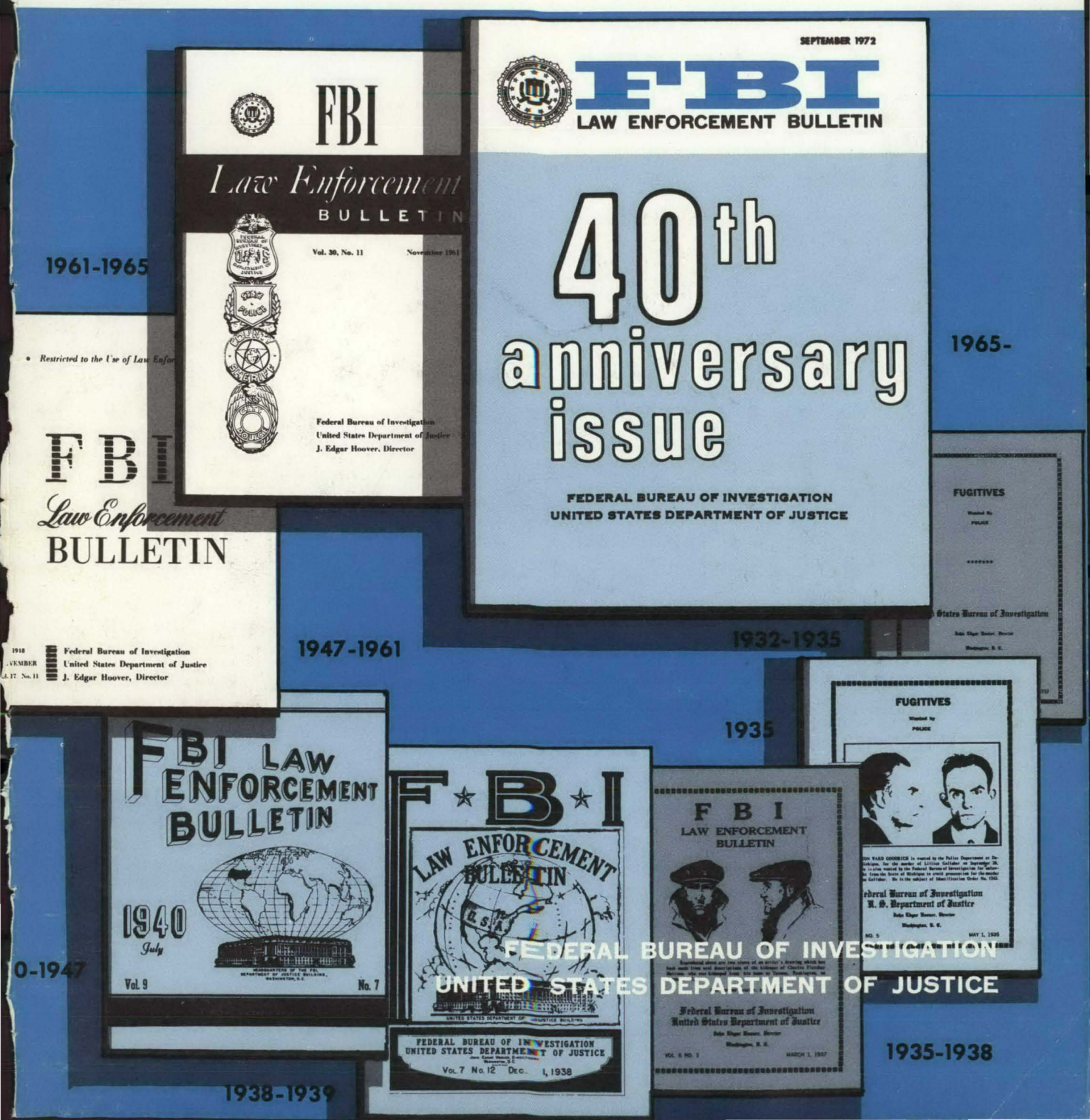
Documented Copy

SEPTEMBER 1972

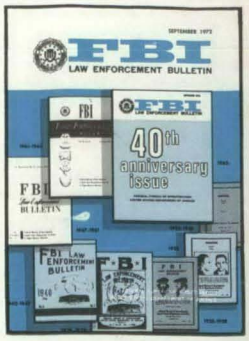
FBI

LAW ENFORCEMENT BULLETIN



SEPTEMBER 1972

VOL. 41 NO. 9



THE COVER—*The FBI Law Enforcement Bulletin celebrates its 40th Anniversary this month. See article beginning page 3.*

FBI
LAW ENFORCEMENT BULLETIN

Published by the
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE
Washington, D.C. 20535

CONTENTS

MESSAGE FROM THE ACTING DIRECTOR . . .

. . . To All Law Enforcement Officials

THE 40-YEAR HISTORY of the FBI Law Enforcement Bulletin traces an eventful period of the law enforcement profession. It spans an era of dynamic change in which the incidence of crime, among many other social tensions, often proved to be a painful national concern and an ever-threatening challenge to the talents of local, State, and Federal law enforcement agencies. The fact that our profession has endured these struggles to now stand stronger than ever before is a comforting measure of its maturity. Moreover, the experiences of these four decades reinforce the premise that unity and cooperation are vital keystones in the law enforcement effort.

It was an awareness of these essential elements in effective law enforcement duties that heralded the inception of the Bulletin. As the late FBI Director J. Edgar Hoover wrote in the first issue of the Bulletin in September 1932, its publication was ". . . an effort to amplify and render of increased value the current exchange of criminal identification data among . . . law enforcement officials in this country and abroad. . . ." With many other programs initiated or stimulated by the FBI in the years immediately preceding or just following its first issue, the Bulletin represented an intensified commitment to aid local and State law enforcement agencies.

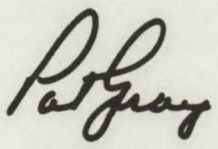
There was then an urgent need to revitalize the exchange of information among peace officers. This need again loomed large in the decade of the 1960's when lawlessness surfaced in menacing proportions. The ability of the law enforcement profession to cope with a soaring growth of crime had, sadly, depreciated. This was not a case of simple internal neglect. Technology, unwittingly, had provided many advantages to the criminal. Legislation had responded haltingly to vastly changed conditions of society which required new approaches in protecting persons and property. In spite of mounting evidence of rampant criminality, the attention of the public was slow in moving from concerns other than its own safety.

MESSAGE

The causes of resurgent crime are obscured by their numbers, but the remedy is clear: determined law enforcement effort supported by strong national programs and leadership. Serious crimes increased 147 percent in the decade of the 1960's. With few exceptions, the rate of increase in that period rose each year until 1969 when it began to decline. Following a steady rise over the preceding 3-year period, the rate of increase dropped to 12 percent in 1969 and to 11 percent in 1970. This heartening trend continued with a substantially further decline to 7 percent in 1971. Prospects for the future appear even more encouraging. Recently compiled reports of serious crimes for the first quarter of 1972 disclosed they registered the lowest percentage increase in 11 years—1 percent.

Certainly, there can be no victory over crime when it continues to increase to any degree, nor can any reassurance come from anything other than a substantial decline in the volume of serious crimes. Considering the magnitude of criminality in this country during the past decade, however, the trend of crime in the past few years breathes new life into the hope that this social disease that has plagued our society for far too long may soon be on the wane.

History has shown us that crime rises or subsides in relation to the vigor of its opposition. The energy of that opposition is growing with superior law enforcement performance and a renewed public concern for its first priority—safety from the anarchy of lawlessness.



L. PATRICK GRAY, III
Acting Director

SEPTEMBER 1, 1972

Four Decades of Service

Forty years ago this month, the United States was in the throes of a twin crisis. The spirit of the country was mired in a depression which plunged to its low a few years earlier and, to make matters worse, an unprecedented wave of crime was sweeping over the land.

Earlier in the spring of 1932, the infant child of Charles A. Lindbergh had been kidnaped from the nursery of his Hopewell, N.J., home where the unknown abductor left a note demanding $50,000 for his safe return. As investigators vainly scoured the countryside for months afterwards to establish the identity of the child's abductor, the only significant clue developed was the grim discovery of the infant's lifeless body in a shallow grave only a few miles distant from the Lindbergh home.

The Lindbergh kidnaping awoke the public to the threat of crime as perhaps no other of the many violent, lawless acts of that period. Aroused to anger over this vicious crime, the public clamored for, and spurred Congress to enact, legislation which, as later amended, provided, in the event of harm to the victim, severe penalties for transporting a kidnaped person across a State line.

". . . this anniversary is an opportunity for the Bulletin to express its deep appreciation to its countless contributors over the years and to pledge to them and supporters throughout the Nation and the world its continued dedication to serving the proud profession of law enforcement."

First Issue

It was in this setting that former FBI Director J. Edgar Hoover saw the pressing need for an intensified exchange of criminal identification data among all law enforcement agencies in this country and abroad. In September 1932, the predecessor of the FBI Law Enforcement Bulletin was born and its first issue distributed. It was then entitled "Fugitives Wanted by Police."

Although a vigorous exchange of criminal fingerprint and identification data with local and State law enforcement agencies had been established with the formation of the FBI Identification Division in 1924, the Bulletin represented the first monthly compilation of such information by the FBI for nationwide dissemination. The first issue of the Bulletin was sent to some 6,000 police officials throughout the Nation. It carried the criminal histories, fingerprint classifications, and personal descriptions of 51 fugitives wanted by law enforcement agencies in every region of the country. While the Bulletin has broadened its purpose since those early days by

An aerial view of the Lindbergh home from which the infant victim was kidnaped.

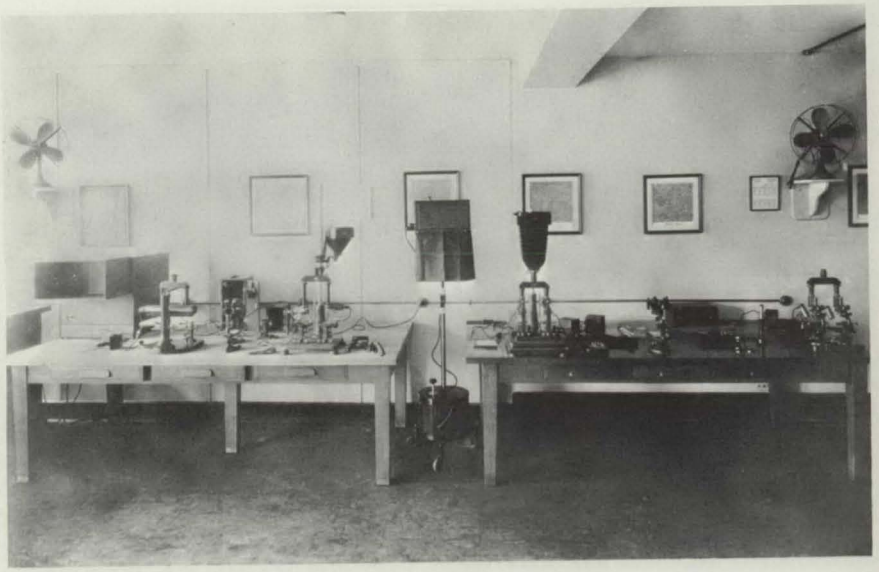
carrying articles and instructive items concerning proven law enforcement experiences and techniques, its mission has remained: to keep law enforcement personnel abreast of the latest developments that will enable them to discharge their responsibilities with the expertise of professional competency. Moreover, the Bulletin has striven to instill a pride of profession in the vast United States law enforcement network and enhance within it the essential spirit of cooperation at all levels.

Due to many technological advancements, such as the FBI National Crime Information Center (NCIC), which, among other documented law enforcement data, permits the near instantaneous exchange of information on fugitives from justice, the Bulletin has not published a listing of wanted persons since October 1970. However, it continues to carry each month the photograph, description, and necessary background concerning a fugitive wanted in connection with a violation under the investigative jurisdiction of the FBI.

Widespread Acclaim

The first Bulletin issue was greeted with widespread acclaim by the law enforcement community. Its publication, begun in a time of great need for accelerated cooperation and exchange of information in the profession, marked the start of a momentous decade in law enforcement history. Two months later, in November 1932, with the establishment of the FBI Laboratory, scientific expertise in the solution of crime was made available on an expanded scale to law enforcement agencies across the country. This initiated a milestone development in modern law enforcement technique which has seen the number of examinations conducted by the FBI Laboratory grow from 963 in its first year of operation to 495,000 in the fiscal year ending June 30, 1972.

