 F. 2d 78, 83 (2d Cir. 1965); *U.S. v. Lewis*, 362 F. 2d 759 (2d Cir. 1966); *U.S. v. Vita*, 294 F. 2d 524, 530 (2d Cir. 1961), *cert. denied*, 369 U.S. 823 (1962); *U.S. ex rel Corbo v. LaVallee*, 270 F. 2d 513, 518 (2d Cir. 1959); *Nicholson v. U.S.*, 355 F. 2d 80, 83 (5th Cir. 1966); *Collins v. Beto*, 348 F. 2d 823, 832, 836 (5th Cir. 1965) (concurring opinion per Friendly, J.); *Rodgers v. U.S.*, 362 F. 2d 358 (8th Cir. 1966); *Schook v. U.S.*, 337 F. 2d 563, 566 (8th Cir. 1964); *McCarthy v. U.S.*, 264 F. 2d 473 (8th Cir. 1959); *Smith v. U.S.*, 264 F. 2d 469 (8th Cir. 1959); *Gilbert v. U.S.*, 366 F. 2d 923, 928 (9th Cir. 1966); *Wilson v. Porter*, 361 F. 2d 412 (9th Cir. 1966); *Davis v. State of California*, 341 F. 2d 982 (9th Cir. 1965); *Busby v. U.S.*, 296 F. 2d 328 (9th Cir. 1961); *Trusty v. State of Oklahoma*, 360 F. 2d 173, 175 (10th Cir. 1966); *Brown v. U.S.*, 365 F. 2d 976, 979 (C.A.D.C. 1966); *White v. U.S.*, 222 A. 2d 843, 845 (D.C. App. 1966); *District of Columbia v. Perry*, 215 A. 2d 845, 847 (D.C. App. 1966); *U.S. ex rel Farrugia v. Bhono*, 256 F. Supp. 391 (1960); *U.S. ex rel Alexander v. Fay*, 237 F. Supp. 142 (1965); *U.S. v. Katz*, 238 F. Supp. 689 (1965);

*U.S. ex rel Spero v. McKendrick*, 266 F. Supp. 718 (1967); *U.S. v. Bonanno*, 180 F. Supp. 71, 85 (1960), *rev'd. on other grounds sub. nom. U.S. v. Bufalino*, 286 F. 2d 408 (1960). For a thorough discussion of the problem and a listing of pertinent authorities, see *U.S. v. Thomas*, 250 F. Supp. 771 (1966). In addition, see the following cases holding that a detention for a traffic check is not an arrest: *Myricks v. U.S.*, 370 F. 2d 901 (5th Cir. 1965); *Lipton v. U.S.*, 348 F. 2d 591 (9th Cir. 1965); *D'Argento v. U.S.*, 353 F. 2d 327, 333-334 (9th Cir. 1965); *Mincy v. District of Columbia*, — D.C. App. — (No. 3789, decided April 15, 1966).

Perhaps the longest line of State cases adopting this position is found in the California authorities, where precedent for a right to detain for investigation can be traced back more than half a century. One of the earliest decisions in that jurisdiction to so hold is *Gisske v. Sanders*, 9 Cal. App. 13, 98 Pac. 43 (1908), involving a civil action for false imprisonment. Reversing a lower court judgment for the plaintiff, the California Court of Appeals ruled that a peace officer had the right to stop and question a person and, if he refused to identify himself, to take him to the police station for further investigation. The Court held, in addition, that a search of the suspect's person which had occurred on the way to the station was a reasonable safety precaution which the officer might undertake regardless of whether or not the party was under arrest. Since the *Gisske* decision, a substantial body of opinion has developed in that State recognizing the right of the police to stop and question where "such a course of action is necessary to the proper discharging of the officer's duties." *People v. Machel*, 44 Cal. Rptr. 126, 131 (1965).

