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BASIC POLICE PROCEDURES

.....

A MANUAL FOR GEORGIA PEACE OFFICERS



THE UNIVERSITY OF GEORGIA
INSTITUTE OF GOVERNMENT
GEORGIA CENTER FOR CONTINUING EDUCATION
ATHENS, GEORGIA - 30601

Basic Police Procedures
A Manual for Georgia Peace Officers

by

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INTRODUCTION

Your Law Enforcement Training Notebook is designed for use with the television training programs. It has been prepared in an extended outline form, and note taking will be a valuable asset to the material. The outline of the notebook follows the sequence of the training program and the information will be such that it can be expanded by the individual officer.

The notebook can be utilized by the law enforcement officer at any time. Though it is written primarily for the television training series, it is, in its own right, separate training material. It provides a ready reference for the working officer and a valuable class outline for the training officer.

This notebook is not meant to be a total law enforcement manual with answers to all problems. Every type of training material requires additional information to meet individual departmental needs.

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The Law Enforcement Training Staff of the University of Georgia's Institute of Government and the Georgia Center for Continuing Education stands ready to assist you, the law enforcement officers, whenever possible.

John O. Truitt
Law Enforcement Training
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MOBILE PATROL TECHNIQUES I

"Stopping the Traffic Violator"

As a police officer on patrol, you have many responsibilities and duties to perform. One of these is the apprehension of violators of the state and city motor vehicle laws and ordinances. There are correct and incorrect methods of stopping the traffic violator. Each officer in a department should know the correct procedures for stopping violators.

In the program that you will be viewing on this subject, there are five major points for consideration:

I. Problems before stopping

A. You must take into consideration

1. Other traffic
2. Your position and the violator's position in traffic
3. What the driver's reaction may be
 - a. Will he stop suddenly?
 - b. Will he swerve from fright?
 - c. Will he try to run away?

When a violator starts to run from the patrol car, and it is apparent that a high speed chase will take place, you must notify the dispatcher, giving location, type of car and description, and tag number if possible.

B. You will have to consider the danger involved.

One car traveling at high speed is a hazard. Will a second car, your patrol car, create twice the hazard? Is the traffic heavy? Can the violator be apprehended by another car? These decisions must be made by the individual officer and must be suited to the conditions as they exist at that immediate time. Every year law enforcement officers are killed or injured when motorists are stopped for traffic violations. Did they consider the stop just routine?

NEVER CONSIDER THE STOPPING OF A TRAFFIC VIOLATOR AS ROUTINE! YOU SIMPLY DO NOT KNOW WHOM YOU ARE STOPPING.

C. The location for stopping the violator.

1. You must, if at all possible, avoid soft shoulder, steep hills, obstacles and intersections.
2. The best location is one that offers safety for you, the public and the violator.

II. Methods for Stopping the Violator's Vehicle

A. The approach from the rear

1. Place your vehicle behind that of the violator, giving a reasonable distance between the vehicles. If he should stop fast you will not run into the rear of his vehicle.
2. Turn on your flasher and tap your horn to attract the violator's attention. When you have your flasher on other motorists will be warned that possible unusual maneuvering may take place.
3. Motion the violator to the side of the road with your hand.

B. If the violator does not respond you will have to approach from the side.

1. Turn on your turn signal and pull the patrol vehicle on the left side of the violator's car.
2. Do not let the grill of the patrol vehicle go past the rear of the violator's rear door.
3. Under no circumstances should you pull the patrol vehicle even with the violator's vehicle as you may place yourself or your partner in danger.
4. Tap your horn again. If the violator still does not respond you may utilize the siren. When you use the siren be prepared for possible erratic movements because the violator may not be aware of your previous attempts to stop him and may be frightened by the noise.
5. Again, with your hand, motion the violator to the side of of the road.
6. Turn on your turn indicator and return to the rear of the violator's vehicle.

III. Providing Information to the Dispatcher

A. You should immediately contact the dispatcher by radio and give the following information before you step from the patrol car:

1. Your unit number
2. Your location
3. The license number of the violator's vehicle
4. A description of the car
5. Number of occupants

B. You should constantly keep the stopped motorist under observation for any unusual movements and the possibility of the driver changing places with a passenger.

IV. Parking the Patrol Vehicle

A. When the violator's car is safely stopped and parked in a safe manner, you should park your patrol car.

1. The patrol car should be parked about ten feet to the rear of the violator's car and on an angle so that the front is pointed toward the road.

2. This affords maximum protection to the officer.
- B. The flasher should be left on and the left turn signal should be turned on at this time.
- C. Turn the engine off and turn the ignition to the necessary setting so that the radio will be warmed up and ready to transmit should the need arise.

V. Methods for Approaching the Violator

- A. You are now ready to approach the driver and vehicle. The approach should be made from the left rear of the violator's vehicle, keeping him and any occupants under constant observation. Never step between the patrol car and the violator's car. As you pass the rear seat, observe quickly the contents and the passengers, if any. When you have reached a position just behind the driver's seat, look down to observe the driver's hands and the contents of the front seat and as much of the floor as possible.
- B. In a two-man unit, your partner should step from the right side of the patrol car and keep the vehicle and occupants under constant observation. He can assume a position just to the rear roof post of the violator's vehicle. This position will put the driver and occupants at the disadvantage of having to look over their shoulder to see your position. This also affords your position the maximum safety and allows him the vantage point for good observation abilities. One officer, the driver, should do the talking and the observer should do the watching and assistance function.
- C. Your first remark to the driver should be courteous--in all probability the driver is already under nervous tension and a wrong approach will only increase that tension. Always address a man as "Sir" or "Mister," and a woman as "Madam" or "Miss." If you know their last name, use it. Never address someone as "Mac" or "Bud." Show that you have respect for them as a citizen and an individual. When talking to a violator, do not lean on his car or put your foot on his bumper. Stand erect and wear your uniform properly.
- D. Do not approach a violator with your coat dangling open, your hat hanging on the back of your head. The proper wearing of your uniform creates a feeling on the part of the violator that you are well trained and that you are capable of handling the situation.
- E. It is not a sign of weakness to say "Good afternoon, Sir, may I see your license and registration?" This is a sign of strength, showing that you are confident of your action and that you are in control of the situation and yourself. Accept only the driver's

license and registration. If the driver offers his license or registration still enclosed in the pass section, ask the driver to remove the documents. Never, under any circumstances, accept the wallet of the driver.

- F. When the license and registration are in hand, advise the driver as to why you have stopped him and give him a moment of explanation. You should at this time advise him of your decision as to issuing a warning or traffic violations ticket.

RULES TO REMEMBER

DO:

1. Radio the tag number, location, and description of the violator's car to the dispatcher.
2. Take into consideration the traffic, your position and that of the violator in the flow of traffic, and possible driver reaction.
3. Protect yourself and the public.
4. Pick the proper location for stopping vehicles.
5. Decide on your approach.
6. Make your statements regarding the violation positive and direct.
7. Be courteous.
8. Compare license and registration to the violator and car.
9. Make out written documents rapidly, neatly, and legibly.
10. Retain driver's license and registration until your interview with the violator is completed.
11. Assist the violator to re-enter traffic in a safe manner.

DON'T:

1. Expose yourself to personal hazards.
2. Start your conversation with smart or caustic remarks.
3. Argue or use profane or abusive language.
4. Detain the violator unnecessarily.
5. Consider the violation a personal offense against yourself.
6. Accept anything from the violator except the documents required, such as driver's license, auto registration, or identification.
7. Give your opinion on what the court will decide regarding fines or penalties.
8. Apologize for doing your duty!

MOBILE PATROL TECHNIQUES II

"Issuing the Traffic Citation"

The driver has been approached properly and now you must consider the enforcement action you intend to take. Will you issue a citation, a written, or a verbal warning? In many instances this decision is yours; no one can make it for you. If you determine that a citation is in order, the following general guidelines can be utilized:

I. Preparing the Traffic Citation

A. Make your decision whether to issue a citation, a written warning or verbal warning.

1. The decision is yours; no one can make it for you.
2. Temper your decision with justice. A speeding violation involving a driver taking an injured person to a doctor and a careless or non-thinking driver are two different matters.

B. The written warning or citation must be in a neat and legible form. Printing is best.

1. The written document is carried away by the violator and may well determine his impression of you and your department.
2. You must remember that this may be the only contact that this person has ever had with a law enforcement officer. A good impression is a lasting one, unfortunately, so is a bad one.

II. Presenting the Citation to the Violator

A. Once you have written the citation, return it and the operator's license to the violator.

1. When returning the citation and operator's license, be sure to explain the requirements of the citation. If a court appearance is required make sure that the individual understands the date and time.
2. Don't discuss fines or speculate as to the decision the court may make.

B. Avoid excessive or speculative conversation.

1. Don't argue with the violator. It takes two to make an argument. If you don't argue, then there will not be one.
2. Never use profane or abusive language.

III. Stopping the Violator at Night

A. Pick a location that is well lighted.

1. Close to a home or place of business.
2. Under a streetlight.

- B. Utilize the same techniques as you have in the daytime with some modifications.
 - 1. Pay strict attention to observation and alertness.
 - 2. Your vision is reduced due to the darkness and you simply cannot see as well or as much as during the daylight hours.
 - 3. Leave your patrol vehicle headlights on to improve illumination.
 - 4. Carry your flashlight in the hand opposite to the one used for your weapon.

- IV. The two-man unit and stopping the traffic violator
 - A. Duty of the observer officer
 - 1. Once the driver officer has dismounted, the observer officer should dismount and assume a position at the right rear of the violator's vehicle.
 - 2. He should stand in the blind spot between the rear and side windows.
 - 3. From this position he can observe the interior and occupants of the stopped vehicle.
 - 4. He can cover his partner in the event of an emergency.
 - B. Duty of the Driver Officer
 - 1. He should handle all conversation with the violator.
 - 2. He should follow all procedures as shown in program 1.

- V. Completion of the Officer-Violator Contact
 - A. Once you have explained the citation and returned the citation and operator's license to the violator, assist him in a safe re-entry into the flow of traffic.
 - B. Avoid following immediately after the violator's vehicle.

RULES TO REMEMBER

DO:

- 1. Act in a professional manner.
- 2. Make out written documents neatly and legibly.
- 3. Explain citation to violator.
- 4. Assist violator to safely re-enter traffic.

DON'T

- 1. Argue.
- 2. Speculate or guess at fines or court action.
- 3. Lean in windows or on body of car.
- 4. Treat the infraction as a personal offense against yourself.
- 5. Apologize for doing your duty.

MOBILE PATROL TECHNIQUES III

"Patrol Driving"

One of the problems that the law enforcement officer faces is the speed to patrol at. You must, of course, obey the speed laws of your city and state unless unusual circumstances prevail. However, you want to be able to observe what goes on about you. You must vary your patrol speed to fit the situation and, above all, you must always be prepared to act when the situation warrants it.

I. Patrol Vehicle and Equipment

In order to perform your patrolling in the best manner, you must have your equipment and vehicle in good operating condition.

A. Visual inspection

Before going on patrol give your vehicle a good exterior check.

1. Check tires for breaks and worn tread.
2. Check all lights and emergency devices.
3. Check the vehicle for damage.

B. Interior inspection

1. Check your spare tire.
2. Check first aid equipment, and such other emergency gear as your car contains.
3. Check for a jack and tire tool.
4. Check your radio receiver and transmitter.
5. Check your seat belt and don't sit on it! Put it on!

If your patrol vehicle has bad tires, an empty first aid kit, or one of the lights out, you are not prepared to patrol.

II. Emergency calls require a great deal of care on your part to insure and effect a safe response.

A. Problems

In the age of air-conditioned cars and radios, people are, in many cases, oblivious to the noise around them. They could easily not hear your siren or see your flasher until you are upon them.

1. Many times the person becomes frightened and can make erratic moves.
2. Many people suddenly stop or swerve to the right or left without even braking.

B. You must constantly observe the other driver and anticipate what he may do.

1. Be prepared to stop suddenly and always try to provide yourself with some alternatives in the event something goes wrong.
2. It is of the utmost importance that you proceed in a most cautious manner whenever you are passing other vehicles or

when you are proceeding in heavy traffic.

- C. Your responsibility is the safety of yourself and others.
1. The uniform Traffic Code Section 26 paragraph D provides for the use of emergency vehicles.
 2. Section 26.
 - a. The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.
 - b. The driver of an authorized emergency vehicle may:
 - (1.) Park or stand, irrespective of the provisions of of this act.
 - (2.) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
 - (3.) Exceed the speed limits specified in this act so long as he does not endanger life or property.
 - c. The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any said vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.
 - d. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

D. Night Emergency Driving

All emergency driving is hazardous; however, such driving at night increases the hazard to the officer and public.

1. You must follow all of the emergency driving rules plus utilizing all of your lights to the best advantage.
2. Blink your headlights rapidly when coming up on vehicles. This will help to get the driver's attention.
3. If your car is equipped with a spotlight turn it on and direct the beam just ahead of your head.
4. If you are a two-man unit have the observer officer sweep his spotlight back and forth just ahead of the low headlight beam.
5. Turn on your blinking emergency parking lights.

6. The main point is to have as many lights on as possible so that attention is attracted to you.

With all the hazards facing the police emergency vehicle, the entering of intersections is the greatest.

When approaching the intersection, the patrol officer must exercise great caution. Your siren and red light notify people that you are an emergency vehicle. This fact does not relieve you of traveling at the safest speed and in the safest manner. In many cases you will not have the green light or the right of way. People will, in almost every case, immediately yield the right of way to you, if they see or hear you. You simply do not know this unless you come to an almost complete stop before entering the intersection. Unless you see that all traffic has stopped or there is a clear indication that no one is coming, it is not safe for you to run the red light or fail to yield the right of way.

If the intersection is crowded, the problem is increased. Many times traffic is built up to a point where it cannot yield to you. You must wait for it to clear so that you may get through. It is not a wise decision to cross over into the oncoming lane unless you have clear vision of what lies ahead and are able to anticipate what will be coming that did not see or hear you. NEVER PASS ON THE RIGHT. People instinctively pull to the right for an emergency vehicle. If they did not see or hear you until the last moment, you may become involved in an accident. You must always remember that the siren and red light are not a license to violate the law. They merely denote that you are an emergency vehicle. The public does not desire to slow you down or to interfere with your duties, but they must know what you wish them to do. When you must turn at a corner, give plenty of indication, turn on your turn signals, plus use the legal hand signals. Don't take corners on two wheels -- it doesn't get you there any faster and could cause you to lose control of your vehicle.

III. Mechanical Problems of Emergency Driving

A. Brakes

1. When running fast don't ride your brakes.
2. This can cause heat fade out which is the equivalent to no brakes at all.

B. Gearing down

1. Some vehicles with automatic transmissions can be dropped into low so that the engine can do some of the braking. Check with the dealer that handles your vehicles to see if this procedure is allowed.

2. Gearing down places less load on the brake mechanism of your vehicle.

IV. Span of Vision

You must always remember that the faster you drive, the greater the loss of your span of vision. At low speeds you have the opportunity to look around and observe. The faster you drive, the more you must focus your attention on the road ahead. You should consider a patrol speed that is about five miles per hour lower than the legal speed limit and keep to the right. This will allow you opportunity to observe. One of the problems faced by you at this speed is that traffic may build up behind you. Sometimes people are afraid to pass you. If this should occur, pull to the side and let traffic pass and clear up, or turn off and double back so that you do not create a traffic jam.

MOBILE PATROL TECHNIQUES IV

"Routine Patrol"

The law enforcement officer on patrol must be keenly observant and constantly on the alert for the unusual.

I. Be Inquisitive

- A. If you feel that a situation is odd or suspicious, check on it.
- B. For example, if when passing the small local self-service market, you do not see the cashier and the store appears empty, stop and check. The cashier may be in the back getting stock, but he may also be tied up in the stockroom, the victim of a robbery.

II. Your Patrol Route

- A. It is important to remember that you too are under observation. The public is watching your actions and what you are doing.
- B. The criminal is also watching you. He would like very much to be able to anticipate your next move. You should have considerable variance in how you patrol your area. Don't go the same way every day; use a different pattern. It is easy to get into a habit, but it is hard to break one.

III. Observing People

- A. Frequently observe the actions of people by stopping for a moment at one location or another.
- B. At the same time, observe the places of business. Stop in at a store, if for no other reason than to say "Good morning." It gives you a chance to observe and makes the store owner aware that you are in the area and available should the need for assistance arise.
- C. This also gives you the opportunity to meet people in your area. You may need to call upon them for information, and it is always easier when you know someone.

IV. Knowledge of Your Zone Area

- A. It is important that you not only know the people in your area or zone, but also the zone itself.
- B. Know the fastest, most direct routes to different points.
- C. Know the dead-end streets and the heavily trafficked intersections.
- D. The majority of police calls are not of an emergency nature, but should be answered promptly. A knowledge of the most direct route is of prime importance to promptness. It is quite embarrassing and time-consuming to turn into a dead-end street and have to stop and turn around to resume your way to a call.

V. Leaving the Patrol Vehicle for Foot Patrol

- A. It is important that your complaint dispatcher knows when you are

out of the car. Give the location and why you are leaving the vehicle, and how long you estimate you will be gone. If you need help or do not return in a reasonable amount of time, a check by another unit will be much easier.

- B. When you leave your patrol car, always take the keys from the ignition and lock the car. Patrol cars have been stolen and, in some cases, the inside looted while the officer was away from the car.

VI. Special Problem Areas within Your Zone

- A. Keep informed of what is going on in your area. Be knowledgeable of areas of construction which may cause traffic or pedestrian hazards.
- B. Know about the effects of certain weather conditions. Some streets become slippery when wet. What are the effects of ice or snow and wet leaves or debris? It is important to the patrol officer to be familiar with these problems if he is to be an effective officer.

VII. Patrolling as a Deterrent

- A. Your patrol car is marked as a law enforcement vehicle and the sight of it acts as a deterrent.
- B. Some studies have shown that traffic violations are lower for about five miles after traffic has passed a patrol vehicle.
- C. If it is to be a good deterrent, then it should be seen, be obvious, and be in plain sight as much as possible.
- D. Because you can be seen by the citizens, they feel confident and are inspired by the knowledge that their police are on duty providing protection and help so vital in a community.

RULES TO REMEMBER

DO:

1. Be observant.
2. Be alert for the unusual.
3. Be inquisitive.
4. Vary your pattern of patrol.
5. Stop and observe.
6. Stop and check in stores.
7. Know your zone.

MOBILE PATROL TECHNIQUES V

"The Radio Complaint Call"

Answering complaint calls received by radio constitutes one of the major actions taken by you as a patrol officer. It is one reason why you do patrol, since your availability and mobility make you best suited for this important phase of law enforcement.

I. Information Received by the Dispatcher.

- A. What the dispatcher should ask for from the complainant.
 1. Name
 2. Address
 3. Telephone number
 4. Type of complaint--burglary, shooting, etc.
 5. Address of occurrence
 6. Status--Is crime in progress? Is suspect still at scene?
Is someone armed?
- B. Necessary information to be relayed to the responding patrol officer by the dispatcher.
 1. Signal which denotes type of call, and any unusual circumstances if any, such as crime in progress, subject armed, persons injured, woman screaming, etc.
 2. Address of complaint
 3. Name of complainant
 4. Time of call

EXAMPLE: Dispatcher: "121-20 in progress. Joe Jones Laundry. 1312 Adams Street. 10:21 P.M. Two subjects armed."

II. Procedure for Radio Transmission.

- A. Position of microphone--hold to side so that voice brushes across the face of the microphone.
- B. Problems and interference
 1. Speak in a normal tone of voice.
 2. Speak unemotionally.
 3. Don't break in on another car's transmission unless you have an emergency.
- C. Use of Code Signals (See lists at end of outline)
 1. Shorter transmission time required.
 2. More professional and uniform.
 3. Provides security.
- D. Know what you are going to say before you transmit.
 1. Provides for most efficient use of radio time.
 2. If names of persons or streets are unusual, spell them out. Use International Phonetic Alphabet (see lists at end of outline).

EXAMPLE: "121-20 in progress. Wollensak (Whiskey-Oscar-Lima-Lima-Echo-November-Sierra-Alfa-Kilo). 1917 South Main. 1:03 A.M."

III. Procedure for long transmissions.

- A. Make periodic interruptions so that others can break in for emergencies.
- B. Speak clearly and slowly enough so that the person receiving you can write down the information if necessary.

IV. Proceeding to the complaint call.

- A. Use the most direct route available to the scene.
- B. Calls should be answered promptly, regardless of the type of complaint. (This is where knowledge of your zone is important--it will provide you with the routing for a quick and safe response to a call.)
- C. Exercise care in driving to complaint scene. If you are involved in an accident while responding to a complaint call, it is possible that you will not be able to complete your assignment. This means that another officer and vehicle must be sent to answer the call.
- D. Pre-arrival planning.
 1. Decide on your manner and direction of approach.
 2. Will you approach before the arrival of other units if they have been sent to back you up?
 3. If other units are sent, what should they do after arriving on the scene?
 4. Who will cover the rear and side escape routes?

V. Arrival at the complaint call.

- A. Notify dispatcher of arrival.

EXAMPLE: "121 arriving."
- B. Use of caution in the approach.
 1. Be cautious and alert regardless of the reference. One of the calls that requires alertness and caution is the domestic problem call.
 2. When you approach the door of the complainant, step to the side so that any offensive move by anyone will not catch you off guard. For instance, a shot fired through the door will probably not hit you if you are standing to one side. A person lunging out will bypass you. You will not present a good target in this position.
- C. Need for assistance.
 1. Call for it if there is the slightest indication that you may need it. Never be afraid to request assistance. It is foolish pride not to ask for assistance at the slightest hint that you may need it. Don't take a chance.
 2. It is better to be safe than sorry.

D. Transmitting information to dispatcher.

1. In cases where descriptions and details are important, transmit this information immediately (robbery, hit-and-run, etc.)
2. Think first about what you are going to say--then say it!
3. Be brief and pertinent.
4. In giving descriptions, give distinguishing characteristics that can be easily identified.

You must remember that the police two-way radio is one of the most effective tools available to you. It is your partner and may even save your life some day. Use it well, but never abuse it.