In that same month of November 1932, the Bulletin printed its first of a long line of articles by distinguished law enforcement and other authors knowledgeable in related disciplines. Originally prepared as a special report of the St. Louis, Mo., Police Department, the article set forth tech-



Pictured is some of scientific apparatus used in formative years of FBI Laboratory.

niques for the safe handling of explosives encountered by police officers in their investigations. The article was the forerunner of a wide variety of informative law enforcement topics published over the years.

Unabated Crime Period

While law enforcement agencies were mobilizing during the early 1930's to combat the upsurge of crime, violent criminal acts continued unabated. By 1933, bank robberies were occurring at the rate of almost two a day, a frightful pace in those years. Despite the "Lindbergh Kidnap Law," these violations continued at an alarming rate, which prompted the then U.S. Attorney General, Homer S. Cummings, to have a special "kidnap" telephone number listed in Washington, D.C., where these offenses could be reported promptly to the FBI.

The daring insolence of the gangsters of that period was dramatized in June 1933 when captured convict-escapee Frank Nash, in the custody of FBI Agents and two Kansas City, Mo., detectives, was being transferred from a train to a waiting automobile for his return to prison. As Nash was ushered into the car by the officers, who had been joined by others, they were accosted by three gunmen, two armed with machineguns and the other a pistol. In an apparent attempt to rescue Nash, the gangsters opened fire, killing three police officers, an FBI Agent, and wounding two other Agents, as well as mortally wounding Nash with a bullet in the brain. The three killers made good their escape in a car.

The gunsmoke of the "Kansas City Massacre" had scarcely cleared when, on July 23, 1933, oilman Charles Urschel was kidnaped, along with an acquaintance he had been entertaining in his Oklahoma City home, by two men armed with a machinegun and pistol. Held captive near Paradise, Tex., Urschel, whose companion had been released earlier, was set free unharmed after payment of $200,000 ransom was made to the kidnapers.

A crowd gathers around two bullet-ridden cars in which victims of "Kansas City Massacre" met their deaths or were severely wounded.

Crime Bills

Responding to the reckless banditry that menaced the Nation, Attorney General Cummings recommended to Congress major anticrime bills which were quickly approved and signed into law by the President during May and June 1934. Known as the Federal Crime Bills, this legislation made it a Federal crime to assault or kill a Federal officer; to rob a Federal bank; to flee from one State to another to avoid prosecution or giving testimony in certain cases; to transport stolen property worth $5,000 or more across a State line; to use interstate communications such as the telephone and telegraph in extortion schemes; and, as

Shown is bedroom of ranch home near Paradise, Tex., where Charles Urschel was held captive.

an amendment to the existing kidnap law, to abduct a person from one State to another regardless of any demand for ransom.

In addition, the Crime Bills authorized FBI Agents to make arrests and to carry firearms. The Bills gave a new determination to the national effort of cooperation with local and State law enforcement agencies in the war on crime.

The Lindbergh and Urschel kidnapers and the gang which gunned down the Federal and city lawmen in Kansas City in a bloody but futile attempt to free Frank Nash had been, or were soon to be, held accountable for their crimes. But the most immediate law enforcement goal in those years was the capture of John Dillinger, the archetype criminal of the era. Dillinger's daring exploits had attracted near folk-hero fascination among some segments of the press and public as he led a band of outlaws which, from September 1933 until July 1934, had been responsible for 10 murders, wounding of seven persons, four bank robberies, plundering of three police arsenals, and the forced release of criminal accomplices from three jails. On July 22, 1934, Dillinger was shot and killed by FBI Agents as he attempted to draw a gun and elude capture outside the Biograph Theater in Chicago, Ill.

Little Bohemia Lodge in Wisconsin as it appeared in the days of the Dillinger gang which was traced there in April 1934.

In his message to law enforcement officers in the September 1934 Bulletin, former Director Hoover expressed his appreciation ". . . to all of you throughout the entire United States who cooperated . . . in the Dillinger case. Your help exemplifies the type of close cooperation necessary in the war upon crime and made possible the termination of this desperado's career."

View outside Biograph Theater soon after notorious outlaw John Dillinger was shot to death nearby.

Law Enforcement Training

The cooperation among law enforcement agencies which was to prove so essential in bearding the hoodlums of the 1930's was considerably strengthened with the inception of the FBI Police Training School in July 1935. In the Bulletin the following August, the event was noted in the comments of Mr. Hoover who stated, "It is hoped that the men, after undergoing the course of instruction, will return to their communities equipped to inform their respective departments in the new things learned concerning crime problems and that there will, thereby, be accomplished another step in the extermination of crime and the betterment of public welfare."

The Police Training School, later to become the FBI National Academy, through the years has far exceeded this hope. Its primary purpose, providing select law enforcement officers with a complete course of law enforcement instruction to enable them to return to their own agencies as instructors and administrators, continues to this day. With the graduation of the 89th Session of the Academy on June 7, 1972, the total number of graduates rose to 6,134, of whom some 3,300 are still active in law enforce-

Dignitaries and members of the first FBI Police Training School are shown with Mr. Hoover (center) in the Department of Justice Building Courtyard on July 29, 1935.

ment. About 28 percent of these now hold top executive positions in their respective agencies.

The Bulletin also continued its growth as an important instructional journal of law enforcement methods and procedures. More articles were published, particularly with emphasis on scientific crime detection, and in October 1935 it adopted its current name, the "FBI Law Enforcement Bulletin."

Although the revitalized law enforcement network of the late 1930's did not "exterminate" crime as many in the country wishfully hoped, it did restore to the profession a sense of parity with the criminal element which materially helped in controlling the spread of excessive criminal acts for the next two decades.

Shaken by the attack on Pearl Harbor in December 1941, the country turned its attention to the great allied struggle to defeat the Axis powers. Instrumental in this effort was the role of the law enforcement profession which Director Hoover urged in the January 1942 issue of the Bulletin to "keep fully informed . . . and resolve steadfastly to protect America's internal security from the treachery of our enemies. . . ." How well the Nation's law enforcement agencies responded to this appeal is testified to by the fact that not a single act of foreign-directed sabotage occurred in the United States during World War II.

Resurgent Crime

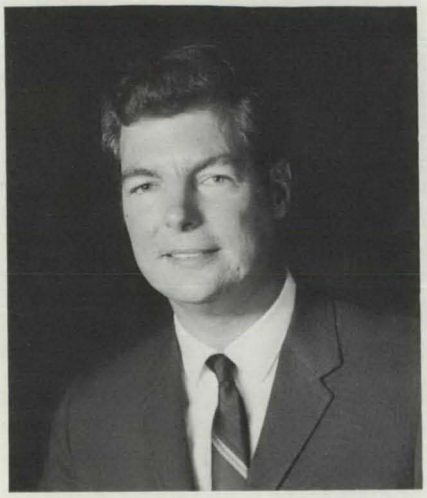
The decade of the 1950's brought evidence of postwar unrest and the first signs of rising crime which by the 1960's had ballooned into an appalling rate of intensity and range of ugliness beyond even those criminal acts of the 1930's. The Nation had undergone many changes in technology and social attitudes which unconsciously worked against the maintenance of an orderly society possessing the necessary awareness and determination to protect itself from threatening criminality. Neglected by consideration for other problems confronting the country in the postwar era, law enforcement again lapsed into an inferior posture in its duty to suppress lawlessness. Again the profession had to be mobilized and reinforced with positive programs of assistance, not the least of which was the restoration of public support for the rule of law and those who must enforce it. This effort is still continuing and, while the progress is encouraging, the full results are still to be determined.

Assistance Programs

Among the many programs of assistance to local and State law enforcement agencies the Bulletin has been proud to follow in its issues during the 1960's were: concentrated de-

(*Continued on page 29*)

Pictured is a portion of the new FBI Academy at the U.S. Marine Corps Base, Quantico, Va. At left is the library while one of two student dormitories appears at right.



"The post-mortem examination of conflagrated human remains represents one of the most difficult and challenging areas within the realm of forensic pathology."

By
IRVIN M. SOPHER,* M.D., D.D.S.
Lieutenant Colonel,
U.S. Army Medical Corps,
Aerospace Pathology Branch,
Armed Forces Institute of Pathology,
Washington, D.C.

The Role of the Forensic Pathologist in Arson and Related Investigations

The forensic pathologist or medical examiner occupies a central role in the medicolegal investigation of fatalities resulting from conflagration. Deaths due to fire and/or blast injury are most commonly encountered as a result of household, industrial, or vehicular accidents. Recently, there has been a seeming increase in arson-induced fires and deliberately set explosions by terrorist elements. The legal and medicolegal significance of such crimes emphasizes the need for thorough investigation by the arson investigation team, fire department inspectors, forensic pathologist (when fatalities result), and the local police or Agents of the Federal Bureau of Investigation when offenses within their jurisdiction have been committed.

The post-mortem examination of conflagrated human remains represents one of the most difficult and challenging areas within the realm of forensic pathology. The novice arson

*Dr. Sopher is currently serving as a staff pathologist with the Aerospace Pathology Branch of the Armed Forces Institute of Pathology, Washington, D.C. 20305. He received his doctor of dental surgery degree from the University of Maryland Dental School in 1962 and the doctor of medicine degree from the University of Maryland School of Medicine in 1966. Dr. Sopher obtained his anatomic pathology training at the University of Maryland Hospital, Baltimore, Md. He has also served as an associate pathologist with the Office of the Chief Medical Examiner of the State of Maryland. Dr. Sopher is Board-certified in the fields of anatomic pathology and forensic pathology. The author has published many articles related to these fields of medicine, including the area of forensic dentistry.

investigator may mistakenly feel that little can be gained from autopsy examination of a charred, distorted body. In actuality, such an examination often yields valuable information pertinent to the investigation. Furthermore, in cases of arson, the scientific documentation and presentation of medicolegal information may be especially pertinent to the eventual conviction of the perpetrator.

This article applies not only to arson cases but also to fire victims in general, as the injuries sustained by an arson victim are nonspecific and are due to the effects of fire and/or blast. In most cases it is on-the-scene investigation which leads to the designation of a particular conflagration as "arson." In such cases, changes recognized by the pathologist in the victim's anatomy and chemistry are usually those related to heat, products of combustion, or explosive forces.

The Medical Examiner

The areas in which the medical examiner can be of the greatest assistance to an investigator are discussed, in turn, as follows:

- Identification of the victim(s).
- The establishment of the cause and manner of death.
- The time of death in relation to the onset of conflagration.
- The assessment of ante-mortem vs. post-mortem injuries and injury patterns.
- The procurement of pathologic data that may suggest the cause of the fire.

Identification of Remains

The identification of unknown human remains is a legal, moral, and humane responsibility which rests upon the shoulders of both the law enforcement officer and the forensic pathologist. The identification of an unknown body is necessary for legal certification of death. Such certification of death is of prime importance in the execution of wills, payment of insurance policies, completion of business transactions, as well as in the settlement of claims regarding negligent parties and the remarriage of any surviving spouse. In the event of homicide, identification serves to establish the corpus delicti and the basis for subsequent police investigation.

The first question to be answered regarding identification is whether the remnants of charred bone fragments recovered from a fire are, indeed, human. In several instances in the past, scanty skeletal remnants initially thought to be human in origin have proven to be remnants of incinerated household animals. I recall one incident wherein an almost complete, charred human skeleton was found amidst the rubble and debris of a house completely gutted by fire. The skeleton was located in the attic portion of the dwelling. Over the course of several months, all efforts to determine the specific identity of the skeleton were fruitless. It subsequently transpired that the previous owner of the dwelling, upon moving, had left behind a medical school teaching skeleton. The case was finally closed!

Identification is a process of comparison—namely, a comparison between post-mortem data and known ante-mortem data. Several methods may be applied in attempts to identify human remains associated with conflagration. These methods do not differ significantly from those employed by the pathologist in the identification of any unknown body, regardless of the cause of death. One or more of these methods may be used in any given case. Often a number of less scientifically reliable methods may be combined to increase the probability of correct identification.

The less reliable nonscientific methods of identification may be classified as follows:

Visual identification refers to the recognition of remains by relatives, friends, or acquaintances. In most instances of death by conflagration, the destruction of recognizable body features precludes the use of this method. To accept only visual identification in cases of obvious anatomic distortion opens the door for "misidentification." Visual identification in such instances should be verified by other methods. In deaths following conflagration, wherein the body features remain recognizable, such as in carbon monoxide asphyxia, the visual method of identification may safely be used. In instances of incomplete destruction of the skin surfaces, a specific tattoo, surgical scar, or mole may serve to positively identify the deceased.

