

*Arkansas Univ. School of Law -  
Criminal Procedures Project -*

FINAL REPORT ]

GRANT NO. 270

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JAMES W. GALLMAN  
PROJECT DIRECTOR

NCJ-00504

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FINAL REPORT  
GRANT NO. 270

Goal of Project

This project was begun on February 1, 1968, primarily to produce a Law Instructor's Manual and Handbooks covering the law of criminal procedure to serve as models for law enforcement organizations in small metropolitan and rural areas. The Law Instructions Manual was to be designed for use in formal instruction of law enforcement officers. The handbooks were to be compiled for study and reference by the individual officer. Through the production and distribution of this material, it was expected that officers in rural and small metropolitan areas would have information readily available (most for the first time) to guide them in solving criminal procedure problems that they are called upon to solve day by day, resulting in an increased effectiveness in law enforcement and at the same time preserving the basic rights of citizens.

Personnel

I. Staff .

The project was directed by James W. Gallman (J.D.,

University of Arkansas, 1949) Associate Professor of Law, University of Arkansas. Before joining the University of Arkansas faculty, Professor Gallman was First Assistant U.S. Attorney (for ten years) in the Eastern District of Arkansas where he daily advised federal police agencies such as the FBI, Secret Service, ATTU and others on the legal problems arising in the course of their investigations. Professor Gallman guided the overall efforts of the project.

John R. Lineberger, (B.S. B.A., University of Arkansas, 1967, J.D., University of Arkansas, 1968) served as Assistant Director of the project. While attending law school, Mr. Lineberger was Editor-in-Chief of the Arkansas Law Review and contributed regularly to that publication. His primary responsibility with this project has been research and writing.

William H. Carter, (J.D., University of Arkansas, 1967) served as a special consultant to this project. Mr. Carter formerly was an agent for the Secret Service assigned to criminal investigation and presidential security and is widely known in law enforcement circles. His primary duties with this project consisted of conducting field interviews to determine the needs and deficiencies of law enforcement officers.

Herman D. McCormick, (B.S., University of Arkansas) also served as a special consultant to the project. Mr.

McCormick was sheriff of Yell County, Arkansas, for twelve years and is a former president of both the Arkansas Sheriff's Association and the Arkansas Law Enforcement Association. He conducted field interviews with Arkansas law enforcement officers and helped organize and conduct a series of regional seminars throughout the state.

A full-time office secretary rounded out the paid staff.

## II. Advisors and Consultants

A number of circuit judges, prosecuting attorneys, police officials and others associated with the Arkansas criminal justice system were asked to serve as advisors and consultants to this project for the purpose of reviewing and criticizing the material produced and offering suggestions for improvement. The following individuals served continuously throughout the course of the project:

- (a) Mr. Gerald Pearson  
Prosecuting Attorney  
2nd District  
Jonesboro, Arkansas
- (b) Mr. Lloyd Henry  
Prosecuting Attorney  
1st District  
Searcy, Arkansas
- (c) Judge William J. Kirby  
Circuit Judge - 6th District  
Little Rock, Arkansas

- (d) Mr. Carl W. Beyer  
Chief of Police  
Fort Smith, Arkansas
- (e) Mr. Joe Purcell  
Attorney General  
State of Arkansas  
Little Rock, Arkansas
- (f) Mr. Robert Pennington  
Chief of Police  
El Dorado, Arkansas
- (g) Mr. David Hodges  
Prosecuting Attorney  
3rd District  
Newport, Arkansas
- (h) Mr. Frank Wynn  
Prosecuting Attorney  
District  
Fordyce, Arkansas
- (i) Judge Joe D. Villines  
Circuit Judge - 14th District  
Harrison, Arkansas
- (j) Mr. Joe Holmes  
Prosecuting Attorney  
11th District  
Pine Bluff, Arkansas
- (k) Mr. Bill Thompson  
Prosecuting Attorney  
12th District  
Fort Smith, Arkansas
- (l) Mr. R. E. Brians  
Chief of Police  
Little Rock, Arkansas
- (m) Mr. R. D. Bentley  
Detective - Little Rock Police Department  
Little Rock, Arkansas
- (n) Mr. Hollis Spencer  
Chief of Police  
Fayetteville, Arkansas

- (o) Colonel George Armstrong  
Director, Law Enforcement Academy  
Little Rock, Arkansas
- (p) Mr. M. R. Gill  
Investigator, Attorney General's Office  
Little Rock, Arkansas
- (q) Colonel Carl Miller  
Arkansas State Police  
Secretary, Arkansas Law Enforcement Ass'n  
Little Rock, Arkansas
- (r) Mr. Kenneth Foster  
Chief of Police  
Rector, Arkansas
- (s) Mr. Charles Dearman  
Sheriff  
Monticello, Arkansas
- (t) Mr. Robert Moore  
Sheriff  
Arkansas City, Arkansas
- (u) Judge Harrell Simpson  
Circuit Judge  
16th District  
Pocahontas, Arkansas
- (v) Colonel Ralph D. Scott  
Director, Arkansas State Police  
Little Rock, Arkansas
- (w) Judge Maupin Cummings  
Circuit Judge  
4th District  
Fayetteville, Arkansas
- (x) Mr. James Mitchum  
Chief of Police  
Batesville, Arkansas

### III. Students

A criminal procedure seminar class composed of

high ranking senior law students at the University of Arkansas was organized in February, 1968, and was continued from semester to semester throughout the project. The purpose of the class was primarily to research and determine the impact of recent Supreme Court decisions on the Arkansas procedural system. The students contributed a total of 2380 man hours in research time to the project.

