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Current Notes

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CURRENT NOTES

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Traffic Committee Meets—On June 17 and 18 the National Committee on Traffic Law Enforcement met at Northwestern University Law School upon the call of the Committee Chairman, Arthur T. Vanderbilt. The Committee was divided into two groups to consider the preliminary reports of the Secretaries of the Subcommittee on Courts and the Subcommittee on Police, George Warren, Esq., and A. R. Forster, Director of Training, Northwestern University Traffic Institute. These reports were prepared after a year and a half of field study and the use of extensive questionnaires and were truly "National" in scope. Two days were spent in considering the recommendations of each secretary, item by item. Many of them were debated by judges, lawyers, traffic engineers, safety officials and others. All were carefully considered and, although much of each report was adopted as prepared, many changes were recommended. These changes are being made by the Secretaries and will be completed and printed by August 1. The future plans for the Traffic Court study include a presentation to a joint meeting at the American Bar Association convention in Philadelphia on September 10th, of the Criminal Law Section, the Section on Judicial Administration, and the National Conference of Judicial Councils.

Sheriff's School—An interesting movement in the education of those engaged in combatting crime was the school for sheriffs reported in the June issue of "Correction."

Sheriffs and their deputies from more than forty counties went to school in Syracuse, N. Y., May 16th, 17th and 18th. It was the first training school for sheriffs held in that State and was sponsored by the New York State Sheriffs' Association in cooperation with the Bureau of Public Service Training of the State Education Department. Sessions were held in the Syracuse Law School auditorium and it was announced at the opening by Albert H. Hall, chief of the Bureau of Public Service Training, that sheriffs completing the course of instruction satisfactorily would receive Public Service Training Certificates issued by the State Education Department.

The course included fundamentals of the criminal and civil phases of the work of sheriff. The staff of instructors was made up of State and local officials, representatives of the Federal Bureau of Investigation, Washington, D. C., and professors of law from Syracuse University, Columbia University, Cornell University and the Albany Law School.

Special Agents John B. Hogan and Virgil J. Wolfe of the Federal Bureau of Investigation lectured on "Crime Scene Searches," "Technique and Mechanics of Arrest and Search of Person," "Detection of Deception," "Taking Statements, Report Writing, Interviews," "Laboratory Aids to Investigators," and "Testifying in Court, Conduct of Police Officers."

Commissioner Carroll E. Mealey of the Bureau of Motor Vehicles, State Department of Taxation and Finance, gave the sheriffs valuable information on "Vehicle

and Traffic Laws," and John F. Tremain, Secretary of the State Commission of Correction, discussed "Jails and the Care of Prisoners." Lieutenant Bryan E. Ford, Director of Training, Police Department, Rochester, was unable to be present but his paper was read on "The Relationship of the Sheriff with Municipal Police."

District Attorney Donald M. Mawhinney of Onondaga County gave instruction on the "Preparation of a Criminal Case," and Professor Victor Levine of Syracuse University Law School pointed out the "Distinction between Levies; Liability of Sheriff; Priority and Other Rights."

Professor W. Harvey Reeves of Columbia University Law School discussed "Attachments, Generally," and "Replevins, Generally"; Professor Samuel M. Hesson of Albany Law School, "Body Executions, Execution Sales and Alimony Contempt"; and Professor John W. MacDonald, Professor of Law, Cornell University, "Service of Summons and Subpoena," "Juries, Writs of Habeas Corpus."

The Officers of the Association are: George A. Casey, Westchester County, president; Edwin R. Auer, Onondaga County, first vice-president; D. Sayre Beam, Livingston County, second vice-president; Lewis N. Spring, Wyoming County, secretary; Milton V. Saulpaugh, Columbia county, treasurer.

Louis R. Yaguda, Albany, is Counsel and Executive Director.

The Editor of this Section is pleased to observe this school in action. While the sheriff usually has little to do with law enforcement when his county contains a large city, in rural areas he still is the chief police officer. While the office is a hangover from the local government set-up of a bygone generation and needs reform, this is virtually impossible because of Constitutional provisions. So, we must have sheriffs; why not improve them? Why not train them during their terms of office? The New York School may furnish the answer to the sheriffs problem. Other States may well follow New York's example.