Personal effects, such as clothing, documents, and jewelry, are not—in the absence of scientific identifying data—always reliable for establishing identity, as these articles may be switched with criminal intent or may have been borrowed. Rings, unusual jewelry, keys, initialed belt buckles, and watches are metallic objects which resist the physical effects of heat and fire. Even in cases of severe body charring, that portion of the body and associated clothing lying upon a flat fire-resistant surface (such as a stone floor) may be relatively protected and reveal only minimal heat damage. Frequently, a slightly burned or intact wallet disclosing discernible docu-

"The identification of unknown human remains is a legal, moral, and humane responsibility which rests upon the shoulders of both the law enforcement officer and the forensic pathologist."

ments will be found under or amidst the charred tissues. Any tattered, scorched remnants of clothing should be searched carefully for laundry marks, size, brand labels, and initials, as these may serve as important corroborative points for comparison in the identification procedure.

All too often, in cases of conflagration, clothing and personal effects may represent the only means of identification. A more optimal situation, however, is one where the data from personal effects can be substantiated by points of comparison derived directly from the body itself—that is, fingerprints, dental characteristics, or medical data.

The scientific methods of identification are as follows:

Fingerprints represent the most widely used scientific method of identification in this country today. However, in many cases involving victims of conflagration, there is no ante-mortem print record for the deceased, or if one does exist, the lack of sufficient post-mortem fingerprint tissue prevents a meaningful comparison. Nevertheless, keep in mind that if possible identity of the victim is known (as may be derived from personal effects, for example), positive identification can be established even from a very small ridged area of a single finger.

On occasion, a severely charred hand may surprisingly retain sufficient fingerprint tissue. This is due to the fact that conflagration victims frequently have clenched fists, like the "pugilistic or boxer's attitude," caused by the effect of heat upon the body muscles. (fig. 1) The closed fist then serves to protect the friction surfaces of the fingers and hands, and prints may still be obtainable.

The *dental method* is a commonly employed means of identification that is sometimes overlooked. The dental and the fingerprint methods represent the most specific means of identification of unknown human remains. The various combinations of missing teeth, dental fillings, bridgework, false teeth, and peculiarities of the dentition represent very specific findings which can lead to exact identification of the body in question. Dental identification is of paramount importance in disfigured, mutilated, or decomposed bodies because, in such cases, visual identification is unreliable and fingerprints are often unobtainable or unclassifiable. Human teeth and their filling materials are extremely resistant to destruction by physical and chemical agents, including heat.

Figure 1. The flexed upper extremities of this charred body are characteristic of the "pugilistic attitude."

Dental identification, in comparison to the fingerprint method, is not as easily effected. Unlike fingerprint records, dental records are not centrally classified and recorded and, as such, are not readily retrievable. A provisional identity must be made so that the family of the supposed deceased, as well as his dentist, can be located. Only then can a comparison be made between the ante-mortem and post-mortem dental records.

Skeletal examination of human remains is a valuable means of identification. Various anatomic features of the bones enable reliable determinations to be made concerning the race, sex, age, and stature of the deceased. Specific identification based upon skeletal remains is generally accomplished by means of the teeth, although, on occasion, distinctive malformations in the bones may be encountered. The value of skeletal identification applies predominately to decomposed bodies. Burned or charred bodies generally are not skeletonized. If the body soft tissues (muscles, fat, organs) are completely destroyed by severe incineration, the bones also are charred and ashed so that little identifying data can be gleaned from them. Complete incineration rarely occurs in ordinary household fires. In fires fed by commercial solvents and fuels (as in industrial or aircrash conflagration), however, severe incineration may result. The infant or young child's body is more susceptible to the effects of fire and may be completely cremated under such conditions.

The value and importance of *medical* (autopsy and X-rays) *examination* in the establishment of cause of death, time of death, and a source of information relating to the cause of the fire will be referred to later. Even in cases of marked charring of the exterior of the body, the internal organs are generally unaffected and are quite suitable for study by the pathologist. In reference to identification, the autopsy, including post-mortem X-rays of the body, may provide pertinent information for comparison regarding previous illness of the deceased, past surgical procedures, and tissue changes indicative of age at death. Serological data regarding blood type of the deceased may also be gathered. The information gained by the autopsy, although generally not specific enough for exact identification, offers still further points for comparison in the overall identification process.

The microscopic *examination of* any remaining *hair* usually enables the determination of the race to which the individual belonged and, also, the color of the hair as well as any chemical alterations of the hair color through dyeing or bleaching and the elapsed period of time since last so treated. This method is especially applicable to decomposed or even skeletonized bodies, but is not generally pertinent to conflagration cases as the hair is frequently consumed in the conflagration.

Cause and Manner of Death

The terms "cause of death" and "manner of death" are especially confusing for law enforcement personnel and are often incorrectly regarded as synonymous.[1] Very briefly, the *cause* of death pertains to the pathologic entity directly responsible for death (for example, heart disease, cancer, multiple injuries, gunshot wound, or smoke and soot inhalation). The *manner* of death is a medicolegal classification as to whether the death was "natural," as in heart disease or cancer; "accident," as in multiple injuries resulting from an auto accident; "homicide," as in strangulation of one person by another; or "suicide," as in a purposely self-administered drug overdose.

A body found at the site of a fire may fall into any one of these classifications as to the manner of death, that is, natural, accident, homicide, or suicide. Especially in cases of death due to fire, the forensic pathologist may not be able to conclusively establish the manner of death on the basis of the post-mortem examination alone. The information so vital to the determination of the manner of death lies within the on-the-scene investigation performed by the law enforcement officer and/or fire marshal.

The importance of the team approach by the pathologist and investigating personnel cannot be overemphasized in such situations. For example, the autopsy examination may reveal that the *cause* of death was "conflagration" or "smoke inhalation" or "carbon monoxide asphyxia." The *manner* of death will be determined by on-the-scene examination which hopefully will disclose the exact cause of the fire. Did the deceased fall asleep in bed while smoking (accident)? Was the origin of the fire attributed to arson (homicide)? Did the deceased willfully ignite himself after dousing his clothing in gasoline (suicide)? The probable cause of the fire must be established to enable the pathologist to derive the manner of death. Indeed, to expect such a determination in the absence of such vital information would imply a complete lack of appreciation of the problems involved.

"The importance of the team approach by the pathologist and investigating personnel cannot be overemphasized. . . ."

The establishment of the manner of death is important in regard to the subsequent medicolegal consequences. Insurance or workman's compensation claims may apply to certain accidental deaths. The pursuit of justice is introduced in fires resulting in homicide or in fires created to mask a homicide.

A natural manner of death in the setting of conflagration indicates that the deceased died of natural causes (for example, heart attack) prior to the fire and that the fire may have been initiated as a result of the death of the individual. An example of this would be that of a farmer who suffers a fatal collapse while carrying a kerosene lantern into a barn. The resulting fire consumes the barn. Upon autopsy, in addition to marked heart disease, examination of the charred body discloses an absence of blood carbon monoxide and therefore establishes the time of death as having occurred prior to the onset of conflagration. The deceased in this case died as a result of natural disease prior to the fire. Any accident insurance claims would not be awarded in this instance.

As mentioned earlier, most fires occur as a result of accidents. Suicide by fire is rare. Homicide and conflagration are commonly paired in cases where the fire is started to camouflage a previously committed or attempted homicide as an accident or in an attempt to destroy identification of the victim or to destroy evidence related to the crime. More recently, however, firebombs and explosives have been directly responsible for conflagration homicides.

Time of Death

The determination as to whether death occurred prior to or during the fire is important in establishing the cause of death, the manner of death, and possibly the cause of the fire. The pathologic criteria for the determination of the time of death are: (1) carbon monoxide levels in the tissues, (2) inhalation or swallowing of soot particles, and (3) appearance of skin burns.

The living subject exposed to fire and products of combustion bears the stigma of such exposure within his body tissues. The presence of a carbon monoxide level greater than 10 percent within the blood or body tissues usually indicates that the deceased was alive at the time of conflagration. Carbon monoxide is a product of the incomplete combustion of hydrocarbons. This toxic gas combines with the blood and in significant concentrations (approximately 60 percent according to age and physical status) is lethal.[2] Only a few breaths of high atmospheric concentrations of carbon monoxide are required to produce an

". . . the investigator should not hesitate to request the presence of the forensic pathologist at the conflagration scene if he deems it necessary."

elevation of the blood carbon monoxide level. More prolonged exposure to the gas soon results in lethal concentrations. It is not uncommon to find conflagration victims quite removed from the effects of heat, showing minimal or no tissue damage due to fire, but who have succumbed to the toxic properties of this gas. A smoldering bed mattress may easily produce enough carbon monoxide within a standard-sized bedroom to result in lethal levels of this agent. Such deaths are designated as "smoke and soot inhalation" or "carbon monoxide asphyxia."

At the other extreme, the absence of tissue carbon monoxide accumulation within a victim recovered from the confines of a fire implies that death occurred prior to the conflagration. Such bodies must be carefully examined to determine the cause and manner of death (for example, the "farmer case" above). Homicide must be considered and only excluded when there is absence of homicidal injuries or of toxicologic evidence of poisoning.

In cases of death due to explosion as in bomb blasts, the cause of death may be due to the explosive impact upon the body and/or sudden flash fires associated with such events. In these cases significant carbon monoxide levels are absent because of the instantaneous nature of the death.

In conjunction with the intake of carbon monoxide as noted in the living subjects, fine soot and smoke particles may be inhaled or swallowed and deposited within the mouth, windpipe, or foodpipe. These findings at autopsy also indicate that the deceased was alive at the onset of the conflagration.

The pathologist may also be able to interpret skin burns in relation to time of death in that an inflammatory red "flare reaction" is often seen surrounding the skin burn of a victim who was alive at the onset of the fire.

Assessment of Injuries

As mentioned above, the autopsy provides clues to identification, time of death, cause, and manner of death. In addition, the post-mortem examination also enables an interpretation of injury patterns and their relationship to specific events such as explosions, falling debris, broken glass, and so forth. The autopsy is necessary to exclude homicidal injuries that may have been previously inflicted upon the fire victim. In instances of bomb explosion, portions of the bomb, such as metallic fragments, may be identified within the remaining tissues of any victims. (fig. 2) The interpretation of body injury patterns may locate the position of the bomb relative to the victim.[3] It is a wise practice to

Figure 3. This view of the top of the skull of a charred victim reveals several heat-induced fractures (arrows). The scalp tissue has been consumed by the conflagration.

X-ray the remains of any severely incinerated body wherein suspicious circumstances surround the fire. Bullets or knife blades which otherwise may have been overlooked may thus be identified.

A not infrequent finding in severely burned bodies is heat-induced fractures of the skull and extremities, totally unrelated to blunt force injuries. (fig. 3) Such fractures should not be

(*Continued on page 30*)

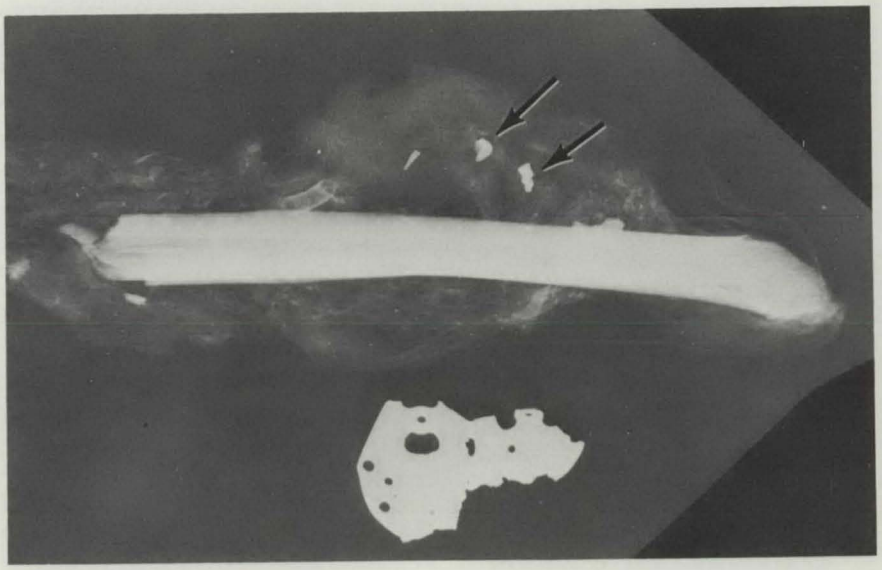


Figure 2. This X-ray of a dismembered leg bone shows metallic bomb fragments (arrows) in the surrounding soft tissue. The fragments represent splinters from the back plate (beneath) of a clock which was used as the bomb's timing mechanism. The depth to which these are embedded might suggest the proximity of the victim to the detonation.