RULES TO REMEMBER

DO:

1. (Dispatcher) Get all the information possible at the time of the complaint call.
2. (Patrol officer) Get as much information as possible from the dispatcher.
3. Speak slowly, in an even tone, with a nonemotional voice.
4. Use code signals whenever possible.
5. Know what you are going to say before starting transmission.
6. Use the most direct route to complaint calls and answer calls promptly.
7. Pre-plan what you will do when you arrive regarding the manner of approach.
8. Be cautious and alert in answering calls, regardless of the reference.
9. Call for assistance at the slightest hint of trouble.
10. Be brief and professional in your radio procedure.

DON'T:

1. Argue or be sarcastic on the air.
2. Break in on another car's transmission unless you have an emergency.
3. Stand in front of doors when answering complaint calls.
4. Fail to exercise care in traveling when responding to complaint calls.
5. Fail to notify dispatcher of arrival of unit at scene.
6. Take a chance!

PROTECT YOURSELF AT ALL TIMES BY BEING ALERT TO ALL THAT GOES ON AROUND YOU.

10 CODE SIGNALS

The following is a list of the 10-signals code (A. P. C. C.). The most frequently used and most important signals are marked (*).

- *10-1 Receiving poorly (move to better location)
- 10-2 Receiving well
- 10-3 Stop transmitting
- *10-4 Acknowledgment
- 10-5 Relay
- *10-6 Busy
- *10-7 Out of service
- *10-8 In service
- *10-9 Repeat, conditions bad
- *10-10 Out of service--subject to call
- *10-11 Dispatching too rapidly
- *10-12 Officials or visitors present
- 10-13 Advise weather and road conditions
- *10-14 Convoy or escort
- *10-15 We have a prisoner in custody
- 10-16 Pick up prisoner at _____.
- 10-17 Pick up papers at _____.
- 10-18 Complete present assignment as quickly as possible
- *10-19 Return to your station
- *10-20 What is your location?
- *10-21 Call this station by telephone
- 10-22 Take no further action last information

10-Code Signals -- Continued

- 10-23 Stand by
- *10-24 Trouble at station--unwelcome visitors--all units in vicinity report at once
- 10-26 Can you obtain automobile registration information from _____?
- 10-27 Any answer our number _____?
- *10-28 Check full registration information (license, motor, name, stolen, etc.)
- 10-29 Check for wanted
- 10-30 Does not conform to rules and regulations
- 10-31 Is lie detector available?
- 10-32 Is drunkometer available?
- *10-33 EMERGENCY TRAFFIC AT THIS STATION--CLEAR?
- *10-34 Clear for local dispatch
- 10-35 Confidential information
- *10-36 Correct time?
- 10-37 Operator on duty?
- 10-38 Station report--satisfactory
- 10-39 Your number _____ delivered to addressee
- 10-40 Advise if officer _____ is available for radio call
- 10-41 Tune to _____ kcs for test with mobile unit or emergency service
- *10-50 Involved in danger, need immediate assistance. (If possible advise location and brief statement of situation.)
- 10-60 What is next item (message) number?
- 10-61 Stand by for CW traffic on _____ kcs.
- 10-62 Unable to copy phone, use CW
- 10-63 Net directed

10 Code Signals -- Continued

- 10-64 Net free
- 10-65 Clear for item (message) assignment?
- 10-66 Clear for cancellation?
- 10-67 Stations _____ carry this item (message)
- *10-68 Repeat dispatch
- 10-69 Have you dispatch _____?
- 10-70 Net message (state net traffic)
- 10-71 Proceed with traffic in sequence (busy here)
- 10-80 _____ tower lights at this station burned out
- 10-81 Officer number _____ will be at your station _____
- 10-82 Reserve room with bath at hotel for officer number _____
- 10-83 Have officer number _____ call this station by telephone
- 10-84 Advise telephone number, _____, your city, that officer number _____ will not return this date.
- 10-85 Officer number _____ left this station for _____
- 10-86 Officer number _____ left this station for _____ at _____ (time)
- 10-87 Officer number _____ will be in _____ if officer number _____ will be in _____
- 10-88 What phone number shall we call to make station to station call to officer number _____?
- 10-89 Request radio service man be sent to this station _____
- 10-90 Radio service man will be at your station _____
- 10-91 Prepare for inspection (date, time)
- 10-92 Your quality poor--transmitter apparently out of adjustment

10 Code Signals--Continued

- 10-93 Frequencies to be checked this date
- 10-94 Test--no modulation--for frequency check
- 10-95 Test intermittently with normal modulation for _____
- 10-96 Test continuously with tone modulation for _____
- 10-97 Arrived at scene
- 10-98 Finished with last assignment
- 10-99 Unable to receive your signal

COMMUNICATIONS SIGNAL CODE

- 01 CALL YOUR OFFICE.
- 02 CALL----- . Communications will transmit only those personal calls of an emergency nature, or calls directly affecting the Department.
- 03 TO RADIO REPAIR SHOP. If radio is not operational, notify Communications by telephone.
- 04 TO MOTOR POOL. To be used when field unit has mechanical difficulties, needs gas or car wash. Do not inform Communications of the reason.
- 05 TO YOUR STATION, OR OUT OF SERVICE AT ASSIGNED STATION.
- 06 TRANSFER. To be announced at end of field unit's tour of duty.
- 07 CANCEL. To be announced by the dispatcher when there is no further need of proceeding on a given call.
- 08 BOMB OR EXPLOSION ALERT. To be announced to a field unit as an "02". Refer to emergency operation plans.
- 09 PRISONER. To be announced when transporting a prisoner. The field unit will give the location and number of prisoners to be transported. If female prisoners are being transported, the field unit will also give the starting and ending mileage, which will be recorded by the dispatcher.
- 10 BURGLAR ALARM RINGING. The dispatcher will inform the field unit if the alarm is silent or sound, location of doors, windows, etc., when known.
- 11 DRUNK.
- 12 D. U. I.
- 13 DISTURBANCES. The dispatcher will inform the field unit of the type disturbance. Additional units will be dispatched when required.
- 14 ESCAPED PRISONER. The field unit will transmit the following information to Communications:
 - (a) If the escapee is on foot, give complete description and the direction of travel.

(b) If a vehicle was used, the make, model, color, tag number and direction of travel.

15 JAIL BREAK. Refer to Emergency Operation Plans.

16 FIRE DETAIL. Assist in traffic and crowd control.

17 VEHICLE ACCIDENTS.

18 STOLEN LICENSE TAG.

19 HIT AND RUN. If the accident occurred within minutes of the field unit's arrival, the following information will be given to Communications:

(a) Make, model, and color of the vehicle.

(b) Any damage which may be visible.

(c) The direction of travel, and the description of the subject(s), if available.

20 ROBBERY. BOLO may be applicable. (BOLO: Be on the lookout.)

ROBBERY IN PROGRESS. Communications will transmit the emergency tone signal prior to announcing the signal, location and unit assignment.

21 IN SERVICE. To be used when returning to service from a call. Field units will not announce recall letters or general information such as court appointments by radio. This information will be transmitted by telephone to the Complaint Desk at the beginning of tour of duty.

22 CONDUCT INVESTIGATION. To be used for assignments that do not have a specific signal.

23 DOMESTIC DISTURBANCE. Communications will inform the field unit of all available information.

24 ASSIST AN OFFICER. To be announced only when assistance is needed and not to be used when requesting to meet another officer.

25 MEET AN OFFICER. A field unit may request this signal in order to meet another field unit. Lengthy transmissions to establish a meeting location must be avoided.

26 MISSING PERSON. Advise Communications in cases involving minors, infants, mentally disturbed or ill persons of any age, of the following information as soon as possible.

- (a) Complete description.
- (b) When and where last seen.

- 27 HOMICIDE.
- 28 OUT OF SERVICE. Will be accompanied with a location and a telephone number.
- 29 OUT TO EAT. Telephone number only will be given. Communications will grant or deny requests based on availability of other field units.
- 30 PROWLER.
- 31 BURGLARY (IN PROCESS). Communications will transmit the emergency tone signal prior to announcing the signal, location and unit assignment.
- 32 SHOOTING.
- 33 SPECIAL DETAIL.
- 34 STOLEN CAR.
- 35 SUSPICIOUS CAR. Communications will conduct a complete check on all known license tags and advise assigned unit.
- 36 TRAFFIC VIOLATIONS. Procedure:

Example:

<u>Unit</u>	<u>Dispatcher</u>
(1) 611-36.	(2) 611-45.
(3) N. W. 17 Avenue & 95 Street, 66 Georgia 1-D-2345	(4) 611-36 -- time -- Fulton County (Tag is checked and 42).

- 37 CLEARANCE CHECK. On a vehicle or subject. Transmit as a suffic to unit designation and await acknowledgment before proceeding as follows:
 - (a) Location.
 - (b) Year, state and tag number.
 - (c) Name (last name, first name, middle name) and date of birth (day, month, and year).

The signal will be followed by the word "occupied", if the vehicle is attended.

Example:

<u>Unit</u>	<u>Dispatcher</u>
(1) 611-37 (Occupied).	(2) 611-45.
(3) N. W. 95 Street & 17 Avenue, 66 Georgia 1-D-2345.	(4) 66 Georgia 1-D-2345--42-- Fulton County

When more than two subjects or vehicles are involved, the unit will pause in transmitting after the second subject or vehicle to permit any emergency traffic to obtain priority.

- 38 COMPLETE CHECK. Follow the same procedure outlined for signal "37". This signal is used to obtain complete registration information of vehicle license tags. Communications will conduct a clearance check on the tag number.
- 39 COURT. Court letter designations will be used.
- 40 ACKNOWLEDGE.
- 41 NOT WANTED.
- 42 USING CAUTION. To be used to alert a unit that hazardous conditions exist. This signal will not be used to indicate or request "back-up," which will be provided with other signals.
- 43 REPEAT TRANSMISSION.
- 44 LOCATION.
- 45 PROCEED WITH TRANSMISSION.
- 46 ESCORT DETAIL.
- 47 STAND-BY.
- 48 OUT OF SERVICE - PERSONAL. This signal requires a location and a telephone number.
- 49 MEDICAL EMERGENCY DETAIL. (Blood, serum, etc.)
- 50 RECALL. Officers that are required to be in and out of vehicles frequently, will announce the recall signal "50" only one time at the beginning of such an assignment. When the officer is ready to resume normal patrol activities, he will announce a signal "21".

- 51 AIRCRAFT INCIDENT. Refer to Emergency Operational Plan.
- 52 ATTEMPTED SUICIDE.
- 53 DECEASED PERSON.
- 54 DROWNING.
- 55 SICK OR INJURED PERSON.
- 56 HOT RODS.
- 57 SEX OFFENSES.
- 58 RAPE.
- 59 LARCENY.
- 60 ASSAULT. This signal may include aggravated assault, assault with intent to commit rape, assault and battery.
- 61 VANDALISM. This signal will be used for malicious property damage.
- 62 FRAUD.
- 63 RIOT. Used to indicate a concentration of unruly persons.
- 64 SUBJECT POSSIBLY WANTED ON MISDEMEANOR.
- 65 SUBJECT POSSIBLY WANTED ON FELONY. Communications will advise unit "41" - "47" and assign an additional unit on a signal "24".
- 66 GENERAL ASSIGNMENT. For assignments not normally requiring an investigation or report or case number. If an investigation results, change the signal and request case number.
- 67 SUSPICIOUS PERSON.
- 68 ROAD BLOCK ASSIGNMENT. (Refer to Emergency Operational Plan).

INTERNATIONAL PHONETIC ALPHABET

A - ALFA	S - SIERRA
B - BRAVO	T - TANGO
C - CHARLIE	U - UNIFORM
D - DELTA	V - VICTOR
E - ECHO	W - WHISKEY
F - FOXTROT	X - X-RAY
G - GOLF	Y - YANKEE
H - HOTEL	Z - ZULU
I - INDIA	0 - ZE-RO
J - JULIETT	1 - WUN
K - KILO	2 - TOO
L - LIMA	3 - TH-UH-REE
M - MIKE	4 - FOWER
N - NOVEMBER	5 - FI-YIV
O - OSCAR	6 - SIX
P - PAPA	7 - SEV-EN
Q - QUEBEC	8 - AIT
R - ROMEO	9 - NIN-ER

STANDARD DESCRIPTION OF CARS

1. COLOR
2. YEAR
3. MAKE
4. BODY
5. LICENSE
6. MOTOR OR SERIAL NUMBER (Serial No. for 1955 models and later)
7. OTHER INFORMATION OF VALUE TO IDENTIFICATION

STANDARD DESCRIPTIONS OF PERSONS

1. NAME
2. COLOR
3. SEX
4. AGE
5. HEIGHT
6. WEIGHT
7. HAIR
8. EYES
9. COMPLEXION
10. PHYSICAL -- marks, scars, limp, etc.
11. CLOTHING

MOBILE PATROL TECHNIQUES VI

"Motorcycle Patrol"

Motorcycle patrol is one of the unique methods of law enforcement patrolling. The motorcycle is ideally suited to traffic law enforcement, parade and funeral escorts, shopping center patrol and parking violation control.

The motorcycle is utilized by law enforcement agencies in both two and three wheeled models. The three-wheelers are usually used for parking control and shopping center patrolling, while the two-wheeler is generally used for traffic enforcement and escorts.

The two-wheeler is ideally suited to traffic enforcement as it is highly maneuverable and economical to operate. However, as with all vehicles, there are certain precautions that must be considered to derive the maximum benefits possible from the use of the motorcycle.

I. Preparation for Patrol

A. Mechanical check of the motorcycle before patrolling

1. Check the tires not only for cracks, cuts, bruises, but also for tread wear. For good traction and maneuverability the tires must have sufficient tread to grip the road surface well.
2. Stoplights and headlights
3. Brakes--both rear wheel and front hand brakes
4. Horn, emergency lights and siren

You must always remember that your life and the lives of the public depend upon the ability of the motorcycle to mechanically respond when necessary.

B. Check on your personal safety equipment

Have your helmet on and have the chin strap snapped under your chin before you ever start the engine.

II. Entering the Flow of Traffic

- A. Check oncoming traffic before pulling out. Don't try to beat the oncoming traffic.
- B. Give motorists a clear indication of what you are going to do. Use hand signals if necessary.

III. Weather and Road Conditions

- A. The motorcycle officer must take into consideration the hazards of weather. Rain, snow, and ice cause definite slippery and hazardous road conditions unfavorable to motorcycle patrol.
- B. Road conditions are important to effective patrolling.
 1. Loose materials on the road surface.
 - (a) Dirt

- (b) Sand
 - (c) Gravel
 - (d) Other foreign matter: oil, trash, wood, glass, etc.
2. Holes are always hazardous to the motor officer and constant observation must be made of the road surface to provide the most safety to him.

IV. Overtaking and Passing

- A. Exercise great care in approaching slower moving vehicles, watching for possible lane changing or turns. The left hand turn by a vehicle is one of the most dangerous to the motor officer.
- B. Care must be taken in passing vehicles.
 - 1. Check passing clearance before you get to the vehicle.
 - 2. Don't pass between two vehicles going in the same direction.
- C. Be extremely careful when passing parked vehicles. Someone may open a car door.
- D. Don't follow motorists by riding the right rear of their vehicle. It is the major blind spot to them. They may make a right turn or change lanes, not seeing you. It may be a violation for them to do this, but that does not make the "asphalt rash" feel any better.

V. Pursuit of Violator Driving

- A. It is a natural tendency while in pursuit to concentrate on the serious violation.
- B. You may follow the violator too closely, causing an accident that involves you.
- C. You may enter an intersection too fast for conditions or fail to see autos pulling out of side streets.
- D. The violator may be overdriving and crash and you may be unable to avoid the same danger.
- E. Officers sometimes concentrate on the violation to a point where they suffer terminal vision and do not see other traffic... only the violator's vehicle.

VI. Some Night Patrol Driving Problems

- A. The use of headlights--do not override your headlights at night.
- B. Never ride without your lights on at night. You cannot see nor can you be seen.
- C. Be cautious and alert because you cannot see as well and your total powers of observation are limited.
 - 1. Look and look well before you move.
 - 2. When approaching vehicles or persons, observe carefully, judge distances, and always be prepared to act if something should occur.

VII. Shopping Center Patrol and Parking Control and the Three-wheeled Motorcycle

- A. Use of caution in re-entering the flow of traffic
 - 1. Type of enforcement generally means that you are constantly stopping and starting at busy locations.
 - 2. When stopping, the motor officer usually pulls as far out of the lane of traffic as possible. This makes it difficult for passing motorists to see the vehicle and officer. Make sure that the lane is clear before pulling out into traffic.
- B. Avoid one-track concentration.
 - 1. Do not fail to watch other traffic when looking for motor violations.
 - 2. Avoid blocking traffic by allowing it to build up behind you.
 - (a) It is necessary that you patrol slowly to observe violations.
 - (b) Traffic may jam up behind you.
 - (c) Pull off and allow it to clear up, or make a right turn and double back, resuming your patrol.
- C. Hazards to watch for
 - 1. Cars backing out.
 - 2. Drivers opening doors on the street side.

VIII. Escorts (funeral and moving of heavy equipment)

- A. Use extreme caution so that the escorted vehicle does not run up too close behind you.
 - 1. You may have to stop suddenly and the driver will be unable to avoid you.
 - 2. Do not escort vehicles at high speeds. This is a very dangerous practice. The escorted vehicles may very well run you down.
- B. Entering intersections with automatic traffic controls.
 - 1. Enter cautiously and well in advance of the escorted vehicles.
 - 2. Place yourself in a position where you are obvious to all vehicular traffic. The center of the intersection is probably best.
 - 3. Stop all other vehicular traffic.
 - 4. Utilize your whistle and hands to attract attention and tell the traffic what you wish them to do: Stop.
 - 5. Once escorted vehicle traffic has cleared the intersection, check position of green light and allow traffic to continue as traffic device indicates.

The law enforcement motorcycle is an effective enforcement tool; however, it does not provide the protection that a patrol car does, so be careful. Remember that the motorcycle is a machine. It may fail mechanically, but it does not make the mistakes...man does.

FOOT PATROL TECHNIQUES I

"Duties and Methods of Day Foot Patrol"

While motorized patrol has given law enforcement agencies more rapid and wider coverage of patrol areas, personal contact between the citizen and the officer has suffered somewhat. The mobile patrol officer no longer knows everyone in his area and they do not know him. For the foot patrol officer, this ability to make personal contact with citizens is his biggest asset. To know the residents, businessmen and delivery men of your area can be of significant value. They can act as your eyes and ears for they represent the pulse of your zone.

I. Know Your Zone.

- A. Know the boundaries and streets within your zone area.
- B. Failure to know the zone may cause you to neglect some part of it thinking that it belongs to an adjoining zone.
- C. A good knowledge of your zone will mean that you will be able to cover it more rapidly when necessary.

II. Checking on Trouble Spots and High Crime Areas

- A. Knowledge of types of crimes and the area in which they occur will enable you to plan your patrol to better combat these offenses.
- B. Check reports made by other officers of occurrences in your zone on other shifts.
- C. An exchange of information between officers is of supreme importance in good zone coverage.
- D. Check with supervisors before patrolling to see if there are any last minute problems or followup work that might require attention.

III. Zone Coverage

- A. The foot patrol officer should cover his zone rapidly during the first round.
 1. This will enable him to take note of unusual conditions.
 2. This will give him an opportunity to size up the zone.
- B. Vary your patrol walking by following a different pattern each day, and the pace at which you walk.

IV. Manner of Walking the Foot Patrol

- A. Be as conspicuous as possible on day patrol.
- B. Keep on the move.
- C. Be seen at different times and different locations.
- D. Walk next to the curb.
 1. Officer can observe both sides of the street with more ease.
 2. Officer can cross over to the other side of the street with more ease.

- V. Know the Location of Communications Devices.
 - A. If the city has call boxes, know where they are located.
 - B. Know the locations of telephones in stores and telephone booths.

- VI. Be Observant and Alert.
 - A. Use your eyes and ears all of the time.
 - B. Observe the interior of stores and other places.
 - 1. Observe people and their actions.
 - 2. Be constantly alert for violations and suspicious situations.
 - C. Be ready to assist and take action when necessary.

RULES TO REMEMBER

DO:

- 1. Know your zone.
- 2. Check for trouble spots and high crime areas.
- 3. Check and exchange information with your fellow officers.
- 4. Cover your zone area well.
- 5. Be observant and alert to all that goes on about you.
- 6. Be vigilant, watchful, and careful.

FOOT PATROL TECHNIQUES II

"Night Foot Patrol Methods"

Walking a foot patrol zone at night calls for strict attention to your duties and great care. Your ability to observe is impaired by darkness and you must depend a great deal on your hearing and knowledge of your zone.

- I. Manner in which You Patrol.
 - A. Take advantage of the darkness.
 - B. Remain in shadows and darkened areas occasionally.
 - C. Vary your patrol route.
 1. Vary the pace at which you walk. Sometimes speed up and sometimes slow down.
 2. Double back, turn up at different locations unexpectedly.
 3. Once again--be systematically unsystematic!

- II. What to Look for.
 - A. Check the entrance of buildings closed for the day. If you find one open with no illegal entry, call owner to secure the building.
 - B. Check doorways for persons hiding in them.
 - C. Be alert to any strangers in the area or persons who are loitering.
 - D. Look for anything out of its normal place such as a strange car or a light out when the building is usually lighted.

- III. Stopping to Observe.
 - A. Look for moving lights inside buildings.
 - B. Listen for strange noises.
 - C. Frequently an officer will hear a violation before he sees it.
 - D. Look through the windows of stores and other places of business.

- IV. Checking the Security of Buildings.
 - A. Checking doors and entrances into buildings.
 1. Test doors and carefully turn the knob to see if door is secured.
 2. Do not vigorously shake doors as the sound will carry and perhaps warn someone of your presence.
 - B. Check fire escapes to see if they have been tampered with. The presence of a pole or rope tied to a fire escape drop-down ladder may indicate that someone has used the fire escape for unlawful purposes.
 - C. Know what buildings leave lights on at night. If the light is out, investigate.

D. If you find poor security of a building, make note of it so that the owner can be notified to take corrective measures.

V. Action To Take If A Burglary Is Found.

A. Don't attempt to enter the building alone unless there is reason to believe that some person's life is in danger.

B. Keep the building under observation and call for assistance.

1. The best position is one where you can observe and not be seen.

2. If you cannot reach some form of communication device to request assistance without leaving the building uncovered, request a passerby to call for assistance for you.