#### Methods

Basically this project has been a research and writing program. Some empirical studies were conducted, however, to determine how the Arkansas criminal justice system functions and to identify the needs and deficiencies of its officers. In addition, a series of model instruction programs were conducted during the final phase of the project in an attempt to demonstrate the correct usage of the manual. We therefore conducted the program in four overlapping phases, namely:

- (1) Empirical studies
- (2) Legal research
- (3) Writing and editing
- (4) Regional seminars

## I. Empirical Studies

### A. Preliminaries

Initially, personal letters were sent to all police chiefs, sheriffs, city marshals, prosecuting attorneys, city attorneys, circuit judges and others connected with the law enforcement system in Arkansas defining the nature and goals of this project. We asked for and received excellent cooperation from a large number of people in each of those organizations throughout the course of the project. Law enforcement agencies such as the Arkansas Law Enforcement Association, Arkansas Law Enforcement Training Academy, Arkansas Chiefs of Police Association, Arkansas Municipal League, the Attorney General and the Director of the Arkansas State Police were furnished copies of the grant and invited to participate by suggesting topics, writing style, etc.

### B. Questionnaires

Approximately 500 questionnaires were mailed to various police and sheriffs' departments throughout the state as a part of our effort to determine the needs and deficiencies of the officers. The response from the officers revealed, inter alia:

1. Most of the officers completed high school but few attended college.

2. Over 60% were not required and did not receive any formal training in law enforcement when they began their present employment.

3. Almost 40% have never attended the Arkansas Law Enforcement Training Academy.

4. Two-thirds of the officers have never attended an FBI training school.

5. Legal reference material that would guide an officer in solving day to day problems is not available.

6. Copies of recent appellate court decisions are not available to the officers.

7. Digests of appellate court decisions are not available to the officers.

8. City attorneys and/or prosecuting attorneys do not conduct training programs.

9. Almost one-third of the officers have had physical evidence suppressed because they failed to utilize the appropriate procedure in collecting and preserving the evidence. A similar number had experienced exclusion of confessions because of Escobedo-Miranda.

#### C. Field Interviews

Extensive personal interviews were conducted with law enforcement officers throughout the state of Arkansas. We talked with officers in the field, department heads, police chiefs, sheriffs, etc. We also attended

regional and statewide association meetings of the officers, delivered lectures and gathered information which assisted in defining the Arkansas criminal justice system and in determining the needs and deficiencies of the officers. The facts gathered from the interviews, (coupled with the traditional library research) can be summarized as follows:

#### Law Enforcement System in Arkansas

The Arkansas system of criminal justice is essentially a local endeavor. There is no statewide agency charged with improving, coordinating, directing, training or expediting law enforcement. Voluntary cooperation among the various local and state agencies is good. Although the Arkansas State Police has limited functions, it, more than any other agency, tends to unify law enforcement on the state. It serves as a clearing house for information and provides considerable technical assistance to municipal and county agencies.

The authority and responsibility of each of the various state, county, township and municipal agencies are as follows:

1. State Agencies

- a. Arkansas State Police. This agency is primarily concerned with the maintenance of highway safety and the enforcement of traffic laws on state highways to

achieve that end. Officers of this organization have statewide police powers and serve as conservators of the peace and may apprehend for any law violation irrespective of the place of prosecution. It also maintains a highly specialized division of criminal investigation. This Division serves county and municipal officers in the technical phases of law enforcement. It furnishes investigators and laboratory services as well as the state's only polygraph facility. Assignments to local agencies are made upon request of such agency although it may, and does, initiate its own investigation where the crime involved has more than a local situs or requires its services.

b. Alcoholic Beverage Control Board. This agency has statewide jurisdiction and the primary responsibility for enforcement of the criminal laws and regulations relating to the sale, use, consumption and manufacture of alcoholic beverages. These officers have statewide police powers and may arrest for any criminal violation. It cooperates with the alcohol and tobacco tax unit of the Internal Revenue Service in matters involving violation of the liquor laws.

c. Game Management Agents. This agency has statewide jurisdiction with primary enforcement responsibility for the laws relating to boating, hunting and fishing.

d. State Security Officers. Each state institution is empowered to appoint security officers with the powers of a peace officer for the purpose of protecting and policing such institution. These institutions include penal, educational, charitable, correctional as well as any other state institution.

e. Weights & Standards Officers. These officers operate as a division of the Arkansas State Police. They are charged with policing motor carriers in the area of weights and authority to operate. They also function as auxiliaries in other state police enforcement operations.

2. County Agencies. Arkansas is composed of 75 geographical subdivisions for local government denominated counties.

a. Sheriff. Each county in the state has a sheriff who appoints his own deputies and is responsible for the enforcement of the criminal laws of the state in the county. The sheriff is a constitutional officer and receives \$5,000 per annum plus certain fees. Ordinarily, law enforcement in incorporated towns and cities is excluded from the sheriff's jurisdiction by reason of municipal enforcement authorities but he still retains the general police powers for the whole county and may assist municipal enforcement officers. Conversely, each sheriff's department may avail himself of assistance from the municipal

enforcement authorities as well as the Arkansas State Police. He also has available the specialized enforcement agencies. The jurisdiction of each sheriff may be characterized as "rural" without ordered patrols but responding on a complaint basis. Of course, where the unincorporated area is densely populated the sheriff is obliged to operate his department much like a municipal police department.

Sheriff's deputies serve as officers of the Circuit and Chancery Courts acting as bailiffs and criers. Further, sheriffs are required to execute all process from the Circuit and Chancery Courts. These civil duties, (including tax collection), seriously affect their law enforcement obligations.

b. Constables, Coroners & Jailers. In unincorporated towns law enforcement is in the hands of a constable who may be either elected or appointed. Usually he is also a deputy sheriff but exercises most, if not all, of that power in the town, village or community of which he has primary responsibility.

The coroner is a peace officer in Arkansas but actually carries out no enforcement functions. He is utilized to serve civil process upon disqualification of the sheriff. The chief function of the coroner is in the medical field in the detection of foul play in fatal injury cases.

