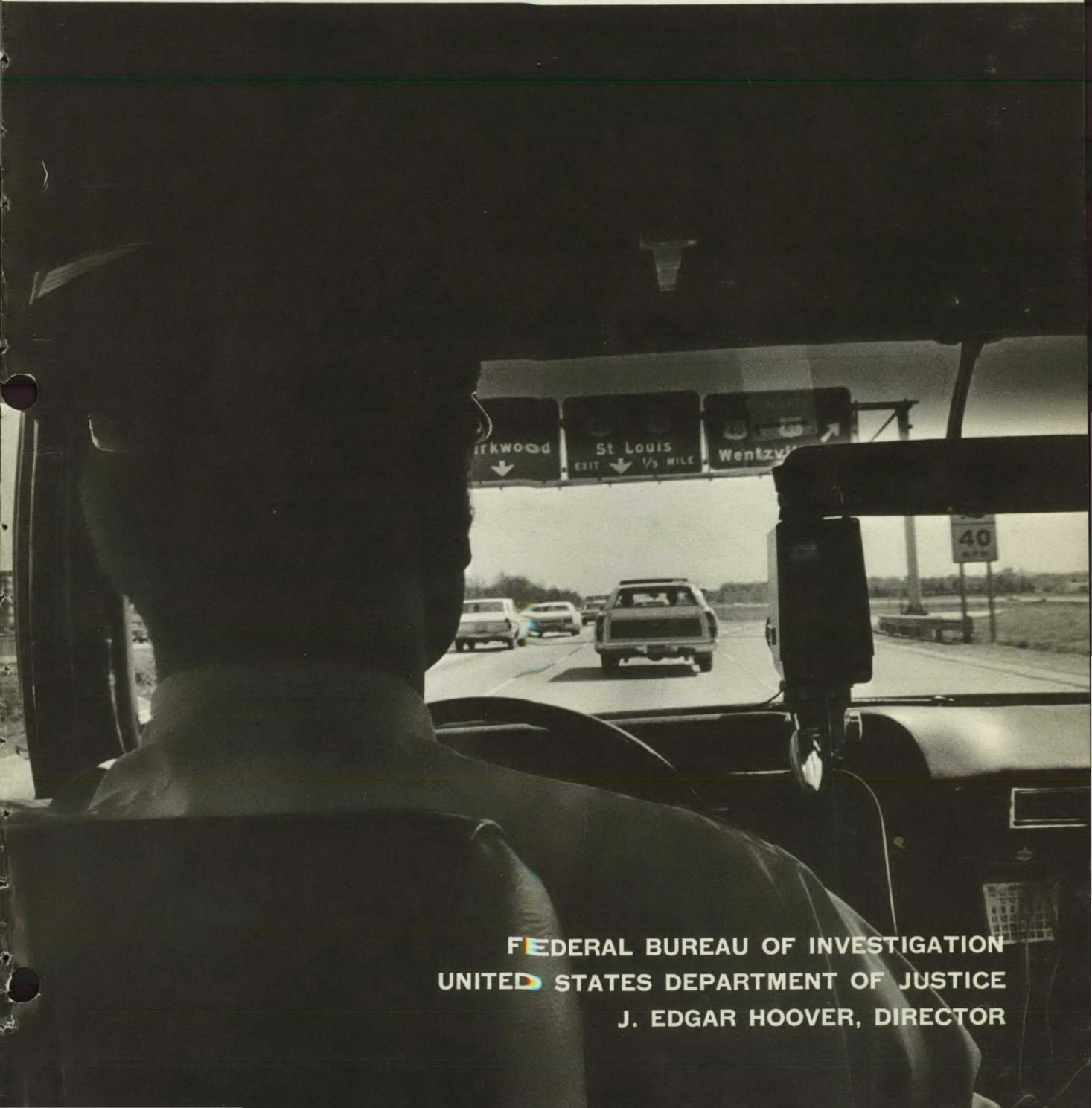


SEPTEMBER 1971



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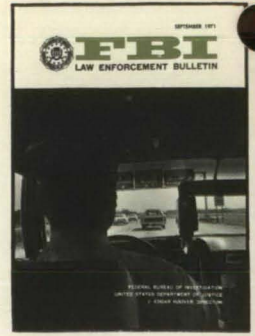
LAW ENFORCEMENT BULLETIN



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

SEPTEMBER 1971

VOL. 40 NO. 9



THE COVER—Creve Coeur, Mo., patrolman uses video tape unit in traffic patrol. See article beginning on page 16.

FBI

LAW ENFORCEMENT BULLETIN

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MESSAGE FROM THE DIRECTOR . . .

. . . To All Law Enforcement Officials

IF JUSTICE IS TO BE THE IDEAL OF MAN, then its refinement must never cease. As we know, pure justice, even if definable, is not always achieved. However, this is not to say that free people should be content to settle for impure justice. Perfection must continue to be our goal. In this regard, it is well to remember the words of Patrick Devlin, former Justice of the High Court of England, "When a criminal goes free, it is as much a failure of abstract justice as when an innocent man is convicted."

As the development of our legal system shows, meaningful judicial concepts frequently originate from dissenting opinions. Thus, the impact of scholarly dissent should never be underestimated.

Recently, Mr. Chief Justice Burger, in his dissent in *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, raised some highly significant points, particularly for law enforcement officers, regarding the Suppression Doctrine or the Exclusionary Rule. He noted that the rule is based on a theory that suppression of evidence obtained in violation of the Fourth Amendment is imperative to deter law enforcement authorities from using improper methods to obtain evidence. In exploring some of the far-reaching consequences of the rule, the Chief Justice points out that ". . . many judges and lawyers and some of our most distinguished legal scholars have never quite been able to escape the force of [Justice] Cardozo's statement of the doctrine's anomalous result: 'The criminal is to go free because the constable has blundered.' . . ."

The main thrust of Mr. Chief Justice Burger's argument is that the doctrine is both "conceptually sterile" and "practically ineffective" as far as its stated objective is concerned. In spite of the good intentions of the theory, he reasons, the results of the rule's application do not justify ". . . the high price it extracts from society—the release of countless guilty criminals."

Concerning the majority opinion in this case, the Chief Justice noted that ". . . the holding serves the useful purpose of exposing the fundamental weaknesses of the Suppression Doctrine. Suppressing unchallenged truth has set guilty criminals free but demonstrably has neither deterred deliberate violations of the Fourth Amendment nor decreased those errors in judgment which will inevitably occur given the pressures inherent in police work having to do with serious crimes."

The Chief Justice points out that the rule makes no allowance for the severity of the violation. It excludes equally evidence obtained by deliberate, malevolent conduct as well as that attributable to honest errors in judgment by the officer.

"Instead of continuing to enforce the Suppression Doctrine, inflexibly, rigidly, and mechanically," Chief Justice Burger added, "we should view it as one of the experimental steps in the great tradition of the Common Law and acknowledge its shortcomings. But in the same spirit we should be prepared to discontinue what the experience of over half a century has shown neither deters errant officers nor affords a remedy

MESSAGE FROM THE DIRECTOR

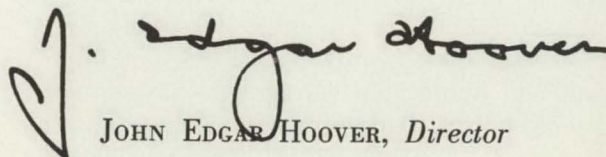
to the totally innocent victims of official misconduct.

"I do not propose, however, that we abandon the Suppression Doctrine until some meaningful alternative can be developed. . . . Reasonable and effective substitutes can be formulated if Congress would take the lead. . . . I see no insuperable obstacle to the elimination of the Suppression Doctrine if Congress would provide some meaningful and effective remedy against unlawful conduct by government officials. . . . I conclude, therefore, that an entirely different remedy is necessary, but it is one that in my view is as much beyond judicial power as the

step the Court takes today. Congress should develop an administrative or quasi-judicial remedy against the government itself to afford compensation and restitution for persons whose Fourth Amendment rights have been violated."

The essence of the Chief Justice's plea parallels the thinking of numerous law enforcement officials and legal scholars throughout the country. There is no apparent benefit in a doctrine which continually releases patently guilty criminals to prey again upon society because of inadvertent "blunders" by hard-pressed law enforcement officers.

SEPTEMBER 1, 1971



JOHN EDGAR HOOVER, *Director*

The State of Idaho has been testing an aircraft enforcement program in a manner that may be of interest to other law enforcement agencies that want to consider using aircraft in their speed enforcement programs and, at the same time, measure the results.

An Aircraft Enforcement Test Program

Aircraft enforcement of speed regulations is not a new technique; it has been used and is still being used by many States. Even though the procedures from State to State vary to some degree, in a broad general sense they are quite similar.

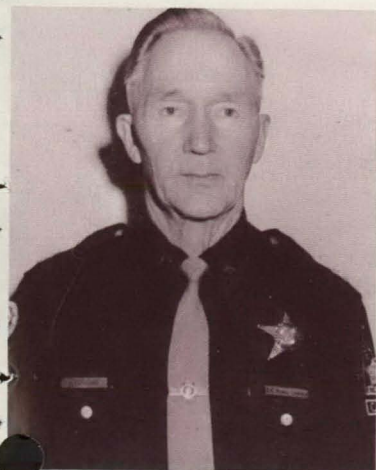
These programs use various types of aircraft, different lengths of measured distances for determining speeds, and many methods of planning when and where the planes are to be used. There are numerous and varied markings on the highways for pilots to use in making their calculations and for the motoring public to see. Most of them have a decided psychological effect on the motorist.

In our program we attempted to reduce violations where they were known to be excessive and, at the same time, make it possible to measure the reduction for evaluation purposes. We developed some new methods that could make the use of aircraft in speed control programs much more practical and effective.

Our project was conceived on November 2, 1970, but, because of pilot difficulties and pilot training, it was December 8 before speed enforcement on the selected area began. Two months was the period of time allocated to the program, a short time as tests go, but we hoped this period would give the same picture as if it had been set up several months, or even a year. The program was to test whether aircraft patrol would reduce the number of accidents and fatalities on a given stretch of road; in this particular case, 150 miles made up of 82 miles of 70 m.p.h. divided interstate, 20 miles of 2-lane 70 m.p.h. road, and 48 miles of 2-lane 60 m.p.h. road. One hundred fifty miles is a long distance, of course, to patrol with one piece of equipment in hopes of influencing the behavior of drivers and, at the same time, measuring the effect within a 2-month period.

The program began with two main assumptions that seemed reasonable and valid. First, the bulk of serious

By
CAPT. ERVIN T. DUNN
Idaho State Police,
Boise, Idaho



accidents and fatalities are caused by speed, which almost always ranks first on "accident causes" lists. Second, data collected on fatalities over a specific stretch of road can be misleading because one accident can produce several fatalities and render the information practically useless or, at least, difficult to understand as far as control of fatal accidents over the given distance is concerned.

Further, we also knew that any data collected on accidents or accident rate for the test span of roadway could be adversely affected because this was the time of year when slick roads and sudden storms could bring a rash of accidents that would not be indicative of normal accident rates.

Pressing Need

Our need to have the information by a certain date was the reason the program was put into effect in the late fall and winter, but we were reasonably certain there would be enough clear days and clear highways to finish the survey. The program was designed to cover 60 days with approximately 44 days of flight time. However, because of inclement weather, the 44 days were reduced to 27 days in the air. On several of these days flight time was reduced by more than half, and it was impossible to cover all of the 150 miles of selected highway on those days. We checked all 150 miles only 14 times during the program.

Since the fatality rate and the accident rate would require such a long period before either would or could show a reasonable response to the aircraft enforcement program, a plan was adopted to control the speed violation rate which included measuring this rate from time to time to make certain of the desired results. We felt the control of the violation rate would eventually control the accident and fatality rates because both

seemed to be directly related to the violation rate.

Vital parts of the survey, we feel, were the system used to measure the size of the problem before the aircraft was employed and the system used to measure the effect of the aircraft on that problem, from time to time, to determine if the program was doing the job of reducing the violation rate, and to what degree. This was done with a speed computer system the author designed and copyrighted. This computer system makes it possible to place the survey car from three-eighths to one-half mile away from any highway and instantly and accurately compute the speeds of vehicles seen traveling on that highway from that vantage point.

The advantages to this system are that speed surveys can be taken without the motorist's being aware that his speed is being computed, and his speed is not influenced by cars or equipment on the right-of-way, which does have a deterrent effect on getting accurate figures for speeds.

One feature of the program was the method of selecting cars to be checked. The speed of the driver was not necessarily considered for putting him in the survey or leaving him out. The chief requisite had to be that he



Supt. L. Clark Hand.

was free to travel at any speed he might choose. In other words, it would not be beyond belief to visualize 100 cars strung out behind a truck they could not pass, and the result would be a 100-car survey with no violators of the posted speed. Large trucks were also eliminated from the survey because we felt aircraft would have little or no effect upon their speeds, and most of them were not free to travel at any speed they chose, being restricted by company policies, tachometers, and revolutions-per-minute recommendations for equipment. Loads, themselves, would be restrictive to some degree. If a motorist was free to travel at any speed he might choose, he was entered in the survey. If not, he was left out.

100-Car Segments

Almost all of the tests were based on 100-car segments because it was learned that 100 cars passing a given point on the highway would be indicative of how all traffic by that point for the balance of the day would proceed. Two studies were run for a 24-hour period to give a clearer picture of driving behavior at different hours of a day, but they merely bore out that a 100-car test would give a good cross section of what could be expected of the traffic.

The No. 1 survey, prior to putting the aircraft in the air on speed enforcement, was actually five separate surveys of the 150-mile selected stretch and was done to give a picture of the violation rate on the stretch under normal conditions. Most of the figures shown as violations in the surveys (see chart) represent speeds of 1, 2, 3, and up to 10 m.p.h. above the posted speeds. Speeds of 80 to 90 m.p.h. represented approximately 10 percent of the violations, and there were speeds of well above 100 m.p.h. (a little over one-half of 1 percent) on the freeway sections of the test a

Excessive rain at one position prevented the collection of any conclusive data.

Second Survey

The No. 2 survey was also five separate surveys and was taken after the program had been put into effect. One plane had flown the area for a total of about 60 hours and had assisted ground crews in making 87 arrests for speeding and in issuing 30 warning cards. The violation rates during this survey are shown in the chart. Milepost 162 on this survey represents the one that had previously been rained out. There are a noticeable reduction in the violation rates at three sites and an increase at Milepost 109.9 which was shocking to the survey crew. We later discovered that this was a patrol area posted 60 m.p.h. and bound on each end by a 70 m.p.h. posting. Drivers were coming off a 70 m.p.h. freeway, going through a small town, then right out into the 60 m.p.h. zone. In all probability, a reevaluation of the 60 m.p.h. posting will be seriously considered.