VI. Action To Take If A Disturbance Is Found.

A. An element of uncertainty underlies each disturbance situation.

1. A disturbance can mean anything and everything.

2. Recognizing this element of uncertainty, such situations must be serviced with extreme caution.

B. Be prepared for anything.

1. An attitude of indifference may cause you to become careless--with tragic consequences.

2. Maintain constant vigilance, critically survey and analyze the situation. Anticipate the unexpected!

3. At the slightest hint of trouble get assistance.

4. Remember that frequently both parties may redirect their anger against the law enforcement officer.

C. Officer's attitude

1. Be tactful.

2. Be patient.

3. Use all your skills in human relations to restore order with the least amount of friction.

4. Do not give legal advice but refer to the agency that can assist in settling their dispute.

Example: (1) Dispute over the height of a fence.

Perhaps the Municipal Zoning Board.

(2) Domestic dispute.

Perhaps the Local Welfare Board or Agency.

5. Be objective--do not take sides.

D. Official action

1. If the disturbance is a civil matter, refer parties to the proper court.

2. If there are criminal acts, take the necessary official acts as required for the type of violation.

3. Restore order as quickly as possible and with the least amount of confusion.

RULES TO REMEMBER

DO:

1. Take advantage of the darkness.
2. Vary your patrol route.
3. Check entrances of buildings.
4. Be alert for strangers in the area and anything unusual.
5. Listen for strange noises.
6. Look into buildings for moving lights.
7. Test door quietly.
8. Check fire escapes for tampering.
9. Know your zone, the people in it and be familiar with the businesses and their security.
10. Use extreme caution in disturbances.
11. Be tactful.
12. Be vigilant.
13. Be constantly alert for the unexpected.
14. Call for assistance the minute there is any hint that you may need it.
15. Restore order as quickly as possible.

DON'T:

1. Take a chance.
2. Attempt to enter buildings to search by yourself unless someone's life is in danger.
3. Do not vigorously shake doors.
4. Hesitate to call for assistance if needed.
5. Take sides in a dispute between citizens.
6. Fail to protect yourself in disturbances.
7. Be careless.
8. Be indifferent.
9. Give legal advice. Refer to a proper agency instead.
10. Fail to use all your skills in human relations to restore order in a dispute.
11. Fail to check out a situation that looks odd or suspicious.

FOOT PATROL TECHNIQUES III

"Manual Traffic Control"

One of the problems faced by the foot patrol officer is the necessity, at times, to direct traffic by hand. Done correctly, it can mean the difference between efficient traffic movement and a complete snafu.

You, the uniformed officer, must know and utilize the best techniques to effectively control traffic situations.

Above all, you must have patience and understanding for this does much to make your control of traffic by hand effective and efficient.

I. Equipment and appearance.

A. Proper clothing

1. Take weather conditions into consideration.
2. Have rain gear readily available.
3. In cold weather dress for such conditions.

B. Appearance is of prime importance.

1. Be sharp! Have your uniform in good repair and be well-groomed.
2. Look your very best, for all public judges you and your department on your appearance and general bearing. So - take advantages of the situation; give the public an opportunity to form a good impression of you.
3. Be professional in your approach!

C. Special Equipment

1. The whistle: This can be your most effective audible tool. Use it to attract attention so that drivers are alerted to your directions.
2. Distinctive or contrasting gloves, vests, or hat covers are of definite benefit, for they attract attention to you and make your hand movements more readily visible.

II. The Position in the Intersection

A. The officer must determine which position will afford the best vantage point for effective and efficient traffic control.

1. A position in the center of the intersection is best suited for heavy through-traffic.
2. A position at the corner, a few steps off of the curb is best suited if you have numerous turning vehicles or heavy pedestrain traffic.

B. You must evaluate the traffic situation, see where the need is, and then do what is necessary.

1. Positions in the center of the intersection provide the most

effective control for heavy traffic but are the most hazardous for the officer.

2. Be careful and alert!

III. Use of hand signals.

- A. If you use improper or confusing hand signals, motorists cannot understand what you want them to do, so don't be a Windmill Willie!
- B. Assume a position where your shoulders are parallel to the flow of traffic. Once you have taken the correct position, stop the flow of traffic.
 1. Stopping is best accomplished by turning the head and raising one hand, pointing at the driver that you want to stop, and blowing one long blast on the whistle. Then, with the palm toward the driver, turn the head toward the other lane and repeat -- arm out, point, palm facing the driver, and long blast. Once traffic has stopped in both directions, turn and assume a position that has the shoulder parallel to the other direction.
 2. Starting is accomplished by pointing at the stopped driver of the lead car, and bringing the hand smartly across in front of your face and in a line with the opposite shoulder. Turn the head and start the other lane in the same manner. The whistle is utilized in this for two or three short blasts.
- C. Turns to the left are accomplished in the following manner:
 1. The driver of the vehicle who wishes to turn should be stopped as in the method to indicate stopping. Once you have stopped the turning driver, turn your head and observe the opposing flow of traffic. If there are no vehicles coming, turn your head and point at the turning driver, then sweep your arm across your chest to indicate that he is to turn. Hold your other arm in an angle toward the street the turning driver wishes to enter. If there is oncoming traffic, you must stop the lane before allowing turns.
 2. Be careful and exercise caution. Pay close attention to moving traffic because hand traffic control can be hazardous.

IV. Movement of traffic.

- A. The purpose of manual traffic control is to expedite the flow of traffic.
- B. Traffic should be allowed to run as is necessary to most efficiently move heavy flows.
 1. When you have heavy trafficked lanes, they must be given preference and longer duration of run.
 2. Short duration runs will not expedite the flow of traffic as rapidly as necessary, because of the continual stopping and

starting.

- C. When traffic is equally heavy in all directions, give equal duration of running time to each traffic flow.

V. Parking and traffic blocked.

- A. Double parking by an inconsiderate motorist can cause a traffic jam, so it should be prohibited.
- B. Temporary obstacles can cause difficulty and can create traffic build-up.
 - 1. If an obstacle creates a traffic snarl, stop the flow in that direction immediately.
 - 2. Clear up the situation as quickly as possible so that normal traffic flow is restored.
- C. Prevent vehicles from backing up and blocking the intersection.
 - 1. If you are working an intersection with a second intersection before or after yours, you must estimate and time traffic so that you do not allow your own intersection to become blocked.
 - 2. Motorists will creep and occasionally cause cross traffic to become blocked, so watch your stopped traffic.

VI. Turning vehicle and heavy traffic.

- A. If you have heavy traffic and many of the vehicles are turning, priority must be given to the turning traffic if it represents the heaviest flow.
 - 1. Stop opposing traffic flow and motion the turning vehicles as described in Section III. C., above.
 - 2. Prohibit turns from the wrong lanes.
- B. When you have very heavy traffic, eliminate turns in the interest of straight-through flow because a few turning vehicles can cause congestion.

VII. Pedestrian traffic.

- A. Hold pedestrian on sidewalk until all traffic is stopped. Stop traffic in all directions to allow pedestrians to cross.
- B. When traffic cannot turn because of one-way streets and you have that traffic stopped, you can allow pedestrians to cross to the other side.
- C. Watch for pedestrians who attempt to cross in the center of blocks, and against the flow of traffic. Assist children and elderly persons to cross, if this is necessary.

VIII. Special problems.

- A. Giving directions to motorists:
 - 1. Have a map available so that you can direct motorists who cannot find their way.

2. If it is necessary to give a lengthy set of directions, have the motorist pull his car to the side and make your explanation there.

B. Emergency vehicles.

When an emergency vehicle is approaching your control point or intersection, you must clear the intersection and stop all traffic. Once traffic has been stopped, signal to the emergency vehicle to come through. Great care must be taken to stop all vehicles and pedestrian traffic and to have the intersection clear.

Hand control or traffic can expedite the flow of traffic if handled correctly, or can cause traffic jams that almost defy description. Officers have been known to wave autos together and actually cause accidents. So it is vital that officers learn the correct methods and procedures in directing traffic to avoid confusion to both the public and the officer himself. If you do become confused, stop everyone and start again, for it is better by far to do this than to cause a traffic tie-up or an accident.

RULES TO REMEMBER

DO:

1. Pick the best location.
2. Constantly watch traffic.
3. Give clear and definite signals.
4. Use whistle to attract driver's attention.
5. Help pedestrians to cross safely.

DON'T:

1. Yell or shout at drivers.
2. Fail to utilize protective clothing as available.
3. Allow traffic to back up.
4. Fail to exercise caution.
5. Fail to have patience.

ORGANIZATION OF THE GEORGIA POLICE SYSTEM

There are five law enforcement designations that we will be concerned with in this program. We will attempt to outline their areas of responsibility and duties. Regardless of their titles or jurisdictions, they are bound by one common purpose -- the protection of life and property. However, each is unique in its own right, and it is in these areas that they become separate units. The five are: The Department of Public Safety; the county sheriff; the county police department; the municipal police department; and the constable.

I. The Department of Public Safety

The Department of Public Safety is headed by the Director of Public Safety who is appointed by the Department of Public Safety Board and who serves for a four-year term. The Governor is Chairman of the Department of Public Safety (Board). Other ex-officio members are the Attorney General, the Adjutant General, the Chairman or Executive Officer of the State Highway Department, and the Comptroller General. The Governor appoints two other members from the sheriffs and peace officers of the State.

The Director of Public Safety heads both the Uniformed Division and the Georgia Bureau of Investigation. In addition, he is charged with the responsibility of enforcing and administering the provisions of the law licensing learners, operators, and chauffeurs of motor vehicles. The Director is assisted by the Deputy Director who is also appointed for a four-year term.

A. Georgia State Patrol

1. Duties

Duties of the State Patrol are to patrol the roads and highways of the State to prevent, detect, and investigate criminal acts and to arrest and apprehend those charged with committing criminal offenses and to safeguard the lives and property of the public. The State Patrol also has the duty of enforcing the laws in regard to length, size, and weight of motor vehicles and trailers upon the highways.

2. Jurisdiction

The State Patrol is empowered to act in cooperation with other law enforcement agencies in the State except that it cannot cooperate in preventing the commission of criminal offenses other than traffic violations on the roads and highways and apprehension, off the roads and highways, of those charged with other than traffic or related offenses. In general, the State Patrol is only empowered to arrest

for violations committed upon the highways. However, under special circumstances where requested by local authorities and directed by the Governor, they may assist in the handling of riots, etc.

B. Georgia Bureau of Investigation

1. Duties

Duties of the Bureau of Investigation are to receive information regarding crimes and criminals, to keep fingerprints, photographs, etc. and to provide for the scientific investigation of articles used in crimes or found at crime scenes.

2. Jurisdiction

Agents of the Bureau of Investigation have the same power as members of the Uniform Division. Agents of the Bureau are available to assist local authorities in the investigation of violators of the State law upon request, and by order of the Superior Court, or as directed by the Governor.

C. State Crime Laboratory

The State Crime Laboratory provides the services of criminalistics, microscopic comparisons, firearms identification, arson investigations, questioned documents examination, toxicology examinations and pathology examinations.

D. Georgia Police Agency

The Georgia Police Agency is a training academy which offers classes in law enforcement to every law enforcement agency in the State.

II. The County Sheriff

A. Duties

1. To execute and return the processes and orders of the court.
2. To attend (either the Sheriff or one of his deputies) all sessions of the Superior Court of the County and the Court of Ordinary when required by the Ordinary. The Sheriff or one of his deputies shall also attend elections at the count site on the day of election, from the opening to the closing of the polls, to preserve order.
3. To publish sales, citations and other proceedings as required by law and to keep a file or all newspapers in which their official advertisements appear.
4. To keep an executive docket and to enter into it a full description of all executions delivered to them, the dates of their delivery, together with all their acts regarding the matter.
5. To keep a book in which shall be entered a record of all sales made by process of court.

6. To receive from the preceding sheriff all unexecuted writs and processes and to proceed to execute the same and to carry into effect any levy or arrest made by a predecessor. He shall also put purchasers into possession and make titles to purchasers at his sales.
7. In counties with a population of 10,000 or greater the sheriff shall maintain from two to four tracking hounds to track and catch criminals.
8. To perform such other duties as are or may be imposed by law or which necessarily appertain to his office.

B. Jurisdiction

The office of sheriff carries with it all of its common law duties and powers, except as modified by statute. The office of sheriff carries with it the duty to preserve peace and protect lives, persons, property, the health and morals of the people, but in the exercise of these duties he is not permitted to violate constitutional guarantees against unlawful searches and seizures.

III. County Police Departments

County Police Departments are created in some counties by the County Commissioners. The County Commissioners have the authority to elect or appoint county police.

A. Duties

The rules and regulations for the conduct, management, and control of county police are made by the County Commissioners or the Ordinary. The terms of office and procedure for removal of county police officers is left to the discretion of the County Commissioners or the Ordinary. County police have the responsibility under the direction of the County Commissioners or Ordinary to inspect the roads and bridges of the county.

B. Jurisdiction

County police have the same powers to make arrests and to execute and return all criminal warrants and processes, in the county of their election or appointment only, as sheriffs now have, and have the powers of sheriffs as peace officers in the county of their election or appointment.

IV. Municipal Police Departments

A. Duties

The enforcement of city ordinances and violations of the State law which occur within the municipal limits is the chief responsibility of the municipal police department. Other specialized duties vary greatly from city to city,

depending on the local city charter and the regulations prescribed by the local city councils.

B. Jurisdictions

The jurisdiction of municipal police departments is generally confined to the city limits of the municipality. The investigation of violations of the State law within a county usually rests with the sheriff. However, through agreement in many counties, the municipal police usually handle the investigation of crimes which occur within the city limits.

V. Constables

The constable is the enforcing officer of the Justice of the Peace Court. There are two constables in each militia district elected for a four-year term by the district they represent. Constables cannot be sheriffs, nor sheriff's deputies, nor clerks of the superior court.

A. Duties

The special duties of a constable are:

1. To attend regularly all terms of the justice's court in his respective district.
2. To attend all terms of the superior court of his respective county when summoned by the sheriff.
3. To give receipts for notes or other liquidated demands placed in his hands for collections.
4. To pay over money promptly as collected to the party entitled to it and, where there are conflicting claims to any money, to report such to the justice court.
5. To execute and return all warrants, summonses, executions and other processes directed to him by lawful authority.
6. To perform such other duties as are or may be required of him by law, or which necessarily appertain to his office.

B. Jurisdiction

1. Civil jurisdiction: Generally civil jurisdiction is limited to the district from which the constable is elected.
2. Criminal jurisdiction: The criminal jurisdiction of the constable is usually limited to serving warrants in criminal cases and executing search warrants though he also has the right to arrest without a warrant a person violating a penal statute of the State in his presence.

We hope that this brief and general description has provided information that will be helpful to you in your duties as a law enforcement officer. Perhaps we will all understand a little better the duties and responsibilities of each other and that will bring about a spirit of cooperation that will make us all more efficient and effective.

ORGANIZATION OF THE GEORGIA PROSECUTOR SYSTEM

I. The Attorney General and the Department of Law

The Attorney General is elected by the people at the same time, for the same term and in the same manner as the Governor. He must be at least 30 years old, a citizen of the State for three years and have practiced law for seven years.

The Attorney General is the chief legal officer of the State and as such has many varied duties. The following list of his duties is by no means comprehensive, but includes some of the general duties.

- 1) To give his opinion in written or otherwise, on any question of law connected with the interest of the State or with the duties of any of the departments.
- 2) To prepare all contracts and writings in relation to any matter in which the State is interested.
- 3) To attend, on the part of the State, to all criminal causes in any of the circuits, when the Solicitor General thereof is prosecuted, and to all other criminal or civil causes to which the State is a party.
- 4) To act as the legal adviser of the Executive Department.
- 5) To represent the State in the Supreme Court in all capital felonies.
- 6) To represent the State in all civil and criminal cases in any court when required by the Governor and to perform such other services as shall be required of him by law.
- 7) To prosecute in the criminal courts any official, person, firm, or corporation for violation of any criminal statute.
- 8) To advise the General Assembly which requested and to aid them in the preparation of proposed legislation.
- 9) To represent the State in cases before the Supreme Court of the United States.

II. The Solicitor General

The Solicitor General is the prosecuting attorney for the State of Georgia. In other states he is variously referred to as the district attorney, state's attorney, etc. There is a Solicitor General for each judicial circuit in the State and he is elected for a four-year term.

The duties of the Solicitor General are:

- 1) To attend each session of the Superior Court, regular or adjourned, unless excused by the judge and to remain until the business of the State is completed.
- 2) To attend on the grand juries, advising them in relation to matters of law, and swear and examine witnesses before them.
- 3) To administer the oaths the laws require to grand and petit jurors, to the bailiffs and other officers of the court and otherwise to aid the presiding judge in organizing the courts as he may require.
- 4) To draw up all indictments or presentments, when requested by the grand jury, and to prosecute all indictable offenses.
- 5) To prosecute or defend any civil action in the prosecution or defense of which the State is interested, unless otherwise specially provided for.
- 6) To attend before the appellate courts when any criminal cause is tried emanating from their respective circuits, argue the same, and perform any other duty therein the interest of the State may require.
- 7) To collect all moneys arising from fines and forfeited recognizances, all costs on criminal cases when paid into court before judgement and not otherwise; and at the Fall term of each court, every year, to settle with the County Treasurer, and pay over to him all moneys due him according to law, after a fair and full settlement.
- 8) To settle at the same time with the preceding solicitor and pay over to him any moneys collected to which he may be entitled, and to render to him, whenever required by him, a just statement of the condition of his interests.
- 9) To collect all money due the State in the hands of any escheators, and pay it over to the Educational Fund; and if necessary, compel them to pay by rule or order of court, or other legal means.
- 10) To collect all claims of the State as he may be ordered to do by the Comptroller General, and to remit the same within 30 days after collection; and on the first day in October every year to

report to him the condition of the claims in his hands in favor of the State, particularly specifying the amounts collected and paid, from what sources received and for what purposes, and to whom paid; what claimed are unpaid, and why; what judgements have been obtained, when, and in what court; what suits are instituted, in what courts; and their present progress and future prospects.

- 11) To perform such other duties as are or may be required by law, or which necessarily appertain to his office.

III. The Officer in Court

When a law enforcement officer goes into court, he is involved in the most fundamental process of democracy -- that of a fair trial. His purpose in court is perhaps best exemplified by the words which adorn the front of the Supreme Court Building in Washington, D. C. : "Equal justice under the law." His role as a prosecution witness affects the lives, freedom and property of other men. Unquestionable, when a law enforcement officer takes the witness stand he assumes a grave responsibility.

The officer should remember that the jury knows nothing about the case. It can only learn through him and other witnesses. If the officer is confused, then the jury will be confused. The problem is essentially one of communication. No matter how good a case has been prepared by the department and the prosecution, it can still be lost by an officer on the witness stand.

The role of defense counsel is supremely important in the adversary proceeding. He has a duty to his client and to the court to use every legal means to acquire an acquittal for his client or the best verdict that he can get. He will put the State to its test or burden of proof. The law enforcement officer is usually one of the key witnesses for the prosecution and therefore the defense counsel will use every legal device available to him to discredit and confuse the officer. If defense counsel can succeed in confusing the officer or making him angry, then he had made many points with the jury.

The law enforcement officer should always be respectful and courteous toward the Court, the counsel and the jury. His appearance is also very important. If he is in uniform, then the uniform should be neat and clean. If he is in civilian clothes, it should be a coat and tie.

The officer's demeanor on the witness stand is perhaps the most important aspect of his testimony. The officer should listen

carefully to the question put to him. If he does not understand the question, he should ask that it be repeated. If he does not know the answer to the question, he should say so and not attempt to guess or make up an answer. Defense counsel can seize on one piece of bad testimony and sometimes discredit the officer's entire testimony.

If the officer cannot remember a detail, he should consult his notes about the case to refresh his memory. However, the officer should not refer to his notes too often because this tends to destroy the jury's confidence in the officer. When responding, the officer should always speak in a clear and distinct voice in the direction of the jury so they may hear and understand his testimony.

RULES TO REMEMBER

(Appearance in Court)

DO:

1. Put your testimony together in a clear and easily understood manner.
2. Present the chain of events to the jury in the order in which they occurred.
3. Refresh your memory from your notes occasionally if necessary.
4. Give the truth even if it is favorable to the defendant.
5. Give the facts, not your own opinion.
6. Present an unprejudiced attitude toward the defendant.
7. Listen carefully to the questions by counsel.
8. Speak in a distinct, clear voice so everyone can hear you.
9. Be calm and courteous at all times.

DON'T:

1. Volunteer information.
2. Try to memorize your report or notes.
3. Refer to your notes too often.
4. Make any jokes or wisecracks on the witness stand.
5. Try to guess or make up a detail you cannot remember -- simply say that you do not remember.

ORGANIZATION OF THE GEORGIA COURT SYSTEM

As a law enforcement officer you will undoubtedly come into contact with various courts of the state and local level. We are going to attempt to provide basic information of the Georgia courts system and their areas of responsibility.

I. Local courts (variously known as Police Courts, Mayor's Courts, or Recorder's Courts)

- A. These courts are created under the authority of the charter of the city in which they are situated and their jurisdiction is limited to the trial of offenses resulting from violations of the municipal ordinances of the city.
- B. Appeals from these courts will again depend upon the wording of the city charter.
- C. Quite often provision is made for appeal from the Recorder's Court of the Police Court to the Mayor and Council of the city, and from the Mayor and Council to the Superior Court of the county in which the city is located.
- D. Normally, the arresting officer will make a case against a violator returnable to the local court, i. e., Mayor's, Recorder's or Police Court. This court may then bind the violator over to the state court for trial in any case involving a violation of State law.

II. State Courts

A. Justice of the Peace Court

The criminal jurisdiction of the Justice of the Peace is limited to the issuance of warrants for any offender against the state penal laws and the conduct of courts of inquiry. The Justice of the Peace has no jurisdiction to try criminal cases.