Civil Rights and the Police—The Fourth Annual Report of the Washington Criminal Justice Association was recently is-

sued as "Crime In The Nation's Capital, 1939" and it shows an increase of 10.4 per cent in serious offenses. An interesting comment was made on the topic "Civil Rights and the Police." It reads:

"As a result of criticism directed against the police department in its use of 'investigation' and 'dragnet' arrest, a study of these practices was undertaken by the Association during 1939.

"The task of apprehending criminals in Washington, as in other large cities, is complicated by the ease of transportation, the heterogeneity, mobility, and density of Washington's population. The task is especially difficult in light of the increased duties of the police with no proportionate increase in their numbers.

"From the standpoint of legal procedure, the practice of holding persons for investigation is not sound, although very practical from a police standpoint. In order to solve crimes, it is often necessary to detain suspects for questioning, without actually charging them with crime. The police contend that the law of arrest is not sufficiently broad to permit efficiency in the detection and solution of crimes. The District of Columbia Bar Association now has under consideration legislation which may seek to remedy this situation.

"The study made by the Association indicated that the term 'investigation' covered a variety of police services. Not only did it indicate that the person so booked was held for questioning, but it might indicate that a stray child was being held for its parents, that a person picked up on the street ill was being held for transfer to a hospital, that out of town fugitives were being held for other authorities, and many other services which the police are called upon to render.

"Undoubtedly the police are using the charge of investigation to cover many types of police services. An analysis of the cases reviewed by the Association, however, would seem to indicate that the evil lies not only in taking into custody too many innocent people and violating their civil rights, but also in not charging some of them with misdemeanors, or other proper charges.

"For instance, in the 74 cases investigated, 6 were arrested on a request of

other authorities and 2 were taken into custody for release to parents. These persons should not have been booked for 'investigation'. In 10 cases juveniles were apprehended, some on disorderly charges and others on petty larceny charges, but at the time of the arrest there was no intent to charge them or turn them over to the Juvenile Court. These cases perhaps should have been booked 'held for Boys Service Division,' and turned over to that Division or not have been booked at all. In 4 cases, disorderly conduct charges probably should have been placed. Again in 2 cases hospital treatment was given, and these should not have been listed under 'investigation'.

"Careful study of the other cases revealed that the term 'for investigation' is a misnomer, and that the practice and procedure of the police in this regard should be clarified.

"A succinct statement of reason for registering or holding persons would assist in decreasing the number of persons 'held for investigation', would give a better indication of the actual service being rendered to the community by the police, and would allay the fears of our citizens that police are systematically lawless in arresting people in violation of their civil rights."

Bill of Rights Review—A new quarterly, "The Bill of Rights Review" has been launched by the Bill of Rights Committee of the American Bar Association. The summer, 1940, issue was edited by the Chairman and Secretary of the Committee, Grenville Clark and Joseph Harrison. The subsequent issues will be edited by Professor John E. Mulder of the Law School of the University of Pennsylvania.

The plan of the publication is indicated by the first editorial wherein the Editors say: "One of our prime purposes, therefore, is to apply through this Review what may be called the 'case system' to the study of this great subject. We shall hope to do this in several ways: *first*, through detailed studies of particular subjects by acknowledged authorities, such as are represented in this issue by the articles of Professor Warner and Professor Chafee on 'The Third Degree' and 'Censorship of

Plays and Books'; *second*, through 'Notes and Cases,' in which will be reviewed many of the more important current situations and decisions in the field of civil liberties; and *third*, through the presentation in our editorial columns of concrete questions on which opinions may reasonably differ.

Youth Correction Authority Act—At the meeting of the American Law Institute, May, 1940, the Youth Correction Authority Act was approved by the body of the Institute. The Act was framed by the Committee on Criminal Justice—Youth with Professor John Barker Waite serving as reporter. In the June, 1940, American Bar Association Journal appears a summary of the Act:

"The new state agency provided in the model act submitted by the Committee calls for an appointive board of three persons of special qualification to govern the correction and rehabilitation of young persons after conviction. The board would be known as the Youth Correction Authority, have terms of nine years, and would be responsible for the organization, administration and determination of policies for integrating the handling of young offenders on a state-wide basis.