An aircraft enforcement program could well be a means of pointing out needs for speed posting reevaluations from time to time.

Evaluation

A second evaluation of the aircraft program was made at the close of the flight program (completed after 141 hours flight time). At that time, the violation rates were taken again at four of the five selected locations, and most showed the movement of the extremely high speeder downward into speeds within our tolerance areas. We were again unable to make a survey at Milepost 162 because the road was broken up and repair crews were in the area. Milepost 109.9 continued to show increases in some of the high speeds. There were, however, excellent

“In addition to speed enforcement, the plane can also be used for other functions, such as, search for lost hunters, surveillance of slow-moving traffic problems, surveillance of school bus routes and problems, check of little-used highways occasionally, observation of double-line areas, and location of stolen, abandoned, and stripped cars in out-of-the-way places.”

enforcement results on each flight, with many arrests made in the 90 to 100 m.p.h. range. There were approximately 140 arrests made altogether during the program with almost all violations for 85 m.p.h. or more. In addition, there were 40 warning cards issued for speeds above 75 m.p.h.

Double Use

Another interesting part of the Idaho Aircraft Enforcement Test System is that the same computer system used to make the initial survey was used in the aircraft to determine speeds of the motorists. The system does not require special measured distances or marks on the highways other than the white centerlines that are already there. The white centerlines are placed with mechanical accuracy that can be predetermined.

The three big advantages are: The system does not require measured distances painted on the surface of the highway and does not confine the plane to those places where measured distances appear. Because the speed of an approaching car can be checked in 4 to 5 seconds, it is possible to check the speeds of traffic coming toward the plane, and turnarounds are unnecessary except in those cases where an already checked violator is wanted. The third factor is that one patrol car can follow the plane at approximately 55 m.p.h. over long distances. The

patrolman's getting 4 or 5 miles behind creates no problem because the pilot is checking the speeds of the heavy traffic going in the opposite direction from the plane. When the pilot finds a violator, he turns around and follows the speeder back to the trailing car, describing him to the patrolman by radio. It is possible to check the violator's speed several times while going back to the trailing patrol car.

The computer system makes use of the fact that every speed is directly related to every other speed through time and does not need measured distances to make the computations. The system has been in use in Idaho as an enforcement tool on the ground since 1956 and has been used from aircraft several times in selected cases.

Effectiveness

The aircraft enforcement program has proven a very effective instrument for bringing enforcement pressure on exceedingly high-speed drivers. One plane and a trailing patrol car using the system can cover from 50 to 75 miles of assigned highway with plenty of work to keep both pilot and patrolman busy. Highways with 300 to 400-cars-per-hour volume are ideal for this situation.

From his 1,000 to 1,500-foot up-in-the-air seat, the pilot can observe 5 to 6 miles of highway most of the time,

(Continued on page 26)



By
JOHN B. HOLIHAN
Chief of Police,
Alexandria, Va.

When urban police department officials plan the construction of a firearms range, one of the major considerations—in addition to necessary funds—is space.

Since space is at a premium in most areas, some departments are hard pressed to find adequate room to build outdoor firearms facilities without having to transport their officers many miles to use the range. Thus, trans-

portation, together with the time spent traveling to and from the range, becomes an additional factor.

A further consideration is safety. If a pistol range is to be built adjacent to or within a large metropolitan area, specific steps must be taken to insure that no bullet, even accidentally fired, will leave the confines of the range.

More than a year ago, when the Alexandria, Va., Police Department

began envisioning a new outdoor range, all of the above factors had to be studied. We wanted a firearms facility near our police headquarters in downtown Alexandria, but, of course, space for a full outdoor range was not available.

Indoor ranges would meet some of our needs; however, they, too, had their built-in drawbacks—size and noise being among the major ones.

An Indoor-Outdoor Firearms Range

“If a pistol range is to be built adjacent to or within a large metropolitan area, specific steps must be taken to insure that no bullet, even accidentally fired, will leave the confines of the range.”

Further, the city had no indoor space available for building an indoor range.

At this point, we began searching for plans which would give us some of the benefits of both outdoor and indoor ranges without placing too many restrictions on our firearms training program, which we planned to model after the FBI Practical Pistol Course. We finally agreed on and received approval from city authorities to build an outdoor baffled pistol range within the city limits.

Safety Precautions

Our recently opened Alexandria Police Department pistol range, which

is located in an established industrial area of the city, is specifically designed to prevent the escape of bullets. Unique baffle structures and a firing line shelter system are strategically placed throughout the length of the range to catch any stray shots fired by a shooter on any of the four firing lines. The wooden overhead baffles and other structures are sufficiently thick to contain any shots which strike them. Of course, rounds fired into the targets are caught by the bullet trap and deflected into the butts, where they are later recovered and processed for reloads.

One indirect benefit of this baffle range design, as compared with an

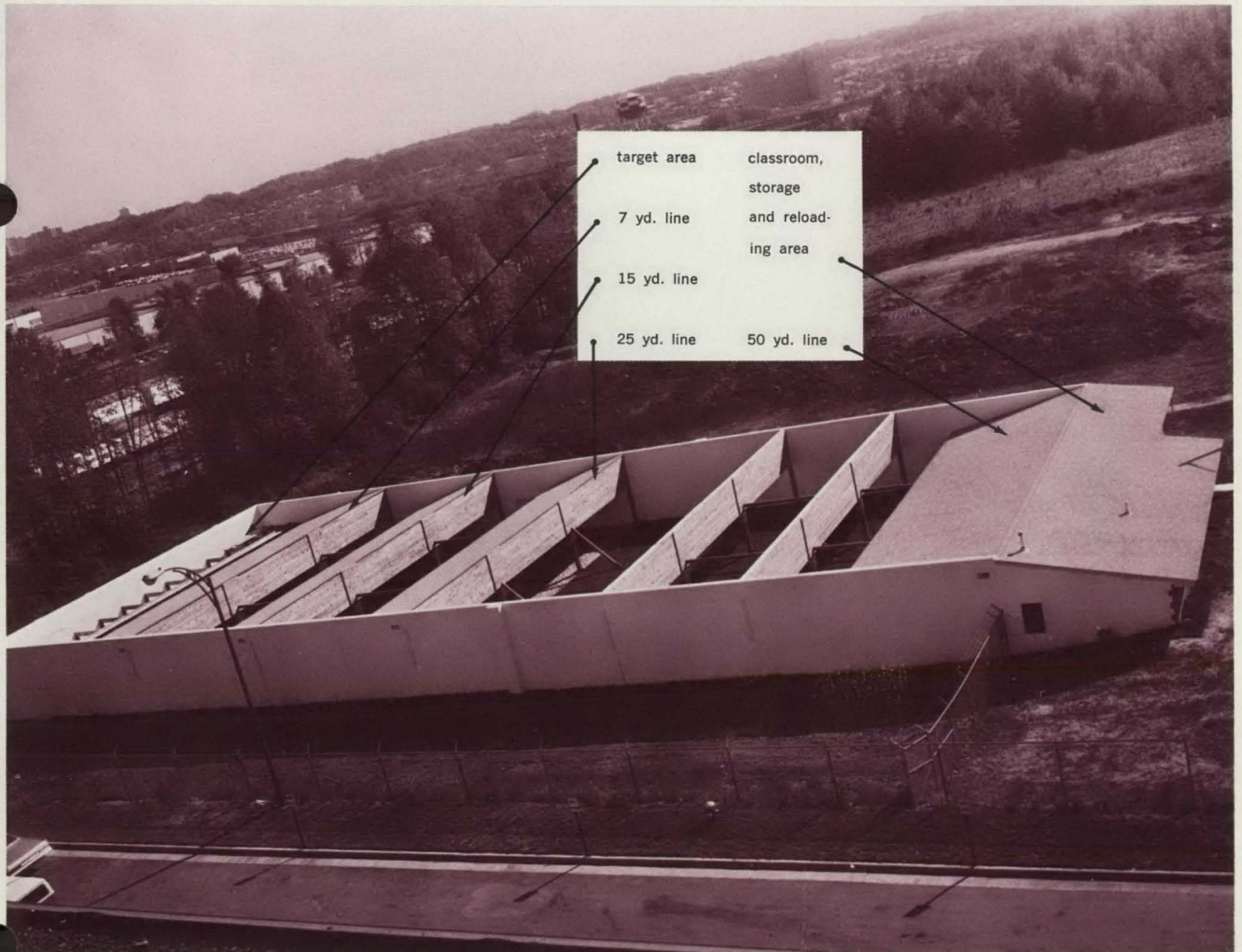
indoor range, is that the inside noise level is much lower because of the open spaces between firing line shelters.

The range is 187 feet long, 74 feet wide, and completely enclosed by a cement block wall, 13 feet high and 1 foot thick. The building site and range are protected by a high chain-link fence, and a parking area is located within the fenced area at the front entrance of the range.

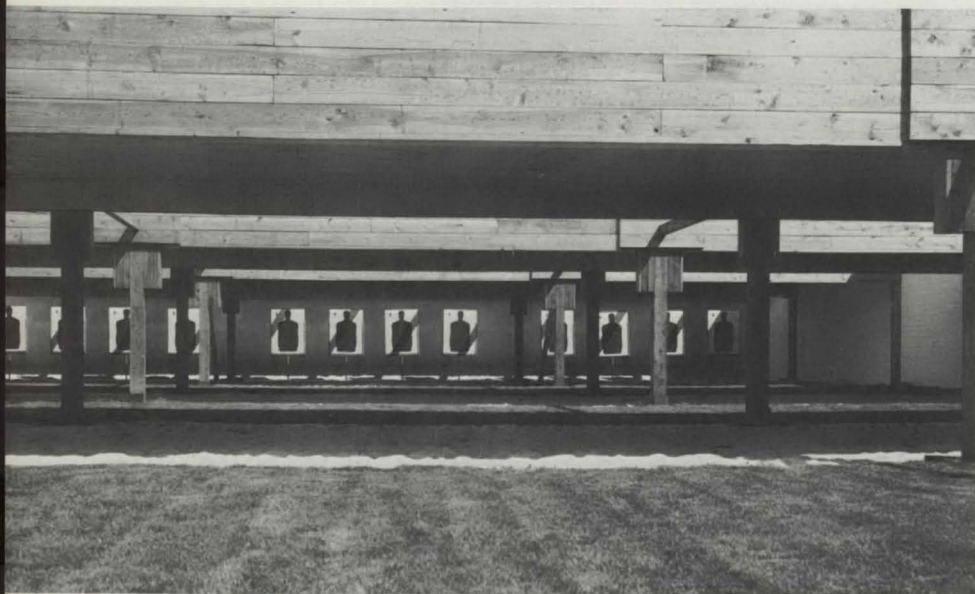
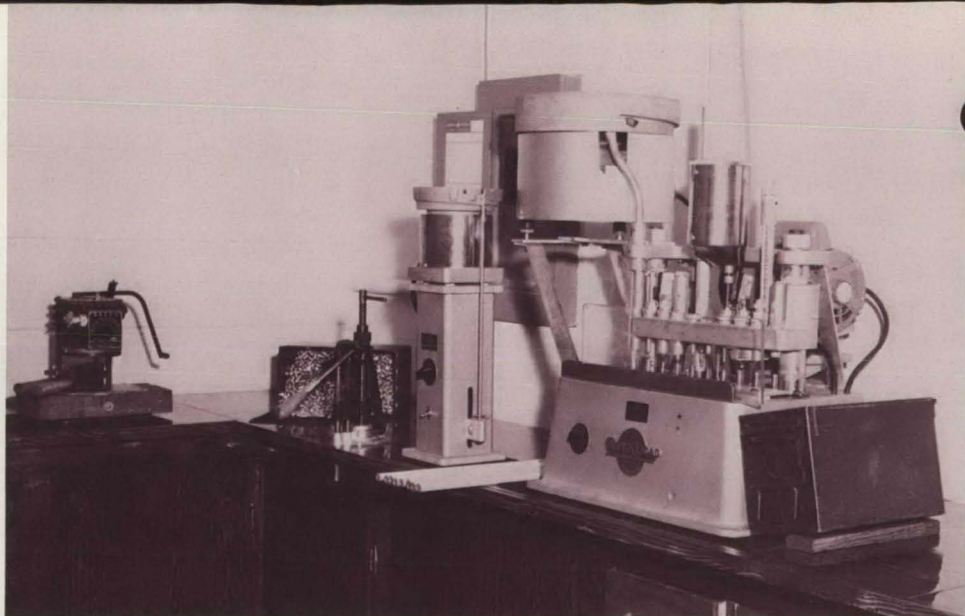
Range House

The range house at the rear of the firing points consists of a classroom area which seats approximately 30

This aerial view shows the unique baffle and shelter structures of the indoor-outdoor range.



The police department replenishes most of its training ammunition by reclaiming used slugs from the range and melting and reloading them on this equipment located in the range house.



The system of baffles and overhead shelters is designed to contain stray bullets fired from any of the four firing lines. This scene is between the 25- and 50-yard lines.

Joseph W. Robey, Jr., Alexandria Police Department Range Officer, now a sergeant, directs firing from the timing console point at the 50-yard line.



persons. This area also serves as reading and storage space.

The range was designed wide enough for the installation of 12 targets and 12 firing points. The electrical target system, which was designed and installed by Sgt. Joseph W. Robey, Jr., range officer, contains a timing device console and power unit which turns the targets from edge to face when shooters are prepared to fire.


Timing Console

The timing console is preset to time the correct target exposure for each phase of the 50-shot course: 25 seconds at the 7-yard line for the 10-shot hip-shooting position; 12 seconds at the 15-yard line for the 5-shot point shoulder firing; 90 seconds at the 25-yard line for the 15-shot kneeling and standing (left and right hands) barricade positions; and 2 minutes and 45 seconds for the 20-shot sitting, prone, and standing (left and right hands) barricade positions. The shooters clear the prescribed firing lines only after each phase is completed.

The barricades for left- and right-hand firing at the 25- and 50-yard lines are attached overhead by hinges and held in storage by a hook-eye arrangement when not in use. They are swung down and held in position by a plunger-type door stop when needed.

Economical Feature

Another cost-saving feature of our range is that all the ammunition used in our firearms training program is reloaded at the range and used again. We reclaim the fired slugs from the butts, melt them down, and reload them in the workshop-storage area of the range house.

We are proud of our new firearms range as it represents the product of close, effective cooperation with city officials and efficient planning by our police department. 