B. Court of Ordinary

1. There is a Court of Ordinary in each of the 159 counties of the State of Georgia. The primary jurisdiction of the Court of Ordinary is that of a probate court.
2. The Court of Ordinary has, however, been given limited jurisdiction in cases arising under the Compulsory School Attendance Law and under the Georgia State Highway Patrol Act. Law enforcement officers will be involved primarily with cases arising under the latter act.
3. In those counties in the State of Georgia where there are no City or County Courts, the Ordinary has concurrent jurisdiction with the Superior Court to try cases arising under the Georgia State Highway Patrol Act.

4. This jurisdiction extends only to cases arising outside the limits of incorporated municipalities lying within his county and provided the defendant waives his right to a jury trial.
5. In the event that a defendant insists upon a jury trial, trial will be held in the Superior Court of the county involved.

C. City, County, and Municipal Courts

1. These courts, although they bear the name of City, County, or Municipal Courts, are in fact State courts created by special act of the General Assembly or by the Constitution and have original jurisdiction generally in all civil cases except such as is vested exclusively in the Superior Courts and the City and County courts have criminal jurisdiction for the trial of misdemeanors.
2. Territorially, their jurisdiction usually embraces the county in which they are located. Specifically, the act creating each of these courts and the amendments thereto must be consulted to ascertain the specific jurisdiction of the court, the qualifications, powers, salaries and terms of office of the judges and other officers of the court, and how they are chosen.
3. In counties having a City, County, or Municipal Court, these courts would be the primary tribunal for the trial of violations of the State Motor Vehicle Code rather than the Court of Ordinary.
4. In addition, since these courts usually are in continuous session, they are the courts into which most warrants and most cases for violations of state law other than felonies will be brought by police authorities.
5. Appeals from the "Constitutional" City or Municipal Court will be to the Court of Appeals or the Supreme Court of Georgia, depending upon the subject matter of the case.

D. Juvenile Courts

These are special courts created in some counties which generally have jurisdiction over persons less than 17 years of age although there are several exceptions, e. g., a person 16 years of age might be tried for a traffic offense in a court which had jurisdiction over traffic cases.

E. Superior Courts

1. There is one Superior Court in each county of the State, and the courts are organized into 39 Judicial Circuits.
2. The Superior Court is a primary trial court of general jurisdiction in the State of Georgia, having jurisdiction over all violations of the State penal code.

3. The Superior Court has exclusive jurisdiction in cases of divorce, in criminal cases where the offender is subjected to loss of life or confinement in the penitentiary, in cases respecting titles to land and equity cases.
4. Usually, as a matter of practice, only felony offenses are brought into the Superior Court if there is a City or County Court in the same jurisdiction. This practice is followed primarily because the Superior Courts are not in continuous session, in some counties meeting only twice a year, in other counties three times a year, and in yet other counties four times a year.

F. Court of Appeals

The Court of Appeals handles appeals from convictions rendered in the Superior Court and "Constitutional" City Courts except those involving capital felony convictions and noncapital felonies where a Constitutional question is raised.

G. Supreme Court of Georgia

1. The highest court in the State is the Supreme Court of the State of Georgia. Appeals from all capital felony cases and noncapital felony cases where a Constitutional question is raised go directly to the Supreme Court, by-passing the Court of Appeals.
2. Appeals from the decision of the Supreme Court of Georgia go to the United States Supreme Court. These appeals are allowed only where the Constitution of the United States or some other question of Federal law is involved.

ORGANIZATION OF THE FEDERAL COURT SYSTEM

In the increasing complexity of our society, it is inevitable that state law enforcement officers will deal more and more with federal officers and federal courts. State law enforcement officers should have at least a basic working knowledge of the organization of the federal court system and the courts therein. The basic principle that should be remembered is that federal courts are courts of limited jurisdiction. Most state courts are courts of general jurisdiction, i. e., they are presumed to have jurisdiction over a particular controversy unless the contrary is shown, while federal courts, on the other hand, can only hear cases that are within the judicial power of the United States, as defined by the Constitution or granted by Congress. It is presumed in the federal courts that the court does not have jurisdiction to hear the case until jurisdiction is shown.

The authority of the federal courts comes primarily from Article III of the Constitution and the Judiciary Act of 1789, but that has long since been superseded. Basically, the grant of jurisdiction is currently found in Title 28 of the United States Code.

I. District Courts

The general court of original jurisdiction in the federal system is the United States District Court. The statutes divide the nation, including the District of Columbia, into 87 districts, in each of which there is established a district court. There are approximately 300 district judges in the 87 district courts. The number of judges to the Southern District of New York which has 24. Georgia is divided into three districts: the Northern, the Middle and the Southern.

II. The Courts of Appeal

There are eleven courts of appeal in the United States, one for each of the judicial circuits and one for the District of Columbia. Three or more judges are appointed for each circuit and, on occasion, the chief judge of the court of appeals may designate and assign a district judge within the circuit to sit as a member of the court of appeals at a specific time.

Georgia is in the Fifth Judicial Circuit, which also includes Florida, Alabama, Mississippi, Louisiana, Texas, and the Canal Zone.

III. The Supreme Court

The Supreme Court is the only federal court created directly by the Constitution rather than by congress. The Supreme Court sits in Washington, D. C. The annual term of the Court begins the first Monday in October and in recent years has ended late in June. The

Court consists of the Chief Justice of the United States and eight Associate Justices. The Court has a limited original jurisdiction in certain cases and also has appellate jurisdiction, both by appeal and writ or certiorari, over the lower federal courts and the highest state courts.

IV. Specialized Courts

A. Courts of Claims

The Court of Claims consists of five judges who have jurisdiction, in some instances concurrent with the district courts, to hear claims against the United States which are permitted by the Constitution or the statutes.

B. Court of Customs and Patent Appeals

The Court of Customs and Patent Appeals consists of five judges who review decisions of the Customs Court, decisions of the Board of Appeals and the Board of Interference Examiners of the Patent Office as to patent applications and interferences, decisions of the Commissioner of Patents as to trademark applications and findings of the U.S. Tariff Commission as to unfair practices in the import trade.

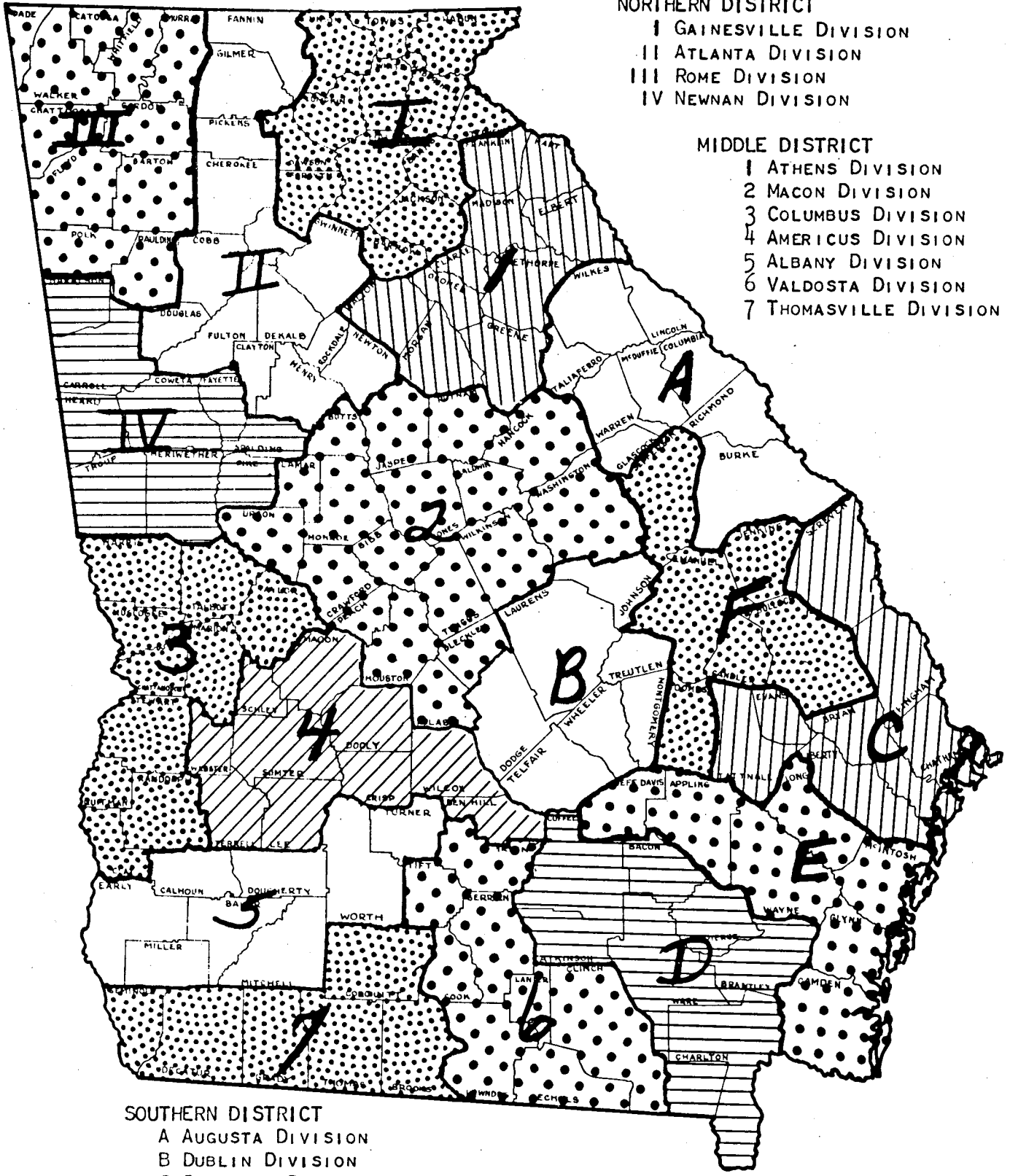
C. Tax Court of the United States

The Tax Court in reality is not a court at all, notwithstanding the name. It is an independent agency in the executive branch of the government whose function is to review determinations of the Commission of Internal Revenue on appeal. Its work is not subject to review in the executive branch of the government but is subject to review by federal appellate courts only.

D. Court of Military Appeals

The Court of Military Appeals reviews courts-martial. It is a part of the Armed Forces and separate from the judiciary.

FEDERAL DISTRICT COURT DIVISIONS



- SOUTHERN DISTRICT**
- A AUGUSTA DIVISION
 - B DUBLIN DIVISION
 - C SAVANNAH DIVISION
 - D WAYCROSS DIVISION
 - E BRUNSWICK DIVISION
 - F SWAINSBORO DIVISION

- NORTHERN DISTRICT**
- I GAINESVILLE DIVISION
 - II ATLANTA DIVISION
 - III ROME DIVISION
 - IV NEWNAN DIVISION

- MIDDLE DISTRICT**
- 1 ATHENS DIVISION
 - 2 MACON DIVISION
 - 3 COLUMBUS DIVISION
 - 4 AMERICUS DIVISION
 - 5 ALBANY DIVISION
 - 6 VALDOSTA DIVISION
 - 7 THOMASVILLE DIVISION

THE ROLE OF LAW ENFORCEMENT OFFICERS
IN THE COMMUNITY *

Because a law enforcement officer is an important member of society, he should exercise all care possible in the performance of his duties. The officer must remember that in many cases a citizen's only direct contact with city, county and state government is when he meets the officer. Law enforcement officers have a great deal of responsibility to shoulder and hold an important place within our society.

Effective law enforcement is one of the major links in the mighty chain of democracy.

- I. Historically speaking, the position of the paid, full-time law enforcement officer is relatively new.
 - A. Society at one time policed itself through "the hue and cry system."
This was part of the "Frank pledge system" of early Britain, and is the forerunner of the posse. Failure on the part of a citizen to respond to the "Hue and Cry" meant punishment.
 - B. Society began to find the task of policing itself to be time-consuming, ineffective and distasteful.
 - C. Law enforcement then became the responsibility of a full-time, paid group of men: the police.
 - D. Society does, however, maintain over all control and responsibility for law enforcement.
Society still retains some direct law enforcement powers, i. e., posse comitatus or citizen's power to arrest.
 - E. Society prefers, however, to leave the bulk of the law enforcement work to paid employees.

- II. The police officer must realize that he is but one factor in the administration of criminal justice.
 - A. Other factors include the prosecutor, the court and the correctional institution.
 - B. The police officer must realize that he is basically the fact-finding part of this process.
Part of the officer's responsibility in this area is the emergency or immediate detention of offenders (arrest) until the rest of the process of the administration of criminal justice can be brought into play.
 - C. In order to fulfill his responsibility, the police officer is

*Prepared by Lt. Charles F. Rinkevich of the Savannah, Georgia Police Department.

given wide, sweeping powers--authority possessed by no other member of society. This authority includes:

1. Immediate power of detention without a warrant under certain circumstances.
2. Power of search and seizure without a warrant under certain circumstances.
3. Power to take human life without benefit of trial under certain circumstances.
4. This authority is a heavy responsibility and abuses of it must be zealously guarded against by the officer himself.

- D. The officer must constantly guard against the temptation to assume the additional roles of prosecutor, judge and correctional officer.

When the police officer has accomplished his purpose, his function has been fulfilled. He should not be directly concerned with the outcome of the other three parts of the administration of criminal justice.

III. The law enforcement officer must be aware that his role in society is a two-part role that oftentimes contradicts itself.

- A. On the one hand, the officer stands for authority and the control of society's behavior; and in extreme cases, for the restriction of individual liberty.
- B. On the other hand, the officer derives his authority from society and must serve it.
- C. The officer must learn to live with this dual role that he plays.

This partially explains the phenomenon of the "law abiding" and "respected citizen" who abuses the law enforcement officer who has just issued him a traffic citation.

IV. To be effective, law enforcement officers must know and understand the role they play in the society in which they live.

- A. This role is an important one, and one that needs to be filled by competent, intelligent, well-trained officers.
- B. The philosophy of the role of the law enforcement officer in society is well-expressed by the quotation: "The majesty of the law is revealed through the humility of the servant."

LAW ENFORCEMENT ETHICS*

Consistent progress in the law enforcement service is possible only when the internal strength of the organization is assured. There must be a conscious effect on the part of each and every member of the service to so conduct both his official and private life so that he will inspire the confidence and trust of the public. Only through the adoption and strict enforcement of a law enforcement code of ethics can this objective be uniformly achieved.

- I. Webster's New World Dictionary defines "ethics" as:
 - A. Standards of conduct", and,
 - B. "A system or code of morals of a particular profession. "

- II. Simply speaking, police ethics are rules of correct official conduct of police officers.
 - A. Rules cannot be drawn that will describe in specific detail the manner in which all the duties of law enforcement officers shall be performed.
 - B. A code of ethics can only describe the basic objectives sought and provide general rules for the performance of the varied duties of law enforcement officers.

- III. Presently, there is no code of ethics which has been officially adopted by American law enforcement officers.
 - A. There are certain standards of conduct which the law imposes on police officers, but these are also imposed on all members of society.
 - B. One of the essential characteristics of a profession is an enforceable code of ethics.
 - C. Until American law enforcement officially adopts such a code, it can never become a true profession.

- IV. Although a specific code of ethics has not been officially adopted by law enforcement as a whole, through the years a general code has been developed and "unofficially" adopted.
 - A. This code cannot be enforced as a criminal statute can.
 - B. However, it should be just as closely adhered to as the law.

- V. Don L. Kooker, in his book, Ethics in Police Service, presents these as the basic objectives of a code of ethics:
 - A. To elevate the standing of law enforcement in the public mind, and to strengthen public confidence in law enforcement.
 - B. To encourage law enforcement officers to fully appreciate the responsibilities of their office.

- C. To develop and maintain complete support and cooperation of the public in law enforcement.
- D. To insure the effectiveness of the service by encouraging complete cooperation of its members for their mutual benefit.
- E. To strive for full coordination of effort in all official relationships with other governmental bodies.
- F. To consider police work an honorable calling and to recognize it in an opportunity to render a worthwhile service to society.

VI. The importance of the police following a code of ethics was emphasized by President Calvin Coolidge, who was Governor of Massachusetts during the Boston Police Strike in 1919.

President Coolidge said:

The duties which a police officer owes to the State are of a most exacting nature. No one is compelled to choose the profession of a police officer; but having chosen it everyone is obliged to perform its duties and live up to the high standard of its requirements. To join in that high enterprise means the surrender of much individual freedom. The police officer has chosen a profession that he must hold to at all peril. He is the outpost of civilization. He cannot depart from it until he is relieved. It is a great and honorable duty, to be greatly and honorably fulfilled...

- A. When one enters public life, he surrenders a certain measure of privacy.
 - 1. The police officer must always bear in mind that he is a public official.
 - 2. The police officer's "on duty" and "off duty" life come under constant review by the public.
- B. It is not unreasonable for the public to expect its law enforcement officers to practice what they preach.

VII. The following is the Law Enforcement Code of Ethics as published by the International Association of Chiefs of Police.

LAW ENFORCEMENT CODE OF ETHICS

AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.

I WILL keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I WILL never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession. . . law enforcement.

RULES TO REMEMBER

DO:

1. Defend and enforce the law to the best of your ability.
2. Strictly obey the law both on and off duty.
3. Keep your private life unmarked by scandal.
4. Strive to improve your knowledge and abilities.
5. Recognize your public office as a public trust.

DON'T:

1. Let personal feelings or prejudices affect the objectivity of your decisions.
2. Compromise your morals, ethics or honesty.
3. Employ unnecessary force in accomplishing your goals.
4. Violate the confidence of your position.
5. Wear a "heavy" badge--your authority is derived from the people you serve and must be used to their advantage.

THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE*
CANONS OF POLICE ETHICS

A. ARTICLE 1. PRIMARY RESPONSIBILITY OF JOB

The primary responsibility of the police service, and of the individual officer, is the protection of the people of the United States through the upholding of their laws; chief among these is the Constitution of the United States and its amendments. The law enforcement officer always represents the whole of the community and its legally expressed will and is never the arm of any political party or clique.

B. ARTICLE 2. LIMITATIONS OF AUTHORITY

The first duty of a law enforcement officer, as upholder of the law, is to know its bounds upon him in enforcing it. Because he represents the legal will of the community, be it local, state or federal, he must be aware of the limitations and proscriptions which the people, through law, have placed upon him. He must recognize the genius of the American system of government which gives to no man, groups of men, or institution, absolute power, and he must insure that he, as a prime defender of that system, does not pervert its character.

C. ARTICLE 3. DUTY TO BE FAMILIAR WITH THE LAW AND WITH RESPONSIBILITIES OF SELF AND OTHER PUBLIC OFFICIALS

The law enforcement officer shall assiduously apply himself to the study of the principles of the laws which he is sworn to uphold. He will make certain of his responsibilities in the particulars of their enforcement, seeking aid from his superiors in matters of technicality or principle when these are not clear to him; he will make special effort to fully understand his relationship to other public officials, including other law enforcement agencies, particularly on matters of jurisdiction, both geographically and substantively.

D. ARTICLE 4. UTILIZATION OF PROPER MEANS TO GAIN PROPER ENDS

The law enforcement officer shall be mindful of his responsibility to pay strict heed to the selection of means in discharging the duties of his office. Violations of law or disregard for public safety and property on the part of an officer are intrinsically wrong; they are self-defeating in that they instill in the public mind a like disposition. The employment of illegal means, no matter how worthy the end, is certain to encourage disrespect for the law and its officers. If the law is to be honored, it must first be honored by those who enforce it.

E. ARTICLE 5. COOPERATION WITH PUBLIC OFFICIALS IN THE DISCHARGE OF THEIR AUTHORIZED DUTIES

The law enforcement officer shall cooperate fully with other public officials in the discharge of authorized duties, regardless of party affiliation or personal prejudice. He shall be meticulous, however, in assuring himself of the propriety, under the law, of such actions and shall guard against the use of his office or person, whether knowingly or unknowingly, in any improper or illegal action. In any situation open to question he shall seek authority from his superior officer, giving him a full report of the proposed service or action.

F. ARTICLE 6. PRIVATE CONDUCT

The law enforcement officer shall be mindful of his special identification by the public as an upholder of the law. Laxity of conduct or manner in private life, expressing either disrespect for the law or seeking to gain special privilege, cannot but reflect upon the police officer and the police service. The community and the service require that the law enforcement officer lead the life of a decent and honorable man. Following the career of a policeman gives no man special perquisites. It does give the satisfaction and pride of following and furthering an unbroken tradition of safeguarding the American republic. The officer who reflects upon this tradition will not degrade it. Rather, he will so conduct his private life that the public will regard him as an example of stability, fidelity and morality.

G. ARTICLE 7. CONDUCT TOWARD THE PUBLIC

The law enforcement officer, mindful of his responsibility to the whole community, shall deal with individuals of the community in a manner calculated to instill respect for its laws and its police service. The law enforcement officer shall conduct his official life in a manner such as will inspire confidence and trust. Thus, he will be neither overbearing nor subservient, as no individual citizen has an obligation to stand in awe of him nor a right to command him. The officer will give service where he can, and require compliance with the law. He will do neither from personal preference or prejudice but rather as a duly appointed officer of the law discharging his sworn obligation.

H. ARTICLE 8. CONDUCT IN ARRESTING AND DEALING WITH LAW VIOLATORS

The law enforcement officer shall use his powers of arrest strictly in accordance with the law and with due regard to the rights of the citizen concerned. His office gives him no right to prosecute the violator nor to mete out punishment for the offense. He shall, at all

times, have a clear appreciation of his responsibilities and limitations regarding detention of the violator; he shall conduct himself in such a manner as will minimize the possibility of having to use force. To this end he shall cultivate a dedication to the service of the people and the equitable upholding of their laws whether in the handling of law violators or in dealing with the law-abiding.

I. ARTICLE 9. GIFTS AND FAVORS

The law enforcement officer, representing government, bears the heavy responsibility of maintaining, in his own conduct, the honor and integrity of all government institutions. He shall, therefore, guard against placing himself in a position in which any person can expect special consideration or in which the public can reasonably assume that special consideration is being given. Thus, he should be firm in refusing gifts, favors, or gratuities, large or small, which can, in the public mind, be interpreted as capable of influencing his judgment in the discharge of his duties.

J. ARTICLE 10. PRESENTATION OF EVIDENCE

The law enforcement officer shall be concerned equally in the prosecution of the wrong-doer and the defense of the innocent. He shall ascertain what constitutes evidence and shall present such evidence impartially and without malice. In so doing, he will ignore social, political, and all other distinctions among the persons involved, strengthening the tradition of the reliability and integrity of an officer's word.