"The Committee asserts that the purely punitive system of criminal justice has failed in two major objectives—the protection of society and the reformation of the individual. The Committee's inquiry shows an unchecked rise in recidivism (repetition of crime) and in offenses committed by the gang-age youth group under the retributive penal system. The Committee believes that substituting a system of individualized training and treatment for retributive punishment would more effectively fulfill the objectives of our criminal justice.

"The new Youth Correction Authority would be authorized to set up district units within the state and to employ psychiatrists, educators, etc., to carry on its corrective and segregative activities. The Authority would have the power to approve or to establish places of preliminary detention for young offenders, and for the examination and study of persons committed.

"The trial judge would have the usual discretion in acquittals and assessment of fines; but in all convictions excepting those involving the death sentence or life imprisonment, the judge would commit the youth to the Authority. The judge thus would exercise the established judicial function of determining guilt, rather than emphasizing the length of sentence.

"Following out its philosophy that public safety can best be protected by segregation and corrective treatment, the Committee then recommends that the Authority have all control over the youth as to his detention, imprisonment, training and treatment. To the extent that necessary funds are available, the Authority may establish and operate a treatment and training service, create the necessary administrative districts and employ personnel needed to conduct its functions. In any case, it would have power to make use of law enforcement, detention, probation, parole, medical, educational, correctional, segregative and other facilities of public and private institutions and agencies within the state. The model act specifies that this provision would give the Authority no control, however, over the facilities of these institutions—but that its dealings with them should be on a co-operative basis.

"When a person is committed to the Authority, it would immediately investigate him as an individual, psychologically, physically and as to his social background. It would make periodic re-examinations of all persons within its control and keep written records on each case.

"The Authority would have the power—with specific limitations protecting the constitutional rights of the individual, such as court reviews at age 25—to keep any youth under supervision and control so long as 'in its judgment such control is necessary for the protection of the public.' It also could discharge such persons as soon as 'in its opinion there is a reasonable probability that they can be given full liberty without danger to the public.'

"The individual treatment procedures are the main objective of the plan. The treatment and training service would seek to integrate the handling of the young offender and to eliminate the haphazard

and contradictory processes often found under the present system, where varying sets of officials handle the individual as he goes through the mill."

Prison World—With its May-June, 1940, issue the *Jail Association Journal* became "The Prison World"—a "publication devoted to the progressive administration of jails, reformatories, prisons, and other penal and correctional institutions." The *Prison World* is jointly sponsored by the American Prison Association and the National Jail Association as the official organ of both Associations. No extensive changes are contemplated in the new magazine but added departments and features are planned. Richard A. McGee is Editor and Roberts J. Wright is Managing Editor.

California Police Training—The Fourth Annual California Technical Institute of Peace Officers' Training was announced for July 8-20 at University of California at Los Angeles and July 29-August 10 at University of California at Berkeley. The cooperating agencies were San Francisco Police Department, Oakland Police Department, Oakland Fire Department, Los Angeles Police Department, Los Angeles Sheriff's Department, Los Angeles District Attorney's Office, Berkeley Police Department, University of California at Berkeley, University of California at Los Angeles, Attorney General, California Highway Patrol, League of California Municipalities, United States Secret Service, United States Post Office Department, State Narcotic Division, American Red Cross, Alameda County District Attorney's Office, National Auto Theft Bureau, Greater Los Angeles Safety Council, and J. C. Beswick and George H. Brereton directed the Institute. The course of instruction, set forth below, should prove to be interesting to persons who have been concerned with police training:

Civil Process and Procedure, Six hour course covering some of the more important points of Civil Law and Civil Procedure, such as: Summons and Complaint; Writ of Possession; Claim and Delivery, etc.;

Crime Prevention, Six hour course outlining problems and correct procedures in developing a modern crime prevention program—with special emphasis upon the problem of juvenile delinquency;