September 1971

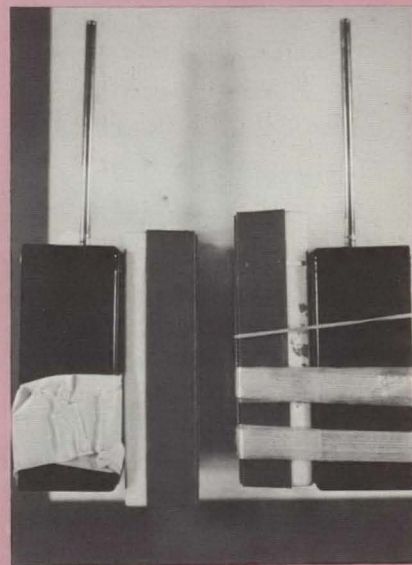
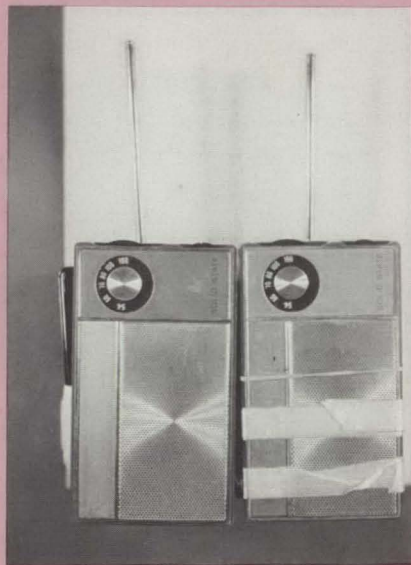
INVESTIGATORS' AIDS

COMBINATION PRODUCES BROADCAST INTERCEPTOR

During a recent criminal investigation, officers recovered two "radio/converter" units that would intercept the radio broadcasts of a nearby police department when used within range of the station.

The converter, with a crystal fre-

quency of 36.57 Mega-Hertz (MHz), when taped, but not wired, to a transistor radio with a frequency of .610 MHz, produced an apparatus which received broadcasts on the radio frequency of 37.18 MHz, the same frequency of the police calls.



Front (left) and side (right) views of two radio/converter units.

STOLEN AUTOS

In fiscal year 1971 a new record high was reached with the recovery in FBI-investigated cases of 32,076 stolen motor vehicles which had been moved interstate. This represented a 5 percent increase over the recoveries of the prior year.

CONVICTIONS

In fiscal year 1971 a total of 13,357 convictions were recorded in FBI-investigated cases in Federal courts as compared with 13,245 in 1970. These convictions resulted in actual, suspended, and probationary sentences of more than 50,600 years.

“Respect of Citizenry”

An editorial concerning a resolution recently adopted by the U.S. Chamber of Commerce commending the FBI and Director J. Edgar Hoover appeared in the Midland, Tex., Reporter-Telegram on July 20, 1971. The editor, Mr. William H. Collyns, points out this action was one of the rare instances in the chamber's almost 60-year history that its board singled out a Federal agency for “outstanding performance in discharging responsibilities as prescribed by law.” We believe Mr. Collyns' comments will be of interest to Bulletin readers, and, with his permission, his editorial is reprinted here.

Directors of the Chamber of Commerce of the United States recently adopted a resolution commending the Federal Bureau of Investigation and its director, J. Edgar Hoover.

It was one of the rare instances in the chamber's almost 60-year history that its board singled out a federal agency for “outstanding performance in discharging responsibilities as prescribed by law.”

Although termed unusual, the action was timely and most appropriate.

It was prompted, a spokesman explained, by persistent attacks on the FBI which in some instances “appear to be aimed at the very existence of the agency.”

The resolution commended “the outstanding performance of the FBI and its director,” while pointing out also that a good business climate can be maintained only in a society where law en-

forcement is recognized as a major deterrent to crime.

It certainly is time for organizations and individuals interested in the continued well-being of the nation to endorse and support the efforts of all law enforcement agencies.

Yet, there are those groups who would banish law and order for one selfish reason or another . . . and certainly the Communists sit back and smile while all this is going on. No agency has been more alert and effective in overcoming the work of the Communists in America than the FBI.

It is fortunate that the FBI continues to do its job, and it is most encouraging that an organization of the stature and influence of the USCC is sufficiently interested to take the rare action that it did in lauding the FBI and its director.

Donald Taylor, chairman of the chamber's Crime Prevention and Control Panel, said the FBI, since its creation in 1924, has “developed a reputation for profession-

alism, integrity, and effectiveness. . . .

“It has raised the level of training throughout the police profession. It has made immeasurable contributions to the protection of our society from both foreign and domestic enemies.

“Today, it is undergoing attacks from various sources that in some cases are aimed at the very existence of the organization. There is a critical need to recognize publicly the value of the FBI and the need for maintaining its effectiveness.”

The resolution said, in part, “Over the past years, the Federal Bureau of Investigation has generated a respect of the citizenry. The people of this nation, given a long memory and an appreciation for the fundamental purposes of government under law, should perceive a debt to the uniquely dedicated and creative work of the Federal Bureau of Investigation.”

"Thanks to our 'mousetrap,' a low-cost silent alarm system, we are catching burglars as we never have before, and we are showing the business community that it can be of valuable assistance in reducing crime."

A Better Criminal "Mousetrap"

By
GEORGE J. MATIAS
Chief of Police,
Cedar Rapids, Iowa



In the Cedar Rapids Police Department we think we have a "better mousetrap." And most law enforcement officials agree that, indeed, a "better mousetrap" is needed to combat the rising incidence of burglaries.

Thanks to our "mousetrap," a low-cost silent alarm system, we are catching burglars as we never have before, and we are showing the business community that it can be of valuable assistance in reducing crime.

Cedar Rapids is a city of about 115,000 population, and our department has a complement of 131 officers.

During 1970, our department gathered data on low-cost silent burglar alarms placed in 350 business establishments with direct lines to the department's communications center.

As far as we know, this particular project—the alarm system and study—is the "first of its kind" in the country.

Purpose of Study

The purpose of the study was to compare the 350 "alarmed" businesses with a group of "nonalarmed" similar businesses. Only businesses which had previously been burglarized were included in both groups for the tests. We anticipated from the outset that for various reasons, i.e., firms going out of business, moving, remodeling, etc., we would be unable to conduct the study on the full complement of each group for the entire period. As it developed, complete matches were possible in only 142 locations of each group.

In the experimental alarmed group there were 23 burglaries and 11 captures during the test period while the group with no alarms had 44 burglaries and only six captures.

As these figures show, there were captures in 48 percent of the burglaries in the alarmed group and in 14 percent in the nonalarmed group. The apprehension figures represent the number of cases in which captures were made, not the number of burglars captured.

Businesses without alarms have a greater chance of being burglarized because, apparently, most burglars inspect premises beforehand and avoid locations where they spot or suspect alarm systems. It is difficult to completely hide alarm systems in buildings already constructed and occupied.

Contracts for our project, entitled "Installation, Test and Evaluation of a Large-Scale Burglar Alarm System for a Municipal Police Department," were awarded to a national company. Each installation cost \$185.60, and all costs were paid through December 31, 1970, by a project grant from the Law Enforcement Assistance Administration.

Only the lowest cost detection devices were specified and used. These include magnetic switches which activate the alarm system when a magnet in a door or window is moved away from a switch, plunger switches similar to the type that light a refrigerator, vibration switches that detect pounding or major movement, and pull-apart cords for overhead doors or similar locations where the other devices are not practical.

Hidden Key

The alarm systems at all business sites are activated by turning a hidden security key outside after the building has been closed for the day. Each alarm is connected to a control box which serves two functions. First, it allows each business to check the system before activating it to insure all protected openings are closed so that a false alarm will not result. Secondly, the control box indicates through the signal at the police station whether a break in the system has occurred on the premises where the alarms are installed or in the leased telephone lines running to the station.

Holdup buttons were installed at no extra cost in all locations. They not only serve the purpose of rapid notification of a robbery, but also are another convenient means of checking the system. The buttons are wired to be active whether the burglar alarm is activated or not. A key is needed to reset the button after it has been pushed.

There was one unanticipated benefit from the installation of the holdup buttons. During the experiment, an alarm was received from a tavern after closing hours and a burglar was captured inside. Investigating officers discovered the intruder had unknowingly pushed the button while rummaging around the bar.

A number of small businesses were studied to see if there is a relationship

between the type of business and the apparent spotting of the alarm system. In the case of service stations, there were five burglaries at alarmed locations and 11 at locations with no alarms.

In schools, four alarmed locations were burglarized. Ten were burglarized where there were no alarms. In restaurants, the ratio was 2 to 8. These are the types of locations easily "cased" and, thus, potential burglars frequently spot the alarm.

The results for burglarized taverns were less favorable. There were six burglaries at alarmed locations and seven at locations with no alarms. However, although the data has not been completely analyzed, a number of the tavern burglars were believed to be juveniles who would not ordinarily be familiar with the tavern layout.

Installation of the alarm systems, we feel, has beneficially affected two groups of our community. One group, business operators, has benefited through either prevention of burglaries or quick apprehension of the burglars. The other group is juvenile burglars. Present data show a high percentage of burglars are juveniles, and many of their violations are "impulse" crimes. While results with this group are less tangible and direct, the alarm system has reduced the juvenile offender's attempts. Further, the high capture rate often identifies a juvenile in his first criminal offense. This provides his family and juvenile authorities an earlier chance to work with the youth and hopefully deter him from a criminal career before he becomes a "seasoned" lawbreaker.

Clearances

There are approximately 3,000 non-residential or business locations in Cedar Rapids, and during 1970, our department recorded 304 break-ins in these establishments. In 238 burglaries of locations without alarms, 36

cases were cleared by capture and four by admission or discovery of stolen property. This is a clearance rate of 17 percent. In 66 burglaries of locations with alarms, there were 19 instances of breaking and entering cleared by capture and two by admission or discovery of stolen property, or a 32 percent clearance rate.

One point should be noted. Our department follows what we feel is a cautious and safe practice in recording clearances. First, to avoid action which might prove to be prejudicial to a successful, just conclusion of the case, our officers avoid interrogations not directly related to the specific crime. Second, we do not clear cases on the basis of similar *modi operandi* or hunches, even though we strongly suspect many more cases could be cleared.

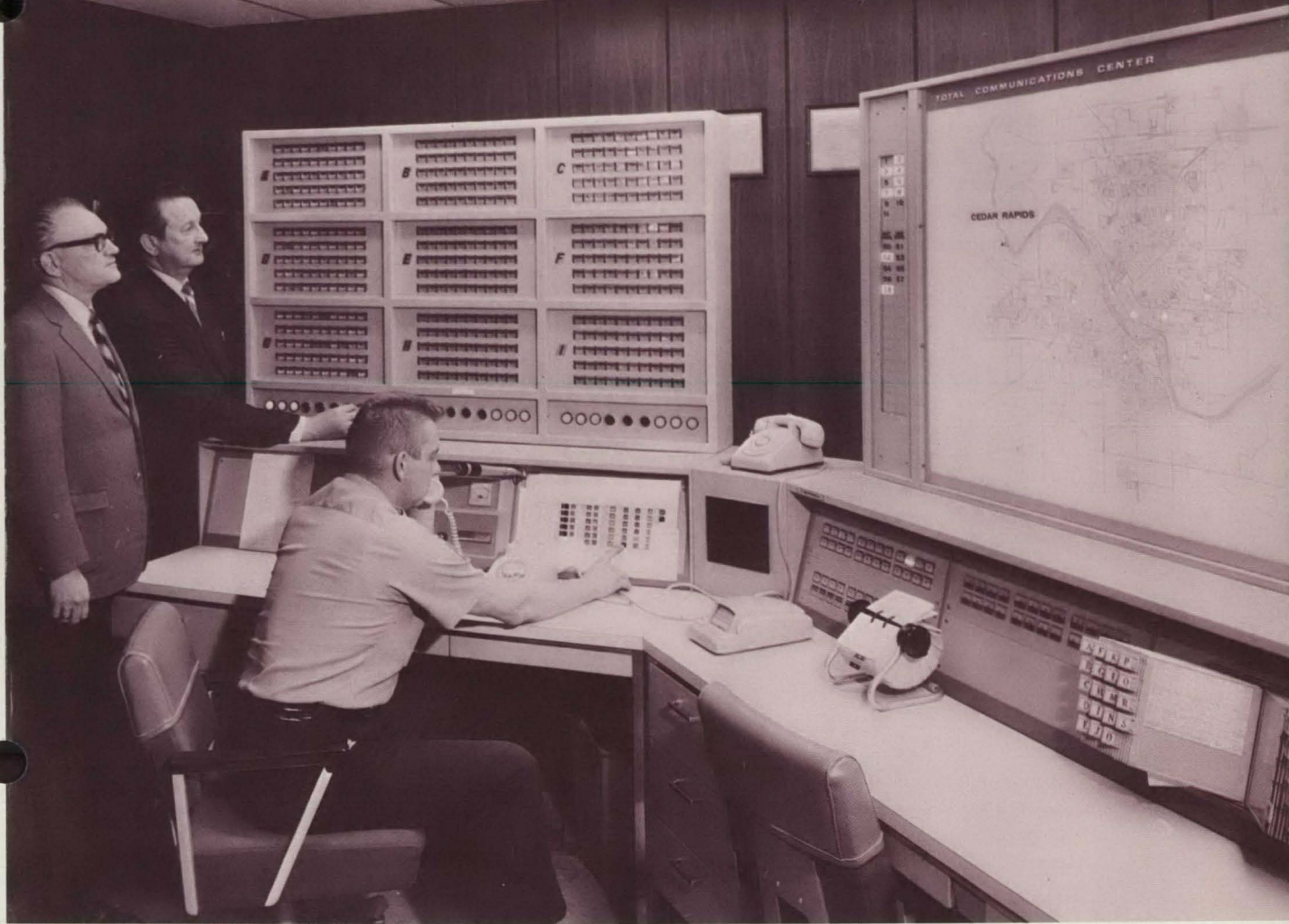
Variations Noted

A conservative approach to clearances such as ours, when compared with more liberal practices, points out some of the variations in crime reporting. It also reflects some of the effects of court rulings such as the *Miranda* decision.¹

In other words, the clearances shown are actual and direct clearances, with definite proof. Even with these strict guidelines, our clearance rate of 17 percent of burglaries of businesses without alarms compares favorably with the national average of 18.9 percent.

There is one factor which may have had some effect on the clearance rate for cases where alarm systems were active. Since schools are often burglarized, we installed alarms in a number of school buildings. However, be-

¹ In *Miranda v. Arizona*, 386 U.S. 436 (1966), the Court ruled that before questioning, the accused must be informed of his right to remain silent, that anything he says could be used against him, of his right to have an attorney present during questioning, and that, if he cannot afford an attorney, court will appoint one for him.