K. ARTICLE 11. ATTITUDE TOWARD PROFESSION

The law enforcement officer shall regard the discharge of his duties as a public trust and recognize his responsibility as a public servant. By diligent study and sincere attention to self-improvement he shall strive to make the best possible application of science to the solution of crime and, in the field of human relationships, strive for effective leadership and public influence in matters affecting public safety. He shall appreciate the importance and responsibility of his office, and hold police work to be an honorable profession rendering valuable service to his community and his country.

COMMUNITY RELATIONS, PART I.*

A very basic, but often overlooked, part of law enforcement is the police officer's public relations function. The success of law enforcement in our society today depends to a great extent on the support of the general public. This support and success is obtainable only through good public relations.

- I. The purposes of police-public relations are:
 - A. To gain public support for police policies and functions.
 - B. To win friendly citizen cooperation in department programs.
 - C. To provide for public understanding of the law enforcement purpose.

- II. The advantage of a good police-public relations program is the improvement of the department's image.
 - A. A good public image of a law enforcement agency provides the Department head with ammunition to seek improved benefits and working conditions.
 - B. A good image of the law enforcement agency makes the law enforcement officer's job easier by:
 1. Encouraging citizen cooperation with the police in clearing offenses.
 2. Raising the status of the law enforcement officer to that of a professional.

- III. Good police-public relations is not only the job of the Department head. It is the responsibility of every one in law enforcement from the clerk who answers the phone to the patrolmen on the street.
 - A. The member of the police department who has the most frequent contact with the public is you--the individual law enforcement officer.
 - B. The public's image of your department will be guided by:
 1. Your appearance.
 2. Your attitude.
 3. Your habits.
 4. Your conduct.
 5. Your private life.
 - C. Your police department's best public relations man is YOU!

- IV. Some of the more objectionable traits which irritate the public are the following:
 - A. An overbearing attitude with an attempt to embarrass the citizen in public.
 - B. An unpleasant tone of voice.
 - C. Failure to be pleasant to adults and children alike.

- D. Unnecessary rough treatment of prisoners, drunks, women, and juveniles.
 - E. Taking advantage of citizens while driving police equipment, such as unnecessary speeding, unnecessary use of siren and similar practices.
Remember, while you are driving that patrol car you are the object of attention.
 - F. Giving undue attention to women in public places.
 - G. Drinking or apparently drinking while on duty.
 - H. Failure to recognize the rights of others.
 - I. Unkempt or careless dress.
 - J. Loafing or apparently loafing on duty.
- V. The public is often overly critical of its police and will make its criticisms known through official complaints or unfavorable publicity.
- A. An act, gesture, or comment made by a private citizen may go unnoticed. However, if the same act, gesture, or comments is made by a police officer it may result in harsh criticism.
 - B. Many times the police officer may be performing a completely legitimate and necessary duty or act, but the public is unaware of it and assumes that the officer is violating his trust.
 - 1. Such misunderstood activities include:
 - a. Entering a bar in uniform.
 - b. Talking with fellow officers in public for an extended period of time.
 - c. Eating and taking coffee breaks in public.
 - d. Completing reports in the patrol vehicle within public view.
 - e. Using physical force when taking subjects into custody in public.
 - 2. While these activities are necessary or valid, the officer should realize that the public may misunderstand them and direct criticism at the police as a result of them.

VI. Some general tips to assist you in fostering good public relations are illustrated by the following:

P--rofessionalism

Strive for this status.

U--nderstanding

Develop this trait.

B--earing

Assume the proper bearing at all times.

L--egality

Always stay within the legal limits of your authority.

I--ntegrity

Never compromise your integrity.

C--ommunications

Develop good communications with your community and colleagues.

R--espectability

Maintain this characteristic on and off duty.

E--fficiency

Strive for and demonstrate this goal.

L--oyalty

Develop loyalty to your department, your superiors, your community and your calling.

A--ttitude

Develop and maintain the proper attitude.

T--olerance

Demonstrate this attribute in your dealings with all people you contact.

I--nterest

Exhibit this trait in everything you do.

O--bjectivity

Seek this in all of your undertakings.

N--eatness

Display this in all that you do on duty, particularly in your personal appearance.

S--obriety

Never drink intoxicants on duty nor drink excessively off duty.

COMMUNITY RELATIONS, PART II.*

The importance of good police-public relations and some general considerations were discussed in Community Relations, Part I. The purpose of this program is to deal with specific techniques of good police-public relations.

I. The patrol officer is often called the "backbone of the police department." We might also say that the patrol officer is the backbone of a good public relations program.

- A. The law enforcement officer in uniform is a conspicuous representative of his department.
- B. The law enforcement officer in uniform is a conspicuous representative of his country, city, or state government.
- C. The uniformed patrol officer comes into contact with the citizens of his community more than any other public official. The way in which this contact is made and the general conduct of the officer establishes the tone of his department and government's image in the eyes of the public.
- D. The conduct and attitude of one law enforcement officer in one section of the city, state or country is often viewed by the public as representative of the conduct and attitude of every law enforcement officer. While the patrol officer specifically represents his department and government, he also represents the entire body of law enforcement officers.
- E. Just as a good public opinion of police can be developed through positive public relations, so too can a poor public opinion of police be developed through negative public relations.

II. As an individual law enforcement officer, keep these points in mind:

A. Appearance.

1. A clean, neat, well-groomed officer reflects favorably upon himself and upon his department.
2. The appearance of the officer's equipment, whether it be his personal gear, his vehicle, or the police headquarters itself is of major importance.
3. Maintain a correct, dignified posture anytime you are in the public eye.

B. Attitude.

1. Your attitude is reflected in everything you do.
2. Develop a friendly, efficient, understanding attitude.
3. People tend to develop, within themselves, the emotional or mental state they see displayed by the person with whom they are dealing.
4. Be interested.

C. Speech.

1. While you are not expected to have the diction and vocabulary of a college professor, you are required to speak in clear, intelligent English
2. Profanity impresses no one and has no place in the officer's conversation in public.
3. Implied or spoken sarcasm does not demonstrate the officer's superiority.
4. Poor, vulgar, or disrespectful speech indicates a special sort of ignorance. If it is used by the citizen, the officer should not lower himself to reply in the same manner. A respectful, courteous, intelligent reply will often embarrass the sarcastic citizen.

D. Personal habits.

1. Unpleasant personal habits, many of them unconscious, nervous reactions, may hinder your image.
2. When talking with any member of the public or when in the public view, avoid annoying habits.
 - a. Obvious gum or tobacco chewing can be irksome to others when you are talking to them.
 - b. Smoking during a conversation or while on a conspicuous assignment is unbecoming.
 - c. Avoid spitting, tapping your foot or finger, whistling or any other outward evidence of restlessness or nervousness while in the public view.
 - d. Nothing so irritates some people as to have someone touch them. Avoid back-slapping, chest-poking, leaning on or grasping the shoulder of anyone to whom you are speaking.

E. Private Life.

1. The officer must bear in mind that when he took the oath of office he waived some of the rights and privileges enjoyed by other citizens.
2. You cannot conduct your private life without regard to public reaction. The public often does not distinguish between an "off duty" and an "on duty" officer.
3. The police officer must lead an exemplary life. The public expects you to practice what you preach.

III. Contacting the traffic violator is one of the ways that the patrol officer most frequently meets the public.

- A. This contact presents the best opportunity to make good or bad public relations.
- B. It may be the first time that the motorist has been stopped for a traffic violation. You may be that citizen's only contact with your police department. Generally, the citizen contacted in the

traffic violation is a noncriminal, respectable member of the community and should be handled as such.

- C. Courteous, respectful treatment will put him in a better frame of mind and improve your and your department's image. A courteous, but stern approach will usually accomplish more than a disrespectful, harsh approach.

IV. Contacting and giving directions to tourists or confused motorists is another opportunity to foster good public relations. The following are suggestions which will assist you in giving directions and making a favorable impression.

- A. Show a sincere interest in assisting.
- B. Be brief. Lengthy instructions will only confuse.
- C. Indicate turns by "right" and "left", not "north" and "south".
- D. In referring to a traffic signal call it that, not a red light. The stranger may think you are referring to a blinking red light.
- E. If the distance is long or the route complicated, give directions to a service station or similar place where further instructions can be given. Explain to the driver why you are directing him only part way.
- F. If there is any confusion on the part of the citizen, repeat your directions.
- G. If you are driving a patrol vehicle, and if at all possible to do so, drive some distance toward the location to give the citizen a start.
- H. If you don't know the answer to a question or the location of a specific place, either find out for the citizen or direct him to a place where he can find the answer.
- I. Carry a map of your jurisdiction with you to aid in giving directions.

V. The essentials of a good police-public relations program are basically these:

- A. All members of the department share in the responsibility to foster good relations.
- B. Know and appreciate the advantages of good public relations.
- C. Develop a public relations-minded attitude in everything you do.
- D. Avoid public resentment; develop public good will.
- E. Remember, you are a conspicuous representative of your department, your government, and the entire body of law enforcement officers.

INVESTIGATION OF TRAFFIC ACCIDENTS I

"Purpose and Value"

Accident investigation represents one of the important duties performed by the uniformed law enforcement officer.

With the vast numbers of motor vehicles now on the highways, thousands of persons killed, additional thousands injured and maimed for life, and the astronomical loss in damaged or destroyed property, accident investigation becomes an important part of law enforcement that deserves very serious consideration by all law enforcement officers.

It is felt that, due to the magnitude of our traffic accident toll, this series should be given an introduction so that officers will have an opportunity to see the total picture of what can be a possible end result of good accident investigation and reporting.

Purpose and Value:

I. Law Enforcement

A. The prevention of motor vehicle accidents

1. Need for stricter enforcement of accident-causing infractions.
2. To save lives and prevent damage to property.

B. Planning

1. The evaluation of reports to locate accident frequency areas.
2. To determine the time, location and types of violations.
3. To establish the distribution of manpower on shifts.
4. To identify the area of need for additional accident investigation training.
5. To determine the necessity for additional safety and vehicle inspection requirements.

All of these add up to selective enforcement.

C. Establish the need for enforcement action.

1. Gather facts which may determine and fix the responsibility for accidents.
2. Determine the cause of individual accidents.

II. Highway Traffic Engineering

A. To determine the need for highway design changes. To locate and correct hazardous conditions that were perhaps previously unforeseen.

B. Studying accident reports with an eye toward the construction of safer highways and streets.

C. To determine the need for automatic or fixed traffic control devices.

III. Courts and Lawmakers

- A. To review carefully and accurately recorded facts so that responsibility for accidents can be fixed.
- B. To correct, through court action, infractions that cause traffic accidents.
- C. To fix financial responsibility and compensate injured parties.
- D. To establish facts which cause review and change in laws concerning vehicular traffic.
- E. To create passage of new laws for the enforcement of vehicular traffic.

IV. Education

- A. The construction of new or better courses for driver education.
- B. Adult education for retraining drivers.
- C. General driver information through news and television media.

V. Insurance

- A. Placement of liability responsibility in damage claims.
- B. Compensation for injured parties.
- C. Establishment of new or better insurance coverage for motor vehicles.

VI. The General Public

- A. To be able to predict high accident situations. Holidays, following too closely, drowsiness on long stretches of divided highways, etc.
- B. Through evaluation, be able to foresee and warn the public to prevent accidents. Such organizations as the National Safety Council does this frequently, especially during holiday weekends.
- C. To provide information which encourages the public to plan and help themselves to avoid accidents.

In reality we find that numerous persons and agencies are concerned with reports made by you, the law enforcement officer. The extra effort and diligence with which you investigate accidents could provide information that could prevent future loss of life, loss of time, and loss from property damage. For the real secret is to find a way to prevent accidents before they happen, not to just investigate them. If you stop and think about it, it's really worth it!

INVESTIGATION OF TRAFFIC ACCIDENTS II

"Preservation of the Accident Scene"

Although traffic accident investigation seems to be a different type of investigative effort than criminal investigation, there are a great number of similarities. One of these involves the protection of the physical evidence found at the scene. In an effort to preserve this evidence, the law enforcement officer is often confronted with a number of circumstances that can be infuriating, to say the least.

In this program we will present these problems and recommendations on how to best deal with them.

- I. Utilization of warning devices
 - A. Parking the patrol vehicle to protect the scene
 1. Park vehicle where it will provide the most protection to the accident scene.
 2. Have headlights and all warning lights on to provide the best visual warning possible.
 - B. Placement of flares
 1. If the accident scene is in such a position that traffic approaching cannot see it until they are almost upon it, then warning flares should be placed so that traffic can be warned.
 2. Flares should be placed at the beginning of curves, if this is the situation.
 3. Flares should be placed at the foot of hills, if the accident is on the other side.
 4. Once you have placed the flares, keep check on them and, as soon as they burn out, replace them.
 5. Nothing is more tragic than to have additional cars become involved in the initial accident. Injured persons are many times killed by additional cars plowing into an accident scene.
- II. Traffic Control
 - Lanes blocked by accident
 - A. When one lane is blocked, officers must direct traffic for the safety of the motorists and preserve the scene so that other traffic does not become involved.
 - B. When the road is completely blocked, you will have to consider alternate routes for rerouting traffic.
- III. Crowd Management
 - A. Crowd management is one of the major problems that confront the accident investigating officer. People walking about can destroy physical evidence.
 - B. Protection of property of victims

1. You must protect the property of injured or deceased persons.
2. With crowds of people milling around it is difficult for you to protect the property of those involved.
3. Persons from the spectator group may get hit by other traffic.

IV. Parking Control and Accident Scenes

Spectators can create hazards by stopping and parking.

- A. Officers should prohibit stopping and parking.
- B. Keep spectators moving along but do this in a courteous manner.

V. Correction of immediate hazardous situations:

- A. "Hot" lines down at the accident scene⁽¹⁾

A B C's of an electric power emergency:

1. Call the power company and report to police headquarters.
2. Set out flares and keep people at least 100 feet away.
Electric power emergencies frequently occur when it is raining; wet ground increases the hazard.
3. Keep everyone away from any kind of metal fence. A highway divider or a rusty old roadside wire fence may be energized by a fallen wire draped across it a mile or more away.

In a hurricane, tornado, forest fire, or flood, fallen wires may be multiplied by the hundreds. Then, the electric companies borrow skilled professionals from each other. In such disasters, the law enforcement officer has his own job to perform, under direction. As part of a task force, he does not have to make his own decisions. But every policeman, city patrolman, county officer, and State trooper should be prepared for the moment when he faces an electric power emergency alone. Then, he must make his own decisions about people, and power, and himself.

Rules to Remember

Electricity, from a powerline or a thundercloud, seeks to reach the ground. So there is one rule to remember at all times: Do not let yourself or others get into a circuit between one wire and another, or between one wire and the ground. In a typical power emergency, a car hits a utility pole, causing a wire to snap and fall on the car. The occupants are perfectly safe as long as they stay in the car. Call the power company. If the car catches fire, tell the occupants to leap, not step, from the car. To step out would put them in the circuit, with deadly results. If the occupants are too injured to respond, you may be able to push the other car out of contact with yours. But before you get out of your car, take a good look around, or it might be your last;

there might be another fallen wire behind you or hooked to your bumper. If so, exit leaping from your cruiser. Many police carry a length of dry rope, an ax and blankets in their cars. The rope can be flung around the fallen wire to pull it free from a vehicle or victim, or it can be used as a snare to help extricate unconscious persons trapped in burning cars or tangled wires. The ax is to be used to cut a fallen wire with one true swing only when all other rescue efforts with wooden poles, sticks, or dry rope have failed. In most cases, leave the cutting of potentially dangerous wires on the ground to trained power company linemen. The blankets, of course, are carried to keep a victim warm while artificial resuscitation is being administered.

Sometimes, a long, dry stick can be used to lift a fallen wire from a victim. A garden rake at least 6 feet long will answer the purpose. Roadside branches will too, but very often they are likely to be too wet to offer any protection.

In any rescue attempt, you must protect yourself; dead heroes aren't any good to anyone in trouble. DO NOT RELY, under any circumstances, on rubber boots, raincoats, rubber gloves, or ordinary wirecutters to help protect you. Above all, do not touch the wire, or allow even your clothing to touch the wire or the victim.

B. Gasoline leaks from damaged vehicles

1. Move persons away from the soaked area.
2. Prohibit smoking.
3. Notify fire department so that the area can be washed down.

C. Vehicle fires

1. Many fires in damaged vehicles are the result of electrical shorts.
2. Disconnect the battery cable from one side of the battery.
3. Utilize fire extinguishers or sand and dirt from roadside to extinguish flames.

The physical evidence at the scene of a traffic accident is of vital importance to your investigation so take all the steps necessary to protect the accident scene and the evidence found there.

RULES TO REMEMBER

DO:

1. Park patrol vehicle so that it provides the best protection for the accident site.
2. Utilize flares if necessary.
3. Keep bystanders back from the accident scene.
4. Protect injured person's property.

5. Use caution in hazardous situations, such as power lines down, gasoline leaks or fires.

DON'T:

1. Allow bystanders to create a hazard.
2. Fail to place flares if the oncoming traffic cannot see accident scene because of hills or curves.
3. Touch power lines down at accident scenes or at any other place!
4. Allow persons to smoke if there are gasoline leaks.
5. Fail to watch for the take action on fires in involved vehicles.
6. Forget how important the physical evidence at the scene is to your investigation.

INVESTIGATION OF TRAFFIC ACCIDENTS III

"Investigation Procedures I"

Every law enforcement officer should have a thorough knowledge of the techniques used in investigating and reporting motor vehicle accidents.

Great emphasis has been placed in recent years on the accident situation in our country by the public. Great strides have been made by police agencies in the technical skills and investigative procedures of accident investigation.

To the law enforcement officer the term "accident investigation" should rank equally with every other function that you will be called upon to deal with.

I. Responding to the Accident Call

- A. Utilize all the safety precautions necessary. Effect a safe response so that you can assist.
- B. Observe traffic, especially any damaged vehicle, while in route to the accident call. The call that you receive could develop into a hit and run case and a damaged car observed, in route, could be the other vehicle involved. Therefore, any damaged vehicle should be noted.

II. Arrival at the Accident Scene

- A. Evaluate the scene and take all precautions necessary to protect the scene.
- B. Render first aid if necessary.
 1. Stop bleeding.
 2. Keep person quiet and cover with blanket to treat for shock.
 3. Call for medical assistance.
 4. Call for ambulance.
 5. Call for assistance if you need it.
- C. If you have injured persons, get the following information:
 1. Injured person or persons' name and address.
 2. Try to determine the extent of injuries.
 3. Have the person tell you, if possible, where they are feeling pain and record this information.

Example: "I don't have any feeling in my legs, and I can't move them."

III. Contacting Drivers and Witnesses

- A. Locate the drivers of the vehicle involved.
 1. Be unbiased and unprejudiced in your remarks to the drivers.
 2. Your approach is most important and may determine your success at gaining the information necessary for your in-

vestigation.

3. Be businesslike and professional in your approach.

B. Avoid conflicts.

1. On occasion drivers and witnesses can become belligerent to one another and to you.

2. If you allow arguments to continue, they can develop into a full-scale fight which you will have to stop.

3. It is a good idea to question each driver and witness separately and then bring them together later to deal with differences.

4. Allow each driver to tell his story in his own way. Cutting persons short could cause you to miss important points because the person may be afraid of offending you.

5. Above all, be patient and courteous in your dealings with drivers and witnesses because they are all under a strain.

C. Locate witnesses as promptly as possible.

1. Be tactful and diplomatic when approaching witnesses.

2. Persons who witness accidents are usually reluctant to volunteer information.

3. Your manner and approach will, in many cases, determine the degree of cooperation you will receive.

IV. Physical Evidence

A. Position of the vehicles

1. Note the position of the vehicles.

2. Note the damage to vehicles and where damage is located on each vehicle.

B. Road conditions

1. Note the road surface and any unusual circumstances, such as hills, unusually high crown on the roadway, etc.

2. Also note any debris such as broken glass, sheet metal parts, etc., that would cause a traffic hazard to passing traffic.

3. Take precautions to protect your physical evidence and don't move anything until you have taken measurements.

C. Location of marks and debris on the road surface

1. Determine the location of skid marks.

2. Determine point of impact location.

V. Damage to Stationary Objects

A. Determine the location of any fixed object which has been damaged, such as light poles, walls, fences, etc. Determine the owner of such objects and approximate amount of damage.

B. Protect damaged object until such object can be secured by the owner or his representative. You must protect such property to secure it against theft, further damage, or possible inclusion in another accident.

RULES TO REMEMBER

DO:

1. Exercise caution to assure a safe response.
2. Watch for damaged vehicles while in route.
3. Render first aid if necessary.
4. Obtain as much information as possible from the injured.
5. Locate drivers and witnesses as quickly as possible.
6. Act in a professional manner.
7. Take note of the position and damage to vehicles involved.
8. Take note of conditions of the road and debris.
9. Protect all property involved in accident.

DON'T:

1. Fail to evaluate situation upon arrival. If you need additional help, call for it.
2. Fail to obtain as much information concerning injuries as possible before injured leave the scene.
3. Fail to consider the importance of your approach to witnesses and drivers.
4. Be biased or prejudiced in your remarks.
5. Cut witnesses or drivers short when they are explaining their story.
6. Fail to be tactful and diplomatic in your approach.
7. Fail to protect all property of victims and others involved in the accident.

INVESTIGATION OF TRAFFIC ACCIDENTS IV

"Investigation Procedures II"

If your investigation of an accident situation is to provide the maximum benefits in facts and prevention, then there are certain facts and information which must be provided in writing. As we have said earlier, a good accident investigation report is time-consuming and detailed, but the rewards are of high value: a lessening of an appalling death toll, human suffering and loss of property. Gather your information well and record it carefully so that your superiors and the court can have a clear picture of the occurrence.

