

Another case which I believe will illustrate our problems under the *Mallory* ruling, involves one of these misguided youths who has developed into a predatory criminal in the midst of society.

This particular individual was born about 26 years ago. In 1954, at age 16, he was arrested and charged with 15 housebreakings into private homes in the Northwest area; he admitted his guilt in these cases and was committed to the National Training School for Boys for a period of nearly 4 years.

In 1958, shortly after his release from custody, he was again arrested by this department, this time on a charge of housebreaking with robbery by force and violence. I would like to read, for the consideration of this committee, the statement of facts in this case:

The complainant, a 70-year-old woman, reported that at about 3 o'clock in the afternoon a colored man knocked on her door and asked if the elderly man who had just left the house lived there. He stated that the elderly man had just been hurt down on the corner. As she went from the door to get her coat, he asked for a glass of water, which she gave him. He drank the water, and he then grabbed her around the neck, choked her, and beat her in the face and removed a \$10 bill from her pocket and about \$20 from her purse.

The then 20-year-old criminal admitted his guilt in this case, and was indicted by the grand jury on this case and three other cases involving housebreakings, robberies, and assaults. In February 1959, he was sentenced to serve 18 to 54 months.

Three and one-half years later, in late August 1962, this individual was released from prison. On September 9, 1962, he committed another housebreaking and robbery, following his adopted modus operandi. In this case the complainant, an 82-year-old woman, reported that at about 4 o'clock in the afternoon she answered a knock on her door. A Negro man asked her if she knew a man, whose name he mentioned, but the complainant could not remember it. The man then pushed the complainant against the wall and stated, "All I want is your money, don't get excited, I'm not going to hurt you." The criminal took a box holding five church envelopes, each containing about \$3; and then went into the living room where he took a black leather identification folder containing papers, and a change purse containing about \$1.

In this particular case, we were fortunate enough to find and identify a palm print obtained at the scene of the crime. The subject was arrested and charged, even though he denied the offense. In October 1962 he was indicted by the grand jury on the charge, but, because of the subsequent death of the complainant from natural causes, the indictment was dismissed, on motion of the Government, in January 1963.

By May 1963, he had resumed his criminal activities. On May 13, 1963, we received a report of a housebreaking and robbery offense against a 71-year-old woman; on May 20, 1963, we received a similar report involving a 63-year-old woman, on May 29, 1963, we received a report of assault (with apparent intent to rob) from a 67-year-old female complainant.

The modus operandi and general physical description in these cases clearly indicated to us that the previously described criminal could be responsible for these housebreakings, assaults, and robberies. But we were unable to find fingerprints or other scientific evidence at the scenes of these crimes. I might interject that our "uneducated" subject had learned well the crime lesson of his arrest on fingerprint evidence; one of this new victims reported his wearing gloves (in May) and another his wiping his fingerprints from all articles he handled. The photograph of this suspect was shown to each victim and to whatever witnesses were available in the several cases, and the witness and one victim seemed to think that he was the assailant involved, but none could make a positive identification. These several tentative identifications, in addition to the modus operandi, seemed to us to provide probable cause for arrest of this criminal, and we discussed with an assistant U.S. attorney the issuance of a warrant for his arrest; however, because not one of the witnesses was able to make a positive identification which would be adequate for a conviction, our request for a warrant was refused.

As we were, therefore, unable to issue a lookout to the force authorizing the arrest of this individual, we followed what we considered to be the next best course open to us and issued to the force a confidential memorandum outlining his suspected activities and his description, and a directive that, if he or any other suspicious subject was observed around any apartment building occupied by elderly women, he be kept under surveillance and that the Detective Division be notified.