Chief Matias (standing right) explains the operations of the Cedar Rapids Communication Center to Commissioner of Public Safety John D. Oberthien (left) while an officer mans the controls. The panel on the left contains the location of each burglar alarm system.

cause of the size of these institutions, it was impractical and too expensive to protect but a few key positions in the buildings involved. Consequently, a school could be burglarized and, unless the intruders violated the protected area, the alarm would not activate.

Of the 2,650 locations without alarms under the experiment, 9 percent had burglaries while in the 350 alarmed locations, 19 percent had burglaries. This supports our premise for installing alarms in locations with previous burglary experience. From the burglar's point of view, conditions

conducive to the first violation usually lead to subsequent break-ins at the same location.

Burglary is usually defined as any breaking and entering with intent to commit a crime. For the purpose of our study, any breaking, even if there was no evidence of entry or theft, was classified as a burglary unless there was definite evidence to show the violation was only vandalism. There was a reason for this broad definition.

We were aware that many burglars, usually the more experienced ones, break in a building and then secret themselves nearby to see if police

show up to investigate. If officers arrive shortly, the burglars know, of course, the building is protected by an alarm and flee from the area. If officers do not arrive within a reasonable time, the thieves proceed with the burglary.

To offset this tactic, many times our officers do not drive directly to the scene, but rather to a location nearby and cautiously watch the area for a few minutes before moving in to determine if any suspicious activity occurs.

Let us carry this one step further. I noted earlier in the article that dur-

ing the test period we experienced 66 burglaries in establishments having alarm systems and made 19 captures. This was approximately a 29 percent capture rate. In addition, in this same group, we had 19 cases in which break-ins occurred, but there was no loss due to theft. We are reasonably certain that in six of these our officers responded to the alarms so quickly that the burglars, who obviously were stalling, sneaked away when the officers arrived.

Other Aspects

While we have no definite proof, we believe the remaining 13 cases were outright vandalism as a number of them involved school buildings. Thus, we can see that with a bit more finesse by officers responding to alarms in the six incidents mentioned and a more stringent definition of our burglary classification used in the test, we might well have realized a capture rate of 47 percent.

As most enforcement officers and many businessmen know, one of the major problems with alarm systems is the "false alarm." Granted, there are a number of false alarms.

Businesses in our city with alarm systems but not part of the project, such as banks and jewelry stores, had a 92 percent false alarm rate during the first 3 months of the experiment. During the last 3 months this rate rose to 98 percent.

In contrast, the rate for false alarms for establishments participating in the experiment was 79 percent for the first 3 months, but dropped to 52 percent for the last 3 months. The higher rate for the first 3 months was caused primarily by employees' and owners' unfamiliarity with the equipment. As the personnel became more familiar with the systems, the rate dropped and showed signs of leveling off. No strong effort was made to reduce this rate. However, our officers explained

proper operation of the systems and procedures to follow to reduce false alarms each time they responded to a false report.

Experienced officers who handle police communications centers in small departments can usually detect false alarm signals with a high degree of accuracy. If our men believe a signal is a false alarm (because of the time of the day, type of location, and other factors), they respond, but usually with only one car. Otherwise, a full response is made.

Carelessness and accidental setoffs are by far the most common causes of false alarms. They accounted for 76 percent of the total. In 13 percent of the cases, the cause was unknown. Failure of the alarm systems caused 6 percent of the false alarms, power shortages were responsible for 2.5 percent, 1.5 percent were caused by weather, and 1 percent by electrical or telephone personnel working on lines.

False alarms were tabulated hourly, and, surprisingly enough, they were quite uniformly distributed. There was a peak between 6 a.m. and 9 a.m. when businesses open, and a smaller peak was noted at 2 a.m. when taverns close.

Method of Communication

On analyzing the data collected, we made certain conclusions. A burglar alarm is basically a method of communication whereby the burglar notifies the police he has broken into a protected building. This notification usually occurs before anything has been stolen. With this in mind, we believe burglar alarms are basically a police communications system, and police should have a strong voice in setting standards for the installation and operation of alarms.

Those businesses that participated in our alarm project have been given an option of continuing to use the alarm system in their building at a

minimal cost or of having it removed.

We plan to make additional studies of the problem of breaking and entering through unprotected points. While some of these are accomplished by sheer luck, we think that many such violations are the result of "inside" information on the part of employees, ex-employees, customers, or others who have occasion to observe the alarm system.

Alarm systems, of course, should not be expected to carry all the security load. For example, in three service stations where losses by theft occurred in spite of rapid police response, other protection such as locks on cash register drawers might have delayed the burglars long enough for officers to make apprehensions.

False Alarm Rate

With proper training and procedures, false alarms can be reduced. However, our officers feel the 52 percent rate is tolerable inasmuch as burglars are being caught.

We know of only one case during the experiment where an attempt was made to defeat the system. In this instance burglars removed a pane of glass to gain entry into the building.

Like many other criminals, burglars are cautious. They look for alarms before attempting to burglarize a business. This is shown by the number of burglaries in the unalarmed control group compared to those in the group of establishments with alarms. This cautiousness is also indicated by the high rate of entry at unprotected points. We recorded only three cases where burglaries occurred and were undetected because alarms were disconnected or not activated by business owners or managers. In spite of this, the clearance rate resulting from alarms was 32 percent, well above the national rate of 18.9 percent.

There are not now, and it is doubtful.

(Continued on page 29)

FEDERAL BENEFITS FOR NON-FEDERAL LAW ENFORCEMENT OFFICERS

The Federal Employees' Compensation Act (5 U.S.C. 8101 as extended by 5 U.S.C. 8191) was enacted on April 19, 1968, and is administered by the Bureau of Employees' Compensation, Workplace Standards Administration, U.S. Department of Labor. This little-known statute provides that compensation may be paid to any non-Federal law enforcement officer who is injured, sustains disease, or is killed under one of the following conditions:

While engaged in the apprehension or attempted apprehension of any person who has committed a crime against the United States, or who at that time was sought by a law enforcement authority of the United States for the com-

mission of a crime against the United States, or who at that time was sought as a material witness in a criminal proceeding instituted by the United States.

While engaged in protecting or guarding a person held for the commission of a crime against the United States or as a material witness in connection with such a crime.

While engaged in the lawful prevention of, or lawful attempt to prevent, the commission of a crime against the United States.

The injured officer may receive medical, surgical, and hospital services, appliances, and supplies; and in

the case of disability and/or death, compensation may be paid in addition to that paid by local and/or State agencies.

The FBI, through its Uniform Crime Reporting Program, collects information on police officers killed in the line of duty as a result of felonious criminal action and furnishes this data to the Department of Labor. However, benefits under this law are not paid automatically, and eligible law enforcement officers or their survivors must submit official claims to the Bureau of Employees' Compensation.

For further information regarding the benefits provided under this statute, write to: Bureau of Employees' Compensation, Washington, D.C. 20211.

FBI DATA ON POLICE KILLINGS

The FBI, in cooperation with local and State law enforcement agencies, is compiling up-to-the-minute statistics and data on police killings as a service to law enforcement throughout the country.

As a part of the FBI's program to provide greater assistance to local enforcement agencies, FBI Field Offices transmit to FBI Headquarters a teletype summary on each police killing that occurs. This information is processed under the Uniform Crime Reporting (UCR) Program, and a summary on each slaying is furnished by the FBI to all law enforcement agencies in the Law Enforcement Teletype System (LETS). Thus, through this rapid interchange, vital information on police killings is

available immediately to law enforcement for intelligence and training purposes.

In addition, the FBI, through the UCR Program, is designing a procedure, to begin in January 1972, for the monthly collection of data concerning assaults on officers. This procedure will be reviewed by the Committee on Uniform Crime Records and the State UCR programs prior to adoption.

LAW ENFORCEMENT CONFERENCES

The FBI's investigative responsibilities and the assistance which it can extend to local law enforcement were greatly increased by the Organized Crime Control Act of 1970. Special emphasis

will be given to explaining this expanded jurisdiction during FBI-sponsored law enforcement conferences to be held throughout the country during September and October. The subject of these conferences will be "Organized Crime Controls."

The conferences will feature panel discussions by FBI police instructors and State and local law enforcement officers knowledgeable in the subject matter. The programs will cover the new Federal legislation affecting organized crime activities, types of illegal gambling operations, and recent court decisions affecting law enforcement.

Full-time, duly constituted law enforcement personnel, prosecutors, and members of the judiciary will be invited to the conferences, which will be conducted in closed sessions.



Patrolman Franklin D. Harris demonstrates how the video camera can be mounted on a bracket of the dashboard.

Traffic violators in our city, a St. Louis suburb with a population of about 9,000, have recently been surprised by a sophisticated method of traffic control. Chief of Police William L. Kisling, Jr., who heads our 17-man department, appointed Patrolman Franklin D. Harris a special traffic officer, and the 27-year-old policeman has devoted much of his time and effort to the use of a video tape unit in apprehending traffic violators.

The unit is comprised of a television camera, a video tape recorder, an audio tape recorder, and a modified television set, which is used to play

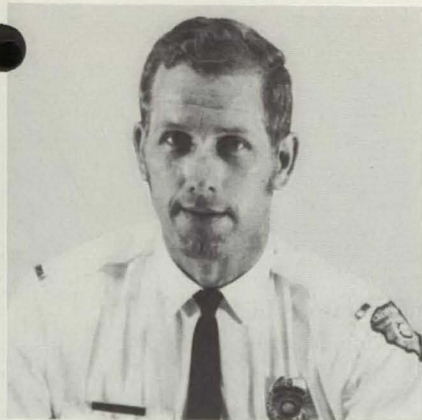
Patrolman Harris explains how the equipment is us

TRAFFIC PATROL

"The Car With the Camera"

"The tape of the license plate serves several purposes. It is used not only for identification but also for referral in the event a chase and investigation are necessary."





By
LT. THOMAS O. GOOCH
Police Department,
Creve Coeur, Mo.

chased with funds from a Federal grant obtained through the Missouri Division of Highway Safety.

A judge here in Creve Coeur has rendered the opinion that video tapes of traffic violators are admissible in police court.

When a traffic officer who is on patrol activates the unit, the video tape will run for 30 minutes. During this time the television camera is aimed at various automobiles driving through a specific intersection under "surveillance." In the absence of any traffic violations, the tape is rewound and reused. When a violator is observed, the officer may use the high-powered zoom lens and focus in on the violator's license plate before making the apprehension. The tape of the license plate serves several purposes.

back the video tapes. The system, which costs about \$2,000, was pur-

courtroom. At any point the tape can be stopped so that the court can note all aspects of the offense.



Chief William L. Kisting, Jr.

It is used not only for identification but also for referral in the event a chase and investigation are necessary.

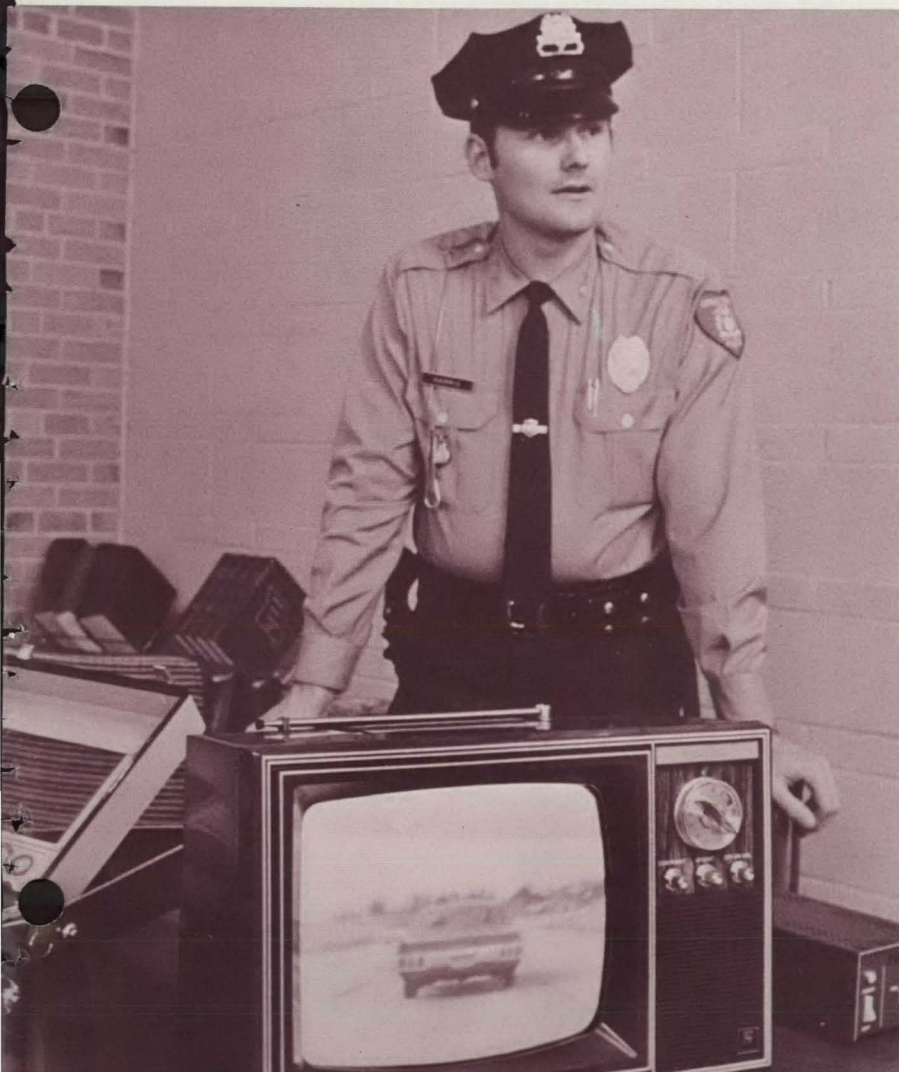
After stopping the errant motorist, the traffic officer usually invites him back to the police car, where the motorist can view the violation by means of a playback device built into the television camera. When this is done, an audio tape recorder is also operating, and all conversation between the traffic officer and the motorist is recorded for the mutual protection of both parties involved. The audio tape recorder can also be taken to the police courtroom.