But while a detention may be made on grounds short of probable cause,

"nevertheless there must exist some suspicious or unusual circumstance to authorize even this limited invasion of a citizen's privacy." *Hood v. Superior Court*, 33 Cal. Rptr. 782, 784 (1963). The presence of a reasonable or "founded suspicion" serves to insure that the detention is not arbitrary or harassing. For example, adequate cause for an investigative stop has been found in the following circumstances: a car parked in "lover's lane" started off at a high rate of speed, *People v. Ellsworth*, 12 Cal. Rptr. 433 (1961); *People v. Martin*, 293 P. 2d 52 (Cal. 1956); officers observed a vehicle being driven slowly without lights at night, *People v. Eychas*, 6 Cal. Rptr. 110 (1960); a vehicle fitted the description given the officers of an automobile involved in a robbery and killing of a policeman, *People v. Schader*, 44 Cal. Rptr. 193 (1965); a car was stopped in a neighborhood notorious for narcotics violations after officers noticed it being driven in an erratic pattern, *People v. Davis*, 10 Cal. Rptr. 610 (1961); suspect getting into his car at 4 a.m. in front of a recently burglarized business establishment was questioned and detained while investigation in the area disclosed that a nearby bar had been broken into, *People v. Rodgers*, 50 Cal. Rptr. 559 (D.C.A. 1966); at 3 a.m. officers following a car observed in the neighborhood a half hour earlier ordered the motorist to pull over to the curb after seeing his companion slide down on the seat as if to place something on the floor, *Wilson v. Porter*, 361 F. 2d 412 (1966). In each instance the court held there were adequate grounds to detain the motorist even though the officer did not have a right to make an arrest at that moment; sufficient basis for arrest was then acquired during the course of the investigation.

Until recently the California decisions, together with isolated opinions in several other States, provided



the only judicial precedent to be found expressly supporting an officer's right to stop and question in suspicious circumstances. A number of other jurisdictions recognized an authority to question suspicious persons, but the decisions failed to indicate whether this authority carried with it the right to restrain such individuals under force of law. But perhaps because of the resurgence of interest in the criminal law and individual rights over the past decade, an imposing body of case law is rapidly developing among the States on this important issue. At present appellate courts in almost a score of State jurisdictions approve detention on the basis of suspicion and allow a self-protective search for weapons, notwithstanding the absence of sufficient grounds for arrest. In addition, the practice is authorized by statute in six States. R.I. Gen. Laws Ann., sec. 12-7-2 (1956); 11 Del. Code Ann., sec. 1903 (1953); N.H. Rev. Stat. Ann., sec. 594-3 (1955); N.Y. Code Crim. Proc., sec. 180-a; Neb. Laws 1965, ch. 132, at 471; Ala. Laws, Act No. 157, H. 46 (Special Session 1966); Mass. Gen. Laws, ch. 41, sec. 98 (1958).

A key question which remains to be answered is whether these decisions will be held to square with the minimum standards demanded by the fourth amendment. Justice Traynor, who authored several leading opinions in this area, ruled in *People v. Mickelson*, 59 Cal. 2d 448, 380 P. 2d 658 (1964), that the Supreme Court's holding in *Henry* bears no constitutional implications for the States, since the latter decision was based on that Court's supervisory power over the lower Federal courts. Anticipating *Ker v. California*, 374 U.S. 23 (1963), handed down 2 months later, Traynor stated that the *Henry* decision did not prevent the States from developing their own rules of search and seizure to meet local needs of effective en-

forcement, so long as those rules were consistent with the basic criteria of the fourth amendment. "We do not believe," he wrote, "that our rule permitting detention for questioning conflicts with the provisions of that amendment. It strikes a balance between a person's interest in immunity from police interference and the community's interest in law enforcement. It wards off pressure to equate reasonable cause to investigate with reasonable cause to arrest, thus protecting the innocent from the risk of arrest when no more than reasonable investigation is justified." Whether the Supreme Court will agree with that position has yet to be determined. But

(To be continued in October)

## EMPHASIS PLACED ON EVIDENCE

The Orange County Sheriff's Office, Orlando, Fla., has created a new unit consisting of a four-man crime scene search team. The team is split into two sections of two men each, is on call 24 hours a day, and responds to every crime reported in the county. On major crimes, such as murder and involved robbery cases, all four men are called out. On routine crime cases only one section is required. Heavy emphasis is placed on securing physical and technical evidence at the crime scenes.