The jailer is technically a peace officer with powers

of arrest but his main function is custodial and now he should be categorized as just another deputy sheriff.

### 3. Municipal Law Enforcement

The municipalities of Arkansas may establish police departments and appoint marshals for law enforcement in the geographic confines of such municipality. These officers enforce all state and municipal laws applying to their jurisdiction. Municipal police forces constitute the bulk of the law enforcement officers of the state. In size they range from the one man force to Little Rock where some 190 officers are authorized. Municipal police and marshals have available to them the Arkansas State Police and the county sheriff for assistance in law enforcement. The capabilities of the local municipal police departments vary, with some exhibiting effective law enforcement, but they are all hampered by a lack of professional personnel and lack of comprehensive training programs.

Municipal Water Departments, a special municipal corporation, may appoint wardens to look after municipal waterworks systems. Largely, they enforce boating laws on the reservoirs and insure that the rules of the State Health Department concerning protection of water from pollution are carried out.

4. Administration of Criminal Justice. Arkansas has three levels of criminal courts in the state. The Arkansas Supreme Court has statewide appellate jurisdiction over the Circuit Courts of the state. The trial court for both misdemeanors and felonies is the Circuit Court. There is a Circuit Court for each of the 75 counties with a single judge serving several counties. Misdemeanors involving violations of state laws as well as municipal ordinances may be tried in courts of limited jurisdiction, i. e., municipal, mayor's, police and juvenile courts.

(a) Courts of Limited Jurisdiction. These courts are divided into three types:

(1) Justice of the Peace. In counties that do not have municipal courts, the historic Justice of the Peace still operates. They try misdemeanors and may also bind felons over to the Circuit Court upon a finding of probable cause. In counties which have municipal courts the Justice is ousted of jurisdiction in all criminal matters but sometimes operates with consent of the accused.

(2) Municipal Courts. These include the Municipal Court, Police Court and Mayor's Court. Most common is the municipal court although some police and/or mayor's courts continue to operate. The jurisdiction here is for misdemeanors and the accused has the right of appeal and de novo trial to a jury in the Circuit Court..

(3) Juvenile Courts. The County Judge of each county serves as judge of the County Court which, in addition to county fiscal matters, has the juvenile and bastardy jurisdiction. The county judge is seldom legally trained and juvenile matters are conducted informally. An appeal to circuit court is available to a juvenile from the county court.

(b) Courts of General Criminal Jurisdiction.

The circuit court has original jurisdiction over all criminal case, whether felony or misdemeanor, committed within the county, except misdemeanors involving violations of the by-laws or ordinances of a city or town, where the jurisdiction is exclusive originally with the municipal court. Jurisdiction of the circuit court is exclusive for felonies and concurrent with the lower courts in misdemeanors. The circuit court has appellate jurisdiction over county courts, municipal corporation courts and justice of the peace courts.

(c) Arkansas Supreme Court. The Arkansas Supreme Court has statewide appellate jurisdiction to review final judgments and decrees of the circuit courts in all criminal matters. It also has superintending control over all inferior courts and has original jurisdiction to issue many remedial writs in aid of its appellate jurisdiction and superintending control. Its jurisdiction, once acquired, is exclusive.

## 5. Systems of Prosecution in Arkansas

(a) Attorney General. This elected official is responsible for handling all criminal appeals in the Arkansas Supreme Court. His functions are mostly civil, although it is his duty to advise law enforcement agencies with respect to the criminal laws of the state, especially on constitutional questions. He further furnishes advise on procedural questions arising in the criminal field.

(b) Prosecuting Attorney. There is elected for each judicial circuit in the state a prosecuting attorney who has the duty, with deputies, to prosecute all violations of the criminal law occurring in his circuit. Prosecution is brought in the county where the offense occurred. He is also the chief investigator into criminal law violations. He may utilize a grand jury for investigation, although he himself has the power of subpoena to gather evidence concerning crime. He utilizes sheriffs, constables, marshals and municipal police departments in investigations. He also acts as the chief legal adviser to the county officials including the sheriff and local police departments.

(c) City Attorneys. The city attorney has the exclusive prosecuting function for violation of city ordinances. He also prosecutes for state law violations occurring in the city. He further represents the city on any appeals

to circuit court from a conviction in the municipal court. He acts as legal adviser to the law enforcement officials in the city.

Both prosecuting attorneys and City attorneys conduct private practice and do not devote themselves exclusively to these jobs. As a consequence the time available for police advisory service is very limited.

#### 6. System of Defense in Arkansas.

Arkansas does not have a public defender system. With respect to felonies, and serious misdemeanors, appointment on a case by case basis is made by the presiding judge. State law authorizes a small payment in the felony matters provided the County Court has funds available. Defense service for the indigent is performed by the Bar as a public service. The system is inadequate.

#### 7. Training Agencies

##### (a) Arkansas Law Enforcement Training Academy.

In 1963, the General Assembly created the Arkansas Law Enforcement Training Academy for the training and instruction of state, county, municipal and other law enforcement agencies. This academy is located at Camden, Arkansas, and is under the operational control of the Board utilizing personnel of the Arkansas State Police.

(b) Municipal Training

The larger police organizations in the state have their own training program for recruits and most have an in-service program to refresh the older officers. However, there are not more than four such programs in the State.

III. Needs and Deficiencies

Each officer interviewed was asked to identify the areas or areas of criminal procedures which he felt should be covered in the manual, and if covered, which part of the material would be utilized by most officers in their day to day operation. The following were most often mentioned:

- (a) search and seizure
- (b) right to detain a suspect for investigation purposes.
- (c) line-up procedure
- (d) pre-trial publicity
- (e) investigative report writing
- (f) use of force by officers
- (g) arrest procedures
- (h) collection and preservation of evidence
- (i) investigations
- (j) entrapment
- (k) bail procedure

Throughout the course of our interviews, the officers complained of the lack of an available legal authority to turn to for help in critical situations. In many cases, officers failed to take action when action was obviously required because they were fearful of violating someone's civil rights and suffering the civil consequences. Perhaps this was brought on by the fact that nine civil suits alleging civil rights violations are pending against Arkansas officers at the moment.