The Stark County MEG Unit—

A Response to Fragmented Law Enforcement

"The inability of the police officer under normal circumstances to penetrate the illegal drug culture, in order to prosecute those who traffic in this contraband, pointed to the obvious need for undercover agents who would not be recognized or identified."

By
DAVID D. DOWD, JR.
Stark County Prosecuting Attorney, Canton, Ohio

When the plague of drug abuse and narcotics reached beyond the major cities of the country, local law enforcement agencies in the less populated areas faced a new challenge. This article is an account of how the numerous law enforcement agencies located in Stark County, Ohio, organized to meet that challenge.

Stark County, located in northeastern Ohio, is characteristic of many of the smaller urban areas situated in the megalopolis stretching from Pittsburgh to Chicago. The major city in the county, Canton, with a population of 110,000, represents approximately 30 percent of the county's total population of 372,000. The four remaining cities of Massillon, Alliance, North Canton, and Louisville represent an additional population of 80,000; 14 villages with small police departments contain an additional 17,000. The remaining 165,000 persons live in the unincorporated areas of the county under the direct jurisdiction of the sheriff's department. This division of population and jurisdictional responsibilities often produces a fragmented approach to law enforcement.

Need

Flourishing narcotics traffic and drug abuse posed a very special problem to law enforcement in the county. Actively assisted by the county prosecuting attorney's office, the chiefs of police of five cities and the sheriff started in 1969 an informal cooperative effort to combat narcotic and drug growth. The program included a regular exchange of intelligence, the development of investigative techniques, and a concentration of attention on those persons identified as engaged in trafficking drugs and narcotics. The value of this program was demonstrated by almost immediate success in producing significantly increased arrests and convictions, primarily on possession charges.

By early 1970, however, the results achieved from this cooperative effort had reached a plateau indicating that a broader approach was necessary. The inability of the police officer under normal circumstances to penetrate the illegal drug culture, in order to develop evidence against those who traffic in this contraband, pointed to the obvious need for undercover agents who would not be recognized or identified. Small police departments relying on their own well-known officers are unable to develop a cadre of undercover men to work effectively in their own jurisdiction. Recognizing that limitation, the Stark County law enforcement leadership agreed on the need for a special unit of undercover officers to be employed countywide to assist the various departments, both large and small.

Plan

Discussions and planning by the leadership of the local law enforcement agencies resulted in the development of a program approved by the participating law enforcement departments, the county government, and the governing bodies of the five cities involved. As a result, the Stark County Metropolitan Enforcement Group (MEG) Unit became operational on July 20, 1970.

The Stark County MEG Unit continues to function, basically from its original plan. The plan for the unit necessarily covered supervision, personnel, logistics, and operations. As the duties of the MEG Unit were in the field of law enforcement, agreement was reached by the participating governmental units that its activities would be under the direct supervision of a seven-man coordinating staff including the chiefs of the police departments of the five cities, the county sheriff, and the author.

The personnel for the unit (both full-time and part-time) were selected from candidates of participating law enforcement departments, which made them available in numbers proportionate with their size. The officers were detached from their parent unit and reassigned to the MEG Unit operating under the daily supervision and control of an "agent in charge," a veteran officer selected from the Canton Police Department by the coordinating staff.

The logistical component of the plan foresaw the need for separate quarters, secretarial help, vehicles, communications, equipment, laboratory services for the testing of seized drugs and narcotics, and money for informants and drug purchases. Since the MEG Unit used young police officers in an undercover role, their operation had to be organized and directed from a location other than their normal headquarters in order to prevent disclosure. The plan included providing the undercover officers with a variety of styles and makes of leased, used automobiles. Because these automobiles had no two-way radios, communication was resolved through the use of walkie-talkies with an internal channel and an external channel which provided countywide coverage without the telltale signs of radio-equipped police vehicles.

"A major obstacle to effective, speedy drug prosecution is the immediate availability of laboratory services. . . ."

Laboratory Examinations

A major obstacle to effective, speedy drug prosecution is the immediate availability of laboratory services for analysis of evidence and subsequent testimony by expert prosecution witnesses. Even though scientific examinations of evidence are available through both State and Federal agencies, the increased volume of drug cases has created a corresponding delay in handling the larger number of requests for laboratory analysis. Thus, the plan included funds to obtain laboratory services locally under contract. Accordingly, 24-hour laboratory services were retained, and the experi-

ence has repeatedly demonstrated the prosecutive value of this arrangement.

Operation

Effective prosecution of drug and narcotic offenses relying upon undercover officers requires the ready availability of "buy money" (funds for purchasing illegal drugs) and continuing liaison with the prosecutorial authority. In practice, the MEG Unit has worked almost daily with a designated assistant from the prosecuting attorney's office whose assignment it is to give continuing legal advice, prepare search warrants when needed, and present cases to the grand jury on short notice when necessary to avoid disclosure of the identity of an undercover agent. The plan requested funds for the purchase of drugs from pushers. After it was demonstrated that methods could be adopted to safeguard the funds and control their expenditure, the request was approved. Consequently, the unit has had available, throughout its existence, "buy money" for small purchases as well as "flash money" (funds in possession of undercover agent posing as a buyer). The cooperation of the prosecutor's office and immediate access to the grand jury are indispensable ingredients of the unit plan if the undercover officer is to be used for any period of time. In practice, most of the undercover officers have worked for a period of approximately 6 months before reassignment back to their parent department.

Results

The basic purpose of the MEG Unit remains the same as it was at its inception: to prosecute those persons actively engaged in the trafficking of drugs and narcotics. Prior to the use of undercover agents in Stark County, almost all felony prosecutions for drugs and narcotics involved the charge of possession. By contrast, from January 1971 through May 1972, 81 percent of the 186 felony indictments returned by the Stark County Grand Jury involved individuals charged with the sale of narcotics or drugs rather than their mere possession.

The development of a MEG Unit for drugs and narcotics, or any other purpose, demands careful planning, continuing cooperation, and close supervision. The role of supervision cannot be overemphasized. Operating in separate quarters away from an established law enforcement department, a unit composed basically of undercover agents presents unique control problems for the person in charge. Undercover work requires freedom of action on the part of the agent substantially different from the average working day of a patrolman or deputy sheriff, yet the whereabouts and location of the men must be known for reasons of safety and efficiency. In addition, the inaccessibility of administrative personnel places stress on the responsibility of the agent in charge to have his officers maintain adequate records so essential to effective police work.

Experience has also demonstrated the desirability of maintaining effective liaison with the local governments contributing the manpower to the unit as questions arise concerning its control. Locally, minutes of the monthly meetings of the coordinating staff are distributed to the mayors and the board of commissioners of the county to keep them advised of the activity of the unit.

The experience of the Stark County MEG Unit indicates a number of benefits: First, the public knowledge that undercover agents are operating throughout the county works as a deterrent to many who might otherwise become involved with drugs and narcotics. A sense of uncertainty has developed among Stark County drug pushers as to whom it is safe to sell. Sales diminish and a newcomer to drug abuse finds it more difficult to find sellers. Secondly, the undercover officers develop substantial intelligence regarding other crimes. Thirdly, as the undercover officer completes his tour of MEG Unit duty, he returns to his department as a more knowledgeable police officer. Finally, and most important, effective enforcement has been greatly enhanced against a menacing crime problem—drug abuse and narcotics.

FBI LAW ENFORCEMENT CONFERENCES—1972

During April and May 1972, the FBI sponsored nationwide conferences on the topic, "Attacks on Law Enforcement—Related Urban Crimes." These conferences were designed to aid law enforcement officers who, as a group, have increasingly become in recent years the primary targets of lethal attacks by extremist groups. The conferences grew out of a 2-day pilot seminar on Urban Guerrilla Warfare held in November 1971 at Washington, D.C., for over 50 local and State law enforcement officers.

A total of 290 conferences were held, with 27,791 persons representing 7,383 agencies in attendance. Law enforcement personnel, prosecutors, and members of the judiciary attended the closed sessions. FBI police instructors, along with qualified Federal, State, and local law enforcement representatives, provided instruction on recognizing urban-terrorist tactics and theories; their use of sniper, ambush, incendiary, and bombing attacks; thefts of firearms and explosives to support their attacks; and trends of extremist groups.

As a result of the favorable reception to these conferences, additional training sessions are being arranged.

A Progra
V

By
EDWARD L. WRIGHT, JR.
Chief of Police,
Montgomery, Ala.

Ever since man developed the wheel to transport himself and his goods, vehicular collision accidents have become common. When technology introduced the motor vehicle, the frequency of collision accidents not only increased but also they became more lethal and destructive.

We have all seen, at one time or another, the often tragic results of an automobile accident, but there is none more frustrating to the police or more offensive to popular concepts of individual responsibility and fair play than the destruction, injury, or death caused by a hit-and-run driver. This type of violation usually represents a challenging investigative problem to the police.

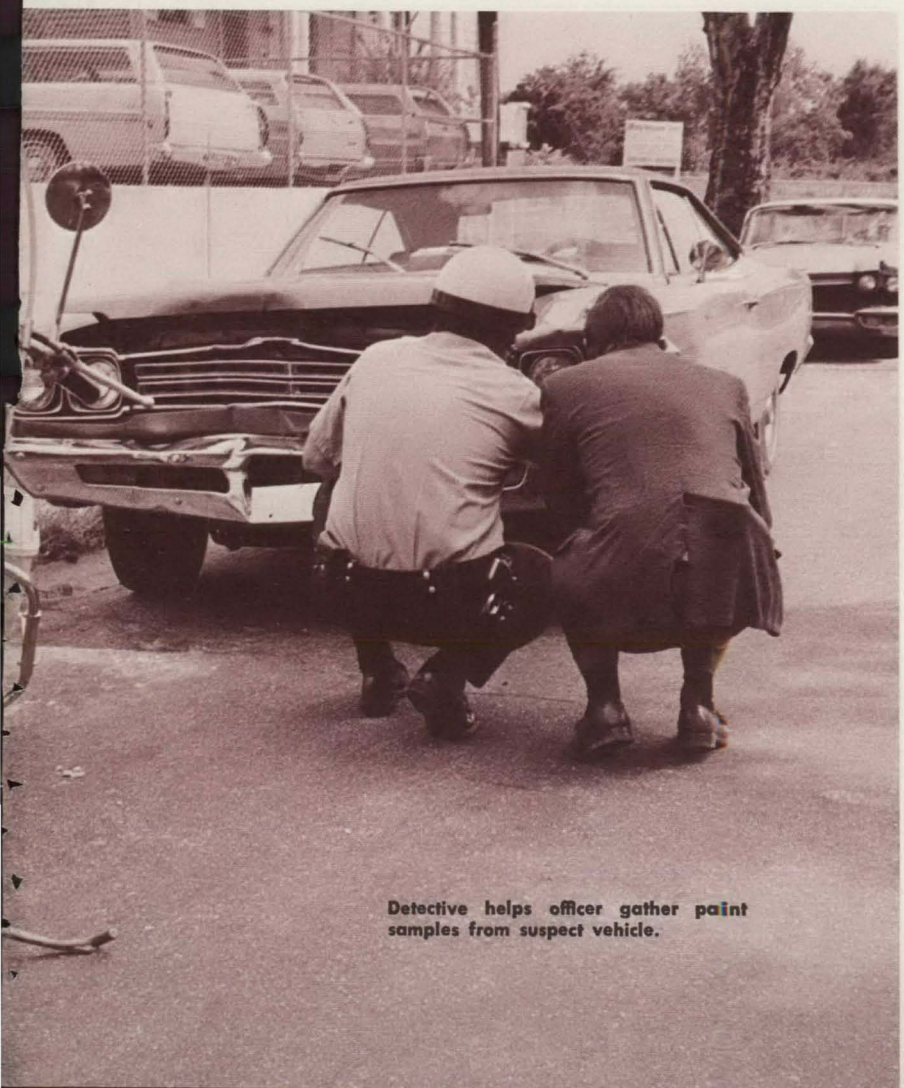
There are, of course, those less aggravated instances where the hit-and-run violation involves only the offender's vehicle and some structure. The location, time, circumstances, and minor extent of the damage could be such that the offender may have reasonable grounds to leave the scene. These less aggravated accidents, generally, are reported to the authorities by the violator. They are not considered to be hit-and-run offenses in the same sense as situations in which a violator deliberately flees the accident scene to conceal the facts of his involvement.

Difficulties

In many metropolitan areas the investigator of hit-and-run crimes faces considerable difficulty in identifying a suspect vehicle and its owner. The conditions of the city enable a hit-and-run violator to easily lose himself

for Hit-and-Run
lations

"The results experienced thus far in the program promise to be a deterrent to potential hit-and-run violators and, hopefully, keep these particularly offensive crimes to a minimum."