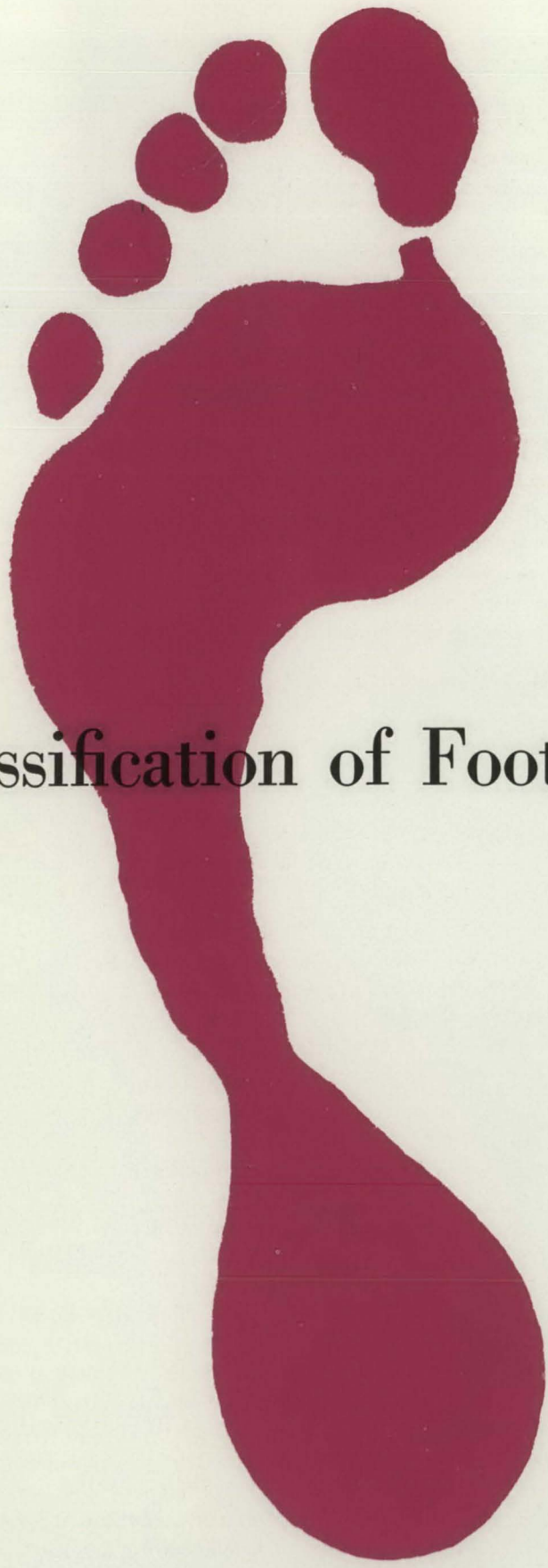
All of the above-described equipment installed in the police vehicle can be plugged into the cigarette lighter and powered by the 12 volt automobile battery. The unit can also be plugged into a standard 110 volt outlet.

An officer with 8 hours of training in the use of this equipment can perform adequately in traffic control. Proficiency increases with continued experience.

The above-described system not only has increased the conviction of traffic violators but also has resulted in vehicle operators' driving more carefully. Creve Coeur residents have learned to drive warily in the city streets, not only obeying traffic laws but also being alert for the "car with the camera."

FBI





Human infants are born with indelible stamps of individuality imprinted as ridge formations on their fingers and palms. Likewise, individual ridge formations appear on their toes and feet. Although infants change, develop into adults, and grow old, their individual fingerprint and footprint ridge formations, which they have on bulbs of fingers and toes and on palms of hands and soles of feet, remain immutable and fixed.

Classification of Footprints*

The peculiar adaptability of fingerprints has enabled law enforcement agencies to combat crime and broaden the scope of other identification services such as determining the identity of unknown deceased, missing persons, and amnesia victims. Footprints, like fingerprints and palm prints, may also be used for classification in identification matters. Wentworth and Wilder set forth a classification system of footprints in their publication "Personal Identification." The FBI, as noted in this article, has modified that system of classification. While fingerprints are generally accepted as the chief infallible means of identification, the bulbs of the toes and the soles of the feet should not be disregarded.

*An article on this subject first appeared in the September 1948 issue of the Bulletin. Because of its basic value in crime detection and public service, the article has been revised and brought up to date.



Figure 1.

In some instances, it may become necessary to use footprints for identification, particularly where all fingers or hands are missing because of accidents or other reasons. The Technical Section of the FBI Identification Division maintains a special file of footprints of individuals who have all fingers or hands missing.

Footprints forwarded to the FBI should be placed on plain white 8-by-8-inch cards. The same complete descriptive information which appears on the regular fingerprint card should also be placed on the plain white 8-by-8-inch card bearing the footprints.

Taking Footprints

The same equipment used in taking fingerprints is required in taking footprints; that is, printer's ink is placed on a smooth surface and rolled to a thin even distribution.

The complete sole is not inked. The front half of the foot, the ball and plantar areas including the great toe, is taken. This covers the area extending from immediately below the toes to the portion where the arch of the foot begins.

First, press the right foot gently on the inked plate. Now press the inked foot firmly on the lower right side of the plain 8-by-8-inch card. Use the same procedure with the left foot, placing the inked impression on the lower left side of the card. Care should be taken that no movement is made while the foot is on the card and that the great toe is pressed down in such a manner that its impression is obtained. Figure 1 shows examples of properly inked footprints.

Patterns

The ball pattern area, immediately below the great toe, contains formations which are divided into three general pattern groups. These are similar in formation to pattern groups in fingerprint classification; that is, the arch, loop, and whorl. The ball pattern area is the only area of the sole to be considered in obtaining a classification formula for the filing of footprints. Loops and whorls will have extra deltas outside the central pattern area and these deltas are to be disregarded.

In order to classify footprints, a person must necessarily be familiar with the technical terminology used in fingerprint classification.

O Group

Formations with ridges on the ball pattern area that tend to flow from one side of the foot to the other or from toe to heel and with the appearance of the arch in fingerprint classification are designated by a symbol O. The O-Group pattern is divided into two types and is comparatively rare in occurrence; however, these subdivisions are designated as a part of the footprint classification.

Type 1: Ridges in a generally vertical trend and that flow, or have a tendency to flow, from toes toward the heel are designated as O1. Figure 2 is a typical example of the O1 type.

Type 2

Type 2: Footprints with ridges in a horizontal trend and flowing, or having a tendency to flow, from the great toe side of the foot toward the little toe side are designated as O2. Figure 3



Figure 2.

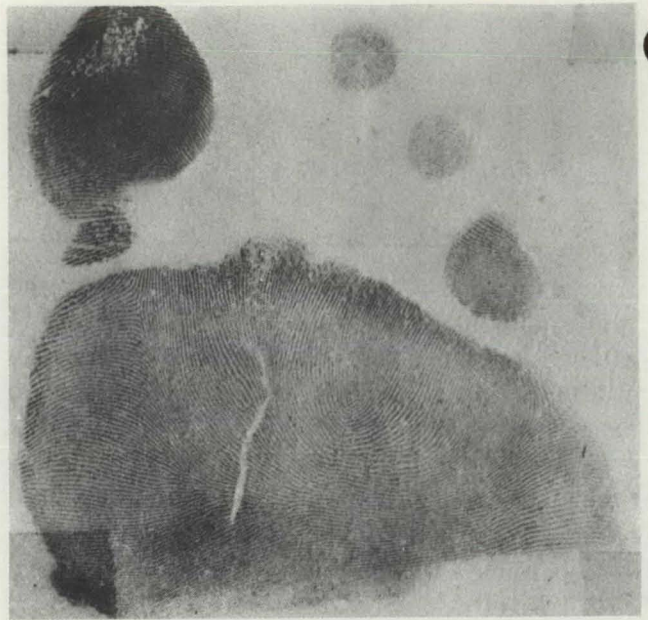


Figure 3.

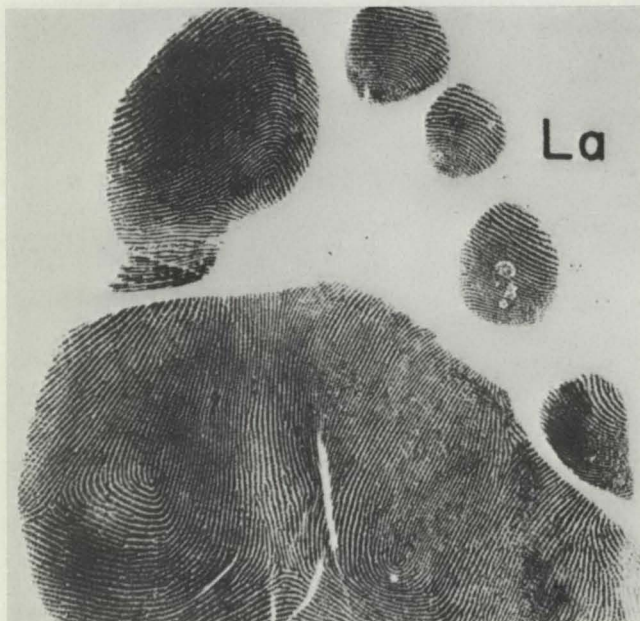


Figure 4.

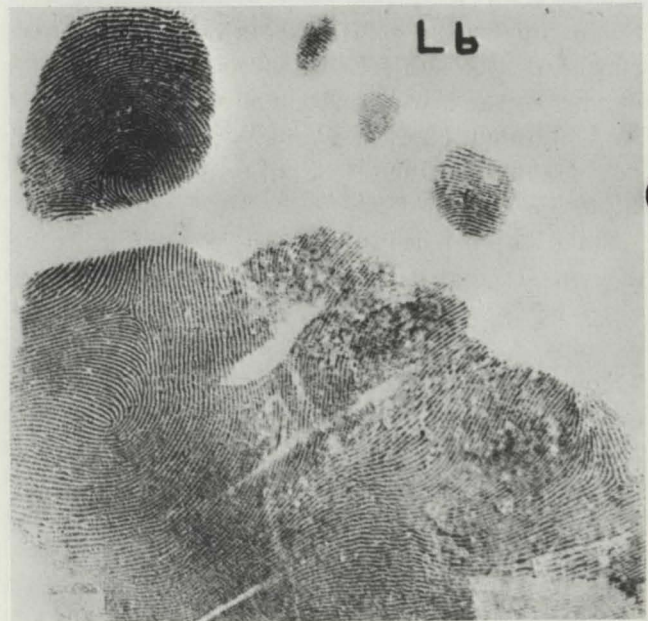


Figure 5.

is a typical example of the O2 type.

In some ridge formations, it is difficult to determine whether or not the ridges flow in a horizontal or vertical direction. In these cases, the patterns would be given the preferred classification for filing purposes and referenced to the other classification for searching or comparison purposes.

L Group

The loop fingerprint pattern, as outlined in the FBI booklet, "The Science of Fingerprints," is used in classifying the L Group in footprint classification. The three general characteristics of the loop fingerprint pattern are sufficient recurve, delta, and ridge count. These characteristics

must also be present in the L Group footprint pattern. The general classification of loops is designated L and is divided into four types: a, b, c, and d.

Type La: Loops which have their staples pointing upward and flow or tend to flow toward the toes are designated as La. Figure 4 is a typical example of the La type.

Types Lb and Lc: Loops which have

their staples flowing or tending to flow toward the great toe side of the foot are designated as Lb and Lc. The Lb type is always used for the right foot classification. The Lc type is always used for the left foot classification. Figures 5 and 6 are typical examples of the Lb and Lc types, respectively.

Type Ld: Loops which have their

staples flowing or tending to flow downward toward the heel of the foot are designated as Ld. Figure 7 is a typical example of the Ld type.

Location of Core in the L Group

Because of the intricacies and varied combinations of ridge details

in the core of loops in footprints, the location of the core was simplified. The core of the L Group in footprints is always placed on top of the innermost recurving ridge as in figures 8 and 9. The technical rules for sufficient recurves and appendages in fingerprint classification also apply to footprint classification.



Figure 6.

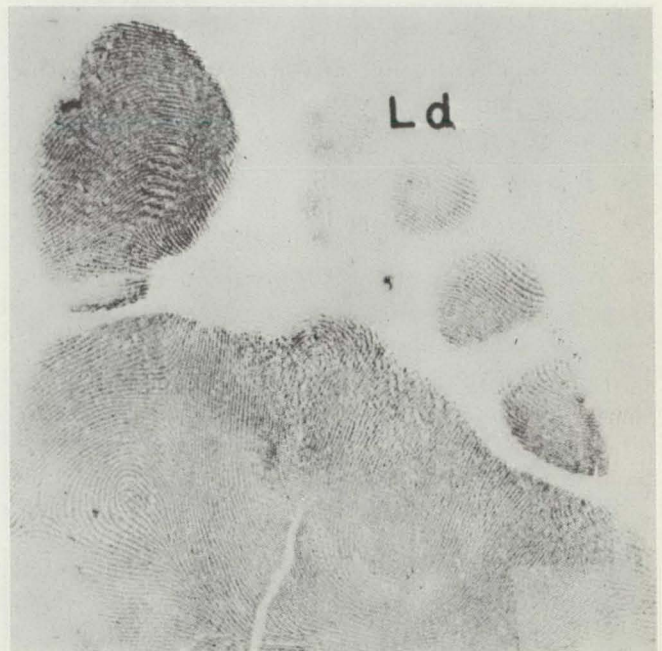


Figure 7.

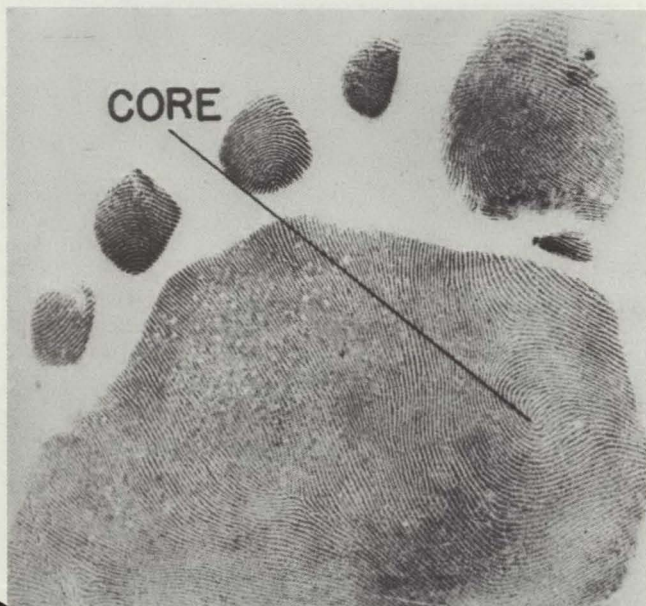


Figure 8.