On the other hand, some officers are frequently violating the civil rights of individuals in total ignorance of the most basic of human rights. Some of this stems from the fact that the wronged party generally does not call the action of the officer to the attention of the local court, and as a result the officer is never made aware that his procedure is wrong.

As a result of our study of the Arkansas Law Enforcement System and its officers, we reached the following conclusions:

The average police officer in Arkansas has had little formal training in criminal law and procedure. Not more than four departments have their own training program and those are generally for new recruits only. While the prosecuting attorneys and city attorneys are designated legal advisors for law enforcement officials, they are also engaged in private practice and the time

they have available for advisory service is very limited. In 1963 the Arkansas Law Enforcement Training Academy was created to offer training and instruction to state, county, municipal and other law enforcement agencies, but because of its limited facilities and personnel, more officers are unable or unwilling to attend. Enforcement agencies also have few funds available permitting attendance by their officers.

Reference material explaining important court decisions or even copies of the court's opinions are practically non-existent in most departments. Copies of new criminal laws enacted by the General Assembly are seldom if ever furnished the smaller departments during the year of enactment. It appears that local newspapers have perhaps been the best source for most departments in their effort to keep abreast of recent developments in criminal procedure. Because of this, it is not uncommon for an officer to appear in court, then discover for the first time that a recent court decision disapproved the procedure he utilized in investigating and preparing his case.

Assuming that the officers interviewed are typical of most officers from small metropolitan and rural areas, the most useful police guidance manual must cover the very basic criminal procedure requirements and be written in simple language.

## II. Legal Research

Legal research into known problem areas of criminal procedure was commenced at the beginning of the grant period. A criminal procedure seminar class was organized at the University during the spring semester of 1968 to research and determine the impact of recent Supreme Court decisions on the Arkansas procedural system. Selected topics in criminal procedure refined to specific questions were assigned individually for purposes of abstracting all Arkansas decisions, U. S. Supreme Court decisions and important decisions from other jurisdictions. All abstracts were indexed by topics for later use in the writing phase. The students were guided in proper research techniques through classroom discussions and individual conferences. The initial research topics included:

- (1) Jurisdiction of Criminal Courts
- (2) False Arrest and False Imprisonment
- (3) Searches Without a Warrant
- (4) Arrest Without a Warrant
- (5) Custodial Interrogation
- (6) Citizens Arrest
- (7) Search Warrants
- (8) Wiretapping
- (9) Fruit from the Poison Tree Doctrine
- (10) Search with Warrant

- (11) Stop and Frisk Laws
- (12) Entrapment
- (13) Pre-trial Publicity
- (14) Arrest Warrants
- (15) Seizures
- (16) Use of Force in Making Arrest
- (17) Civil Liabilities for Improper Arrest

The first group meeting with the consultants and advisors was held in Little Rock, Arkansas, on May 3, 1968. The primary purpose of that meeting was to examine the quality of the research gathered to date and to discuss other recommended topics. Twenty-three advisors attended the meeting which included circuit judges, prosecuting attorneys, police chiefs, sheriffs, representatives of the attorney general's office and the director of the Arkansas State Police. Particular emphasis was placed on the research dealing with pre-trial publicity and stop and frisk laws. It was recommended that we include standard procedural forms in the manual. Research was continued throughout the summer of 1968 by the staff and during the fall, 1968, another criminal procedure seminar class was formed at the University. This class prepared a legal memorandum covering their assigned topics.

Research was continued throughout the course of the project and periodic group meetings were held with the advisors and consultants. The subsequent meetings with the advisors pertained, however, almost entirely to the writing phase of the project.

### III. Writing and Editing

The writing phase of the project was begun during the second quarter. The first completed chapter covered "The Law of Arrest." We chose this chapter as the logical beginning because it includes such important procedural consideration as:

- (1) jurisdiction and power of the officer,
- (2) steps in a lawful arrest, and the
- (3) consequences of a wrongful arrest.

The next completed chapter covered "Pre-Trial Publicity", one of the more popular topics with the advisors. Chapters covering "Collection and Preservation of Evidence" and "Search Warrants" were completed in that order. As each of these chapters was completed, we mailed copies to the consultants and advisors and asked them to do the following:

- (1) Look for any erroneous statements;
- (2) Suggest sub-sections that should be expanded, if any;

(3) Suggest sub-sections that should be deleted, if any;

Next, we met with the advisors in Little Rock and received their response to the completed chapters. Their responses ranged from "surprise that a particular law was as set forth in the manual" to expressions that some subjects should be covered in more depth. For an example of the former, when we completed the chapter on "Stop and Frisk" and the advisors discovered the status of the Arkansas law on the subject, they suggested to the General Assembly that legislation was needed. A stop and frisk law was passed in the next session.

Throughout the course of the project, as each chapter was completed, we followed the procedure stated above. After receiving the advice of the consultants, we proceeded to revise the material, on most occasions along the lines suggested.

At our group meeting with the advisors on October 25, and on November 22, 1968, the advisors strongly suggested that we make at least one major change in the production of the material, that being to include as much detail in the Handbook as was originally intended to be included in the Instructors Manual. This included the suggestion that we place citations to legal authority in footnotes in the Handbooks and that we use case examples in the

body of the material produced for the Handbooks. In effect, the completed Handbook would be identical to the completed Instructor's Manual. Their reasons for this suggestion are as follows:

(1) Case examples with the court's decisions are generally more easily understood and better remembered by the officer than abstract statements of "black letter law."