Detective helps officer gather paint samples from suspect vehicle.

Panic motivates many hit-and-run offenders to leave the accident scene.

within its complex. In one of many automobile repair shops the offender can usually give a plausible explanation, for both insurance and repair purposes, how his vehicle was damaged. With no reason to doubt the authenticity of the explanation, the shop repairs the vehicle and obliterates the hit-and-run evidence. The violator goes about his business without attracting suspicion of his involvement in a crime. On the other hand, the victim and/or his family is left to absorb their loss with a disenchanted attitude towards the police because the perpetrator has not been discovered.

Each violator, psychologically, has his own motive for leaving the scene. A reflective survey of hit-and-run offenders in the Montgomery, Ala., area indicated that neither social nor economic status could categorize these offenders. People at all social and economic levels were found to be violators. A predominant motive, in addition to panic, was the belief by hit-and-run violators that no one could place them at the accident scene. In the absence of witnesses, violators simply fled rather than face up to their responsibility for damage, personal injury, or death.

A hit-and-run investigative section of a metropolitan police department must have its investigations reach into suburban and surrounding communities where offenders traveling to and from the city might be found. Out of necessity, it must make frequent checks and inquiries of the repair shops within its jurisdiction in an effort to discover hit-and-run vehicles. In large geographical areas this task can become a day's work in itself.

To Bobby G. Pruitt, the officer in charge of Montgomery's hit-and-run section, the odds and advantages preventing discovery seemed to favor the hit-and-run offender. The officer's advantage seemed to consist only of any debris which may have been left at the crime scene. And, even good evidence needs thorough supporting investigation and boundless determination on the part of the officer.

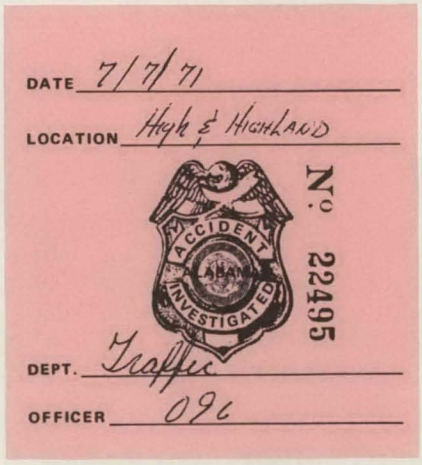
Program

During the early part of 1968, Officer Pruitt conceived an idea which would substantially assist in detecting and identifying hit-and-run offenders. The method would identify those vehicles involved in a vehicular accident which had been reported and investigated by the police from those which had not. A sticker device attached to the vehicle's window by the investigating law enforcement agency would signify that the circumstances of the accident had been reported to it.

While the idea was simple, a geographical problem remained. The city of Montgomery, the State capital and the seat of Montgomery County, is situated in the northeastern part of the county, which location places it in close proximity to two other counties. In addition, each of these adjoining counties has its county seat within close proximity to Montgomery, which, in turn, also imparts additional jurisdictional barriers that can aid the hit-and-run offender. Two military bases are located within Montgomery's jurisdiction. Since the city has a multiplicity of jurisdictions, boundaries, and a steady flow of transient traffic, coordination and implementation of such a program in the tricounty area appeared to be difficult.

The sticker concept was discussed with officials of the various tricounty jurisdictions together with the owners of all repair facilities within the combined area. A sample sticker design was also presented to illustrate its purpose. The sticker measured 3 by 3 inches and had space to designate the date and location of the accident together with the officer and department that made the report. The advantage of such a program was immediately apparent, and agreements to adopt and utilize the sticker program were given by those contacted.

Support for the program was such that, when the date of implementation was threatened by delay because of a lack of funds in the budget for the initial purchase of the stickers, local independent insurance agents within the area absorbed this expense to get the program underway.



Facsimile damage sticker.

Implementation and Modification

State, county, city, and military police officers within the area's operational boundaries were supplied with the stickers, and the program went into effect in the three-county area, on a voluntary basis, on September 2, 1968.

During the initial stage of operation the program was monitored and its implementation closely coordinated among the various enforcement agencies involved. As is the case with any new procedure, weaknesses were noted and certain adjustments were made to provide a more effective program.

Shortcomings noted at the beginning spurred certain modifications.

Each sticker was given a consecutively sequenced control number. This provided a system for accountability.

The original stickers had an adhesive coating on the reverse side which was exposed for use by removing the protective paper backing. The original application method required that the sticker be placed on the exterior portion of a window surface. Three individual problems were noted in utilizing this practice:

1. The possibility of effectively removing the sticker and transferring it to another vehicle existed. This was corrected by purchasing stickers coated with an adhesive on the front. This adhesive is activated with the application of moisture and enables the sticker to be placed on the more protected interior portion of the automobile window.
2. Exposure to the elements over a considerable period of time tended to obliterate the writing on the sticker through fading and resulted in the sticker's curling away from the surface where applied. With the placing of the improved sticker on the interior window surface, this problem was solved.
3. At first, there was no standard area utilized for placement of the sticker. Primarily the positioning of the sticker had been discretionary with the investigating officer according to the type of vehicle involved. Standard positions now utilized are: The upper inside surface of the rear windshield on either the driver's or passenger's

side of the vehicle; and the upper inside surface of the front windshield on the driver's side (used in the case of convertibles or those vehicles that have sustained extensive damage in other areas).

In situations where a person delayed reporting an accident, information would be obtained and entered on the uniform traffic accident report. This procedure required the hit-and-run section to review all such reports to determine which ones were, in fact, delayed. The check was necessary to discover possible suspect vehicles and was time consuming. A separate, supplementary form was introduced whereby an investigating officer, taking a delayed or minor damage report from a driver, can obtain the information and complete the additional form at the same time he completes the uniform accident report. This supplemental report is then routed directly to the hit-and-run section for comparison with other similar, reported accidents in which that vehicle may have been involved. This procedure reduces the time required for review.

Other than regular oral or written notices, there was no special reporting procedure whereby officers in the field could highlight the observance of suspect hit-and-run vehicles. The section prepared a field reporting card which allows officers to report suspected vehicles and particularly identify them to the hit-and-run section by license number, make and model, color, street location, date and time observed, and location of damaged areas on the vehicle. This card is routed directly to the hit-and-run section upon its completion.

An awareness of the program began to spread soon after its introduction. Locally, citizens would notice and report a damaged vehicle that would appear in their neighborhood without a sticker. When a damaged transient vehicle was brought to a local repair facility, an officer of the hit-and-run section would check the vehicle and damaged areas together with the owner's report of where, when, and under what circumstances the damage was sustained. This information was submitted, by means of a teletype or telephonic inquiry, to the jurisdiction where the accident allegedly occurred, or to the city of record of the owner, to insure that the transient vehicle's owner was not a hit-and-run violator. Officers of adjoining communities and in nearby States began to notify this department when a car from the tricounty area was garaged in their districts for repairs. This practice resulted in the city of Birmingham, Ala., becoming interested

( ) DELAYED TRAFFIC ACCIDENT REPORT ( ) MINOR DAMAGE REPORT

Montgomery Police Department

Accident No. _____ Delayed No. _____

Accident reported---Date _____ Day _____ Time _____ AM PM

Reported date of accident _____ Time _____ AM PM

Location---On _____ At _____

VEHICLE NO. 1

Complainant _____ ( ) Owner ( ) Driver D.L.# _____ DOB _____

Address _____ City & State _____ Phone Number _____

Make _____ Yr. ____ Body _____ Color _____ Tag _____ Sta. _____ Yr. ____

Parts of vehicle damaged _____

Severity --- ( ) Slight --- ( ) Moderate --- ( ) Severe

VEHICLE NO. 2

Name _____ ( ) Owner ( ) Driver D.L.# _____ DOB _____

Address _____ City & State _____ Phone Number _____

Make _____ Yr. ____ Body _____ Color _____ Tag _____ Sta. _____ Yr. _____

Parts of vehicle damaged _____

Severity ---- ( ) Slight ---- ( ) Moderate ---- ( ) Severe

FIXED OBJECT OR PROPERTY OTHER THAN VEHICLE

Object _____

Owner _____

Damage to object _____

Why was accident not immediately reported? _____

Inv. Officer _____ Division _____

Inv. Officer _____ Division _____

(List additional information and witnesses on the back of this report)

Sample of delayed traffic accident and minor damage report form.

MONTGOMERY POLICE DEPARTMENT

Accident #_____ HIT AND RUN REPORT H & R #_____

Date_____ Time____AM____PM Location_____

Complainant_____ ( )Driver ( )Owner ( )Ped. ( )Fixed Object

Address_____ City_____ State_____

Phone No._____ Make_____ Model_____ Color_____

Tag No._____ Year_____ Will warrant be signed ( )Yes ( )No

Parts of vehicle damaged_____

(List witnesses names and addresses on back of this report)

WANTED VEHICLE INFORMATION

Make_____ Model_____ Body Style_____ Color_____

Tag No._____ Year_____ Probable Damage_____

License issued to_____ Address_____

Vehicle last seen going _____ on _____

Was evidence obtained? ( )Yes ( )No What?_____ Receipt #_____

Can driver be identified ( )Yes ( )No By whom?_____

No. of occupants in wanted vehicle_____ Auto Impounded? ( )Yes ( )No

Other Means of Identification_____

DRIVER WANTED INFORMATION

Name_____ Address_____

Race_____ Sex_____ Age_____ Hair_____ Eyes_____ Complexion_____

Height_____ Weight_____ Build_____ Glasses_____ Teeth_____ Hat_____

Overcoat_____ Coat_____ Shirt_____ Trousers_____ Shoes_____

Arrest Made? ( )Yes ( )No Name and Charge_____

Inv. Officer (s)_____ Division_____

Inv. Complete? ( )Yes ( )No H & R Inv._____ Division_____

Case Cleared? ( )Yes ( )No By Arrest? ( )Yes ( )No Other_____

(List additional information on back of this report)

Sample hit-and-run report form.

and adopting a similarly designed program within its area. In addition, inquiries have been received from officials of several other cities and States seeking information on the procedures and success of the program to date.

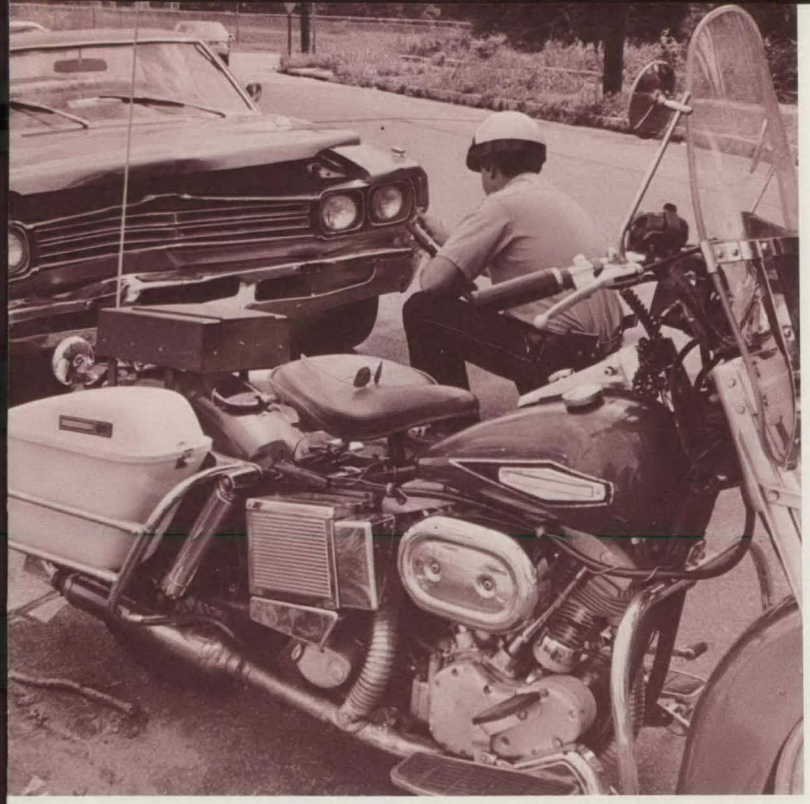
On November 4, 1969, the program was enacted into law by the Montgomery City Commission. It is now included in the city code as article 23, section 23–1 and those that follow. Basically this ordinance provides that:

- All motor vehicle or trailer accidents in which any person is killed, injured, or there is damage to the property of one or more persons shall be investigated.
- The investigating officer shall affix to each vehicle damaged a damage release sticker.
- It shall be unlawful for any person, firm, or corporation to repair any damaged vehicle until and unless such a sticker has been affixed.
- It shall be unlawful to possess a sticker or a facsimile thereof unless given to the possessor by an investigating police officer.
- It shall be unlawful to transfer a sticker from one vehicle to another or to affix a facsimile to any vehicle.
- Any person, firm, or corporation requested to repair, appraise, or tow a damaged vehicle without a sticker affixed shall report to the department within 24 hours the location and description of such vehicle.
- It shall be unlawful to tow or remove a damaged vehicle from a point inside the city or police jurisdiction to a point outside the city or police jurisdiction.
- The person who repairs a damaged vehicle or the person in charge of the repair facility shall remove the damage release sticker before delivery of the vehicle to its owner.