When the first officer arrives on a crime scene, he immediately secures the area and waits for the arrival of the special squad. The crime scene team goes into the area, processes for latent fingerprints, and photographs, collects, and labels all physical evidence.

The sheriff of Orange County explained that in the past most cases were taken into court with confessions or statements by the accused comprising the major portion of the prosecu-

a ruling on this vital issue can be expected in the near future, since the Court has agreed to hear arguments in four cases in which the defendants have challenged the constitutionality of an investigative stop. *Sibron v. New York*, No. 63, probable jurisdiction noted March 13, 1967, 35 L.W. 3321; *Peters v. New York*, No. 74, probable jurisdiction noted March 20, 1967, 35 L.W. 3343; *Terry v. Ohio*, No. 67, cert. granted May 29, 1967, 35 L.W. 3419; *Wainwright v. New Orleans*, cert. granted January 9, 1967, 35 L.W. 3234. In the meantime officers should be guided by the decisions in their respective jurisdictions.

tion's case. But now "because of recent U.S. Supreme Court rulings, we find that emphasis must be placed on physical and scientific evidence if we are to win cases in court."

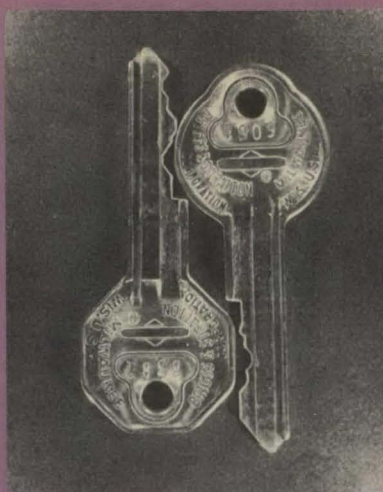
## CHILD MOLESTER

**Tots all over the country will soon be trudging their way to school—many for the first time—unaware of the dangers that may be lurking on the way. The child molester poses an especially dangerous threat to the unsuspecting child.**

**To emphasize this threat and to attract the attention of small children to this danger, the FBI makes available free of charge supplies of the FBI child molester poster. Agencies or individuals desiring to distribute them to schools or children's groups may request copies from the Director, FBI, Washington, D.C. 20535.**



# These Keys Could Help Solve a Case



General Motors Nos. 8381 and 8909.



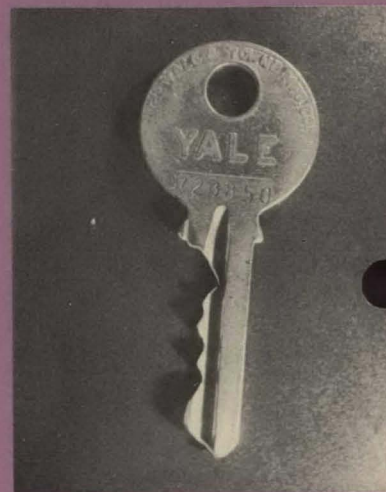
American Motors Nos. N1621 and N1673.



Chrysler Motors No. 185G.



Gas tank lock No. BT615.



Yale door lock No. 72B850.

During the early morning hours of March 28, 1966, an unknown male entered the home of Daniel Jess Goldman, Surfside, Fla., and demanded \$10,000 of his parents. When advised the money was not available, the intruder bound the parents and abducted the youth. Young Goldman would have been 18 years of age on the following day.

The description and a photograph of the victim were included in the missing persons supplement to the FBI Law Enforcement Bulletin for May 1966.

At the time of the abduction, the

subject instructed the boy to "get the keys to the Rambler." The keys to the Rambler were obtained, as well as those for two other family cars, a key to the Goldman residence, and possibly keys to the Goldman business office.