(2) The Handbooks will be used daily by hundreds of officers whereas the Instructor's Manual will be used by only a few officers on special occasions. The Handbook therefore should provide the officers with as much information as possible.

(3) A skeptical officer will rely upon the material contained in the Handbook if it is supported by authority and he is referred to the authority to verify its authenticity if he desires; whereas such an officer will not rely on the manual for advice if he disbelieves some of its contents.

(4) The officer can refer the prosecuting attorney and/or city attorney to his authority for following a specified procedure in a given case. (The prosecutor may not otherwise be aware of that authority.)

We concurred in this recommendation and as a result the material produced for both the Instructor's Manual and the Handbook is identical.

Because of the constant changes in criminal court decisions, a continuous editing process was necessary. In some instances (stop and frisk, search and seizure, line-up identification, etc.) the preliminary drafts had to be discarded in their entirety and new drafts written.

#### IV. Regional Seminars

Upon completion of the writing phase of the project we organized and arranged a series of regional seminars at strategic places in Arkansas to illustrate the correct usage of the Handbook for the recognition and solution of simple criminal procedure problems.

The first seminar was conducted in North Little Rock, Arkansas, on August 12 and 13, 1969. North Little Rock was chosen as the site of the first meeting because of its location (in the center of the state) and because of the vast number of officers residing in the immediate vicinity. Unfortunately, the city of Little Rock was torn by civil strife during the week of the seminar and the attendance at the seminar was hampered. Nevertheless, a total of forty-seven officers attended, including officers from the North Little Rock Police Department, Pulaski County Sheriff's Department, State Game and Fish Commission, Federal Wildlife, Attorney General's Office, Arkansas State Police, Alcoholic Beverage Control Board, Sherwood Police Department, and the

Department of Correction.

The program included lectures and general discussions covering the various chapters of the manual. In addition to the staff, the speakers included State Senator Richard Earl Griffin, a practicing attorney and sponsor of the new Arkansas Stop and Frisk law; Lt. R. D. Bentley of the Little Rock Police Department who also lectures at the Arkansas Law Enforcement Training Academy; Hollis Spencer, Chief of Police, Fayetteville, Arkansas, and a member of the board of the Arkansas Law Enforcement Training Academy; Major Bill Stubing and Captain W. A. Tudor, Arkansas State Police Training Instructors; Melburn Gill, special investigator for the Attorney General; and Robert Moore, Sheriff of Desha County, Arkansas, and former president of both the National Sheriff's Association and the Arkansas Sheriff's Association.

The following is a schedule of the program as presented:

CRIMINAL PROCEDURE INSTITUTE  
Regional Seminar  
Little Rock, Arkansas

Tuesday, August 12, 1969

9:15	Introduction	James W. Gallman
9:30	Search Warrants	James W. Gallman
10:15		
10:15	Search of Vehicles	Arkansas State Police Specialist
11:00		
11:00	Preservation of Evidence	Arkansas State Police Specialist
11:45		
Lunch		
1:00	Law of Arrest	Herman McCormick
1:45		
1:45	Entrapment	Hollis Spencer
2:30		
2:30	Pre-Trial Publicity	Robert Moore
3:15		

Wednesday, August 13, 1969

9:30	Search and Seizure	R. D. Bentley
10:15		
10:15	Stop and Frisk	Richard Earl Griffin
11:00		
11:00	Line-Up Identification	Bill Carter
11:45		
Lunch		
1:00	Miranda Warnings	John Lineberger
1:45		
1:45	Jurisdiction of Courts	Melburn Gill
2:30		
2:30	Police Report Writing	Bill Carter
3:15		

Our next seminar was conducted at the Civic Center in Pine Bluff, Arkansas, on August 14 and 15, 1969. Pine Bluff is located approximately fifty miles southeast of Little Rock, There a total of eighty six officers attended, including officers from the Pine Bluff Police Department, Jefferson County Sheriff's Department, State Game and Fish Commission, White Hall Police Department, Dumas Police Department, Mitcheville Police Department, Arkansas State Police, Jefferson County Juvenile Court, Arkadelphia Police Department, State Pardons and Parole, A. M. & N. College Security Department and the Attorney General's Office. In addition to the law enforcement officers who attended, the Jefferson County Prosecuting Attorney, the Jefferson County Juvenile Court Judge, the Arkansas Attorney General and members of their staffs were in attendance.

Speakers for this seminar included Rafael Guzman, Associate Professor of Law, University of Arkansas; and Bill Read, Arkansas State Police Instructor in addition to those identified earlier.

The following is a schedule of the program presented:

CRIMINAL PROCEDURE INSTITUTE  
Regional Seminar  
Pine Bluff, Arkansas

Thursday, August 14, 1969

9:15	Introduction	James W. Gallman
9:30	Search Warrants	James W. Gallman
10:15		
10:15	Search and Seizure	R. D. Bentley
11:00		
11:00	Preservation of Evidence	Arkansas State Police Specialist
11:45		
Lunch		
1:00	Stop and Frisk	Richard Earl Briffin
1:45		
1:45	Search of Vehicles	Arkansas State Police Specialist
2:30		
2:30	Entrapment Report Writing	Hollis Spencer
3:15		

Friday, August 15, 1969

9:30	Jurisdiction of Criminal Courts	Melburn Gill
10:15		
10:15	Law of Arrest	Herman McCormick
11:00		
11:00	Miranda Warnings	John Lineberger
11:45		
Lunch		
1:00	Line-Up Identification	Bill Carter
1:45		
1:45	Pre-Trial Publicity	Robert Moore
2:30		
2:30	Bail Procedure	Rafael Guzman
3:15		

The next seminar was conducted in El Dorado, Arkansas, on August 19 and 20, 1969. El Dorado is located in the southern part of the state and a total of sixty five officers attended the two day session. Those attending included officers from the El Dorado Police Department, Union County Sheriff's Department, State Game and Fish Commission, Taylor Police Department, State Alcoholic Beverage Control, State Pardons and Parole, Huttig Police Department, Magnolia Police Department, Arkansas State Police, and Desha County Sheriff's Department. In addition, the city attorney and Mayor of El Dorado attended.