At the present time a bill has been introduced into the State legislature patterned after the Montgomery City Code providing for the adoption of a statewide sticker program. The bill has received the support of many State legislators and is expected to be enacted into law.

From a statistical standpoint, the reader can make his own evaluation of the program.

In 1968, the year preceding implementation of the program, 244 hit-and-run cases were reported. Of these, 143 cases were cleared which, on a percentage basis, gave a 58 percent clearance rate of reported offenses. In



Patrolman Bobby G. Pruitt examines damage on suspect hit-and-run vehicle which bears no sticker.

1969, the year following the implementation, 681 cases were reported (which was 179 percent increase over the previous period), and 571 cases were cleared (a 299 percent increase over the previous period). The clearance rate for this reporting period was 84 percent. The large increase for the period following implementation is attributed to the requirements of the program which uncovered damage not previously reported and made it a matter of record. In 1970, 870 hit-and-run cases were reported. Of those, 679 cases were cleared. The clearance rate for this period was 65 percent. In comparison with the previous period, 1969, an increase of 28 percent in reported cases occurred. There was approximately a 19 percent increase in cases cleared. In 1971, 1,100 cases were reported, and 811 of these cases were cleared by the hit-and-run section, which amounted to a 74 percent clearance rate. A comparison between the periods 1970 and 1971 indicated a 24 percent increase in the number of cases reported over this period. This represented a 19 percent increase in cases cleared for this period.

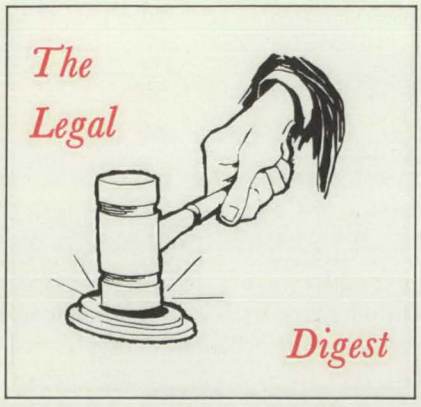
Citizens report damaged vehicles with no stickers.

Results

From an enforcement standpoint the program has assisted not only the local officers but State officers as well. The officer on patrol, with little effort, can now note a damaged vehicle and determine if its damage is a matter of record. The program has had a powerful psychological effect on offenders as well. An example of this effect occurred in March of this year. During the daylight hours a vehicle struck a pedestrian who was pushing a grocery cart across an intersection. The pedestrian was knocked down and the cart continued on down the street colliding with two other vehicles. The driver of the car which struck the pedestrian left the scene without stopping. Witnesses were able to furnish the investigating officer the color and possible make of the vehicle together with three numbers of its license. Normal investigative procedures were

(*Continued on page 31*)

Automobile body shop operator reports damaged vehicle without sticker to officer.



Law of Warrants: Issuance Authority

By
INSP. JOHN A. MINTZ
Federal Bureau of Investigation,
Washington, D.C.

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.

The Supreme Court of the United States has consistently encouraged officers to obtain warrants prior to making arrests or conducting searches and seizures of property. As recently as June 19, 1972, the Court continued in this effort by providing support for a system that facilitates issuance of warrants by permitting certain designated laymen to exercise that authority. *Shadwick* v. *City of Tampa,* —— U.S. —— (1972). This may indicate a partial answer to the need for increased availability of warrants and for ready access to officials having the power to issue them which needs were made critical by decisions of the Court such as *Chimel* v. *California,* 395 U.S. 752 (1969). Thus arises the question as to the current scope and nature of the issuance authority in the law of warrants.

Who May Issue a Warrant?

Technicalities occasionally may seem unduly burdensome to the officer attempting to absorb the knowledge needed in the law enforcement profession, but there are instances where such matters are critical. The authority to issue warrants is rather precisely limited and the absence of such power could be disastrous to a prosecution dependent upon evidence acquired under an unauthorized order. As Chief Justice Marshall wrote, the duties ". . . to exercise jurisdiction where it is conferred and not to usurp it, where it is not conferred, are of equal obligation." [1]

Specific authority to issue warrants is conferred by statutes and rules of court. In the Federal law, 18 U.S.C. 3041 extends the power to issue arrest orders, for any offense against the United States, to any justice or judge of the United States, any U.S. magistrate, any chancellor, judge of a supreme court, chief or first judge of common pleas, mayor of a city, justice of the peace, or other magistrate, of any State where the offender may be found. Copies of warrants issued under this authority are returned to the court of the United States that has cognizance of the offense. The procedures and formalities to be observed in issuing such arrest warrants are not necessarily identical for all of the authorized officers. The Federal Rules of Criminal Procedure [2] must be followed by the Federal officials but the nonfederal authorities may follow their own State procedure.

Federal search warrants may be issued only by a more select group of officials. The statute [3] incorporates by reference rule 41(a) of the Federal Rules of Criminal Procedure which grants the power to issue search warrants to a judge of the United States or of a State, commonwealth, or territorial court of record or by a U.S. commissioner within the district wherein the property sought is located. In addition, the Federal Magistrates Act [4] provides that U.S. magistrates shall have the powers conferred upon U.S. commissioners by the Rules of Criminal Procedure and would, therefore, extend to them the authority to issue Federal search warrants.

By limiting the authority here to judges of courts of record and to U.S. magistrates, the statute and rule appear to represent the historical attitude that searches should be carefully restricted. Further evidence of this is the jurisdictional limitation that holds that the search warrant may be issued only by an appropriate officer located in the district wherein the property sought is located.

In practice, the magistrates permitted to issue warrants have been tightly controlled. The powers of issuance granted are limited to the officers named and it has been held that this authority may not be delegated. *Nevin* v. *Blair*, 17 F. 2d 151 (E.D. Pa. 1927). Further control is exhibited by the careful distinction drawn between officials meeting the qualifications and those not. In *Wattenburg* v. *United States*, 388 F. 2d 853 (9th Cir. 1968), a criminal investigator for the U.S. Forest Service traced a stockpile of Government Christmas trees believed stolen. He obtained a search warrant from a local justice court and conducted an examination of the trees. Stump cuts taken from the Government land were found to match some of the trees and they were seized. The defendants were convicted of stealing and conspiring to steal approximately 1,000 red fir trees, but the convictions were lost on appeal because the search and seizure lacked authority. The Government conceded the warrant was invalid because it was not issued by an officer described in rule 41(a) of the Federal rules. See also *Davida* v. *United States*, 422 F. 2d 528 (10th Cir. 1970), cert. denied, 400 U.S. 821.

In contrast, the search warrant in *United States* v. *Robinson*, 287 F. Supp. 245 (N.D. Ind. 1968), a case concerning the murder of a Federal narcotics agent, was held valid, in part, because the issuing officer was a judge of the city court of Gary, Ind., described as a court of record. The warrant was issued in compliance with the court's usual procedures under the State law [5] but it was clearly sufficient as a *Federal* warrant under rule 41, Federal Rules of Criminal Procedure. In a Federal bank robbery case, the eighth circuit approved a search warrant, issued by a police magistrate, based on an FBI affidavit, on the grounds that the State criminal code authorized the magistrate to issue search warrants. *Gallagher* v. *United States*, 406 F. 2d 102 (8th Cir. 1969), cert. denied, 395 U.S. 968.

The discussion to this point has concerned the interpretation of statutory or rule authority conferring the power to issue warrants. Are there limits beyond which such authority cannot go? For example, is it constitutionally necessary that the officer empowered to issue warrants be a part of the judiciary? Could such powers lawfully be granted to the chief clerk of the Office of Public Safety of a large city? See *United States* v. *Grosso*, 225 F. Supp. 161 (W.D. Pa. 1964). Could the mayor of that city legally order an arrest upon being shown probable cause? See 18 U.S.C. 3041.

Supreme Court analyses of the constitutional limitations have provided enough decisional law that answers to these questions can be well documented. The Court has declared:

> ". . . the informed and deliberate determinations of magistrates empowered to issue warrants as to what searches and seizures are permissible under the Constitution are to be preferred over the hurried action of officers and others who may happen to make arrests. Security against unlawful searches is more likely to be attained by resort to search warrants than by reliance upon the caution and sagacity of petty officers while acting under the excitement that attends the capture of persons accused of crime." [6]

This expression of policy subsequently was placed on a constitutional basis in *Johnson* v. *United States*, 333 U.S. 10 (1948).

> "The point of the Fourth Amendment, which often is not grasped by zealous officers, is not that it denies law enforcement the support of the usual inferences

which reasonable men draw from evidence. Its protection consists in requiring that those inferences be drawn by a neutral and detached magistrate instead of being judged by the officer engaged in the often competitive enterprise of ferreting out crime." [7]

Though the opinion in the *Johnson* case also indicated that "as a rule" the determination is to be made by a "judicial officer," the emphasis has focused on neutrality and detachment in order to prevent the authority from being exercised by one serving "merely as a rubber stamp for the police." *Aguilar* v. *Texas*, 378 U.S. 108, 111 (1964). The Court frequently has used the term "magistrate" in describing the appropriate officer to issue warrants and defined the term in *Compton* v. *Alabama*, 214 U.S. 1, 7 (1909) as follows:

"In a general sense a magistrate is a public civil officer, possessing such power—legislative, executive, or judicial—as the government appointing him may ordain. In a narrow sense, a magistrate is regarded—perhaps, commonly regarded—as an inferior judicial officer, such as a justice of the peace. . . . But the appellation of magistrate 'is not confined to justices of the peace, and other persons, *ejusdem generis*, who exercise general judicial powers; but it includes others whose duties are strictly executive.' "

In *Coolidge* v. *New Hampshire*, 403 U.S. 443 (1971), the Court suggested the distinction it was later to confirm in *Shadwick* v. *City of Tampa*. The Court declared invalid a search warrant in the *Coolidge* case that had been issued by the State attorney general. The problem lay in the fact that the State officer was actively in charge of the criminal investigation and later was to serve as the chief prosecutor at the trial. To have him also function as the official issuing the warrant was to deny the constitutionally necessary characteristics of neutrality and detachment.

Shadwick v. *City of Tampa* involved the issuance of an arrest warrant by a clerk of the municipal court. The clearly defined legal question was whether such clerks qualify as neutral and detached magistrates for purposes of the fourth amendment. The Court noted that the clerks were authorized to issue warrants under a State statute and that no law degree or special legal training was required for appointment to the position. The clerks could not sit as a judge, could not issue a search warrant, and could not issue felony or misdemeanor arrest warrants for violations of State laws. The only warrants they were authorized to issue were those for the arrest of persons charged with offenses under the municipal ordinances of the city. However, within that limited capacity they were constitutionally authorized to act, according to the Supreme Court.

The Court emphasized that two tests only are required by the Constitution in determining the authority of an official to issue warrants: (1) "neutral and detached" and (2) "capable of determining whether probable cause exists for the requested arrest or search."

It is clear that the Court does not regard the authority to issue warrants as requiring the services of a lawyer or a judge and it appears from the *Shadwick* opinion that the Court would not reject investment of the warrant authority in an officer outside the judicial branch as long as the two tests were met. The Court declared:

"States are entitled to some flexibility and leeway in their designation of magistrates, so long as all are neutral and detached and capable of the probable cause determination required of them." [8]

Therefore, State or Federal statutes conferring the power to issue warrants on inferior judicial officers and various executive officers would appear to be constitutional as long as they designate individuals whose responsibilities permit them to act independently in judging warrant applications.

Jurisdiction

The authority to issue warrants is conferred by statute or rule; therefore, the power is limited by the language employed. As a general principle, a magistrate must be expressly granted authority in regard to the subject matter as well as the location in order to exercise effectively his discretion in the issuance of a warrant. The Federal law makes provisions for such powers to be conferred upon large classes of magistrates,[9] but limits the subject matter to Federal offenses and, in the case of search warrants, to certain specified categories of permissible objectives of search.[10] State law commonly imposes similar limitations on the powers granted to magistrates.