When the Rambler was located in Miami, the car was locked and the windows closed, indicating the keys were then in possession of the abductor or his victim. Daniel Jess Goldman has not been found, nor have the keys been recovered.

A duplicate set of keys was furnished to the FBI by the boy's parents

to develop, if possible, information that would be of vital assistance in determining his location.

Above are photographs of the various keys believed to have been in the possession of Daniel Jess Goldman at the time of his disappearance.

Should any information concerning these keys come to your attention, please notify the Director of the FBI, U.S. Department of Justice, Washington, D.C. 20535, or the Special Agent in Charge of the nearest FBI field office, the phone number of which appears on the first page of most local directories.



## FOR CHANGE OF ADDRESS

Complete this form and return to:

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

(Name)

(Title)

(Address)

(City)

(State)

(Zip Code)

### ELUSIVE BURGLAR CAUGHT

An elusive burglar, who usually committed his burglaries between 3 and 4 o'clock in the morning, terrorized a whole community for 2 months. On one occasion he left his fingerprints on a knife he used to threaten victim. Several weeks later he dropped a pair of prescription glasses at the scene of another burglary.

The investigating authorities had failed in every previous effort to capture him, but the glasses finally provided the vital clue. Two detectives of the local police department took the glasses and began making the rounds of optometrists in the city. Finally, they located one who recalled fitting the glasses and replacing the temple piece. However, he could not recall the name of this particular patient. To cooperate with police, he turned over to the officers five filing cases containing 8,600 name cards of his patients for the last 5 years.

The detectives examined the cards for 4 days before finding one matching the prescription given by the optometrist.

After being located and taken into custody, the no longer elusive burglar admitted the burglaries and the attacks, and his fingerprints matched

those found on the knife. He was charged with 16 counts of burglary, four counts of criminal assault, and two counts of attempted criminal assault.

### POSTAL GUIDE AID

A deputy sheriff in a southwestern city suggests an easy way to check the stories of some suspects who are strangers in an area is to ask the name of their town and the county in which it is located.

He recalls an instance in which an individual said he had just come from a small town far in the northeastern part of the country, where for years he had been in local politics.

The officer happened to move a Post Office directory on his desk to get some papers and for no particular reason asked him to identify the county. The stranger hesitated, stammered, backed up, and finally admitted he did not know the name of the county (which could have been checked in the postal directory).

The question may be pertinent regarding alleged residences, auto registrations, and checkpassing activities.

### "FOR WOMEN ONLY"

The Metropolitan Police Department, Washington, D.C., recently released a brochure, "For Women Only," to various women's organizations and church and civic groups.

The brochure suggests precautionary measures which women may use to avoid personal injury or harm when out alone and/or confronted by a purse snatcher and to minimize opportunities for purse snatching. The suggestions are:

1. Never carry a large amount of cash or valuables.
2. Give attention to all suspicious persons, particularly street gangs.
3. Be able to describe your bag and the articles in it, especially serial numbers of charge plates, movement number of watch, etc.
4. Do not lay your handbag down on a counter while you are shopping.
5. Carry a whistle and blow it loudly and long if you are approached by suspicious persons.

If your purse is snatched:

1. Do not resist as you may be injured seriously.
2. Try to get a full description of the thief.

The pamphlet also lists the department's emergency telephone number for the police radio service which will expedite response to a crime scene.



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

OFFICIAL BUSINESS

RETURN AFTER 5 DAYS

POSTAGE AND FEES PAID  
FEDERAL BUREAU OF INVESTIGATION

## QUESTIONABLE PATTERN



This questionable pattern contains a loop at point A and a very questionable formation at point B. In the Identification Division of the FBI, this impression is given the preferred classification of an accidental whorl, consisting of a combination of a loop and tented arch with two deltas. In addition, this pattern is referenced to a loop because of the possibility that the formation at point B might appear as a plain arch due to inking or pressure. As a whorl, the pattern has a meeting tracing, and as a loop, contains 11 ridge counts.