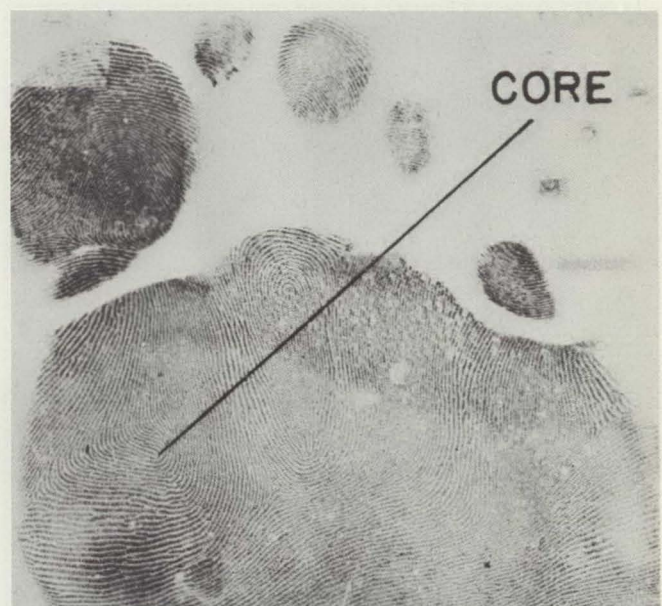


Figure 9.

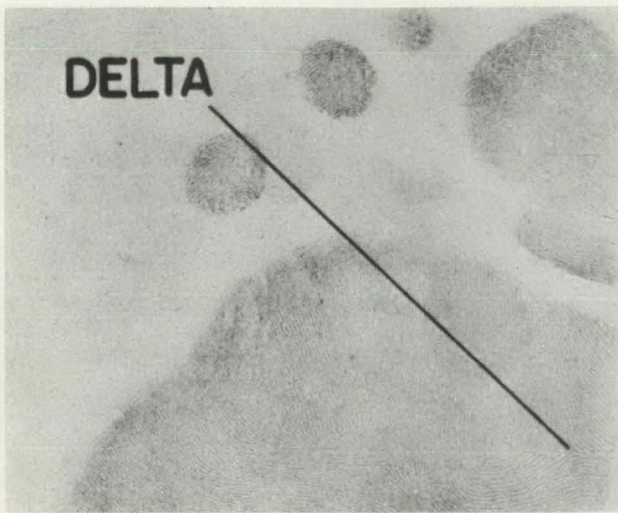


Figure 10.

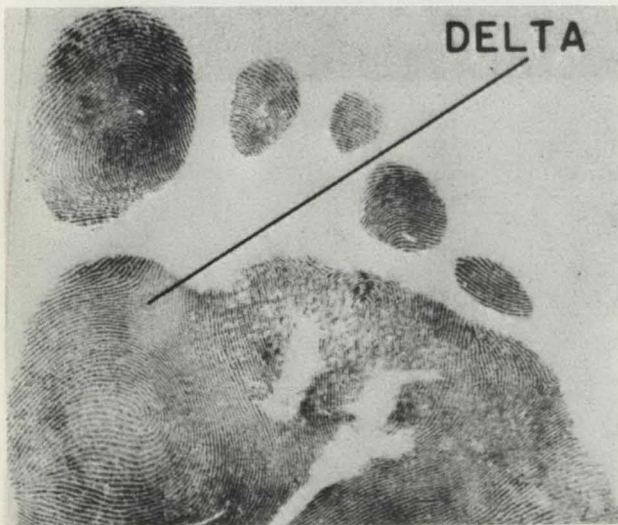


Figure 11.

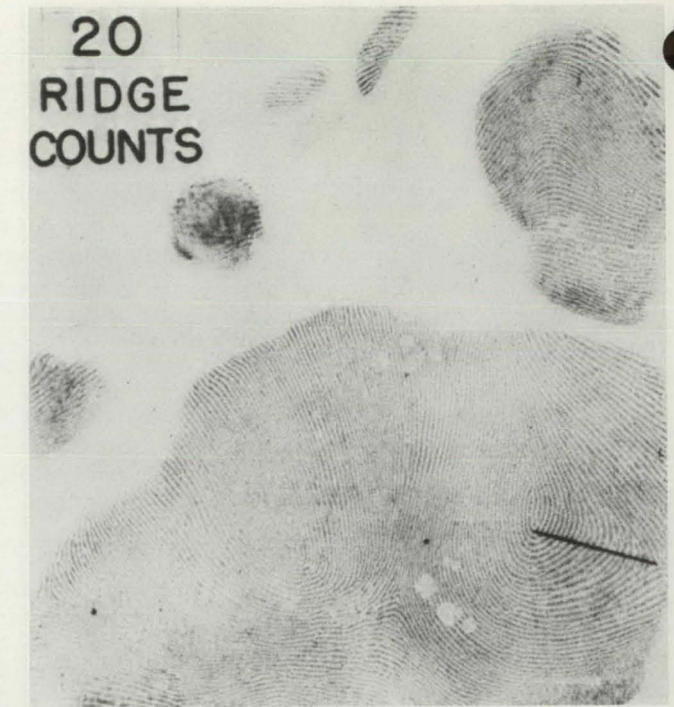


Figure 13.

Location of Delta in the L Group

The rules for location of deltas in fingerprint classification also apply to footprint classification. Inasmuch as more than one delta may be present in the L Group in footprints, the selection of the delta is determined as follows: In the La type the delta on the great toe side of the foot is used as shown in figure 10. In the Lb, Lc, and Ld types the delta directly below the great toe is used as shown in figures 11 and 12.

As previously pointed out, the location of the core of the L Group has been changed from the location in fingerprint classification. The ridge counting of footprints is the same as the ridge counting of fingerprints; that is, all ridges intervening between delta and core are known as the ridge count. Figure 13 shows the location of the two focal points, and the ridge count is obtained by counting the ridges intervening. Neither delta nor core is counted.

(Continued Next Month)

Figure 12.



By

DONALD J. McLAUGHLIN

**Special Agent,
Federal Bureau of Investigation,
Washington, D.C.**

Although the extent to which misdemeanor offenses occupy a police officer's duty time has never been precisely measured, it is known that in only three misdemeanor categor-

the subject goes beyond mere statistics. Evidence seized incident to an unlawful misdemeanor arrest is subject to the Exclusionary Rule. Moreover, since many defendants charged with misdemeanors are now represented by appointed counsel, it can reasonably be anticipated that the legality of such arrests will be challenged regularly. There is also the constant problem of potential civil liability. Officers now must be prepared to justify arrests formerly considered "minor" or "routine" in which police conduct went unchallenged.

Historically, the law permitted an officer to make a warrantless arrest for a misdemeanor offense only when the violation was committed in his presence because there was no urgent necessity to apprehend one for having committed a minor infraction. The misdemeanant was unlikely to flee the area, and magistrates were readily available to issue arrest warrants. In addition, the offense had to be one

"There is little doubt that misdemeanor cases lay claim to a substantial part of an officer's professional effort, but the importance of the subject goes beyond mere statistics."

United States either by legislation or judicial decision, but the "in-presence" restriction remains in most jurisdictions and should be understood by every police officer called upon to investigate misdemeanor violations.

Presence in General

In 1924 a Federal court noted that it was then well-established doctrine

Misdemeanor Arrest—The Presence Requirement

PART I

ies—disorderly conduct, vagrancy, and drunkenness—over 2 million arrests were reported in the United States during 1969. Further, this figure, published in the FBI Uniform Crime Reports for that year, does not reflect the time spent on investigations which end without an arrest being made. There is little doubt that misdemeanor cases lay claim to a substantial part of an officer's professional effort, but the importance of

which constituted a disturbance of the public peace. This limitation was based on the community's abhorrence of open violence and interest in its immediate suppression. Thus, an officer's authority to arrest a misdemeanant without warrant was restricted to those situations where the offense: (1) occurred in his presence and (2) constituted a breach of the public peace.

The "breach of peace" requirement has been generally abolished in the

throughout the United States that a duly authorized police officer could make a warrantless arrest for a misdemeanor offense only if he had reasonable cause to believe it had been committed in his presence.¹

Later, it was stated by an eminent authority on the law of arrest that the "in-presence" requirement had survived the impact of modern urban conditions better than most of the common law restrictions on the right

to arrest.² Three decades have passed since this observation was made. While the "in-presence" rule still lingers on, it is being subjected to attack as more and more courts and legislatures recognize the need to modernize the law of misdemeanor arrest.

"In-presence" was defined by one Federal decision to mean that if the facts and circumstances occurring within the officer's observation give him probable cause to believe that a crime is being perpetrated, it is being committed in his presence. It is not necessary that he be an "eye" or "ear" witness to every fact or circumstance involved in or necessary to the commission of the crime.³ Later, in an oft-cited case, a Federal court added that "it is well-settled that where an officer is apprised by any of his senses that a crime is being committed in his presence he may arrest without a warrant."⁴ This view, that all of the body's senses, rather than sight alone, can satisfy the "in-presence" requirement, is now widely recognized.

Sense Impressions

In some jurisdictions, misdemeanor arrest authority permits officers to arrest only when the offense occurs "within view"⁵ or "upon view of any offense."⁶ Although this might suggest that the only sense impression available to satisfy the presence requirement is that of sight, such limitations have been broadly interpreted to include the acquisition of knowledge through any of the senses. In *Beck v. Ohio*,⁷ the Supreme Court implied that information from all the senses could be used to satisfy the presence requirement. In ruling that the misdemeanor arrest of defendant Beck, a known gambler, was without probable cause and thus unlawful, the Court stated: ". . . the record does not show that the officers . . . saw, heard, smelled, or otherwise perceived anything else to give them ground for belief that (Beck) had acted or was then

acting unlawfully."⁸ (Emphasis added.)

Sight: The sense most frequently used to perceive the commission of a crime is that of sight.⁹ The presence requirement is met by the officer's being an eyewitness to the crime, even though the sighting is made from a distance. In a recent case, game wardens observed from a distance of well over 75 feet what they thought was the delivery of illegally trapped lobsters on a California beach. The defendants were arrested for lobster poaching, but the bags in their possession contained substantial quantities of marihuana. The court held that the offense was committed in the presence of the wardens.¹⁰ Likewise, the use of binoculars or telescopes to enhance visual perception and thereby increase the range of the officer's presence has been accepted as satisfying "in-presence."¹¹

The employment of a flashlight to observe what otherwise would be indistinguishable to the naked eye has been held lawful. In a 1963 case, the Supreme Court of Michigan upheld defendant's conviction for illegally possessing the hind quarter of a deer. The seizure of the deer, which had been killed unlawfully, came about after defendant's car was stopped for a minor traffic violation. One of the detaining officers, with the help of a flashlight, observed the leg of a deer protruding from under the front seat. The Court avoided the issue of whether the traffic stop was an arrest, but held that the officer was entitled to arrest for the possessory misdemeanor being committed in his presence.¹²

In a recent District of Columbia case, two experienced narcotics officers approached at night a parked automobile containing two known peddlers in an area known for its high narcotics traffic. One of the officers shined his flashlight into the car, and by its illumination observed a cello-

phane bag containing heroin capsules in the hand of one individual. Seizure of the heroin and arrest of the possessor quickly followed. In considering the use of the flashlight, a Federal court stated that the officers were entitled to approach the car and observe what was going on inside, and "their need to employ visual aid at night in the form of a flashlight did not convert their activities from lawful into unlawful conduct."¹³

Use of Searchlight

In 1927 the Supreme Court approved the use of a searchlight to establish probable cause to arrest, noting that a searchlight is comparable to a marine glass or a field glass, and the use of any of them is not prohibited by the Constitution. In *United States v. Lee*, a Coast Guard cutter shined a searchlight on a motorboat suspected of carrying contraband liquor and, through this means, discovered evidence of Federal violations. The boat's occupants were then upon arrested, and the Court held that "evidence discovered by the use of a searchlight directed upon a vessel on the high seas is not inadmissible. . . ."¹⁴

Where an officer who is lawfully present observes the commission of a misdemeanor inside a room through a peephole from outside, the offense is committed in his presence. For example, in a 1962 New Jersey case, two narcotics detectives, standing in a public hallway, saw through a keyhole an individual with narcotics paraphernalia in his possession, a misdemeanor. The detectives entered the room and arrested the possessor. The New Jersey Supreme Court held that the offense had occurred in their presence.¹⁵ Similarly, where an officer through an undraped window observed persons engaged in illicit gambling activity, entered, and effected an arrest, it was held that the mis-

meanoor occurred in his presence when he (could) see from the outside that a crime was being committed inside." 16

Use of Hearing

Hearing: Perhaps the leading case concerning the use of hearing to meet the "in-presence" requirement arose in New York. Defendants were arrested for bookmaking when an officer, standing in a public hallway, overheard an individual inside a room placing bets over a telephone and making other audible remarks consistent with gambling operations. He was also able to see into the room and identify the subjects when the door was opened. The officer entered and arrested those inside. In approving the officer's conduct, the New York Court of Appeals stated that the "officer acted on the evidence he perceived by means of his own senses, without any artificial aids. He relied on his own sight and hearing, and not on any information supplied to him. To limit the meaning of 'presence' to observation perceived through one sense, sight, seems unsupportable." 17 Hearing without sight has also satisfied "in-presence," where officers listened to

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

an adding machine and language consistent with gambling,¹⁸ where officers in a public place overheard voices discussing a dice game,¹⁹ where defendant used an obscene expletive to officer and was arrested for disorderly conduct,²⁰ and where defendant threatened his wife within earshot of a deputy sheriff²¹ and was arrested for disorderly conduct.

Some California courts have attached a liberal construction to "in-presence" as applied to the sense of hearing. In a line of cases beginning in 1957, hearing through electronic equipment has been held to be sufficient sense perception to satisfy the

misdemeanor presence requirement. The use of a telephone²² and radio receivers²³ has been interpreted to place the hearer constructively at the scene of the conversation. The Court said in *People v. Burgess* that "presence is liberally construed . . . (it) is not physical proximity, but whether the crime is apparent to the . . . senses. . . . Moreover a public offense may be committed in an officer's presence when his auditory perception is effected by an electronic device." 24 It would seem that this rationale is an extension of the Supreme Court doctrine regarding "wired informants," which finds nothing constitutionally objectionable to information transmitted or recorded by an informant and later offered in evidence.²⁵ In *Burgess*, it was held that a conversation dealing with bribery, overheard by a State motor vehicle investigator through a radio transmitter concealed on an informant, not only furnished information upon which probable cause for a warrant could be based, but also satisfied the presence requirement for a misdemeanor arrest, and permitted an immediate arrest of subject by the monitoring officer.²⁶

(Continued Next Month)

FOOTNOTES

¹ *Garske v. United States*, 1 F. 2d 620 (8th Cir. 1924). See, also, *Carroll v. United States*, 267 U.S. 132 (1925).

² Warner, "Modern Trends in the Law of Arrest," 21 Canadian B. Rev. 191 (1943).

³ *Ex Parte Morrill*, 35 Fed. 261 (9th Cir. 1888).

⁴ *McBride v. United States*, 284 Fed. 416 (5th Cir. 1922), cert. denied, 261 U.S. 614 (1923).

⁵ E.g., S.C. Code Ann., Sec. 17-253 (1962).