Perhaps due to the broad grant of authority under the Federal law, the problems of jurisdiction have not involved subject matter. But, the issue of territorial jurisdiction has been troublesome. Rule 41(a) of the Federal rules provides:

"A search warrant authorized by this rule may be issued by a judge of the United States or of a state, commonwealth, or territorial court of record or by a United States magistrate *within the district wherein the property sought is located.*" (Emphasis added.)

The Second Circuit Court of Appeals recognized the limitation on jurisdiction imposed by the underlined por-

tion of the rule when it held that the District Court for the Eastern District of Michigan could not order a search to be made in the Southern District of New York. *Weinberg* v. *United States*, 126 F. 2d 1004 (1942). The opinion held that district judges have no power to order a search in a district other than their own.

State courts, acting under the authority of the Federal rule, must recognize similar restrictions on their jurisdiction. If the judge is empowered to act for the State at large, he may issue warrants valid anywhere in the State. *United States* v. *Muncey*, 185 F. Supp. 107 (E.D. Tenn. 1960). However, if the State court's jurisdiction is limited to a subdivision, the authority to issue warrants will be valid only in the territory designated. An example of this is found in *Application of Houlihan*, 31 F.R.D. 145 (1962), where the affidavit was presented to the judge of the county court of Cass County, N. Dak., in application for a search warrant for premises located in Grand Forks County. The resulting warrant was invalid because the judge had no jurisdiction outside of Cass County.

Further illustration of the territorial limitation is the dictum in *United States* v. *Best*, 76 F. Supp. 857 (D. Mass. 1948) that the Federal courts lack the power to issue search warrants for execution in foreign countries.

In regard to State warrants issued by State magistrates, the same general limitation has been applied. In *People* v. *Niven*, 304 N.Y.S. 2d 147 (1969), a search warrant issued by a Buffalo city court judge was held invalid when executed at the Buffalo International Airport because that area was beyond the jurisdiction of the issuing magistrate. To the same effect is *Asner* v. *State of Maryland*, 193 Md. 68, 65 A. 2d 881 (1949), which indicated a search warrant for an automobile cannot be executed outside the jurisdiction of the magistrate ordering the search.

State of New Jersey v. *Passero*, 105 N.J. Super. 438, 252 A.2d 747 (1969), provided a complex test of the issue of jurisdiction. There, a search warrant issued by the Maplewood municipal court ordered the search of a certain house. It was determined that the boundary line between Maplewood and Union, N.J., ran across the front porch of the premises and the officers had to enter via the front steps. The warrant was held good authority for the search which the court said was limited to the interior of the house, all of which area was physically located within the territorial jurisdiction of the Maplewood court.

Jurisdiction concerning arrests is not so curtailed. Though the Federal rules [11] provide for venue of a criminal prosecution to be in a district in which the offense was committed, the arrest may be ordered by any of the designated magistrates in the place where the offender may be found [12] and the warrant may be executed at any place within the jurisdiction of the United States.[13]

Another facet of jurisdiction is the question whether the individual against whom, or whose interests, the warrant is to be directed must already be a party to some legal proceedings so that the court has acquired jurisdiction over his person. The Constitution says, in article III, section 2, that the judicial power (jurisdiction) shall extend to cases and controversies, meaning that at least two adversary parties must be before the court in order for the judicial power to be exercised. However, this restraint on the voice of the judicial branch in the affairs of our society is not rigidly applied in a nonsense fashion. Necessity often requires action before the specific identification of an offender can be effected and practical experience over the years has proven the reasonableness of extension of jurisdiction to meet this need. The legal principle that has evolved was described by the Supreme Court in *Gouled* v. *United States*, 255 U.S. 298, 311 (1921) as follows:

> "It has never been required that a criminal prosecution should be pending against a person in order to justify search for and seizure of his property under a proper warrant, if a case of crime having been committed and of probable cause is made out, sufficient to satisfy the law and the officer having authority to issue it. . . ."

As indicated by the *Gouled* quote, the present existence of the authority to issue warrants is the primary element. Without that, the most elaborate statement of probable cause would not give life to the arrest or search warrant. Awareness of this fundamental principle may well mark the difference between a successful prosecution and loss of vital evidence due to an adverse ruling on a motion to suppress where the validity of the warrant is questioned.

FOOTNOTES

[1] *Bank of United States* v. *Deveaux*, 5 Cr. 61, 88 (1809).

[2] Fed. R. Crim. P. 3, 4.

[3] 18 U.S.C. 3102.

[4] 28 U.S.C. 636.

[5] Burns' Indiana Statutes, secs. 2–2401, 48–1201.

[6] *United States* v. *Lefkowitz*, 285 U.S. 452, 464 (1932).

[7] 333 U.S. 10, 13–14.

[8] As an example of the exercise of such flexibility, on Sept. 2, 1970, California amended the State Penal Code to permit a peace officer to sign the magistrate's name on a duplicate original warrant which is to be deemed a search warrant. The magistrate is to enter on the face of the original warrant the exact time of the issuance of the warrant and sign and file the original and, eventually, the duplicate original warrant with the clerk of the court. Note that the issuance authority remains in the hands of the magistrate. The officer's task is purely ministerial and is permitted in order to facilitate execution of the search ordered by the magistrate. Similar legislation was enacted by Arizona in 1971.

[9] 18 U.S.C. 3041 confers the arrest power on courts and magistrates; Fed. R. Crim. P. 41(a) authorizes certain judicial officers to issue search warrants.

[10] Fed. R. Crim. P. 41(b); 18 U.S.C. 3103a.

[11] Fed. R. Crim. P. 18.

[12] 18 U.S.C. 3041.

[13] Fed. R. Crim. P. 4(c)(2).

Dogging Drugs—

Narcotics Detector Dogs

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

PART I

By
MAJ. HOLLEY D. BRADLEY*
United States Army

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

For years, specially trained dogs have made valuable contributions to the police service. This is especially true with respect to search and rescue operations, as well as the use of dogs to detect, pursue, and assist in apprehending serious criminal offenders. Recently, however, developments in the field of canine olfaction have greatly expanded the use of dogs in law enforcement activities, particularly in the area of narcotics detection.

Since 1968 the U.S. Army has made extensive use of narcotics detector dogs to assist military police field units in suppressing illicit traffic in marihuana and its derivatives. To date, over 71 of these teams have been trained and deployed worldwide. In the near future, their capabilities will be expanded to include opium, heroin, and possibly amphetamines and barbiturates. Continuing research in the field of canine olfaction as it relates to police dogs is conducted at the U.S. Army Military Police School, Fort Gordon, Ga., where all Army narcotics detector dogs are trained. The Navy, Marine Corps, and Air Force also make effective use of canines trained to detect certain narcotics.

In addition to their extensive utilization by the armed services, many civilian police departments have also developed effective narcotics detector dog programs. In fact, it was the Bureau of Customs, U.S. Department of the Treasury, that led the way. One of the pioneers in this field was Mr. Charles Art of Plymouth, Mich., who trained one of the first successful marihuana detector dogs in the country. This animal amassed an enviable record during its service with the Bureau of Customs along the southern border. Because of the success of this program, that Bureau now runs its own training school for narcotics detector animals in San Antonio, Tex. Success has not been restricted to the Federal service alone, for many municipal and State police agencies also make effective use of narcotics detector dogs. Washington, Miami, and Los Angeles are but a few of the cities with departments that have done so.

"Since 1968 the U.S. Army has made extensive use of narcotics detector dogs to assist military police field units in suppressing illicit traffic in marihuana and its derivatives."

Despite the dogs' proven effectiveness, however, no aspect of police canine employment is as misunderstood as that of narcotics detection. Some police administrators enthusiastically support their narcotics detector dog program, while others are equally forceful in their denunciation of the entire concept. When problems arise, they generally stem from one or more of the following causes:

Lack of a valid need for specialty animals trained to detect narcotics.

An inability to procure properly trained animals.

Failure to understand the capabilities and limitations of narcotics detector dogs.

Lack of prior experience in employing police canines.

Restrictive legal parameters governing the use of narcotics detector dogs.

A Team Concept

A narcotics detector dog team consists of a police officer and a dog that has been trained to detect either marihuana, opium, or heroin. Certain animals that have a well-developed aptitude in this area can be trained to detect all three substances. Generally speaking, however, most specialize in detecting only one form of narcotics.

Col. Francis E. Payne, Commandant, U.S. Army Military Police School, Fort Gordon, Ga.

The importance of the team concept cannot be overemphasized. This is significant because the dog merely extends the policeman's ability to search for narcotics. The animal is not a four-footed radar device, and it is the man, not the dog, who must plan the search effort and execute it in a rational manner in order to optimize the dog's unique capability. In essence, then, the man's brain and the dog's nose are the two essential ingredients that are blended together in order to make an effective narcotics detector dog team. A failure of one ingredient almost inevitably leads to the failure of the other; therefore, both the man and the dog must receive careful consideration before they are selected to undergo specialized training as a team.

Selecting the Handler

It is most advantageous if the human member of the team is an experienced police officer who is well versed in the fundamentals of criminal investigation. Some departments select a narcotics detective for this purpose, while others rely upon experienced

patrolmen. Of course, if a department already has an ongoing canine program, the best solution is to cross-train an existing police canine team in narcotics detection skills. Regardless of which course of action is selected, the prospective dog handler should be a volunteer who demonstrates an aptitude for working with dogs. Additionally, he should be intelligent, dependable, well coordinated and resourceful—in other words, an all-round good man who is totally dedicated to the police profession. Canine work is no place for a dullard or opportunist whose only motivation is self-aggrandizement!

"It is most advantageous if the human member of the [narcotics detector dog] team is an experienced police officer who is well versed in the fundamentals of criminal investigation."

Selecting the Animal

Detecting the presence of hidden narcotics through the olfactory sense alone is a demanding task for any dog. While certain breeds are well known for their "nose ability," olfactory acuity alone is not a suitable criterion for selecting an animal for training as a narcotics detector dog. Most dogs have sufficient olfactory ability to discriminate the scent of narcotics—whether or not they will do so consistently under the stress of field service is another matter entirely.

Many people erroneously refer to narcotics detector dogs as trackers—animals that track the specific scent of a particular narcotic. This constitutes an oversimplification of a highly demanding and subtle training requirement. Actual experience reveals that the problem of detecting hidden narcotics is one of searching for it in a prescribed, detailed fashion rather than casting for scent and following that specific odor to its terminus. As opposed to the spirit of the chase which permeates all tracking exercises, the narcotics detector dog is not afforded the luxury of a stimulus. Instead, its work is demanding, tedious, and often boring. More important, however, its reward—location of the narcotics—is highly intangible to the animal. For this reason, criteria for selecting dogs must go beyond olfactory acuity alone.

When optimum olfactory ability is eliminated as a sole criterion, the problem of animal selection becomes more acute. Although hounds and certain sporting breeds are acceptable for training as narcotics detectors, so are many of the working breeds such as German shepherds, Doberman pinschers, and Belgian sheep dogs. From a purely law enforcement standpoint, however, animals in the working class are best suited for narcotics detection work.

Despite the fact that most properly trained dogs could perform satisfactorily as narcotics detectors, most police agencies have selected the German shepherd as the breed most suitable for this type of service. Its intelligence, stamina, and ability to work for man is well known. Field experience also attests to the fact that the breed has sufficient olfactory ability to consistently discover hidden narcotics. Despite adequate "nose ability," its intelligence and willingness to work for an intangible reward from its handler are the dog's most desirable attributes. In fact, these two qualities—intelligence and willingness to work—are traits that any good narcotics dog must possess, regardless of breed.

After the identification of the three primary criteria—intelligence, willingness, and normal olfactory ability—the problem of selecting suitable animals becomes practical rather than theoretical. These qualities must be augmented, however, by structural soundness, good general health, and stable temperament.

Unfortunately, procedures for selecting reliable animals have not been reduced to that of an exact science. Individual preference and differing levels of practical experiences all affect the objectivity of selection procedures. Thoroughly reliable and comprehensive data can only be amassed through training experience, coupled with valid field tests, and reliable feedback from departments that employ dogs for narcotics detection purposes.

Aside from the considerations mentioned above, the single most valid measure of a dog's potential ability is the manner in which it retrieves for the handler. Potential narcotics detector dogs must eagerly fetch any item thrown by the handler. Natural retrieving ability is not essential, however, if the animal shows indications that it can be taught to fetch reliably.