- I. Information that must be obtained for a good accident report
 - A. Location, date, day of the week, and time (A.M. or P.M.) that the accident occurred.
 1. The county, city, or town if applicable
 2. The road, street or highway by name or number
 3. Whether at an intersection of the distance from some fixed point, if not an intersection. Name of intersection.
 - B. Information concerning the type of roadway and condition
 1. Character of the road -- straight, curve, level, on grade, hillcrest, etc.
 2. Type of surface -- dirt, gravel, asphalt, brick, concrete, wooden block, etc.
 3. Condition of the surface -- wet, dry, muddy, ice, snow.
 4. Any defects in road surface
 - (a) Holes, gouges, ruts or lumps, etc.
 - (b) Note any loose materials, such as gravel, sand or debris.
 - (c) Is the road under construction or is maintenance work underway?
 - C. Weather and light conditions
 1. Clear, cloudy, rain, snow, fog, smog, or smoky.
 2. Time of the day, daylight, dusk, dark or dawn.
 3. If dark, is the street lighted or not.
 - D. Type of traffic control present, if any
 1. Automatic control device
 2. Blinker warning light
 3. Yield or stop sign
 4. Railroad crossing sign, automatic, manual, warning, crossing gates
 5. Roadway lined and passing lanes marked
 6. Warning signs
 7. If automatic traffic control present, was it in working order.
 - E. The type of road or highway
 1. 2-lane, 4-lane, divided highway.

2. Width of roadway from shoulder to shoulder.
- II. Information to obtain for vehicles involved
- A. The year, make, and model of each vehicle
Example: 1964, Ford, Fairlane, 4-door sedan
 - B. The year, state and number of the vehicle license tag. If a truck is involved, you will want to record the Interstate Commerce Commission plate number and Georgia P. S. C. number, if applicable.
 - C. The damage to the vehicle
 1. Location of the damage.
Example: Right front fender, grill and door.
 2. The approximate cost of repair
 3. If the vehicle has to be towed or impounded, the location of where the vehicle will be located should be recorded.
- III. Information to record regarding drivers
- A. Name, in full; street address, not post office box; age; sex; race
 - B. The driver's occupation, years of driving experience, driver's license, state and number, and type.
 - C. Name of the owner if different than driver.
 - D. Name of insurance company, type of police and policy number.
- IV. Information to record regarding injured persons
- A. The complete name, address, age, sex, and race, the nature of the injury. Example: John Paul Jones, 3117 N.E. Pine Road, Adel, Georgia. 17, male Negro. Lacerations on head and face, left arm deeply cut and possible internal injuries.
 - B. Position of the injured person, if in vehicle.
 1. Driver, passenger right front, right rear, left rear, center rear, or center front.
 2. If a pedestrian, note which side of road and whether on sidewalk, shoulder or pavement and what the pedestrian was doing prior to accident, such as crossing, walking, etc.
 3. If injured person was removed, where they were taken.
 - (a) The name of hospital to which the victim was removed.
 - (b) Record which vehicle victim was in.
- V. Record what each vehicle driver was doing.
Proceeding straight; turning either left or right; U-turn; slowing or stopping; starting; stopped; parked or backing.
- VI. Recording the driver's violation
You will want to record the violation that occurred in your report.
- VII. Vehicles involved should be checked to determine if there are any apparent mechanical defects.

- A. Defective tires, brakes, or steering.
- B. Defective lights or windows, such as frosted glass.
- C. Also note any special safety equipment, such as seat belts, and if they were in use at time of accident.

VIII. Note whether one or both drivers' vision was obscured. Hillcrest, trees, shrubs, buildings, signs, parked or moving vehicles, or any other item which may have impaired vision.

IX. Recording Witnesses:

- A. Witnesses should be located as promptly as possible.
- B. Your approach is of supreme importance. Witnesses should be approached with courtesy and tact.
- C. A good first question is "Where were you standing when the accident occurred?" Don't ask, "Did you see the accident?" Many people do not want to get involved. Asking them if they saw it provides an ideal opportunity to avoid testifying. To ask "Where were you standing when the accident occurred?" will give the impression that you know something about the fact that the witness saw the accident and they may then provide information concerning their observations.
- D. Record the witnesses' full name, address--both home and work, telephone number and exactly where they were at the time of the occurrence.

Example: John Alexander Hart; Home: 1412 Granada Blvd.; Work: 1222 Alhambra Circle; Phone: Home, 448-4926 - Work, 448-4811; 28 feet East on West Wood Street.

To record the work address and phone number may well help to locate the witness, at a later date, when he cannot be located during working hours at home.

X. Diagramming the accident scene

- A. Your diagram should show the position of the vehicles at point of impact and where they finally came to rest.
- B. The diagram should show both vehicles and each should be properly numbered.
- C. The diagram should show all measurements and fixed points and be a picture of the occurrence.

With a diagram, no matter how crudely drawn, you can determine which direction each vehicle was traveling; the width of both streets; location of the center of the intersection; the point of impact; and the distance and what direction both vehicles traveled after impact. The diagram should show all traffic control devices and any trees, shrubs, etc. that may have obscured driver's vision.

XI. Describing the accident scene

Your description should explain the drawing that you have made.

Example:

Vehicle 1 traveling north on Giralda Avenue struck vehicle 2 proceeding east on West Wood Street. The point of impact was 15 feet east and 6 feet south of the center of the intersection. Vehicle 1 traveled 42 feet north and west after impact. Vehicle 2 traveled 38 feet south and east after impact. There were no apparent skid marks before impact by Vehicle 2 and Vehicle 1 laid down 29 feet of heavy skidmarks prior to impact.

INVESTIGATION OF TRAFFIC ACCIDENTS V

"Fatal Accidents and Motor-Vehicle Homicide"

Any time a fatal accident occurs, there is a great deal of public attention paid to it. As police officers we know that any time the public takes an interest in an accident, we must be well prepared. If an arrest is made in connection with a fatal accident, the charge will be of a serious nature. If a civil suit takes place as the result of a fatal accident, then the demands will usually be great, and the case hotly contested.

You must keep in mind that for every person killed in an accident, you have one less witness. If you work an accident with only one car involved, and if all occupants of the car are killed, then most likely you will have no witnesses and you must depend on the physical evidence found at the scene to determine the cause of the accident. If the driver of the car is killed and it seems he is not at fault, do not think that there is no longer a reason for investigating the accident. If you feel the dead driver was at fault and yet, of course, cannot be arrested, this is still no reason for failing to investigate the accident. Any fatal accident demands your utmost attention and investigation.

I. Is the person dead?

- A. Some signs of life: You will investigate fatal accidents that will not present a problem as to determining a person's condition. Some injured persons will show definite signs of life and others will obviously be dead. You will, on the other hand, investigate some accidents where it will be difficult to determine the condition of the injured person.
1. Pulse or heart beat: One of the best ways to determine an injured person's condition is to check and see if there is any pulse or heart beat. You can check for pulse just above and on either side of the Adam's apple.
 2. Use of mirror or dry glass: You can place a mirror or dry piece of glass close to a person's nose or mouth and if they are breathing, it will usually cause the mirror or glass to cloud.
 3. Use of light: Another way of determining if a person is dead is to shine a bright light in his eyes. This test works best at night. If the person is still alive, the pupils of his eyes should grow smaller in size.
 4. The blood and light check: You can use a flashlight to check a person's blood to determine if he is still alive. If the person is still alive, the hand will appear red when a light is focused through it and if the person is dead, the light will not shine through.
 5. You should always keep in mind that the above tests are not conclusive and if the person shows any sign of life, you

should render first aid and send them to the hospital as soon as possible.

6. You must also remember that an injured person or person whom you know to be dead should always be carried to a doctor or to the hospital. The person must be pronounced dead officially and a death certificate issued by a qualified physician.

B. Notify the coroner

1. Fatal accident and no witnesses: When you work an accident where someone is killed and you have no witnesses, you must notify the coroner. You must keep in mind that you only have to notify the coroner. After you have made a thorough investigation, you can have the body removed. You do not need the permission of the coroner to move the body from the scene. If you think there has been foul play, you may want to leave the body at the scene until the coroner arrives, but it is not demanded by law.
2. Extra report: When you investigate a fatal accident where you have no witnesses, it is a good idea to make an extra copy of your report. You can give the coroner a copy of the accident report and he can decide from your report what to do next.

C. Handling bodies

1. Identification: Most of your fatal accidents will have some survivors and they will be able to identify the dead. If there are no survivors, then you must try and identify the body yourself. When you search a body, always have someone with you.
2. Notify the next of kin: Most of the time the undertaker will notify the next of kin. He will only hold the body for safe-keeping until he talks to relatives of the dead person. If you should know the next of kin and they live close by, you should go and see them and not just phone them. If possible, notify a distant relative or the person's minister and let them actually tell the close relatives of the death.

II. Motor Vehicle Homocide

A. Blame for death by automobile.

1. Homocide is the killing of one human being by the act or omission of another. When someone is killed as the result of riding in or being struck by a motor vehicle, there arises a question of whether some person is criminally responsible, and, if so, what charge should be brought against him. Suicide is the intentional destruction of one's self, of course, and such an act puts the dead person beyond the reach of the law.

(If the driver deliberately or intentionally kills another person with his motor vehicle, he is probably guilty of murder.) When death occurs in connection with a motor vehicle accident, it may be due to natural causes such as a heart attack, or to some unintentional act or omission of another, in which case there are certain other charges that can be filed, depending on the circumstances of the case and the laws of the state.

2. Fatal traffic accidents and those resulting in injuries that could later be fatal must be well investigated. Investigations of fatal accidents are not essentially different from those of less serious cases, but in fatals it is even more important that you are constantly alert to secure and safeguard what may become important evidence at an inquest or trial.
3. The mere fact that death has occurred, however, does not mean that you must take enforcement action. An accident can result entirely from conditions of the road or vehicle, and often the responsible person is dead and cannot be prosecuted. Do not feel that you have to find a law violation and prosecute someone merely because an accident involves a fatality.

B. Possible Intentional Traffic Deaths.

1. Most motor vehicle traffic deaths that you investigate will prove to be unintentional. However, a few which are reported as accidental are really murder or suicide, that is, they were intentional. Mistaking motor vehicle murders or suicides for accidents could often have been prevented by more careful investigation.
2. Statements of witnesses may lead you to suspect murder or suicide. So may comments of friends or associates of the deceased. If witness said, "It looked like he deliberately turned that way," it may be worthwhile to inquire whether the driver had ever threatened to kill himself. The chances are, of course, that he did not deliberately turn that way, but looking into it may yield sufficient reasons for believing that the smash-up was no accident.
3. Statements by friends or associated like "He's been down in the mouth lately" or "She's been stepping out on him for a month" are signs that it may be worthwhile to look into the background of the deceased. (It should be remembered that these types of statements are hearsay and generally are not admissible in court.)
4. Consider the possibility of suicide or murder especially in certain types of accidents, for example, when a vehicle carrying only the driver unaccountable runs over a precipice or into a body of water. Suspect murder in cases where pedes-

trians are killed and you discover some enmity between the driver and the victim. Suspect murder when a body is found in the street, apparently the victim of a hit-and-run accident, especially if the victim seems to have injuries that would not have come from an auto. Also, question that it was accidental if someone is killed when a vehicle burns for no apparent reason, or a death results from injuries not likely to have been caused by the accident, or a driver shows no remorse or even appears to be pleased.

5. Whenever you suspect suicide or murder be certain to report that fact to whomever in your department handles such cases. Only a few possibilities have been given here of the many circumstances under which murder or suicide could be suspected.

C. Laws Concerning Accidental Traffic Deaths.

1. Laws concerned with criminal responsibility for motor vehicle accident deaths vary widely from state to state. The name by which the offense is called is not important. The investigative activity that is necessary to obtain convictions under the law is important.
2. In Georgia a person can be charged with murder or involuntary manslaughter.

(a) "Murder" defined: Murder is the unlawful killing of a human being, in the peace of the state, by a person of sound memory and discretion, with malice aforethought, either express or implied.

(b) Involuntary manslaughter: Involuntary manslaughter shall consist in the killing of a human being without an intention to do so, but in the commission of an unlawful act, or lawful act, which probably might produce such a consequence, in an unlawful manner: Provided, that where such involuntary killing shall happen in the commission of an unlawful act, which in its consequences, naturally tends to destroy the life of a riotous intent, or of a crime punishable by death or confinement in the penitentiary the offense shall be deemed and adjudged to be murder.

D. Special Problems in Motor Vehicle Homicide Cases.

1. Formal statements in writing are more important in fatal accident cases than in accidents that involve less serious consequences. These are particularly important because the statement of the accused may be of great help if he would like to claim later that he was not driving.
2. In most traffic violations, it is essential to prove that the accused was driving. So it is especially important that you have a statement of the accused to that effect. That the accused was driving is often proved by circumstantial evidence such as the nature of his injuries, but get statements

in writing whenever you can.

3. If a person dies within one year of an accident as a proximate result of it, a homicide charge may then be filed in most states. Therefore, if there is likelihood of the victim dying, delay filing charges, or, at least, delay trial of the case pending determination of the victim's condition and the chances of his dying. If you file right away and the case is disposed of before the victim dies, some difficulty may be encountered in later filing a homicide charge, especially if the accused is acquitted on the original charges. Death may be established by certified copy of a death certificate from a doctor or hospital or by testimony of witnesses.
4. Dying declarations are occasionally involved in homicide prosecutions arising from fatal accidents. In these cases, such declarations are just as important as in premeditated murder prosecutions. Dying declarations are considered of special worth on the premise that a dying person's words, uttered when he believes he is about to die, are inherently reliable. Courts and juries are likely to give considerable weight to such statements. They may be made by any passenger, driver, or pedestrian victim, but can be used only in a criminal prosecution for homicide of the person who caused death of the person making the declaration is a statement:
 5. A dying declaration is a statement:
 - (a) by the victim of a homicide.
 - (b) by a person who, if he had recovered, would have been content to testify to the facts stated in the declaration.
 - (c) made when declarant is about to die, knows it, and has no hope of recovery.
 - (d) which gives facts about the circumstances under which the fatal injury was inflicted.
 - (e) which is introduced at the trial of the person accused of killing the declarant.

A dying declaration is an exception to the hearsay rule, which provided that hearsay evidence, i. e., evidence which does not derive its value solely from the credit of the witness, but rests mainly on the veracity and competency of other persons, is not admissible in court.
6. The declarant does not have to die within minutes, but it must be in a reasonable time. The declaration can be oral or written and it can consist simply of a nod or gesture in response to a question if the declarant is unable to speak.
7. Record dying declarations in writing whenever possible and have a witness and the declarant sign it. Include any statements that show that the declarant knew he was going to die,

for example, "It is useless to send for a doctor" or "Say good-bye to my family." Such statements may be essential to show that all hope of recovery was abandoned. Surrounding circumstances are sufficient in some cases to show that declarant knew he was about to die. Physician's statements concerning the state of mind of the deceased can also be used.

8. If the declarant is so injured that he cannot sign a written statement, make a note of this fact on the statement. In this case it is especially useful to have a witness. If the witness will not sign the declarant's statement, get his name and put it on the page with some such statement as "The following were present when the above statement was recorded."

E. Handling Felony Cases.

1. Most traffic offenses are misdemeanors, but motor vehicle homicide and one or two other motor vehicle crimes, such as hit-and-run and driving under the influence of alcohol, are felonies in many jurisdictions. Felonies are more serious crimes and are punishable by sentence to a penitentiary. There is little difference in how you handle felony cases and misdemeanors except relating to procedures in connection with taking people into custody. The problems of arrest in traffic cases are discussed elsewhere. Become familiar with the laws of arrest in your community, and the legal rights of persons accused of crime.
2. Because of the heavy penalties, defendants in felony cases will employ competent defense attorneys. This means that, in all such cases, especially careful preparation by both the prosecutor and police will be required. Presentation of evidence that might go unchallenged for ordinary violations will not be tolerated in motor vehicle homicide cases. Proof must be clear, complete, and convincing because juries are reluctant to convict.

INVESTIGATION OF TRAFFIC ACCIDENTS VI

"Hit-and-Run Investigation"

- I. Nature of hit-and-run investigations
 - A. Hit-and-run is a term commonly applied to any traffic accident in which a driver fails to comply with any of the laws regarding stopping, giving aid, and revealing his identity. However, the words hit-and-run are not used in laws and ordinances. Evading responsibility is a much better and broader term because a driver can stop after an accident and then go on without giving first aid if needed or identifying himself. Therefore, he is not precisely a hit-and-run driver, but he is guilty of evading legal responsibility.
 - B. Difference between hit-and-run and other accident investigation. Accident investigation has as its purpose the discovery and recording of the circumstances of an accident. Hit-and-run investigation aims to find the driver who evaded responsibility and bring him to justice. The latter is really a criminal investigation arising from an accident. It is as much so, in fact, as finding and arresting a thief who stole thirty cases of cigarettes from a truck in an accident when the driver had gone for help. Usually, when you investigate an accident, you will also investigate the evasion of responsibility, or at least start the investigation. It is possible to have a hit-and-run investigation start with an accident which is reported but never actually investigated. The urgency of serious hit-and-run investigations may hinder completion of an accident investigation.
 - C. Do not neglect accident investigation in hit-and-run cases. It is just as important to find the cause of a hit-and-run accident as it is to find those of any other traffic accident. Evading responsibility is a serious traffic law violation, but it is not the cause of any accident. Thus, in most hit-and-run cases, you have two investigations: one accident and one non-accident. Both are important.
 - D. Hit-and-run investigations are part of traffic law enforcement, strictly speaking, rather than part of accident investigation. Yet hit-and-run investigations are quite different from ordinary traffic law enforcement and they always occur in connection with accident investigation rather than with other phases of police traffic law enforcement.
 - E. Finding the driver is the main problem in hit-and-run investigations. Therefore, devote most attention to it. Do not forget that there are many ways of evading some responsibility in connection with traffic accidents, even though the driver stopped after collision.

- F. An important police activity. Hit-and-run investigations are important police work, especially when the accident involves serious personal injury or great property damage. Apprehending and prosecuting hit-and-run drivers is necessary because:
1. A serious offense has been committed.
 2. Public knowledge that the police usually catch and convict hit-and-run drivers is a great deterrent to all drivers who might otherwise be inclined to evade responsibility.
 3. A good record of bringing hit-and-run drivers to justice increases public support for your traffic work and for the whole police department. It is a specific way in which people can measure results of traffic law enforcement.

II. Hit and Run Investigation

A. Coordinated individual and group action

1. The accident investigator is the key man in hit-and-run investigations. It is who usually first discovers or confirms that the accident involves evasion of responsibility. He is in the best position to get a description of the driver, the vehicle he left in, and other clues. On the other hand, if the driver has disappeared and his identity is unknown, you have a full-fledged hit-and-run investigation on your hands. This is no job to tackle by yourself. You must have help. Communicate at once with your station. Give all available information on the wanted driver and his car so that other police on duty can be alerted.
2. Teamwork is needed now for a coordinated program of individual and group action. Preparations must be made in advance, as for other emergency. In general, the whole program involves four kinds of activity, as follows:
 - (a) Investigation at the scene, usually by accident investigators.
 - (b) Station activity, particularly alerting and dispatcher patrol units.
 - (c) Work of area patrol units in looking for cars meeting the general description.

B. Investigation at the Scene

1. Make sure that the accident is hit-and-run. Someone may have reported that the driver has disappeared. At the scene, find out for yourself or you may waste a lot of time and effort, your own and other's trying to find a driver who is really not evading any responsibility. He may have left the scene without "running away." Or he may have taken an injured person to the hospital, intending to return later. In any case, you must find the driver even if he has left the scene legitimately. If you cannot

quickly locate him, assume that it is a hit-and-run case, and start standard hit-and-run procedures right away.

2. You now may have to make another decision that is important and often difficult. Shall you go after the escaping driver? Or is it better to let him go and attend to the emergency at the scene of the accident? Your duty is to save life-if a victim is bleeding to death, for example-even if the driver escapes. In such a case, you must communicate with your station so that other police can take up the chase. Your best solution to such a problem is to do just enough of what is most urgent at the moment to get the situation under control. Then tackle the next most urgent thing in the same way. Getting the situation under control often involves asking someone else, sometimes a bystander, to phone for help, protect evidence, take numbers of cars which may lead you to witnesses, etc.
3. Two important Ways of Getting Information Are:
 - (a) Questioning victims and witnesses
 - (b) Examining physical evidenceDon't neglect to question anyone or fail to examine carefully any physical evidence you think might give you a clue. This will take time and you may get a lot of false leads, but many clues that finally solve hit-and-run cases often seem quite unimportant at first.
4. Get a description of the vehicle. The information usually looked for is the type, make, and registration number of the car. This is important and very useful, but ordinarily the most helpful kind of information at first is odd or unusual details about the vehicle. Some examples of such details are broken or cracked windows, dual exhausts, odd windshield stickers, squirrel tails attached to an antenna, things carried on the vehicle, body or fender dents, or an unusual color or amount of dirt on the car. General descriptions of cars -- make, model, color, and the like -- apply to many vehicles. Unusual details, however, are easier for officers to see or hear from squad cars or on the street.
5. Obtain a description of the occupants. Sometimes hit-and-run cases are solved by following up descriptions of the driver and passengers. Get all the information you can about them. Learn the sex, age, and the number of passengers. As with vehicles, unusual details are most important and helpful. They make people easier to distinguish. Some examples of unusual details are bald heads, mustaches, loud clothing, and racial characteristics.

6. Learn the direction the vehicle was traveling. This is most helpful in rural and suburban areas. Squad cars and foot patrolmen are more apt to spot a car if they know the direction it is likely to be traveling. You can often get this information by questioning victims or witnesses, examining tire prints or skidmarks, noticing debris strewn along the way, or by examining paint marks on fixed objects and the positions of struck pedestrians or vehicles. If you follow the direction of travel, other evidence, such as dropped-off parts, tire prints, or even the car itself, which may not have been able to travel far because of damage, may be found.
7. Collect broken parts of vehicles. These are often the most useful evidence of all. Not only do they help find the vehicle, by giving a clue to a particular make and model of car, but, better than any other kind of evidence, they may be used to connect a suspected vehicle to the accident. Examples of broken-off parts often found at hit-and-run locations are door handles, lens fragments and other lamp parts, bumpers, horns, hub caps, exhaust pipes, radiator ornaments.
8. Paint marks or scrapings are very important. Carefully preserve any paint samples you can find. Some colors are peculiar to certain makes and models. Experienced garage men may be able to give the same information. You may find paint samples in the clothing of struck pedestrians, but more often paint is scraped off on struck objects, especially vehicles.
9. Debris is the accumulation of rubbish left at the accident scene. It is usually shaken off the vehicle from the force of the collision. Carefully preserve samples of mud, tar, dirt, and the like. Compare with similar kinds of materials found on suspected vehicles. Dirt or mud from fenders or wheels may come from certain areas of the city or community. This may tell you where to look for the vehicle.
10. Objects that were carried in or on a hit-and-run vehicle are excellent clues which may lead to the vehicle or the driver. Some examples are clothing with identifiable laundry marks, salesman's samples bearing the name of a business concern, and letterheads or notebooks.