Description of Persons, Six hour course outlining methods which should be used in identifying and describing individuals—the use of “portrait parle”; standard methods of classifying eye and hair colors, various parts of the human anatomy, marks and scars, etc.;

Description of Property, Six hour course outlining the proper procedure which should be followed in describing lost or stolen property and methods which may be used to supervise pawnshops and second-hand stores in the control of such property;

Examination of Physical Evidence, A course outlining the procedure and technique of search for physical evidence at the scene of crime, morgue, home of suspect, etc.; an elementary microscopic and macroscopic examination of evidence; elementary ballistics; chemical and physical examination of evidence; and the presentation of such evidence in court;

Firearms and Gas Equipment, A ten hour course on the care and use of revolvers, Thompson sub-machine gun, gas gun, gas bombs, and gas masks. The first half of the course will be devoted to classroom instruction, and the last half will be used for demonstration and practice on the range;

Fingerprint Identification and Classification, A twelve hour elementary course on the identification and classification of fingerprints. The officer will be taught to “roll” prints properly, discover and develop “latent” prints at a crime scene, identify and classify the common types of fingerprint patterns, and “search” the fingerprint files for a suspect’s record;

First Aid, A twenty-two hour course in First Aid, covering the Standard American Red Cross Course qualifying all students, who pass the course examination, for the Standard American Red Cross Card;

Interrogation, A six hour course covering the proper methods and techniques of interrogating or questioning witnesses and/or suspects;

Investigation at Scene of Crime, A six hour course on the proper methods and techniques which should be used in investigating any crime, with particular emphasis upon the duties of the investigator at the scene, the collection of evidence, etc.;

Law of Arrest, A six hour course outlining the law applying to arrest—how and when arrests can be made; justification for arrests; use of force; warrants; bail; escapes and resisting arrest;

Law of Evidence, A six hour course outlining the law of evidence and including the more important rules of evidence, kinds of evidence, degrees of evidence, “best” evidence, declarations, admissions, confessions, and accusatory statements;

Photography, A forty-four hour course for the beginner. The student will be taught how to operate several types of cameras; will receive a simplified explanation of the various types of shutters and lenses; will learn how to “focus” and “time” properly; how to photograph interiors and exteriors—using daylight or artificial lighting; how to develop, print and enlarge photographs and receive some instruction in “legal photography”;

Police Organization and Administration, A six hour course covering the general principles and practices which should be followed in the organization and administration of a modern police department;

Police Problems and Tactics, A twenty-two hour course outlining the preferred methods, procedures, techniques, and/or attitudes which should be used in the solving of some of the more common problems which face police and other law enforcement officers in their daily work;

Police Records, A six hour course on the value and use of police records. Modern practices in filing, record-keeping; use and value of record forms, statistics and modern office equipment for the law enforcement office;

Police Tactics, A six hour course outlining suggested procedures to be used in approaching a criminal suspect, searching a suspect, stopping suspicious persons in automobiles and/or fugitives, conducting raids to apprehend a dangerous suspect, etc.;

Public Relations, A six hour course outlining methods which may be used, attitudes and contacts which should be developed, and suggested ways and means of developing a good public relations program in police departments and other law enforcement agencies;

Public Speaking, A twelve hour course covering the fundamental principles and practices which should be used in public speaking. This is a practical course for peace officers in which each student will receive actual practice in speaking before the class;

Report Writing and Modus Operandi, A twelve hour course covering the standard forms that should be used and practices that should be followed in report writing, including kinds of reports—crime reports, arrest reports, identification reports; "The modus operandi system"—its use and value—subdivisions of the Modus Operandi classification, etc.;

Self-Defense and Police Disarmament, An eleven hour course covering some of the more important "holds"; defensive and disarmament methods which may be used by police officers, such as: gun disarming—front, rear, and side of head; knife or club disarming, "come-along," "choke hold breaks," etc.;

Special Details, A twelve hour course outlining methods and techniques which have been found successful in the investigation of homicides, sex crimes, robberies, "buncos" (fraud and embezzlement), and burglaries;