The speakers included James H. Pilkinton, City Attorney and former Circuit Judge from Hope, Arkansas; and Sgt. Bob Glenn, Arkansas State Police Instructor in addition to those previously identified.

The following is a schedule of the program as presented:

CRIMINAL PROCEDURE INSTITUTE  
Regional Seminar  
El Dorado, Arkansas

Tuesday, August 19, 1969

9:15	Introduction	James W. Gallman
9:30	Search Warrants	James W. Gallman
10:15		
10:15	Search of Vehicles	Arkansas State Police Specialist Criminal Investigator
11:00		Arkansas State Police Speicalist, C. I.D.
11:00	Preservation of	
11:45	Evidence	
	Lunch	
1:00	Miranda	John Lineberger
1:45		
1:45	Jurisdiction of	
2:30	Criminal Courts	Melbourn Gill
2:30	Bail Procedure	James H. Pilkinton
3:15		

Wednesday, August 20, 1969

9:30	Search and Seizure	R. D. Bentley
10:15		
10:15	Law of Arrest	Herman D. McCormick
11:00		
11:00	Entrapment	Johh Lineberger
11:45		
	Lunch	
1:00	Line-Up Identification	Bill Carter
1:45	and Report Writing	
1:45	Stop and Frisk	Richard Earl Griffin
2:30		
2:30	Pre-Trial Publicity	Robert S. Moore
3:15		

Our next seminar was conducted in Texarkana, Arkansas, on August 19 and 20, 1969. Texarkana is located in the southwest part of the state. A total of forty two officers from the Texarkana Police Department, Hope Police Department, Murfreesboro Police Department, Delight Police Department, State Game and Fish Commission, Miller County Sheriff's Department, State Alcoholic Beverage Control, State Department of Correction and the Arkansas State Police attended.

Speakers included Hayes C. McClerkin, Speaker of the Arkansas House of Representatives and a practicing attorney, together with those previously identified.

The following is a schedule of the program as presented:

CRIMINAL PROCEDURE INSTITUTE  
Regional Seminar  
Texarkana, Arkansas

Thursday, August 21, 1969

9:15	Introduction	James W. Gallman
9:30	Search Warrants	James W. Gallman
10:15		
10:15	Stop and Frisk	Richard Earl Griffin
11:00		
11:00	Line-Up Identification and Report Writing	Bill Carter
11:45		
Lunch		
1:00	Search and Seizure	R. D. Bentley
1:45		
1:45	Entrapment	John Lineberger
2:30		
2:30	Pre-Trial Publicity	Hayes C. McClerkin
3:15		

Friday, August 22, 1969

9:15	Jurisdiction of Criminal Courts	Melburn Gill
10:15		
10:15	Search of Vehicles	Ark. State Police Specialist
11:00		
11:00	Preservation of Evidence	Ark. State Police Specialist
11:45		
Lunch		
1:00	Law of Arrest	Herman D. McCormick
1:45		
1:45	Miranda Warnings	John Lineberger
2:30		
2:30	Bail Procedure	James H. Pilkinton
3:15		

Russellville, Arkansas, located approximately eighty miles northwest of Little Rock was the site of the next seminar.

There a total of fifty seven officers attended, including officers from the Russellville Police Department, Pope County Sheriff's Department, Arkansas Game and Fish Commission, Yell County Sheriff's Department, Arkansas Technical College Security Department, Havana City Marshal, Morrilton Police Department, Dover Police Department, Clarksville Police Department, State Alcoholic Beverage Control Board, U. S. Department of Wildlife, Ola City Marshal and the Arkansas State Police.

Speakers included Carl Beyer, Chief of Police of Fort Smith, Arkansas; and Jeff Mobley, Prosecuting Attorney from Russellville, Arkansas, in addition to those already indentified.

The following is a schedule of the program as presented:

CRIMINAL PROCEDURE INSTITUTE  
Regional Seminar  
Russellville, Arkansas

Tuesday, August 26, 1969

9:15	Introduction	James W. Gallman
9:30	Search Warrants	James W. Gallman
10:15		
10:15	Search of Vehicles	Arkansas State Police Specialist
11:00		
11:00	Preservation of Evidence	Arkansas State Police Specialist
11:45		
Lunch		
1:00	Entrapment	John Lineberger
1:45		
1:45	Jurisdiction of Criminal Courts of Ark.	Melburn Gill
2:30		
2:30	Pre-Trial Publicity	Carl Beyer
3:15		

Wednesday, August 27, 1969

9:30	Search and Seizure	R. D. Bentley
10:15		
10:15	Law of Arrest	Herman D. McCormick
11:00		
11:00	Miranda Warning	John Lineberger
11:45		
Lunch		
1:00	Line-Up Identification and Report Writing	Bill Carter
1:45		
1:45	Stop and Frisk	Richard Earl Griffin
2:30		
2:30	Bail Procedure	Jeff Mobley
3:15		

The next seminar was conducted at the County Courthouse in Fort Smith, Arkansas, on August 28 and 29, 1969, and a total of fifty one officers attended. Those attending included members of the Fort Smith Police Department, Arkansas State Police, Franklin County Sheriff's Department, State Game and Fish Commission, Mountainburg Police Department, Mulberry Police Department, U. S. Postal Inspector, and State Department of Corrections. Also attending was the Circuit Judge of the 12th District, and the prosecuting attorney and his staff.

Speakers included Bill Thompson, Prosecuting Attorney for the 12th Judicial District together with others previously identified.

