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## Training Traffic Court Judges and Prosecutors

Franklin M. Kreml

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## TRAINING TRAFFIC COURT JUDGES AND PROSECUTORS

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Franklin M. Kreml

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Franklin M. Kreml, director of the Traffic Division of the International Association of Chiefs of Police and the Northwestern University Traffic Institute, is recognized as one of the foremost traffic control authorities in the United States. Under his direction the Traffic Institute was organized and has grown until after ten years more than 1300 traffic police officers from all sections of the United States, Canada, and foreign countries have received training in its several courses. From July 1942 to January 1946 Lt. Col. Kreml served with the U. S. Army's Transportation Corps in England, Africa, and Italy. While serving with Gen. Mark Clark's Fifth Army he established its transportation corps and served with it throughout the long and bitter Italian Campaign. Since resuming his directorship of the Traffic Institute, he has been active in organizing the training program for traffic court judges and prosecutors of which he now writes.—EDITOR.

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The program of university-sponsored conferences for traffic court judges and prosecutors, held under the direction of the American Bar Association and the Northwestern University Traffic Institute, represents one of the most progressive steps taken in street and highway traffic control during the past ten years.<sup>1</sup> The program is in accord with the recommendations of the National Committee on Traffic Law Enforcement and the President's Highway Safety Conference. Paralleling development in recent years of conferences and courses for police, engineers, driver license authorities, safety educators, and other agencies in the traffic field, it is a logical development from the one day traffic court conferences jointly conducted during the past three years by the American Bar Association, the National Safety Council, and various state and local agencies.

The series of conferences is designed to help judges and prosecutors become more familiar with and to develop policies and procedures which will assure proper treatment of traffic violators. They afford opportunity for broader and more intimate familiarity with traffic law enforcement principles and methods, exchange of information and ideas, and constructive discussion.

The basic need for training of this type is probably most succinctly set forth by Arthur T. Vanderbilt, dean of the New York University School of Law and chairman of the National Com-

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<sup>1</sup> The program has been made possible by a grant to the Traffic Institute from the Kemper Foundation for Traffic Safety.

mittee on Traffic Law Enforcement, in his foreword to *Traffic Courts*, by George Warren. He states:

"The traffic court has . . . suffered from the failure of judges, legislators and lawyers to realize that its work involved new problems of judicial administration that were quite different from those of the ordinary criminal courts. It is significant and at the same time embarrassing to the bench and bar to observe that engineers rather than lawyers were the first to see that the automobile was creating peculiar problems of law enforcement. These problems may seem unimportant to the great judge, the great lawyer and the great legislator, but as the automobile and truck have changed not merely our means of transportation but our very way of life, they have brought with them problems of vast importance to society generally and to a multitude of individual citizens.

"These problems . . . cannot be dealt with by uninformed judges, whether they be lawyers or laymen. They cannot be adequately disposed of by judges whose main interest is in other fields. The public safety and welfare, as well as due regard for the life and limb and property of individuals, call for judges with specialized training, and equally important, with special interest in traffic problems."

The initial conference was held at New York University School of Law in June 1947. Twenty-three judges and prosecutors from the New England and North Atlantic areas and from points as far west as Akron and Pittsburgh attended. The faculty consisted of leading authorities in the legal and traffic fields.

Subjects discussed during the conferences cover a wide range of problems found in both rural and urban traffic situations. The principal objective of the program is to encourage effective court treatment of violators so that enforcement may exert a maximum deterrent and educational effect in the interest of highway accident prevention.

Experience has proved that good traffic law enforcement makes equal demands on police, prosecutors, and courts. Traffic cannot be controlled effectively, nor can accidents be reduced, unless all three agencies are similarly qualified for this specialized task and have common principles and objectives. Training of prosecutors and judges in matters peculiar to traffic cases is one of the most progressive steps undertaken in the traffic field.

Chief Justice Robert G. Simmons of the Nebraska Supreme Court emphasized in his address at the conclusion of the New York Conference the important position of the so-called lower

courts and deplored the use of the term "lower" to identify them. These courts try the most cases and are in closest touch with the people. Their performance most intimately affects the people's welfare and their impression of our system of justice and government.

The high caliber of men attending the New York University conference, enthusiasm shown in the type of material presented, and repeated declaration to improve methods of handling traffic court cases in their jurisdictions, assures the success of future conferences. The avid interest shown in problems common to both police and court personnel made it difficult to cover all subjects as thoroughly as participants desired. For this reason future conferences are to be lengthened to five days.

The second of this series of conferences will be held at the Northwestern University Law School, Chicago, October 13-17, immediately following the National Safety Congress. Discussion leaders and panel participants will be recognized authorities on the various legal, safety, enforcement, and technical subjects to be covered. They will include representatives of the American Bar Association, the Traffic Institute, Northwestern University School of Law, the National Safety Council, the Automotive Safety Foundation, municipal and other courts, police departments, and other official and private agencies. All are familiar with the needs and problems of traffic courts, and many have participated in previous conferences on this general subject.<sup>2</sup>

Subjects to be discussed at the Northwestern seminar include the following:

1. Nature and Causes of the Traffic Accident Problem; Principles of Control through Education, Engineering and Enforcement.
2. Distinctions Between Civil and Criminal Responsibility in Traffic Accident Cases.
3. Principles and Standards of Sound Traffic Law Enforcement.
4. Requirements and Applications of State and Municipal Traffic Regulations.
5. Applications of Criminal Law and Procedure and Law of Evidence in Traffic Cases.

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<sup>2</sup> Those wishing additional information about the Northwestern conference should address their inquiries to the Traffic Institute, 1704 Judson Ave., Evanston, Ill., or to the Secretary, Traffic Court Committee, American Bar Association, 105 W. Monroe St., Chicago, Ill.

6. Constitutional Issues of Specific Importance in Traffic Cases.
7. Physical Laws Affecting Motor Vehicle Operation; the Use of Skidmarks in Speed Determination.
8. Factors Influencing Driver Performance; Means of Driver Improvement.
9. Standards of Police Organization and Performance for Traffic Control.
10. Medical and Legal Aspects of Tests for Intoxication.
11. Functions of the Prosecutors in the Preparation and Trial of Traffic Cases.
12. Important Administrative and Procedural Aspects of Traffic Court Operations.
13. Sound Policies in the Penalization of Traffic Violators.
14. Principles and Techniques of Public Education and Support Development for Traffic Safety.

The conference will be conducted primarily on a discussion basis. Brief lectures and demonstrations will be included where desirable for orientation on certain topics.