⁶ E.g., Kans. Gen. Stat. Ann., Sec. 13-623 (1949).
⁷ 379 U.S. 89 (1964).

⁸ Id. at 94.

⁹ See, e.g.: *United States v. Murphy*, 290 F. 2d 573 (3rd Cir. 1961) (observation of large quantities of sugar for moonshine production); *Conti v. Morgenthau*, 232 F. Supp. 1004 (S.D.N.Y. 1964) (seeing subjects engaged in gambling activities); *United States v. Chapman*, 413 F. 2d 440 (5th Cir. 1969), cert. denied, 396 U.S. 903 (1969) (unlawful possession of sugar for illegal distilling of whisky); *Hart v. United States*, 316 F. 2d 916 (5th Cir. 1963) (voluntary display of invalid auto registration papers); *People v. West*, 15 Ill. 2d 171, 154 N.E. 2d 286 (1958) (policy slips seen in plain view by officer); *Weiss v. United States*, 387 F. 2d 271 (10th Cir. 1967)

(defendant's unlawful appearance on military base observed by military police); *United States v. Gorman*, 36 F.R.D. 416 (D.D.C. 1965) (detective saw defendant in possession of narcotics implements).

¹⁰ *Call v. United States*, 417 F. 2d 462 (9th Cir. 1969).

¹¹ *People v. Steinberg*, 148 Cal. App. 2d 855, 307 P. 2d 634 (1957) (binoculars); *Roynan v. Battin*, 55 Cal. App. 2d 861, 132 P. 2d 266 (1942) (telescope).

¹² *People v. Kuntze*, 371 Mich. 419, 124 N.W. 2d 269 (1963); see, also, *Brown v. State*, 91 So. 2d 175 (Fla. 1956).

¹³ *Dorsey v. United States*, 372 F. 2d 928 (C.A.D.C. 1967). See, also, *Marshall v. United States*, 422 F. 2d 185 (5th Cir. 1970); *Walker v. Beto*, 437 F. 2d 1018 (5th Cir. 1971); *Warrix v. State*, 184 N.W. 2d 189 (Wis. 1971); *Legall v. State*, 463 S.W. 2d 731 (Tex. Crim. App. 1971); *State v. Wade*, 479 P. 2d 811 (Kans. 1971).

¹⁴ *United States v. Lee*, 274 U.S. 559 (1927).

¹⁵ *State v. Smith*, 37 N.J. 481, 181 A. 2d 761 (1962), cert. denied, 374 U.S. 835 (1963); also see *State of Louisiana ex rel. Naylor v. Walker*, 206 F. Supp. 544 (E.D. La. 1962), cert. denied, 371 U.S. 957 (1962). It should be noted that the legality of the *Smith* police procedure may be subject to question in some jurisdictions which broadly interpret the

"privacy" holding in *Katz v. United States*, 389 U.S. 347 (1967).

¹⁶ *Griffin v. State*, 200 Md. 569, 92 A. 2d 743 (1952), cert. denied, 345 U.S. 907 (1953); see, also, *State v. DeLorme*, 197 A. 2d 543 (Conn. Cir. Ct. 1963).

¹⁷ *People v. Goldberg*, 280 N.Y.S. 2d 646, 19 N.Y. 2d 460, 227 N.E. 2d 575 (1967); cert. denied, 390 U.S. 909 (1968).

¹⁸ *People v. Wright*, 41 Ill. 2d 170, 242 N.E. 2d 180 (1968), cert. denied, 395 U.S. 933 (1969).

¹⁹ *People v. Hughes*, 49 Cal. Rptr. 767 (Dist. Ct. App. 1966).

²⁰ *City of St. Paul v. Morris*, 258 Minn. 467, 104 N.W. 2d 902 (1960), cert. denied, 365 U.S. 815 (1961).

²¹ *United States v. Webb*, 311 F. Supp. 730 (E.D. Tenn. 1970).

²² *People v. Bradley*, 152 Cal. App. 2d 527, 314 P. 2d 108 (1957).

²³ *People v. Burgess*, 170 Cal. App. 2d 36, 338 P. 2d 524 (1959); *People v. Lewis*, 214 Cal. App. 2d 799, 29 Cal. Rptr. 825 (1963).

²⁴ *People v. Burgess*, *supra* footnote 23 at 41.

²⁵ *On Lee v. United States*, 343 U.S. 747 (1952); *Lopez v. United States*, 373 U.S. 427 (1963); *White v. United States*, — U.S. — (1971).

²⁶ *People v. Burgess*, *supra* footnote 23.

TEST PROGRAM

(Continued from page 5)

check the entire 50 or 75-mile length in a very few minutes and pick out almost every violator of the posted speeds.

In addition to speed enforcement, the plane can also be used for other functions, such as, search for lost hunters, surveillance of slow-moving traffic problems, surveillance of school bus routes and problems, check of little-used highways occasionally, observation of double-line areas, and location of stolen, abandoned, and stripped cars in out-of-the-way places. These additional uses make the plane a valuable piece of standard equipment even if it were only assigned to speed enforcement on selected occasions.

Generally, the program was too short in length and covered too many miles. It is a good program where enforcement results are needed in connection with high speeds over open highways. There were problems with weather and a definite problem in connection with assignment of personnel to work the program. The program would work much better where plane and personnel needed are assigned to the project for the duration. Then one car could follow the plane over long distances and return the same day without assignment from separate districts.

Comparison of Costs

After making a comparison of costs for lease and purchase of a tandem 2-

place plane and a 4-place plane, we decided to lease a 2-place aircraft. The cost of the program will run slightly over \$2,300 over and above regular budget items. There will be around \$2,000 collected in fines and costs.

Observations

Final reports on arrests and fines are not complete at this time. The program can bring a tremendous amount of enforcement pressure on speeders in well-selected areas. Results can be tabulated and evaluations made, but a continuing program of this nature needs much more planning and preparation than was possible for this project. The project would work exceptionally well for special occasions and problem assignments. FBI



Using a plane and a patrol car, Idaho State Police check the speed of motorists along this highway.

MILEPOST 90

	Survey No. 1 (928 Cars)	Survey No. 2 (100 Cars)	Survey No. 3 (100 Cars)
	Percent	Percent	Percent
71 to 79 MPH -----	20.6	20	34
80 to 89 MPH -----	10.5	9	6
90 to 99 MPH -----	1.6	1	0
100 & above -----	0	0	0
Non-violation -----	67.3	70	60

MILEPOST 109.9

	Survey No. 1 (100 Cars)	Survey No. 2 (100 Cars)	Survey No. 3 (100 Cars)
	Percent	Percent	Percent
61 to 69 MPH -----	34	45	55
70 to 79 MPH -----	24	30	21
80 to 89 MPH -----	4	3	6
90 to 99 MPH -----	1	0	0
100 & above -----	0	0	0
Non-violation -----	37	22	18

MILEPOST 147

	Survey No. 1 (100 Cars)	Survey No. 2 (100 Cars)	Survey No. 3 (100 Cars)
	Percent	Percent	Percent
71 to 79 MPH -----	38	40	27
80 to 89 MPH -----	22	3	5
90 to 99 MPH -----	3	0	0
100 & above -----	1	0	0
Non-violation -----	36	57	68

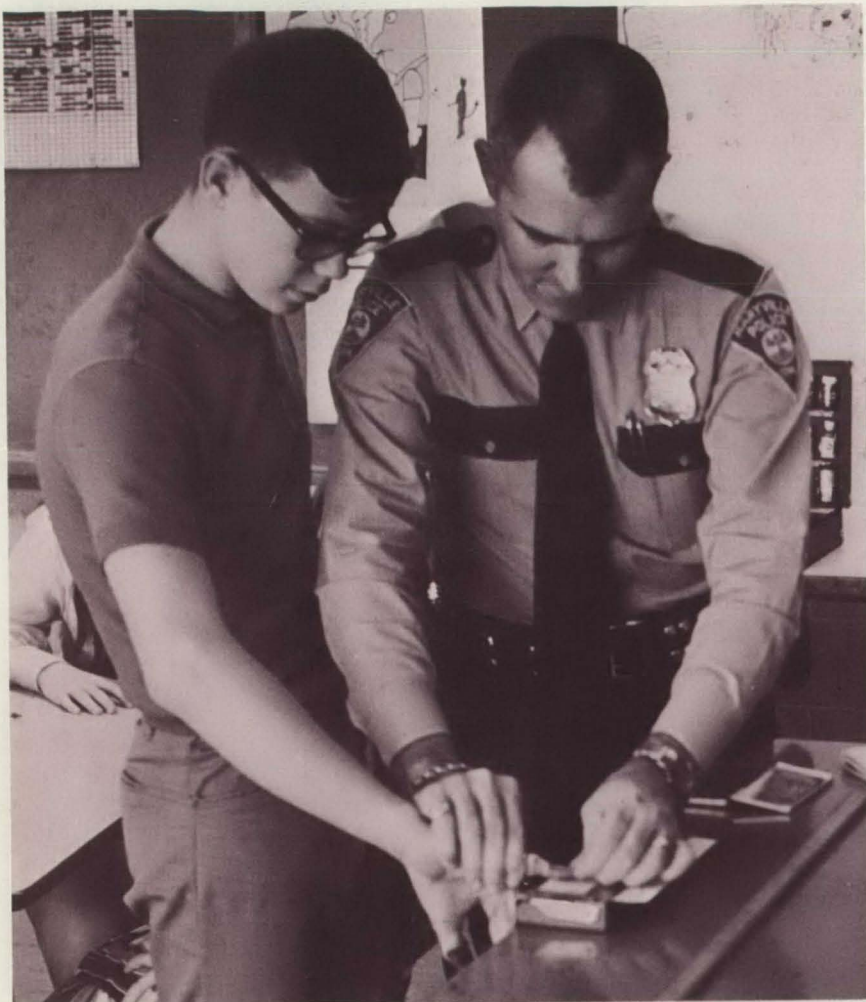
MILEPOST 162

	Survey No. 1	Survey No. 2 (100 Cars)	Survey No. 3
		Percent	
71 to 79 MPH -----	Rained out	28	Road broken up
80 to 89 MPH -----		8	Survey Impossible
90 to 99 MPH -----		0	
100 & above -----		0	
Non-violation -----		64	

MILEPOST 195

	Survey No. 1 (1297 Cars)	Survey No. 2 (100 Cars)	Survey No. 3 (100 Cars)
	Percent	Percent	Percent
71 to 79 MPH -----	40.7	25	39
80 to 89 MPH -----	12.7	9	8
90 to 99 MPH -----	1.3	1	2
100 & above -----	.003	0	0
Non-violation -----	45.3	65	51

The groups of numbers under Surveys 1, 2, and 3 show the percent of violations at five separate locations taken under similar circumstances and weather conditions.



A Maryville police officer demonstrates the fingerprinting process to an interested student.

A YOUTH RELATIONS PROGRAM

I want to thank you for coming. You made me realize how important the police are."

The above statement from a student is typical of the many favorable comments that Maryville, Tenn., Police Chief John R. Bluford and Planning

Officer J. A. Gillespie receive from young Maryville boys and girls concerning their department's youth relations program.

The program, conducted by Officer Gillespie at the local junior high school, is designed to give youngsters

a better understanding of law enforcement and its operations. The program, including an explanation of the criminal justice system, an FBI film followed by a brief talk by a Special Agent, a film by the Tennessee Highway Patrol, discussions with convicted felons, and a field trip to the county jail, is culminated by a panel discussion with the local police chief, the mayor, a judge, and a police officer.

"Junior high students are the most receptive to an orientation program like this," explains Officer Gillespie. "They are old enough to comprehend but not old enough to have formed an adverse opinion of the police and criminal justice as a whole.

"I firmly believe that if you can get to these children and let them know that policemen . . . are human beings and would like to help them, they'll see that we're just trying to do a job to the best of our ability and for the best of everyone involved," the officer stated.

The program began in November 1970 at the request of local school authorities, and there are hopes that it may be expanded to other schools in the county. However, emphasis will be kept at the junior high level.

One teacher, commenting on the program, told Officer Gillespie, "The ability to communicate is said to be the beginning of understanding, and, certainly, the excellent rapport you have been able to establish with the students has done more than any

thing to increase their appreciation and respect for police work.”

Chief Bluford and his men do not, of course, think that the battle against

juvenile crime is won, but they do feel that through this program better understanding has been established. Understanding is progress.



Officer Gillespie (left) introduces a panel of local officials to students during a student relations session.

“MOUSETRAP”

(Continued from page 14)

ful there ever will be, enough police officers to hold crime rates at present levels or to reduce crime without assistance from technical systems.

One major way of increasing efficiency in any sort of operation, police or otherwise, is to improve the speed and accuracy of communications.

Physical protection through the use of window bars, locks, and similar items has limited value in that such devices can be penetrated, given enough time and skill.

Costs for a high degree of physical protection can be excessive. Sufficient police patrol to detect a high percentage of burglaries would be excessive, for usually a burglar looks like a burglar only for the short period of time it takes to break in.

The major impact of our project has been that the volume of nonresidential burglaries has been contained even though the number of businesses has increased and population of the city has grown. This means a proportional savings through the reduction of loss by theft, vandalism, or destruction to gain entry. Thus, there are additional savings in police, prosecution, and court time corresponding to the reduction in the number of burglaries. Further, the less our officers have to respond to actual burglaries and false alarms, the more time they will have to devote to other police activity, such as investigation of street crime.

Our silent alarm system has one thing going for it which I saved for last. Our conviction rate has been a solid 100 percent. ®

POLICE TRAINING

Increasing its field police training programs by more than 6 percent during fiscal year 1971, the FBI extended assistance in 9,110 training schools attended by 311,210 local law enforcement personnel. FBI instructors contributed 83,695 hours in these schools, which included such specialized topics as organized crime, racial extremists and violence, functions of an anti-sniper squad, and bombing complaints and investigations.

FBI Police Management Schools during the past fiscal year numbered 91, with 3,248 police administrators and command personnel attending.

Bombings and bomb threats was the subject of 277 FBI-conducted Law Enforcement Conferences held throughout the country during fall 1970. A total of 33,730 people representing 8,305 different agencies attended these sessions.

POLICE PAY

During calendar year 1970, the average monthly earnings of full-time police employees in State and local governments was \$754, according to information released by the Bureau of the Census. In comparison, the average monthly wage for employees engaged in local fire protection is \$808, for instructional personnel in local schools \$830, and for employees in public transit \$860.

BANK ROBBERY

A new high was established during fiscal year 1971, when a total of 3,354 violations of the Federal Bank Robbery Statute were reported to the FBI. This was an increase of 20 percent over the violations reported in 1970.