C. Seeking a Vehicle While Patrolling

1. The information obtained by investigators at the scenes of serious accidents should be given immediately to squad cars in the area so they can start looking for the car and driver. Be sure to retain the description given you. Write it down so you can refer to it when needed.

2. The method used in looking for a vehicle depends, of course, on the information you have. If you know the probable direction of travel, you will, of course, concentrate on vehicles going that way, or look mostly in sections toward which the car was last seen to be headed. However, because the driver may change his direction of travel, you must not ignore other vehicles. Sometimes you can guess correctly at the route the fleeing driver is likely to take. He is not apt to use streets which are heavily patrolled by police or which have a lot of traffic to hinder him. Try to place yourself in the driver's seat and decide what you would do in his situation. If the hit-and-run car was badly damaged, the driver may head immediately for a convenient garage to have it fixed, or he may simply try to get it off the streets. Look carefully in areas which contain many garages and parking lots, and search alleys close to the accident scene.
3. If you think the car had out-of-state registration, watch highways leading out of town, particularly those leading to the driver's home state. If there are only two or three possible routes that the driver could take, you might park at a likely intersection, keeping out of sight as much as possible, and watch for the car. Do not worry about stopping and questioning an innocent driver. If you find he is not the one you want, explain why you stopped him. Most people will be understanding and cooperative. As a matter of fact, it's often a good idea to stop cars that look recently damaged and question their drivers.

D. Canvass for Vehicles and Driver

1. This is one of the most important area activities. Canvassing is done usually in the more severe and important cases because minor accidents, such as those involving only small property damage, are not ordinarily considered important enough to divert police from other important duties. In most cases the canvass does not end until you have covered all garages, service stations, parking lots, and other likely places in your territory, or until the vehicle has been found.
2. Canvassing and seeking the vehicle while on patrol are different kinds of activities. On patrol, you look for the vehicle on the street, either moving or parked, but in canvassing you look for it in certain places, where the vehicle may have been taken for repair or hiding. In canvassing and patrolling for the missing vehicle, the area of search should include all possible locations where the vehicle might be. If you work in a city, you will probably search only your own territory while other police handle their territories.

But in a rural section, the search may include whole towns in the area and highways between them.

3. The canvass is begun just as soon as the description of the vehicle is obtained. Squad cars and foot patrolmen may start looking while the original investigators are still at the scene searching for evidence. After completing the on-the-scene investigation, these investigators may join in the canvass or carry on some other follow-up activities.
4. Another suggestion is to call at nearby hospitals and doctor's offices when the driver or a passenger in the missing car was thought to be injured. Inform officials or doctors that you are looking for a hit-and-run driver and give a description of the occupants and their probable injuries. Ask them to let you or headquarters know if a suspicious person comes in for first aid, especially if he tells a vague story about how he was injured.

E. Identifying the Vehicle

1. The solution to most hit-and-run accidents is through locating the vehicle involved. Sometimes many vehicles answering the general description have to be examined before the right one is found. The examination of each must be very careful, especially if the damage is small or has been repaired. If possible, examine the vehicle privately so the driver or owner will not become suspicious and take flight.
2. Make certain that the car is the one in the accident. First look for damages which might have been done in the accident and then try to match broken parts or substances found at the scene with those on the car. Identifying a damaged car usually is a fairly simple matter, because, knowing the kind of collision it was in, you have a good idea of the amount and kind of damage to look for. Take pains, however, to get proof of identity which will stand up in court. Good proof is a broken part found at the scene which matches a broken part on the vehicle. Also, paint off the car matching paint on an object struck is good proof and, in the case of pedestrian accidents, bits of clothing, hair, or blood on the car. In many cases, scientific crime detection methods will be needed. Sometimes special photographs are necessary to show scientific evidence for prosecution in court. This is particularly true when bits of glass or paint must be matched or when identification is by impressions of cloth or buttons. Paint usually requires microscopic or other analysis. If your preliminary

investigation shows that such scientific methods are necessary, you can consult your supervisor and arrange for impounding the vehicle.

3. If you locate the car very soon after the accident, feel the engine, radiator, and muffler to find out whether they are warm. This may tell you if the car was driven recently. The engine will stay warm as much as four hours and the muffler for forty minutes. Often a driver or owner will deny that the car has been on the road since before the accident. The hot engine or muffler proves that the engine, at least, has been running.

F. The Hit-and-Run Driver

1. If you understand why the hit-and-run driver tries to evade responsibilities, you may find it easier to locate him, and certainly you can do a better job of questioning him. This is true because you can anticipate some of the things he may do or say.
2. As a rule, avoid talking to the driver or owner until you have done all you can to connect his vehicle with the accident. Once you have let him know that you suspect him, however, watch the car. If you find a suspect within a few hours after the accident, however, approach him as soon as possible.
3. You can, of course, trace the car owner through the registration number. After you have done this, ask questions about the owner in his neighborhood or in other places where he may be known.
4. Before approaching the suspect, be as familiar as possible with the case and all the circumstances. If you have time, find out what you can about the suspect's history and habits, especially his driving habits. Learn if he has been in other accidents, if he has a traffic violation or criminal record, if he has a reputation for heavy drinking and driving after drinking.
5. What do you have to prove? In only a few cases can you know for certain that the owner of an accident vehicle is the man you want. When you approach the suspect remember that, in general, you must establish:
 - (a) Who was driving at the time of the accident.
 - (b) The car he was driving was the one in the accident.
 - (c) He knew, or should have known, that he was in an accident.
 - (d) He evaded some legal responsibility.

INVESTIGATION OF TRAFFIC ACCIDENTS VII

"Skid Mark Evidence"

The purpose of this course is to teach the scientific methods used in calculating motor vehicle speeds from skid marks.

I. Introduction

A. How fast was the vehicle traveling?

1. One of the most common questions in accident investigation is "How Fast Was He Going?"
2. This is a most difficult question to answer.

B. Speeds guessed from skid marks are usually high and this is one reason why estimates are more reliable than guesses.

II. Skid Marks never show all the speed of a vehicle before the accident happened.

A. They show only how far the vehicle slid.

1. We can only estimate how fast the car would have had to be traveling to slide to a stop in the distance shown by skid marks.
2. The motor drag and wind resistance may slow the vehicle to a certain degree.

B. When only skid marks are involved, it is:

1. Common to estimate speed within ten (10) miles per hour.
2. Practical within five (5) miles per hour.
3. Possible within two (2) miles per hour.

III. Skid marks as evidence

A. Skid marks are usually short-lived and cannot be moved.

1. If they are to be used as evidence in court they must be measured.
2. Make a clear and complete record of skid marks.
 - (a) Number of skids
 - (b) Length each wheel skidded
 - (c) Location as to road

B. Make your notes and photographs at the scene.

1. Important thing at the scene is to discover and record the evidence.
2. This evidence can be worked out later to determine speed.

IV. Measuring Skidmarks

A. What is a skid mark?

1. A skid mark is a tire mark on the ground or pavement made by a tire that is not free to rotate.
2. A skid mark may be black or it may be very dim, depending on the type and color of a surface, the composition of the

tire rubber, the wheel's load during braking and the temperature of the surface and tire.

- (a) The vehicle's speed is reduced more from skidding at the beginning of the skid mark than near the end of the skid mark. Why?
- (b) We must first ask ourselves, what causes the marks left on the road surface?
Head is generated by the tire sliding on the surface, and as a result we have melting rubber. Also, a bituminous asphalt will melt if heat is great enough. The combination will produce the skid mark.

B. In measuring skid marks, locate the beginning and end of skid marks for each wheel.

- 1. The beginning may be very light and difficult to see.
- 2. The end of the skid is usually darker.

C. Measure the skidding distance.

- 1. Locate any gaps in the skid.
 - (a) They are usually made by the release of the brake peddle and its re-application.
 - (b) They are usually longer than ten (10) feet. Why?
 - (1) Driver's reaction is too slow to make the gap any shorter.
 - (2) Vehicle going 60 M. P. H. is traveling at a rate of 88 FT/SEC.
 - (c) The gap should be subtracted from the overall skid.
 - (1) We are interested in how far the tires slid.
 - (2) Not how far the vehicle traveled.
- 2. Skip skids - A very short skip of one or two feet will not reduce the braking efficiency.
 - (a) A brake simply does not reveal its work in the form of a skid mark, even though the tire is braking and slowing the vehicle.
 - (b) This skip skid may result from lack of braking power sufficient to hold the brake drum still enough to produce a black mark.
- 3. Bouncing skips (also a very short skip)
 - (a) This type of skip skid is common with a tractor and trailer where the trailer is empty, and the rear trailer wheels bounce when brakes are applied.
 - (b) The bouncing type skid may be thought of as a continuous skid, due to heavy braking at the beginning of each skid.

V. Overlapping skid marks

(When rear wheels track over front wheel marks)

- A. Be sure you know where rear tire is sliding and where front tire starts.

1. The beginning of the mark is usually made by the rear tire, and ends by the front tire.
2. How do we determine front tire skid from rear tire skid?
 - (a) Front tire skid.
 - (1) When brakes are applied the weight of the vehicle shifts forward, overloading the front tires.
 - (2) When a tire is overloaded or under-inflated, it squashes down and most of its weight is carried by edges of the tire. This leaves a heavy black smear along the edge of the front tire skid.
 - (b) Rear tire skid.
 - (1) When a tire is over-inflated, or under loaded, or both, the tread bulges down in the center, giving less weight to the edges.
 - (2) The skid mark will show light edges and a darker center smear.
- B. When front tire skid cannot be separated from rear tire skid.
 1. Subtract wheel base of the vehicle from the combined overall length as a last resort.
 - (a) Ten (10) feet-car
 - (b) Forty-five (45) feet-tractor and trailer
 2. If we used the overall length of the combined skid marks, this would be a mistake because neither tire slid the overall distance.

VI. Dual tires are counted as single tire.

- A. Measure the longest overall skidmark for that wheel.
- B. Measure from the beginning of the tire which first showed sliding to the farthest mark of sliding by either tire on the wheel. (Even though one tire may not be leaving a continuous smear mark, in most cases it is braking.)

VII. Use of Nomograph

- A. What does each column represent.
 1. Average skid distance is shown in the left column.
 2. Speed of vehicle is shown in center column.
 3. Skid resistance or drag factor is shown in the column to the right.
 - (a) The lowest reading would be a surface similar to glare ice.
 - (b) The highest reading would be a surface similar to new, dry concrete.
 4. When we know the known factors for two columns we can obtain the third factor.

- (a) Example: The average skid distance for a vehicle was 200 feet--the drag factor was .06. What is the speed?
 - (b) Use of straight edge and align it with 200 feet in the left column and .06 in the drag factor column--then, read the speed of 60 M. P. H. in center column.
- B. How do we obtain the average distance a vehicle skidded.
1. Measure skid marks for each tire.
 2. Add each tire's distance to obtain total distance.
 3. Divide by number of tires to obtain average skidding distance. This will apply to motorcycles as well as automobiles. (Divide by number of wheels.)
- C. Measuring drag factor or coefficient of friction.
1. The slipperiness of the road surface must be known.
 - (a) Vehicle will slide farther on ice than on concrete.
 - (b) Will slide farther downgrade than upgrade.
 2. We need to make test skids to determine pavement drag in stopping a sliding vehicle.
- D. Methods applied in making test skids.
1. Accuracy -- Reconstruct condition as closely as possible by:
 - (a) Using same car if possible -- say: "I wish to check your brakes."
 - (b) In the direction skids were laid down.
 - (c) Drivers of accident vehicle may be used. If accident vehicle is damaged where it cannot be driven, or is not safe to drive, use a similar vehicle if possible. If not, use your vehicle to make test skids.
 2. Speed of test vehicle
 - (a) Approximately 35 M. P. H. or less.
 - (b) Test vehicle should be driven about 3 miles per hour faster than speed intended for test.
 3. Application of brakes must be:
 - (a) Sudden (panic stop)
 - (b) Hard
 - (c) Hold until vehicle stops
 4. Make two tests at same speed
 - (a) If they do not agree within 10 per cent, make third test.
 - (b) The distance of each test skid is usually within a close range.
- E. Measure and record test skids in the same manner as accident skids.

SEARCH AND SEIZURE I

Guest Instructor: Mr. Royal McGraw, F. B. I.

The legal question of whether "Probable Cause" to justify exists is one of the most important confronting law enforcement officers today. It is obvious, therefore, that a firm command of the concept of probable cause is essential to the professional law enforcement officer.

To give us an understanding of the laws affecting law enforcement officers of Georgia today, we should go back and briefly review the basis of these laws.

I. History and Basis for Probable Cause

- A. English Common Law
- B. Magna Carta
- C. Petition of Rights
- D. English Bill of Rights
- E. American Articles of Confederation
- F. The Constitution of the United States

II. Amendments to the Constitution

A. AMENDMENT IV (1791)

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized."

B. AMENDMENT V (1791)

"No person shall be held to answer for a capital or other infamous crime unless on a presentment of indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put on jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation."

C. AMENDMENT VI (1791)

"In all criminal prosecution, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and District wherein the crime shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witness against him;

to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."

Originally, these Amendments were only applicable to federal officers and in the Federal Courts. However, following the Civil War, the Congress of the United States passed the Fourteenth Amendment to our Constitution on July 28, 1868. The purpose of the Amendment was to grant the former slaves the status of United States citizens and provide them with the same civil rights.

That portion of the Fourteenth Amendment which affects law enforcement officers reads as follows:

AMENDMENT XIV (1868)

"All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

III. United States Supreme Court and the Constitution

The United States Supreme Court has held that the Fourteenth Amendment, by repeating the language of the Fifth Amendment, makes the application of portions of the Fourth, Fifth, and Sixth Amendments compulsory upon the States' law enforcement officers. Thus, not only federal officers, but state officers are now bound by the provisions of the above named Amendments.

The final word on what the Constitution means and how it will affect the people rests with the United States Supreme Court. In effect, this means the opinions of this Court concerning constitutional questions have the same force and effect as if they had originally been included in the Constitution. As a result the Supreme Court will have the ultimate word on the legality of every arrest made by any law enforcement officer, if the defendant wants to appeal his case that far.

IV. Major Recent Changes in Criminal Law
Mapp v. Ohio, 367 U.S. 643 (1961)

In the above cited case, Cleveland police officers forced their way into the defendant's home hoping to find certain gambling

paraphernalia. When they were refused admittance, the police waved a sheet of paper nor was it ever produced in court. The search of the defendant's home produced several pieces of obscene material for which she was later convicted.

The United States Supreme Court held that all evidence obtained by searches and seizures in violation of the Federal Constitution is inadmissible in a criminal trial in a state court. This decision makes the federal exclusionary rule created in 1914 applicable to the states through the Fourteenth Amendment.

The term probable cause refers to that portion of the Fourth Amendment of the Constitution which reads in part "... no warrant shall issue but upon probable cause." This language has been interpreted to mean that no arrest shall be made, with or without a warrant, unless there is, at the moment the arrest is made, probable cause or reasonable grounds for believing that the person arrested has committed or is committing a criminal offense. (The term reasonable grounds is the same word, essentially, as probable cause.)

The Beck v. Ohio, 379 U.S. 89 (1964), the Supreme Court reversed the conviction of Beck on the grounds that all law enforcement officers must base their arrests upon the probable cause standard required by the Fourth Amendment - in this case, the Police never revealed a sufficient quantity or quality of information to meet that standard.

The Court further ruled that whenever any defendant in any court raises the question of probable cause for his arrest, the trial judge must make a finding of fact on that issue. This means, simply, that when the arresting officer is asked in court to state the facts on which he based his decision to arrest, he must "lay them on the line."

In Wrong Sun v. U.S., 371 (1963), the Court held that an arrest made without probable cause is a "primary illegality," and that all evidence seized as a direct result of this illegal arrest must be excluded from the trial.

V. Court Definitions Concerning Probable Cause

The Courts have defined probable cause in many ways. One of the best definitions is:

"Probable cause exists if the facts and circumstances known to the officer would warrant a prudent man in believing that the offense had been committed." In deciding whether he had probable cause, the officer must use the same thought processes which careful and reasonable men everywhere use in drawing conclusions on any problem in everyday life.

In the case of Draper v. U.S., 358 U.S. 307 (1959), narcotics agents arrested the defendant on the basis of information they received from a reliable informant. Here the Court said, even if the information received by the agents from the informer was "hearsay," the agents were legally entitled to consider it in determining whether they had probable cause within the meaning of the Fourth Amendment and reasonable grounds to believe that Draper had committed or was committing a violation of the law. The arrest here was lawful, and the subsequent search and seizure, being incidental to a lawful arrest, were similarly valid.

SEARCH AND SEIZURE II

I. The Effect of Federal Decisions and the Georgia Law Enforcement Officer

A. RAIF v. STATE, 109 Georgia Appeals 354 (1964)

The defendant and two others were observed wandering about the city between the hours of 9:00 A.M. and 10:30 A.M. Their appearance drew the suspicion of local police officers. Raif and another defendant were arrested and under questioning gave contradictory statements. A search of Raif revealed a key that fit the back door of a store that had just been burglarized. No evidence was introduced at the trial that Raif had committed any crime in the presence of the officers nor did the officers introduce any evidence to show that they had reasonable grounds to believe that the suspect had committed a felony.

About two hours later, police discovered that a local store had been burglarized and the safe emptied of \$3,000. The safe had been burned with an acetylene torch; laboratory examination of the defendant's clothes revealed particles of safe insulation in the fibers.

Raif and one other were convicted on a burglary charge. The convictions were reversed by the Georgia Court of Appeals. The court held that the arrest of the defendants was illegal and that the physical evidence obtained was, therefore, the fruit of an illegal search and seizure and, thus, inadmissible as evidence against the accused.

Further, the court said that a prisoner in police custody by reason of an illegal arrest is in no position to refuse to comply with the demands of the officer in whose custody he is placed. Mere suspicion that some crime, which would include a misdemeanor, may have been committed, is insufficient to authorize an arrest without a warrant. There is no authority in Georgia under which a citizen may be arrested without a warrant and held for investigation to determine if he has committed a crime.

The court pointed out that the arresting officer did not know that a crime had been committed and there was no evidence that the arrest was made because the officer had reasonable grounds to believe that a felony had been committed.

B. RICHARDSON v. STATE, 113 Georgia Appeals 163 (1966)

During the very early morning hours city police officers discovered that a business had been burglarized. Missing from

the store were money, weapons, clothes, and watches. At about the same time, two other officers, who had no knowledge of this burglary, observed the defendant walking down the highway with a seaman's bag over his shoulder. When the officers attempted to stop the defendant, he started flee, thought better of it and stopped.

Although these officers did not know of the present burglary, they did know of a rash of recent burglaries in the area. The officers seized and opened the defendant's bag, and after ascertaining its contents, the defendant was arrested and subsequently convicted of the crime of burglary. This case was tried in the same court and by the same judge as in the RAIF case.

Merely walking down the road at an unusual time and at an unusual place is not in and of itself enough to constitute the grounds for an arrest. However, coupled with the knowledge of recent burglaries in the area, and the futile attempts of the defendant to flee, it would justify making a very strong case for suspicion and a weak, but adequate case, for probable cause to suspect that a felony had been committed by the defendant.

II. ADEQUACY OF PROBABLE CAUSE IN A SEARCH WARRANT HALL v. STATE, 113 Georgia 587 (1966)

In this case, the following affidavit on a search warrant has been declared adequate to support issuing a warrant on probable cause:

"Reliable informer, who has proven reliable in the past, on other searches, states the subject is engaged in lottery. Also, he has seen subject writing lottery on the table in the kitchen. Also, have had this house under surveillance for a number of days and have seen a number of lottery people going in and out of the house."

III. SECTION 27-104 of the GEORGIA CODE

Section 27-104 of the Georgia Code contains requirements for the form of the affidavit to be used in obtaining an arrest warrant. In 1962, the General Assembly of Georgia, amended this code section requiring that sufficient information describing the offense be contained in affidavits and warrants for arrests.

Section 27-207, of the Georgia Code, makes no specific reference to probable causes for arrests with warrants. This code section reads:

"An arrest for a crime may be made by an officer under a warrant or without a warrant if the offense is committed in his presence, or the offender is endeavoring to escape, or for other cause, there is likely to be a failure of justice for want of an officer to issue a warrant."

The underlined language of this code section has been equated with the terms reasonable grounds and probable cause.

SEARCH AND SEIZURE III

- I. Probable Cause in searching a moving motor vehicle.
 - A. A motor vehicle can be searched if
 1. there is consent
 2. it is incidental to arrest
 3. if the vehicle has been abandoned
 - B. However, a moving motor vehicle can be searched if the officer has probable cause to believe that the vehicle is carrying contraband.
 - C. Police Officers in Georgia are authorized to stop vehicles for the purpose of checking drivers licenses.
 1. This method cannot legally be used as a pretext for searching the vehicle.
 2. However, if the vehicle is stopped legally and the police officer observes contraband by merely looking into the car, he can then seize the contraband and arrest the driver.

- II. Probable Cause is the "Mulligan Stew" of Law Enforcement.

An officer can throw into the "Stew Pot" any fact which taken by itself or in connection with other facts, sensibly indicates to a responsible officer that a crime had been or is being committed. Illegally obtained information cannot be put into the "pot."

- III. Probable Cause for an emergency arrest
 - A. The officer observes someone or something which common-sense tells him is more likely to be criminal than innocent.
 - B. The officer gives the suspect a fair chance to come up with an innocent explanation, but what they see and hear points more toward a crime.