During initial screening tests, a ball, a rubber toy, or a similar item should be thrown to the dog's immediate front. If the animal shows interest and approaches the item to examine it, the dog should receive further consideration. If it actually retrieves the item and continues to do so on repeated attempts, it should be tentatively accepted for training.

"From a purely law enforcement standpoint, . . . animals in the working class [such as German shepherds, Doberman pinschers, and Belgian sheep dogs] are best suited for narcotics detection work."

A Central Processing Unit at the FBI National Crime Information Center, Washington, D.C.

forcement performance. It has witnessed and encouraged the struggle of law enforcement to the maturity of a profession which bows to none in the importance and precision of its responsibilities. It has also seen the loss through death of one of the profession's most dedicated leaders, J. Edgar Hoover, who characteristically expressed, in his last message to all law enforcement officials in the June 1972 issue of the Bulletin, his unwaning concern for their future. "Our profession," wrote Mr. Hoover, "must be equal to . . . [the challenges ahead] . . . and discharge its responsibilities with skill and determination. This is no more than professional standards demand and no less than the public has a right to expect," he concluded.

The Bulletin also took pride in introducing Mr. L. Patrick Gray, III, appointed by the (then Acting) Attorney General to succeed Mr. Hoover as Acting FBI Director. In his first message to all law enforcement officials, published in the July 1972 issue of the Bulletin, Mr. Gray asserted his recognition of the fact that they have a ". . . distinctive role which requires quick, perceptive judgments in the thick of human conflict and the glare of public scrutiny." Commenting on the recent opening of the new FBI Academy, Mr. Gray went on to insure them that the Academy under his leadership would be ". . . responsive to both the expectations and the challenges a changing society has thrust on law enforcement performance."

On this 40th Anniversary, the FBI Law Enforcement Bulletin is grateful for the opportunity to have been part of the dramatic law enforcement experience of the past four decades. Through its pages have marched a growing legion of professionals from law enforcement and related fields who have contributed immeasurably to raising the standards of police and investigative performance to the level where it commands the respect necessary to the fulfillment of those manifold responsibilities. Moreover, this anniversary is an opportunity for the Bulletin to express its deep appreciation to its countless contributors over the years and to pledge to them and supporters throughout the Nation and the world its continued dedication to serving the proud profession of law enforcement.

"[The Bulletin] witnessed and encouraged the struggle of law enforcement to the maturity of a profession which bows to none in the importance and precision of its responsibilities."

PATHOLOGIST

(*Continued from page 12*)

interpreted by the investigating officer as necessarily indicative of injuries inflicted by a second party. In addition, the interpretation of certain brain hemorrhages, another possible artifact related to fire, requires the experience of a forensic pathologist.

Recently developed techniques for the identification of foreign substances in human tissue may prove valuable in establishing the cause of a fire. These methods are based upon the detection of microquantities of foreign material within the lung tissue of persons who have breathed air con-

"Generally, narcotics dog teams are most advantageously employed under circumstances associated with screening and search operations."

The ideal candidate is the animal that eagerly retrieves any item thrown by the tester and continues the drill for a considerable period of time without losing interest. If the tester throws the fetch toy into a location where it cannot be retrieved, the ideal dog becomes frustrated and exerts all possible efforts to retrieve it. If the dog demonstrates a willingness to use its nose to retrieve objects it cannot find by sight alone, it should receive careful consideration. This attribute is highly desirable as it significantly reduces the time required to train the animal to perform scent discrimination exercises.

Determining a Need

The narcotics detector dog and its handler form a highly skilled and specialized team capable of assisting in drug suppression operations. Many factors must be considered, however, in determining the advisability of procuring a specially trained narcotics dog for use by a particular police agency. Foremost of these considerations is the fact that a valid need must exist within the jurisdiction concerned. More specifically, the problem must be of a nature that will be substantially alleviated by the use of a trained canine team. In spite of their value as psychological deterrents, specialty animals are too expensive to train and maintain for this reason alone.

Continued Next Month

In a training session, a military police narcotics detector dog alerts on one-half ounce of marihuana hidden in the engine compartment of an automobile.

FOUR DECADES

(*Continued from page 7*)

velopment of organized crime intelligence which with enlarged jurisdiction has enabled the FBI to effectively join other Federal, local, and State authorities in a massive and productive assault against the underworld; the Careers in Crime study instituted by the FBI Uniform Crime Reporting Program in 1963 which has provided valuable statistical data to measure the success or failure of the entire criminal justice system; the landmark development of the computer-directed FBI NCIC which began in 1967 to furnish vital law enforcement data to inquiring agencies in its network in a time span often measured in seconds; the research studies and prototype equipment development (still continuing) to computerize the mammoth FBI criminal fingerprint files with the ability to electronically scan an inked fingerprint record and retrieve any previously entered record of it in the file; and the building of the recently opened new FBI Academy which will permit approximately 2,000 select law enforcement officers—a tenfold increase over the previous number—to annually attend the FBI National Academy sessions in addition to 1,000 other officers to receive specialized courses of shorter duration.

Exciting Era

The Bulletin's 40-year history has spanned an exciting era of law en-

taminated with such substances. As an example, the detection of wiring insulation particles within the lung tissue of a conflagration victim may indicate that the fire originated within the electrical system. In a similar context, the designation of dynamite residue within tissue may suggest proximity of the victim to this explosive.

Cause of Fire

Actual causation of a fire in almost all instances is derived from on-the-scene investigation. The discovery of electrical wiring defects, natural gas leaks, signs indicative of arson, and so forth, falls within the realm of the arson investigator. As stated earlier, the pathologist is usually dependent upon these findings for the establishment of the manner of death. The autopsy findings serve to corroborate or assist in the explanation of the cause of the fire as established by the arson investigation. On occasion, the autopsy data may direct or redirect the search towards a particular cause for or origin of the conflagration. The recovery of bomb fragments and the discovery of foreign compounds within human tissues, as mentioned above, are examples revealing the value of the autopsy in directing such a search.

Again, remember that the designation of a fire as "arson" cannot be established by the pathologist alone. This determination is strictly dependent upon the fire scene investigation. The smell of gasoline about the body, or the finding of foreign fragments deep within the body tissues, may arouse suspicion regarding arson; however, only the fire scene investigation can provide the ultimate facts.

Post-Investigation Correlation

Effective investigation of the arson or conflagration incident necessitates complete cooperation and mutual understanding between the parties responsible for the investigation. Just as the pathologist is dependent upon the investigative report for his determination regarding the manner of death, the investigator must consider the conclusions of the autopsy report in his summarization of events. The interests of all concerned are best satisfied via person-to-person communication wherein an exchange of ideas and questions can occur. The pathologist may be interested in viewing scene photographs for correlation with the autopsy findings. He may even request a scene visit. On the other hand, as with any death clouded by suspicious circumstances, the investigator should not hesitate to request the presence of the forensic pathologist at the conflagration scene if he deems it necessary.

In conclusion, as with any case which falls within the realm of a medical examiner system, the maximal effectiveness of both the law enforcement officer and the forensic pathologist is only realized through a combined effort.

FOOTNOTES

[1] For further discussion of these terms, see Sopher, I. M., and Masemore, W. C.: The Police Officer and the Medical Examiner System, Police, 16:23–26, 1971.

[2] For an explanation of the action of this gas, see Sopher, I. M., and Masemore, W.C.: The Investigation of Vehicular Carbon Monoxide Fatalities. Traffic Digest and Review, 18:1–11, 1970.

[3] For additional data, see Spitz, W. U., Sopher, I. M., and Dimaio, V.: The Medicolegal Investigation of a Bomb Explosion in an Automobile. J. Forensic Science, 15:537–552, 1970.

HIT AND RUN

(*Continued from page 21*)

put into operation to identify the violator. Early the following morning the offender presented himself to the hit-and-run section with the explanation that he thought it best to turn himself in without having to be apprehended. He believed his apprehension was imminent because of his failure to have a sticker on his damaged vehicle. The confessed violator was subsequently tried on a charge of leaving the scene of an accident, found guilty, fined, and had his license suspended.

Early in the program four parked, unoccupied vehicles were damaged in a hit-and-run incident. The investigating officer found no conclusive evidence at the scene but obtained paint samples of the vehicles involved, together with foreign paint chips from the damaged areas of the vehicles. Two days after the incident a driver brought his vehicle to a repair facility to be fixed. The driver claimed that his vehicle had been struck by persons unknown while it was parked in an alley behind his place of business. The hit-and-run section was notified by the repair shop that a vehicle without a sticker had been brought in for repairs. Paint samples were obtained from this damaged vehicle and compared by the State crime laboratory with those foreign samples found on the four cars in the hit-and-run incident. The samples matched. With this evidence the owner was questioned as to his whereabouts on the night of the incident. He denied having been near the scene but, when confronted with the evidence of the matching paint samples, confessed to having been responsible for this hit-and-run incident. He was tried in the city court and convicted on the charge of leaving the scene of an accident.

Another example of the effectiveness of the program was the case of an offender who struck a parked vehicle late one evening while returning home from a party. Believing there were no witnesses because of the hour, he left the scene. When the accident was investigated, parts of a headlamp molding and parking lamp lens were found in the immediate area. These items were retained and forwarded to the hit-and-run section together with the investigating officer's

(*Continued on next page*)

WANTED BY THE FBI

JOANNE DEBORAH CHESIMARD, also known as: Joann Byron, Joanne Chesterman, Joan Davis, Alma Douglas, Sharon Foster, Mrs. Reginald Johnson, Barbara Odoms.

Bank Robbery

Joanne Deborah Chesimard is being sought by the FBI for bank robbery. A Federal warrant for her arrest was issued on January 17, 1972, at New York, N.Y.

On August 23, 1971, Chesimard and five accomplices allegedly robbed at gunpoint the Bankers Trust Co., Queens, N.Y., of over $7,600. One bandit allegedly placed a gun at a customer's head before leaping over the tellers' counter to assist in gathering the money. After obtaining the loot, the bandits reportedly escaped in a car and a pickup truck.

Description

Age	25, born July 16, 1947, New York, N.Y. (not supported by birth records).
Height	5 feet 6 inches.
Weight	110 to 120 pounds.
Build	Slender.
Hair	Black.
Eyes	Brown.
Complexion	Medium.
Race	Negro.
Nationality	American.
Scars and marks	Scar on abdomen from gunshot wound.
FBI No.	11,102 J 7.
Fingerprint classification	6 1 aAa 11 1 aAa

Caution

Chesimard reportedly is closely associated with persons who are alleged to be armed with explosives and a variety of guns, including automatic rifles and handguns. She should be considered armed and dangerous.

Notify the FBI

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

HIT AND RUN

(*Continued from page 31*)

supplemental report. Three weeks after the incident a man brought his late model vehicle to a repair facility to have it fixed and stated that he had run into a post in the Atlanta, Ga., area. Since the vehicle did not have a sticker, the hit-and-run section was notified. The description of the vehicle given by the shop foreman to the hit-and-run section fitted the make and model of the vehicle from which, it had been determined, the molding and lens parts found earlier at the hit-and-run accident scene had come. These items were taken to the repair shop and compared with the vehicle in question. They matched with similar parts missing on the damaged vehicle. The owner was arrested, tried, and found guilty of leaving the scene of an accident. He was fined $100 and court costs and his license was suspended for a period of 6 months.

The program has proved to be an effective means of identifying many hit-and-run suspects. The methods have been neither operationally nor administratively complicated. In fact, the reverse is true. The sticker program has reduced the time spent by the hit-and-run section in certain areas of investigation by focusing immediate attention on suspect vehicles. The results experienced thus far in the program promise to be a deterrent to potential hit-and-run violators and, hopefully, keep these particularly offensive crimes to a minimum.

U. S. GOVERNMENT PRINTING OFFICE : 1972 O - 471 -995

FOR CHANGE OF ADDRESS ONLY

(Not an order form)

Complete this form and return to:

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

(Name) *(Title)*

(Address)

(City) *(State)* *(Zip Code)*

Visitor to FBI

Mr. Everett L. Cooper, President, Policeman's Association of Washington, D.C., was recently greeted by Acting Director L. Patrick Gray, III, during a visit to FBI Headquarters.

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

OFFICIAL BUSINESS

RETURN AFTER 5 DAYS

U.S.MAIL

POSTAGE AND FEES PAID
FEDERAL BUREAU OF INVESTIGATION
JUS-432

THIRD CLASS

QUESTIONABLE PATTERN

The pattern for this month appears to be a plain loop. However, when the imaginary line is drawn between the delta and core, it does not cut or touch a looping ridge. Therefore, this impression is classified as a tented arch and referenced to a plain loop with eight ridge counts.