"BETWEEN THE LINES"

Although a bank robber's demand note was the only evidence left at the crime scene after a recent midwestern bank holdup, excellent photographs taken by a bank surveillance camera helped FBI Agents identify Donald L. Strong* as a prime bank robbery suspect.

When the subject's name and photograph were circulated throughout the area in an attempt to locate him, a pawnshop owner called the local FBI office and related that he had just received a letter from a Donald Strong concerning jewelry he had previously left at the shop. Using the return address Strong gave in the letter, FBI Agents located and arrested the suspect in a southern State.

A note pad found in Strong's possession, the bank robber's demand note, and the letter to the pawnshop were submitted to the Document Section of the FBI Laboratory, Washington, D.C., for examination. Laboratory experts testified at Donald Strong's trial that indented writing found between the written lines of the pawnshop letter was made when the demand note was written on a sheet over top of it. Further, the demand note and letter were written on the same type of paper contained in the note pad taken from the subject.

Strong was convicted of bank robbery and given a lengthy prison sentence.

*Fictitious.

Dear Sir,

Please forward ladies diamond
 & birthstone gold ring along
 with ladies Hilton 25 jewel
 and man's Leman 17 jewel
 watch both silver.

Enclosed are pawn tickets
 # numbers 7202 & 9196
 Total amount of \$13.75 for
 redemption & \$5.00 shipping
 cost. Please ship by mail
 & insure as soon as possible.

I thank you for your
 courtesy. 10-20-50
 Sincerely,
 address in care of
 HI-WAY 501-544
 P.O. BOX 411 WAY, S. CAROLINA

QUIET
 I HAVE A GUN IN MY BELT
 GIVE ME ALL YOUR 10-20
 -50 OR YOUR DEAD.
 HURRY

Laboratory experts quickly detected the indented writing "your dead" on the pawnshop letter (above) to be identical with the same phrase on the demand note (below).

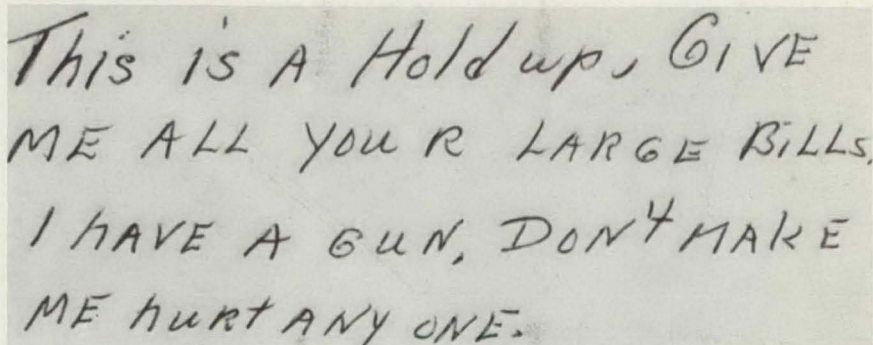
IRREFUTABLE EVIDENCE

Within 1 month in summer 1970, two savings and loan associations and a bank in Chicago, Ill., were robbed by a lone bandit who used robbery notes which demanded large bills and threatened the use of an unseen gun.

Although a comparison of the three notes with the National Bank Robbery Note file in the Document Section of the FBI Laboratory, Washington, D.C., developed no clues, handwriting experts determined that the notes used in the two savings associations robberies were written by the same person. Further, the Latent Fingerprint Section of the Identification Division identified fingerprints from all three robbery notes as belonging to the same person.

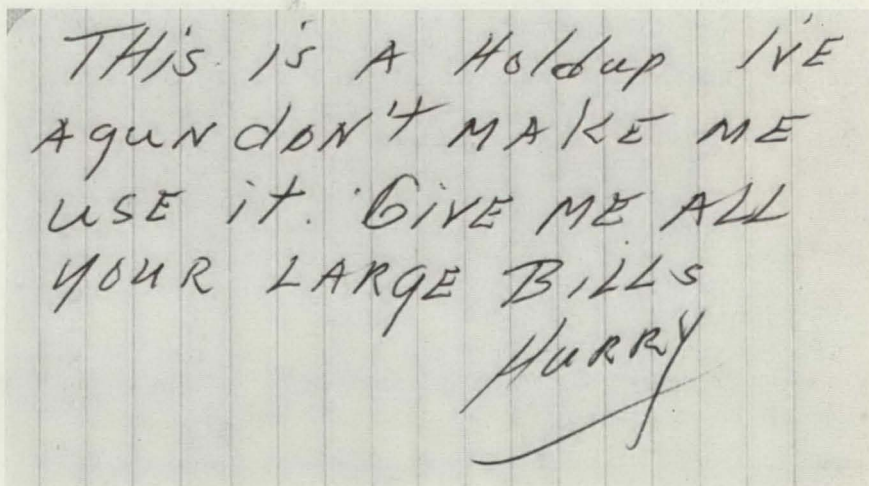
Intensive investigation by the FBI developed John William Jones* as a suspect in all three robberies. His fingerprints were submitted to the Identification Division by the Chicago FBI Office and were positively identified with the fingerprints taken from all three bank robbery notes. The suspect was subsequently convicted of bank robbery and sentenced to prison.

*Fictitious.



This is A Holdup, GIVE
ME ALL YOUR LARGE BILLS,
I HAVE A GUN, DON'T MAKE
ME HURT ANY ONE.

This hand-printed note was used in the robbery of a savings and loan association office.



THIS IS A Holdup IVE
A GUN DON'T MAKE ME
USE IT. GIVE ME ALL
YOUR LARGE BILLS
HURRY

A similar hand-printed note was used a short time later in the robbery of a second savings and loan association office.

"PLANE" SIGHT

Recently, police officers in a small Colorado town shortly after midnight observed a strange sight—two men in a pickup truck towing a wingless airplane by its tail assembly. While following the vehicle, the officers requested an NCIC check on the registration number painted on the plane's fuselage.

The NCIC response stated the plane had been stolen in Missouri and the truck's occupants should be considered armed and dangerous. Pursuing the truck at high speed, the

policemen alerted officers of a nearby department who stopped and arrested the truck's occupants. The two subjects were charged with the interstate transportation of a stolen aircraft. Subsequently, the plane's wings were located in a Denver suburb.

CRIMINAL INFORMATION DISSEMINATED

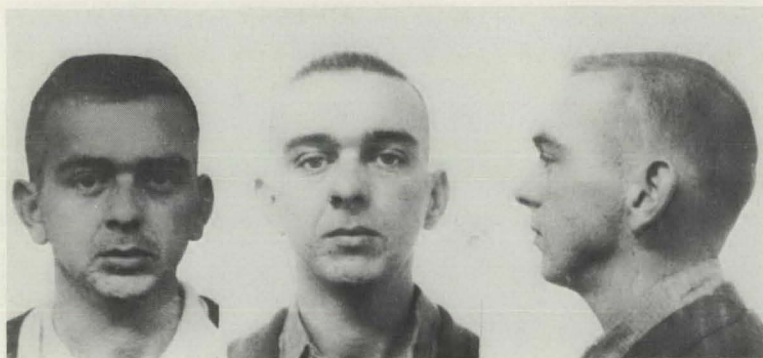
Information supplied to the FBI by informants and disseminated to other Federal and local authorities resulted in 7,184 arrests and the recovery of

over \$21 million in contraband and stolen merchandise by these other law enforcement agencies. There were approximately 300,000 items of criminal intelligence information disseminated to these agencies by the FBI during fiscal year 1971.

FUGITIVES LOCATED

There were 33,863 Federal fugitives located in FBI-investigated cases during fiscal year 1971. This is a new high and an increase of 12 percent over the locations in 1970.

WANTED BY THE FBI



JACKIE LEE HALL, also known as: Jack Carpenter, Thomas E. Dodd, Jack Doyle.

Interstate Flight—Armed Robbery

Jackie Lee Hall is wanted by the FBI for unlawful interstate flight to avoid confinement after conviction for armed robbery.

On August 6, 1968, Hall escaped from a Virginia State Prison camp at Richmond, Va., where he had been serving an 8-year sentence for armed

robbery. A Federal warrant for his arrest was issued on July 1, 1970, at Alexandria, Va.

Caution

Hall may be armed and should be considered dangerous.

Description

Age----- 31, born May 30, 1940, Manassas, W. Va.
 Height----- 6 feet 3 inches.
 Weight----- 180 pounds.
 Build----- Slender.
 Hair----- Blond (may be dyed black).
 Eyes----- Blue.
 Complexion-- Medium.
 Race----- White.
 Nationality-- American.
 Scars and marks----- Pockmarks on face and neck.
 Occupations-- Carpenter, cook, guard.
 FBI No----- 448, 599 F.
 Fingerprint classification-----

11	S	I	T	3
	S	I	Aa	
Ref:	R	T	R	
	A	T	T	

Notify the FBI

Any person having information which might assist in locating this fugitive is requested to notify immediately the Director of the Federal Bureau of Investigation, U.S. Department of Justice, Washington, D.C. 20535, or the Special Agent in Charge of the nearest FBI field office, the telephone number of which appears on the first page of most local directories.

NCIC REPORT SUPPLIES PROBABLE CAUSE FOR SEARCH

A Federal court decision reported in April 1971—*United States v. Golembiewski*, 437 F. 2d 1212 (1971) (8th Cir.)—indicates that a car detained at a police station after traffic arrest of the driver may be searched without a warrant on receipt of an NCIC report that the vehicle is stolen.

In this case an officer stopped an automobile and charged the driver with a traffic offense. The officer observed the VIN on the dash, copied it, and requested an NCIC check. In the meanwhile, the car was taken to the sheriff's office because of the traffic offense. While there, the officer re-

ceived a report that the vehicle was indexed in the NCIC as stolen. He arrested the driver and his companion on a stolen automobile charge and notified the FBI. Subsequently, the arresting officer and an FBI Agent searched the vehicle. Evidence found in this search was used in the prosecution for violation of the Interstate Transportation of Stolen Motor Vehicle Act, and a conviction resulted.

Appealing his conviction, the defendant claimed the trial court erred in allowing the evidence from two illegal searches. He said the first

illegal search occurred when the officer, on stopping the car, copied the VIN from the dash. The second illegal search, the defendant stated, took place when the officer and the FBI Agent examined the car at the sheriff's office.

The Federal appeals court declared that copying the VIN from the dash was legal because it was clearly visible to the officer when he approached the car. The court further stated in its decision that the examination of the vehicle was legal because it was based on probable cause supplied by the NCIC report.

FOR CHANGE OF ADDRESS ONLY

(Not an order form)

Complete this form and return to:

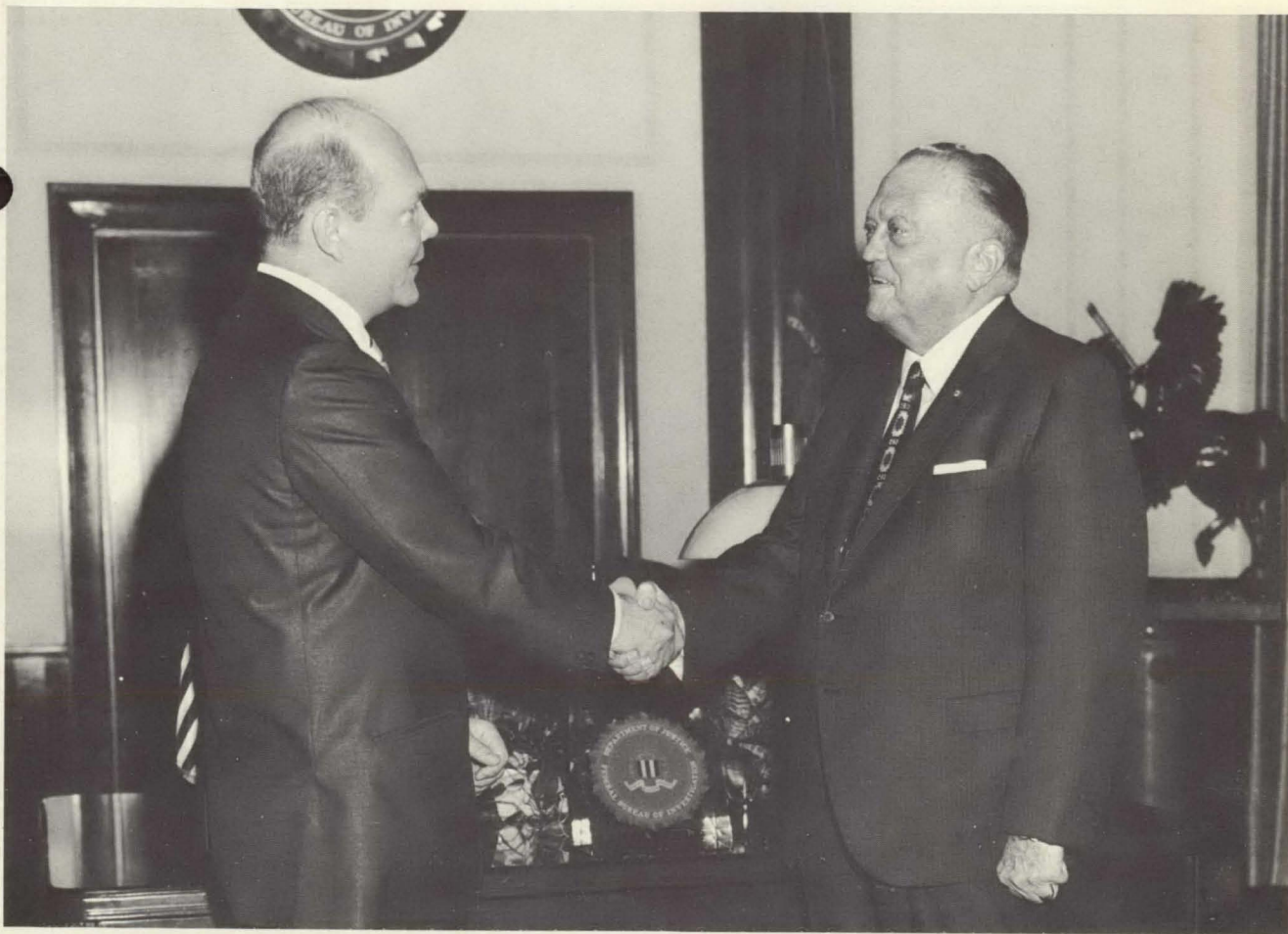
DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535

(Name) (Title)

(Address)

(City) (State) (Zip Code)

Visitor to FBI



Mr. G. Kent Edwards, U.S. Attorney, District of Alaska, was greeted by Director J. Edgar Hoover during his recent visit to FBI Headquarters.

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



The unusual and questionable pattern presented here is given the preferred classification of a loop with 12 ridge counts. It is referenced to a whorl with an inner tracing because of the formation appearing in front of the right delta.