Special Details, A twelve hour course outlining methods and techniques which have been found successful in the investigation of burglaries, homicides, auto thefts, safe burglaries, violations of the narcotic law, and functions and facilities of the California State Division of Criminal Identification and Investigation;

Special Details, A ten hour course outlining methods and techniques which have been found successful in the investigation of safe burglaries, auto theft, forgery, counterfeiting, and the procedure which must be followed in extradition;

Special Details, A twelve hour course outlining methods and techniques which have been found successful in the investigation of sex crimes, forgery and checks,

robberies, counterfeiting, mail frauds, and location of stolen property and supervision of pawnshops;

Special Details, A ten hour course outlining methods and techniques which have been successful in the investigation of "bunco" (fraud and embezzlement), and arson cases, the preparing of the investigator's report, and the preparation of a case for presentation in court;

Surveillance, An eleven hour course outlining methods and techniques of surveillance and "shadowing" such as: Types of surveillance—mobile and stationary; qualifications of the officer; description and information "formula"; terminologies; "log book"; disguises and blinds; practice and field work;

Traffic Accident Investigation, A six hour course outlining the proper method and procedure to be employed in investigating traffic accidents, such as: Use and care of departmental equipment, questioning witnesses, observation of drivers, checking vehicles involved in accidents, checking roadway, signs and signals, photography and measurements, hit-and-run procedure, etc.;

Traffic Accident Records, A six hour course outlining the value and use of traffic accident reports and records, such as, development and use of "location" file, "spot" maps, analyzing the traffic problem, etc.;

Traffic Enforcement, A six hour course outlining suggested practices and procedures that should be followed in developing a good enforcement program, such as, determining the problem of enforcement (from records), "selective" enforcement, education through arrests, summons, warning, etc. Secure convictions—appear in court, prepare cases carefully;

Traffic—Physical Laws Pertaining to, A six hour course covering methods of ascertaining minimum speed of cars involved in accidents by determination of stopping distances, measurement of skid marks, and use of physical laws and mathematical formulas;

Traffic Safety, A six hour course outlining suggestive procedures for developing traffic safety programs and decreasing the number of traffic collisions, deaths, personal injuries, and property damage.

Use and value of publicity, public relations, proper legislation, use of signs, signals and markings, traffic safety instructor in schools—driver training, driver and pedestrian education through newspaper, posters, contests, meetings, proper organization and personnel.

Some of the courses are given only at Berkeley and some only at Los Angeles; other courses are given at both sessions. However, an officer attending either session is bound to receive an excellent training in policing, if the course is as thorough as indicated.

Police Chiefs and Salaries—One of every six of the present police chiefs of cities over 10,000 was appointed since January, 1939, according to a study of turnover of city officials in the 1940 *Municipal Year Book*, published June, 1940. This was the highest turnover since 1935, and the sixth highest rate of turnover among the 12 municipal officials studied. Changes from 1939 to 1940 include replacements resulting from resignations, promotions, and deaths, as well as from removal.

The average salary of police chiefs remained substantially at the 1938 level, which, in turn, was well above the 1934 figures. The average salary of chiefs today varies from \$3,265 in cities over 500,000 to \$2,348 in cities between 10,000 and 30,000.

Salaries of patrolmen, like salaries of the chiefs, tend to increase with the size of the city. In cities from 10,000 to 30,000 half the cities pay a starting wage of \$1,500 or higher, but in cities over 500,000 one-half pay \$1,860 or more. A similar relationship is indicated in the study of maximum salaries included in the Year Book.

Radio Crime Programs—At the annual meeting of the Federal Bar Association, May 4, 1940, the report of the Committee on Criminal Law and Procedure was made by the Chairman, H. Milton Colvin. Part of it dealt with radio programs and is reprinted below because of its general interest.