The program as presented was as follows:

CRIMINAL PROCEDURE INSTITUTE  
Regional Seminar  
Fort Smith, Arkansas

Thursday, August 28, 1969

9:15	Introduction	John Lineberger
9:30	Stop and Frisk	Richard Earl Griffin
10:15		
10:15	Line-up Identification and Report Writing	Bill Carter
11:00		
11:00	Entrapment	Herman D. McCormick
11:45		
Lunch		
1:00	Law of Arrest	Herman D. McCormick
1:45		
1:45	Miranda Warnings	John Lineberger
2:30		
2:30	Pre-trial Publicity	Carl Beyer
3:15		

Friday, August 29, 1969

9:30	Search Warrants	James W. Gallman
10:15		
10:15	Search of Vehicles	ASP Specialist
11:00		
11:00	Preservation of Evidence	ASP Specialist
11:45		
Lunch		
1:00	Search and Seizure	R. D. Bentley
1:45		
1:45	Jurisdiction of Courts	Melburn Gill
2:30		
2:30	Bail Procedure	Bill Thompson
3:15		

Our next seminar was conducted on the campus of Arkansas State University at Jonesboro, Arkansas, on September 4 and 5, 1969. A total of seventy officers attended including officers from the Jonesboro Police Department, Newport Police Department, Arkansas State Police, State Game and Fish Commission, Osceola Police Department, U. S. Wildlife, Batesville Police Department, Rector Police Department, Alcoholic Beverage Control, State Pardons and Parole, Arkansas State University Security Department, and Greene County Sheriff's Department.

Speakers included David Hodges, Prosecuting Attorney, 3rd Judicial District; and James Mitchum, Chief of Police of Batesville, Arkansas, and President of the Arkansas Police Chief's Association.

The following is a schedule of the program as presented:

CRIMINAL PROCEDURE INSTITUTE  
Regional Seminar  
Jonesboro, Arkansas

Thursday, September 4-5, 1969

9:15	Introduction	James W. Gallman
9:30	Search Warrants	James W. Gallman
10:15		
10:15	Stop and Frisk	Richard Griffin
11:00		
11:00	Line-Identification and Report Writing	Bill Carter
11:45		
Lunch		
1:00	Jurisdiction of Courts	David Hodges
1:45		
1:45	Entrapment	John Lineberger
2:30		
2:30	Pre-trial Publicity	James Mitchum
3:15		

Friday, September 5, 1969

9:15	Law of Arrest	Herman McCormick
10:15		
10:15	Miranda Warning	John Lineberger
11:00		
11:00	Search and Seizure	R. D. Bentley
11:45		
Lunch		
1:00	Search of Vehicles	ASP Specialist
1:45		
1:45	Preservation of Evidence	ASP Specialist
2:30		
2:30	Bail Procedure	Melburn Gill
3:15		

The eighth regional seminar was conducted in Newport, Arkansas, located in the northeast part of the state on September 9 and 10, 1969. Forty one officers attended including officers from the Newport Police Department, State Game and Fish Commission, Cherokee Village Security Department, Arkansas State Police, Jackson County Sheriff's Department, State Alcoholic Beverage Control, Tuckerman Police Department, Horseshoe Bend Police Department, and Batesville Police Department. In addition, the Municipal Judge of Newport, Arkansas, and the prosecuting attorney attended.

The following is a schedule of the program as presented:

CRIMINAL PROCEDURE INSTITUTE  
Regional Seminar  
Newport, Arkansas

Tuesday, September 9, 1969

9:15	Introduction	James W. Gallman
9:30	Search Warrants	James W. Gallman
10:15		
10:15	Stop and Frisk	Richard E. Griffin
10:00		
11:00	Line-up Identification and Report Writing	Bill Carter
11:45		
Lunch		
1:00	Jurisdiction of Courts	David Hodges
1:45		
1:45	Entrapment	John Lineberger
2:30		
2:30	Pre-trial Publicity	James Mitchum
3:15		

Wednesday, September 10, 1969

9:15	Law of Arrest	Herman McCormick
10:15		
10:15	Miranda Warnings	John Lineberger
11:00		
11:00	Search and Seizure	R. D. Bentley
11:45		
Lunch		
1:00	Search of Vehicles	ASP Specialist
1:45		
1:45	Preservation of Evidence	ASP Specialist
2:30		
2:30	Bail Procedure	Melburn Gill
3:15		

The last regional seminar was conducted in Fayetteville, Arkansas, at the University of Arkansas Law School on September 11 and 12, 1969. Forty eight officers attended including officers from the Fayetteville Police Department, Arkansas State Police, State Game and Fish Commission, Washington County Sheriff's Department, Springdale Police Department, Cave Springs Police Department, Benton County Sheriff's Department. In addition the prosecuting attorney, of the 19th Judicial District and his staff attended.

Speakers included Judge Maupin Cummings, Circuit Judge, 4th Judicial District; and Mahlon Gibson, Prosecuting Attorney, 4th Judicial District.

The following is a schedule of the program as presented:

CRIMINAL PROCEDURE INSTITUTE  
Regional Seminar  
Fayetteville, Arkansas

Thursday, September 11, 1969

9:15	Introduction	James W. Gallman
9:30	Jurisdiction of Courts	James W. Gallman
10:15		
10:15	Stop and Frisk	Richard E. Griffin
11:00		
11:00	Line-up Identification	Bill Carter
11:45		
Lunch		
1:00	Search Warrants	Judge Maupin Cummings
1:45		
1:45	Search and Seizure	R. D. Bentley
2:30		
2:30	Pre-Trial Publicity	Hollis Spencer
3:15		

Friday, September 12, 1969

9:15	Search of Vehicles	ASP Specialist
10:15		
10:15	Preservation of Evidence	ASP Specialist
11:00		
11:00	Law of Arrest	Herman D. McCormick
11:45		
Lunch		
1:00	Miranda Warnings	Mahlon Gibson
1:45		
1:45	Entrapment	John Lineberger
2:30		
2:30	Bail Procedure	Melburn Gill

The attendance at each of the seminars was above expectations. This can be attributed to a number of factors: excellent cooperation on the part of most law enforcement agencies; good publicity given by local newspapers, radio and TV; noted speakers; and a willingness by many officers to spend their leisure time in class improving their knowledge of criminal procedure. It was not uncommon to find officers present for the entire program who had worked the night shift before the start of the program and who would be required to work the following night.

