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T W I I

Berlin NUB 263 367 10.12.38

To : All Police Headquarters

ATTN : Inspectors of Security Police  
Main Office of Security Service (SD)  
Reich Criminal Police Department.

C O N F I D E N T I A L

Concerning: Prosecution of Excesses in connection with the Anti-Jewish Actions in November 1938.

I hereby repeat the general lines of policy which have been announced orally at the Berlin meeting of 9 December 1938, and expect strictest compliance. In questionable individual cases, my decision is to be requested.

1. In all cases in which (even presumably) the crime of manslaughter, heavy assault and battery, extortion, moral offenses, or looting (theft, embezzlement, etc.) have been committed, an investigation of the following has to be introduced at once:
  - a) The accused
  - b) Facts
  - c) Motives

The inquiries are to be conducted in such a manner as not to attract undue attention. The local State Police HQ is responsible for the conduct of the inquiries. For preliminary political verdicts, the local provincial Nazi Court (Gaugericht) will be held responsible.

Concerning a) First it has to be established whether the accused was a member of the party, or an organization closely connected with the party. If possible, all further inquiries should be conducted in close collaboration with the local provincial court of the party (Gaugericht). This also applies in those cases which involve - aside from Party members, etc - also non-Party members. At the same time records of previous convictions or sentences of all concerned have to be obtained from the local court authorities, including those previous convictions which may be classified "confidential". They should be investigated in important cases to permit a critical examination regarding the political, criminal, and personal aspects of the case.

Concerning b) The inquiries must have as their goal a very objective and truthful reconstruction of the facts. If difficulties should arise during the investigation, the cooperation of the "Gaugericht" should be asked for. Should the combined efforts be without results, the situation must be reported to me by teletype. The local criminal police may be asked for assistance if considered necessary. That goes particularly for the identification ~~of~~. A necessary part of the investigation should be the exploitation of objects of evidence which have not been delivered previously.

Concerning c) Exact exploitation of motives must be determined. If no idealistic motives are present, the type of criminal motives have to be established (Self-interest, sadism, brutality, etc.) To begin with, idealistic motives will not be treated with special consideration, if the manner of execution of the crime shows inhuman behavior. Important in this connection is the determination of possible orders from superiors.

2. To assure that all cases will be dealt with, you will consult the local State attorneys and criminal police, and ask them to deliver any complaints that might be present at that office. Subject to investigation are all excesses mentioned in paragraph (1). This also includes cases which may already have been suspended by the State Attorneys.
3. Necessary arrests, if members of the Party, etc. are involved, will be discussed in detail with the "Gaugericht". When the arrested persons are no longer needed for the continuation of the inquiry, they will be shipped individually to the GESTAPO HQ (II H). In all other cases the procedures must be such that non-party members will be placed under worse conditions than party-members., etc.
4. After completion of the investigation, an examination of the determined circumstances of the case will be made in conjunction with the "Gaugericht". In cases of manslaughter, of heavy assault or extortion, the investigation papers will be sent at once to the GESTAPO, Dept II H, after the preliminary hearing at the "Gaugericht" has been completed. The preliminary political verdict of the "Gaugericht" will be enclosed. Just as the "Gaugericht" judges are personally responsible for the quickest execution of the investigation procedures, the State Police officials are held responsible for the fastest carrying out of all necessary inquiries in these extreme cases. Crimes of manslaughter will be considered extreme cases without further question. Of the results in all other cases, only the following has to be reported:  
The concluding decision of the "Gaugericht", and the manner of execution of the procedures which have been described in the report.
5. Extortioners and looters which acted in self-interest, especially those which have been previously convicted of similar crimes, must be arrested in any event, and turned over to the Court after the completion of the investigation. This is in reference to paragraph (3).
6. Moral offenders are to be seized, and after explanation of the circumstances, with cooperation of the local "Gaugericht", to be turned over to the examining magistrate.
7. Cases of arson, wilful destruction, demolishing of synagogues and Jewish cemeteries will definitely not be prosecuted.
8. By the 15th of December, 1938, the various State Police HQ's will present to me a list of all cases which are to be prosecuted by the given guiding principles. This statement has to include: time and place of crime, personal facts about the accused, their membership in the Party, etc., their previous convictions, and a short report of the state of the case. Where reports, covering individual cases, have already been filed, it will be permissible - provided that no other new facts or circumstances have since been discovered - to refer back to such previous reports without any detailed explanation. I cannot grant an extension of the above time limit.

signed (HEYDRICH)

Chief of the Security Police - PP II