“The radio is a powerful means of interstate communication and influence on public opinion throughout the nation. National broadcasts are listened to not

only by grown-ups but by children and growing youth. Children and growing youth are particularly intrigued with the more thrilling and adventurous radio programs and plays. Radio plays and programs concerning the exploits of criminals are especially fascinating to young people. These radio productions appear to be well intended and the announcers are careful to say that these programs are for the purpose of showing that crime does not pay. Some of the programs purport to dramatize actual crimes that have been committed whose perpetrators have been finally run down by the long arm of the law. These plays are acted out with nothing left to the imagination. One hears the thud of the lead pipe against the head of the victim as well as the resulting crashing of the skull and his blood-curdling shrieks for help and mercy. It is questionable whether this does not harden the young listeners to brutality and make it commonplace and expected. In order to show the cleverness of the law enforcement officers these radio plays portray equal or almost equal cleverness on the part of the criminals. Frequently the criminal outdoes the law enforcement officer and gets the best of him until, of course, the final roundup. The result is it is pretty hard for the young person to decide who gets the most thrills out of life—the criminal or the law enforcement officer. Mr. Frank Reller, Chief Probation Officer of the St. Louis Juvenile Court, has prepared a report for the Central States Probation and Parole Association which covers numerous cases of young men and women who have been apprehended in criminal activities and have confessed that they have obtained inspiration as well as suggestions and cues on methods of operation from these radio plays. Under the heading ‘Listen Flat Foot’ the April 8th number of *Time* gives a revealing picture of the findings of Mr. Reller and the effect of these radio programs on impressionable youth. According to *Time*’s article these new criminal recruits not only adopt the methods of their favorite criminal radio heroes but also their pet expressions and talk to each other and police officers in the typical

slang of the underworld. The chairman believes that a study of the situation and of desirable Federal legislation and regulations to remedy this growing evil is a proper function of the Committee on Criminal Law and Procedure of the Federal Bar Association and recommends that such a study be begun as a part of

the program for the forthcoming year of the Association."

Prisoners Discharged—May 24, 1940, the Bureau of the Census released for publication the data of discharged prisoners from state and Federal prisons and reformatories, 1938.

TABLE 19—PRISONERS DISCHARGED

Method of Discharge	Prisoners Discharged		
	Total	Male	Female
Total	65,317	61,963	3,349
Unconditional release	25,427	24,271	1,156
Expiration of sentence	25,017	23,875	1,142
Pardon	152	143	9
Commutation	258	253	5
Conditional release	38,779	36,608	2,171
Parole	27,684	25,951	1,733
Conditional pardon	1,723	1,653	70
Other conditional release	9,372	9,004	368
Executed	121	119	2
Deaths	990	970	20
Percentage distribution	100.0	100.0	100.0
Unconditional release	38.9	39.2	34.5
Expiration of sentence	38.3	38.5	34.1
Pardon and commutation	0.6	0.6	0.4
Conditional release	59.4	59.1	64.8
Parole	42.4	41.9	51.7
Conditional pardon	2.6	2.7	2.1
Other conditional release	14.3	14.5	11.0
Executions and deaths	1.7	1.8	0.7

The fact that nearly all prisoners who serve time in prisons and reformatories are at some time returned to free society is clearly shown by table 19. Of the 65,317 prisoners discharged, 121 were executed, 990 died in prison, and the remainder, or 98.3 percent, were released and returned to free society.

Death to Children—Children may still be legally executed in most of the states of the American Union, according to Gilbert Cosulich, legal research assistant of the National Probation Association. Cosulich made this statement in a paper delivered May 22 at the opening session of the third annual meeting of the Association of Juvenile Court Judges of America, held at Grand Rapids, Michigan. Judge Victor B. Wylegala, judge of the Children's Court of Erie County at Buffalo, New York, presided.

Referring to the case of a sixteen-year-old school boy who is awaiting execution in Idaho, Cosulich said:

"Unfortunately, it is still legally possible to inflict the death penalty upon children in most of the states of the American Union. This situation can arise in one of three ways: In eighteen states or parts of states, certain felonies, including capital crimes, are excluded from the jurisdiction of the juvenile courts. In nineteen states, the law gives the adult courts concurrent jurisdiction over children, usually in the older groups. In thirty-one states, Alaska and the District of Columbia, juvenile courts may waive their jurisdiction in favor of criminal prosecution. In several states all three methods of consigning a child to the tender mercies of the adult court are employed. Fortunately, the courts frequently do not avail themselves of their authority in this respect."