Original plans included a proposal to spend one week at the Law Enforcement Training Academy. Several attempts were made to arrange a time to conduct a program at the Academy, however, the director of training at the Academy was either unable or unwilling to arrange a suitable time. Upon our last visit to his office, he indicated that he would distribute the Handbooks to the trainees but was unable to grant us instruction time.

#### Distribution of Manual

The Arkansas General Assembly appropriated funds for the printing and distribution of copies of the Manual to all Arkansas law enforcement officers desiring copies. In addition funds were appropriated to produce and distribute supplements to the Manual as the same are required

in order that the material may be kept current. Approximately 3,000 copies will be printed in looseleaf form within the next 60 days. Thereafter, at least one supplement per month will be produced and distributed to the officers. The following is a copy of Senate Bill No. 235 which became Act 672 of 1969:

SENATE BILL NO. 235  
Act 672, 1969

(Griffin)

A Bill for an Act to Be Entitled:

"AN ACT to Make an Appropriation for the Criminal Procedure Institute of the School of Law of the University of Arkansas for the Biennial Period Ending June 30, 1971; and for Other Purposes."

Be It Enacted by the General Assembly of the State of Arkansas:

SECTION 1. REGULAR SALARIES. There is hereby established for the Criminal Procedure Institute of the School of Law of the University of Arkansas, for the 1969-71 biennium, the following maximum number of regular employees and the maximum annual salaries of such employees; and no greater salary than that established herein shall be paid to any employee of said Institute from appropriated or cash funds of such Institute. Provided, that in determining the amount of salary of such employees, the adminis-

trative head of such agency shall take into consideration ability and length of service, and it is not the intention of the General Assembly that the maximum salaries be paid unless such qualifications are complied with, and then only within the limitations of the appropriation and the cash funds available for such purpose.

Item No.	Title	Maximum Number of Employees	Maximum Annual Salary Rate
(1)	Project Director	1	\$7,200
(2)	Secretary	1	\$2,400

SECTION 2. There is hereby authorized for the Criminal Procedure Institute of the School of Law of the University of Arkansas for the 1969-71 biennium, the following maximum number of parttime or temporary employees to be known as "extra help: or "student labor" payable from funds appropriated herein for such purposes: For six (6) temporary employees, when needed, at rates of pay not to exceed those set out in the regular salary schedule for comparable services.

SECTION 3. APPROPRIATIONS. There is hereby appropriated, to be payable from the State General Services Fund, for personal services and operating expenses of the Criminal Procedure Institute of the School of Law of the University of Arkansas, for the biennial period ending June 30, 1971, the following:

Item No.	Fiscal Years	
	1969-70	1970-71
(1) Regular Salaries	\$9,600.00	\$9,600.00
(2) Extra Help or Student Labor	2,000.00	2,000.00
(3) Social Security and Retirement Matching	1,000.00	1,000.00
(4) Printing and Distribution of Police Guidance Manual	10,000.00	2,000.00
(5) Maintenance and General Operation	4,180.00	4,180.00
	<hr/>	
TOTAL AMOUNTS APPROPRIATED	\$26,780.00	\$18,780.00

SECTION 4. It is the intention of the General Assembly that the disbursement of funds authorized herein shall be limited to the appropriations for such Institute and the funds made available by law for the support of such program; and the restrictions of the State Purchasing Law, the General Accounting Procedures Law and regulations promulgated by the Chief Fiscal Officer of the State, as authorized by law, shall be strictly complied with in the disbursement of said funds.

Conclusion

The manual does not purport to contain a discussion of all areas of criminal procedure that should be covered in an adequate training program conducted by small metropolitan and rural police departments. For example, local

court rules and departmental regulations constitute a most important part of each department's program and must be supplied locally. In addition some departments need officers with special competence in wire-tapping and electronic surveillance procedures or in riot control, subjects not covered in the manual. The authors attempted to include only these topics which could prove useful to all departments in solving day to day procedural problems.

While the manual was produced as a model for use by small metropolitan and rural police departments generally, it was prepared in consultation with Arkansas Police and court officials and with a great deal of Arkansas case law and statutes readily available. This resulted in the reader being referred to numerous decisions of the Arkansas Supreme Court and to the Arkansas Statutes Annotated as the primary authority for purported rules of law. Efforts were made, however, to eliminate or place in a footnote procedural rules that apply only in Arkansas. Since the U. S. Supreme Court has placed minimum standards on such procedural requirements as the taking of a confession (Miranda), search and seizure (Mapp), stop and frisk (Terry), line-up identification (Wade), and pre-trial publicity (Sheppard), the likelihood of procedural requirements differing substantially between the states is diminished. Local adaptation of the material can be made by supplementing the manual with local references.

This project has had a tremendous impact upon plans for training law enforcement officers in Arkansas. The Arkansas General Assembly recognized its potential in April, 1969, and appropriated funds establishing the Criminal Procedure Institute at the University of Arkansas. Every officer in the State of Arkansas desiring a copy of the manual will be given one free of charge. In addition, a newsletter will be published monthly by the Institute giving highlights of important cases and legislation. As procedural requirements change, supplements to the manual will be prepared and delivered to the officers in order that he will be kept abreast of all recent developments. Such a program was beyond the wildest dream of the most knowledged Arkansas police officer five years ago.