- IV. General Rules on Probable Cause
 - A. Probable cause for arrest requires more information than suspicion.
 - B. Probable cause for belief of guilt is less than the amount of evidence needed to convict.
 - C. Probable cause is judged by the facts known at the moment of arrest.
 - D. The significance of each item used to make up the probable cause is judged by what it means to an experienced police officer.
 - E. Facts of probable cause vary according to the type of offense.
 - F. Probable cause for arrest without a warrant requires as much information as is needed for an arrest with a warrant.
 - G. Probable cause information must be sufficient to identify the

suspect for arrest.

- H. Probable cause is best found by a judge.
- I. It is not necessary for the officer to know which specific offense the accused has committed.
- J. Probable cause does not require the arresting officer to list the correct legal charge when booking the accused.
- K. If probable cause exists somewhere in the chain of police command or investigation, it is not necessary that the arresting officer himself be in possession of all the facts.
- L. Probable cause does not require that the officer be correct in all of his facts.

First Aid I
"The Introduction to First Aid"

Guest Instructors: Staff, Bibb County Sheriff's Office

The law enforcement office comes into contact with numerous injuries and the majority require emergency first aid treatment. In our modern society, ambulance service has progressed to a point, in most areas, where they arrive within moments after the patrol car. However, the necessity of prompt treatment by the knowledgeable officer is of the utmost importance, for a lapse of a few minutes may mean death to an accident victim.

I. The Necessity of First Aid

- A. There have been times, and will continue to be times in the future, when emergencies will arise when immediate treatment will be necessary. In all probability you will be the person that arrives first; therefore it behooves you to have a first hand knowledge of first aid.
- B. Injuries sometimes occur in remote areas where immediate medical attention is not possible and first aid can save a life.
- C. The need for first aid training is evident. However, the term "First Aid" implies that we can only do the necessary things possible to keep a victim alive until you can obtain proper medical and assistance. The first aid may involve placing a temporary splint on a broken limb, stopping severe bleeding or giving mouth to mouth resuscitation.
Proper training is necessary so that the officer can act when the emergency arises.

II. First aid is defined as the temporary and immediate care given to accident victims until they can obtain professional medical assistance.

III. Equipment needed for emergency first aid situations

- A. Basic first aid equipment
 - 1. A trained police officer
 - 2. First aid kit that has compresses and temporary splinting materials
 - 3. Blanket for treatment of shock and for stretchers in some cases.
- B. Equipment to prevent further injury
 - 1. Flares and warning lights
 - 2. Flash light
 - 3. You must be able to protect accident scenes so that victims do not receive further injury.
- C. You may not have available all of the equipment that may be needed to treat a victim. However, you can improvise.

1. A shotgun or rifle can be used as a splint for a leg or arm, or as the carrying poles of a blanket stretcher.
2. A riot baton or a night stick can be used to splint an arm.
3. A rolled up magazine or newspaper, a piece of chicken wire or branch can also become a temporary splint.

IV. The Use of Your Equipment

- A. You must remove any immediate hazard so you must have equipment or the means to accomplish this. An example would be a fire- this would have to be put out first, then treatment could follow.
- B. The first aid kit must contain the items that you will need. Compresses for bleeding, wire splints for breaks, ammonia ampules for fainting, even light bandages for minor abrasions.
- C. The blanket should be clean and in good repair. If the blanket is torn or old it may fail when you need it the most. Your blanket is a necessity for the treatment of shock victims.
- D. You must be familiar with your equipment, have it readily available and ready for use. When you check the equipment make sure that it is clean and the first aid kit is full.

First Aid II
"Accident First Aid"

Guest Instructors: Staff, Bibb County Sheriff's Office

Law Enforcement Officers are frequently called upon to act in cases of injury resulting from traffic accidents and accidents that occur in the home. It is important that the officers act promptly in administering first aid in order to save a life. It is wise to remember that a few extra minutes can mean the difference between life and death.

I. Wounds

Types of wounds that officers generally encounter:

- A. Abrasions - where the skin is scraped or rubbed. An example would be a child thrown from a bicycle and skins a knee or elbow.
- B. Incised - when the flesh is cut clean and bleeds freely. An example would be the type cut or incisions made with a surgical knife.
- C. Lacerated - a wound that is generally very jagged and irregular. The flesh is usually torn. The lacerated wound is probably the most common type encountered in automobile accidents.
- D. Puncture - usually a smooth hole in the skin that does not always bleed freely. An example of a puncture would be a rifle or pistol gunshot wound or a stab wound by an ice pick.

II. Bleeding Control is most important because human blood is really the life line of the human body. A cut artery, if it is a major artery, can mean death in a matter of minutes.

Minor lacerations and minor bleeding

- A. Make sure your hands are as clean as possible. Even a minor scratch can easily be infected because the first aider did not take precautions against infection.
- B. Check for broken bones so that you can determine the proper method for stopping the flow of blood.
- C. If no broken bones are apparent, the direct pressure method may be used.
 - 1. Take a sterile dressing and apply it directly over the wound.
 - 2. Apply pressure to the dressing with your hand.
- D. Pressure points are located in various points on the body that can help stop severe bleeding.
 - 1. Apply pressure with the heel of the hand to the following points:
 - (a) Inner half of upper arm at a point midway between the elbow and arm pit
 - (b) Just below the groin on the front inner half of the thigh
 - (c) At the temple on each side of the head.

2. The main arteries, at each of these points, are compressed against the bone.
- E. Use a tourniquet only in extreme cases. Tourniquets cut off all circulation and if left too long, an infection, gangrene, which will cause the loss of the limb, may set in. You really should use a tourniquet only where a limb has been lost and you must stop the flow of blood from the stump.

III. Treatment for Shock

- A. Shock is the depressed condition of many of the body functions due to the failure of enough blood circulating through the body following serious injury. Traumatic shock is associated with injury to body tissues from burns, wounds, or fractures. In most instances, it is caused from the loss of large quantities of blood.
1. Shock may be produced or made worse by any manipulation that increases hemorrhage or causes it to recur.
 2. When a person goes into shock and remains in shock, death may result even though the injury causing the shock would not be fatal otherwise.
- B. The symptoms of shock are as follows: The victim's skin will be pale, moist, and cooler than normal. The victim will generally be weak, eyes will be vacant and the pupils will be dilated. Breathing will be shallow and irregular, pulse will be weak or maybe absent.
1. Nausea may occur.
 2. Evidence of shock may not be present, even when the injury is severe and the first aider may fail to apply proper measures.
 3. Victim may seem alert and react optimistically and then suddenly collapse.
 4. Occasionally only a few signs of shock are noted and you may feel there is little need for concern but the proper course is simple - give first aid for shock to all seriously injured persons
- C. Treatment for Shock
1. Keep the victim lying down. This position favors the flow of greater amounts of blood to the head and chest where it is needed most.
 2. Elevate the feet and wrap with a blanket or coat.
Special Note: Do not elevate the feet if there is a head injury, if difficulty in breathing is increased or the victim complains of pain when elevation is attempted.
 3. If there will be a delay until medical care is available, administer a few sips of water at normal temperature. Observe the patient's tolerance first, increasing the amount to 1/2 glass at a time. In cases of large blood loss, the victim is usually thirsty and will drink at short intervals. You should

see that the victim receives fluids but not in such quantity or intervals to cause vomiting. If you find the victim becoming nauseated, do not give fluids. Stimulants such as ammonia or coffee have no value in traumatic shock.

First Aid III
"Artificial Respiration"

Guest Instructors: Staff, Bibb County Sheriff's Office

- I. Methods and Techniques of Artificial Respiration
 - A. The Chest Pressure - Arm Lift Method (Silvester)
 1. Place the victim in a face up position, place something, such as a rolled blanket or log, under the shoulders to raise them and let the head drop backward.
 2. Check the mouth for visible foreign matter that may stop air passages.
 3. Kneel at the victim's head, grasp his arms at the wrists, cross them and press the arms over the lower chest.
 4. When the chest is pressed, the air will flow out.
 5. Immediately release the pressure and pull the arms outward and upward over the victim's head.
 6. The arms pulled back should cause the air to flow into the lungs.
 7. Repeat this cycle about 16 times per minute.
 - B. The Back Pressure - Arm Lift Method (Holger - Nielson)
 1. Place the victim face down, bend the elbows and place the hands, one upon the other.
 2. Turn the victim's head slightly to one side, with the chin cutting outward slightly.
 3. Check the mouth for foreign objects.
 4. Kneel at the head of the victim. Place your hands on the flat of the victim's back so that the palms lie just below an imaginary line between the arm pits.
 5. Rock forward until the arms are approximately vertical and allow the weight of the upper part of your body to exert steady even pressure downward upon the hands.
 6. Immediately remove hands and draw the arms upward toward you, applying enough lift to feel resistance and tension at the victim's shoulders.
 7. Lower the arms to the ground.
 8. Repeat the cycle about 16 times per minute.
 - C. Mouth to Mouth (Mouth to Nose) Method
 1. Place the victim on his back.
 2. Tilt the head back so that the chin is pointing upward.
 3. Check the mouth for foreign objects.
 4. Pull or push the jaw into a jutting out position.
 5. Place your thumb into the victim's mouth and depress the tongue to prevent it from falling backward into the throat.

6. Using the other hand, place the index finger and thumb on the victim's nose and close the nostrils tight.
7. Pull the head backward and upward.
8. Open your mouth wide and place it tightly over the victim's mouth.
9. Blow into the victim's mouth.
10. Remove your mouth; turn your head to one side and listen for the return rush of air that indicates air exchange.
11. Repeat the blowing effort.

SPECIAL NOTE: For an Adult

(a) Blow vigorously at the rate of 16 times per minute.

(b) For a child:

(1) Take relatively shallow breaths appropriate for the child's size, at the rate of 20 times per minute.

(2) Very small children require the mouth to nose type of respiration. If this is the case, you do not insert the thumb into the mouth, but place your mouth over his nose and mouth.

If you are not getting an air exchange in either adult or child, recheck the head and jaw position. If you still do not get an air exchange, turn the victim on his side and administer several sharp blows between the shoulders blades in the hope of dislodging any foreign matter that may be blocking the air passage.

- C. The advantage and disadvantages of the different types of artificial respiration.
1. Both of the arm lift methods are seldom used today. They are very tiresome and the average person can only do them for short periods of time.
 2. The mouth to mouth requires little effort but has direct contact between the individuals that may be offensive to some.
 3. The arm lift method could be used in persons that have a mutilated face that would not permit mouth to mouth method.

II. Conditions where artificial respiration is needed.

- A. Electrical Shock
- B. Drowning
- C. Suffocation
- D. Drug Overdose
- E. Compression of the Chest

III. Closed Heart Massage

- A. This method should be used by the layman only as a last resort. If done improperly it can do more harm than good because the breast bone or ribb can be broken with a result of punctured lungs.

- B. To administer closed chest heart massage, place the victim on his back with his arms at his sides.
 - 1. Place the palms of your right hand upon the breast bone and the left hand upon the top of the right hand.
 - 2. Allow the weight of the upper part of your body to exert pressure upon the hands and then release rapidly.
 - 3. This must be done at the rate of approximately 50 times per minute.
 - 4. This method should only be used when there is no physician and no medical facilities available.

IV. Heart Attack

- A. Symptoms of Heart Attack
 - 1. Shortness of Breath
 - 2. Chest pain
 - 3. Blush color of lips and fingernails
 - 4. Chronic cough
 - 5. Swelling of the ankles
- B. First Aid for Heart Attack Victims
 - 1. Have victim lie flat on his back
 - 2. Raise the head slightly
 - 3. Search the victim for prescribed medication and administer as labeled.
 - 4. Reassure the victim with encouragement.

First Aid IV
"Splinting and Transporting"

Guest Instructor: Staff, Bibb County Sheriff's Office

I. Fractures (3 Major Types)

- A. A simple fracture is a closed break that is not associated with an open wound extending from the skin to the fracture area.
- B. A compound fracture is a break that is associated with an open wound from the skin to the fracture area.
- C. A comminuted fracture is a break associated with the bone being broken into small pieces. It may or may not have an open wound.

II. Treatment of Fractures

- A. As most fractures are located beneath the skin surface they cannot be readily seen. Therefore, if you suspect a break, handle the limb as though there was in fact a break. Better to be safe than sorry!
- B. Fractures are evidenced by swelling, tenderness to the touch, deformity of the limb and pain on motion. There is an old wives tale that says that a broken bone cannot be moved. This is not true. A person can move a fractured bone and often with little distress.
- C. The most important thing, when dealing with fractures, is to keep the bone ends from moving. In addition the adjacent joints must not be allowed to move because if a knee, for instances, bends, the muscle of the leg acts against the fractured bone.
- D. Splinting of fractured limbs is necessary to insure the least amount of movement to the fractured bone.
 - 1. Sometimes the limb must be straightened a bit before a splint can be applied. If so, have someone grasp the end of the limb and exert a strong steady pull. You must place one hand above and one hand below the injury to support the site during the straightening process.
 - 2. Be sure and place the splint so that it holds the joint above the break immobile also.
 - 3. Bind the splint to the link with a strong clean wrapping and make it snug enough to keep the leg or arm from bending.
 - 4. With a compound fracture, apply a sterile dressing to the wound and apply pressure to control bleeding.
 - 5. For most cases of a compound fracture, the bone will not be protruding. However, if it is, do not attempt to push it back. It may slip back in place when the limb is straightened for splinting.

It is important to consider a compound fracture much more serious than a closed fracture because the fracture area is always contaminated and infection is certain unless preventative measures are taken. The wound must be kept clean and covered properly with a sterile dressing.

III. Methods of splinting

A. Splinting is relatively simple

1. Choose a light weight but strong material.
2. Using strips of cloth or bandage, bind the splint to the broken limb.
3. Extend the splint past any adjacent joints.

B. Unusual breaks that may not lend themselves readily to splinting.

1. Broken jaws

A simple bandage placed under the chin and wrapped across the top of the head and tied tightly will immobilize the jaw bones.

2. Broken Collarbones

Place the arm in a sling at a right angle across the body. Then bind the arm to the body with a bandage from the arm, around the chest and tied on the opposite side from the fracture.

- ##### 3. Broken fingers may be splinted by taking a tongue depressor or stick, placing the finger straight out and binding to the splint with tape or a bandage.

C. Improvisation of Splints

A good temporary splint can be improvised from many things that may be at hand.

1. A rolled newspaper or magazine will make a good splint for an arm.
2. A pillow can be utilized as a splint by placing the limb in the center and tying the pillow around the limb.
3. Chicken wire can be folded and wrapped around a limb, then tied to secure it.
4. Board or limbs can be utilized.
5. Other parts of the body can occasionally act as a temporary splint. An example would be a broken leg with no materials available. Strips of cloth torn from a shirt could be used to bind the broken leg to the good leg.

IV. Methods and Techniques for Carrying.

A. Procedure when back or neck injuries are involved.

1. Should not be moved unless absolutely necessary.
2. If you must move the victim, find large boards to make a rigid litter. Bind the victim to the boards in as many places as possible to make the entire body immobile. Bind the victim's head to the boards so that the neck will not move.

B. The Eight-Man Carry

1. May be used when there are sufficient men to assist.
2. Eight persons kneel on both sides of the victim: two at the feet; two at the hips; two at the middle of the back; and two at the head.
3. The arms are worked under the victim's body with the palms up. The palms of the hands should be about in the middle of the victim's body.
4. On command, all eight people must move at once. The first command "Lift" has the eight persons lift the victim to the bearers' knees, with care taken to keep the victim's body in a straight line. The second command "Stand" raises the bearers to a standing position.
5. To lower the victim the procedure is reversed.

C. The two-man carry

1. The bearers kneel, one on either side of the victim near the hips.
2. The victim is raised to a sitting position.
3. Arms are passed around the victim's back just under the arm pits and under the victim's thighs.
4. The arms are then positioned so as to grasp the other bearer's neck and waist.
5. Then both bearers rise slowly from the ground.
6. If the victim is able, he can put his arms around the neck of each bearer.

D. The Pack Strap Carry

1. Valuable if the victim's injuries will permit its use.
2. If the victim is lying down and cannot help the bearer, then the bearer must lie down with his back against the chest of the victim.
3. The bearer must then reach over his shoulder and grasp the victim's arm and bring it across the bearer's chest and hold it in place there.
4. With the other arm the bearer should grab the victim's clothing at his hip and roll him over on top of the bearer.
5. From this position, get first to both knees, then to one knee, and then stand up right.

You will find most carries come naturally; they may take a little practice to master them, but they are all basically simple. Most of the time, the easiest way to carry a victim will also be the best way.

First Aid V
"Miscellaneous First Aid Techniques"

The Law Enforcement Officer is frequently called upon to care for persons, injured or in need of assistance, that do not fit the normal pattern of first aid situations. However, he must be prepared and have the basic knowledge to act when such incidents occur.

I. Childbirth Emergencies

- A. Labor pains are a natural occurrence in childbirth cases.
- B. Look for marked bleeding.
- C. If the child is being born on your arrival, there is not time to move the mother to the hospital. Above all, do not attempt to stop the baby from being born. You will find that there is little for you to do during the actual birth. However, after the baby is born, you must check to see that the baby is not in danger.
- D. Problems to look for concerning the baby.
 - 1. Check to make sure that the umbilical cord is not wrapped around the baby's neck.
 - 2. Make sure that the baby is free of the birth membrane.
 - 3. Make sure the child is breathing.
- E. Get prompt transportation to the hospital.
 - 1. Send the mother, baby and all membranes to the hospital for examination by a medical doctor.
 - 2. The above is of the utmost importance and the doctor must have this to examine.

II. Diabetics

- A. Diabetics will occasionally go into a state of shock. This condition resembles, and is often confused with, drunkenness.
- B. Symptoms of diabetic shock are: confusion, unconsciousness, unsteady walk, speaking irrationally, pale appearance, perspiration. The victim's breath will frequently smell of Acetone (similar to lacquer thinner).
- C. Look for identification on the victim, such as a card or a Medic Alert Bracelet.
- D. The diabetic requires immediate medical attention. If you are in doubt as to whether the victim is drunk or is in a state of diabetic shock, contact a medical doctor as quickly as possible.

III. Snakebite

- A. Immediate treatment is an absolute necessity.
 - 1. Keep the victim calm and moving as little as possible.
 - 2. Determine the location of punctures.
 - 3. Look for discoloration and swelling in the puncture area.

B. Steps in treatment.

1. The best treatment is to utilize anti-venom serum.
2. Cut and Suction method.
 - (a) Make cross cuts directly over the bite wound. If available, place a suction cup directly over the wound and remove the poisoned blood. If suction cup is not available, suck the blood and spit it out.
 - (b) The above method is not recommended unless anti-venom serum is not available.
- C. Send the victim to the hospital or competent medical care as quickly as possible.

IV. Gunshot Wounds

- A. The law enforcement officer on the scene can only apply emergency treatment. A medical doctor must be found immediately.
 1. Try to find the bullet's point of entry and, if possible, its point of exit.
 2. Try to stop the flow of blood with a compress. The victim may be hemorrhaging internally.
- B. Treat the victim for shock and make him as comfortable as possible.
- C. Remove the victim to a hospital and medical care as promptly as possible.

V. Burns

A. Classification of burns

1. First degree -- outer layers of tissue are destroyed. Internal viscera may be showing.
2. Second degree -- outer layer of skin is blistered.
3. Third degree -- outer layer of skin will be red, similar to a severe sunburn.

B. Emergency first aid treatment

1. Cover the burned area with a wet sterile cloth or bandage.
 2. Try to keep air from the burned areas as much as possible.
 3. Do not attempt to remove clothing -- cut it away.
 4. Shock is almost present in serious burn cases, and must be treated.
 5. Do not put ointments or lotions on the burned areas as these will only have to be removed by the doctor.
- C. The victim will be in severe pain that can only be treated by a physician. For this reason, remove the victim to a hospital as quickly as possible.

Report Writing I
"Purpose, Value, and Principles of Good Report Writing"

One of the most important functions of the Law Enforcement Officer is to record facts of occurrences that have come to his attention. It is important that these facts be recorded accurately and in an understandable manner. In an effort to understand the significance of good police reports, it is necessary to explore their purpose and value as a logical introduction to Report Writing.

- I. The Purpose of a Police Report
 - A. A report should represent a record of the occurrences of society.
 - B. Reports are the records of the department as well.
 - C. Good reports provide statistical information for future use.

- II. The Value of Reports.
 - A. For Decision Making
 1. Reports are needed for the preparation of budgets.
 2. Reports can show the need for additional training.
 - B. Police reports can determine the character of occurrences and the types of crimes.
 - C. Reports pinpoint the location of crime and tell where various types of crimes are taking place.
 - D. Reports determine times that crimes occur.
 - E. Reports determine the proper distribution of manpower. Each of the above categories really add up to selective enforcement in broad terms.

- III. The Value of Reports in the Board Concept of Criminal Justice
 - A. Well prepared and accurate reports are of significant value to the Solicitor's Office.
 1. They assist the Solicitor in the preparation of prosecution.
 2. Reports help to determine specific violation.
 3. They provide the Solicitor with a clear picture of what happened.
 - B. Value of Reports to Courts
 1. Reports provide a clear picture of the occurrence.
 2. A good report provides the information necessary for a clear understanding of the situation and of those involved.

- IV. Principles of Good Report Writing
 - A. Be clear.
 1. Be simple and direct in your reporting.
 2. Clear reports can be quickly evaluated.
 - B. Be pertinent; deal only with the facts of the occurrence.
 - C. Be brief.

1. Don't be repetitious.
2. Exclude matters that don't pertain to the case at hand.
3. Be concise -- make every word count.

D. Be complete.

1. Report all the facts that pertain to the case at hand.
2. Report facts that you have learned.

E. Be current in your report writing, dating your reports with the date written and the date and time of the occurrence.

F. Be accurate.

1. Your report should be a true written picture of the occurrence.
2. Don't allow personal feelings to color your reports.
3. You are obligated to be truthful and factual in your report writing.
4. Inaccuracy may be embarrassing to you, your supervisors, and your department.

V. Reporting Language

A. Spelling

1. Spell correctly.
2. If you cannot spell a word, look it up in the dictionary.
3. Always remember that simple rather than complex words make the best reporting language.

B. Be concise in words and structure.

1. Don't use a whole sentence or a part of a sentence if one word will do.
2. Use words that describe occurrences simply and accurately.

C. Avoid use of medical or legal terms.

1. Legal terminology misused may become binding.
2. You may make a mistake in intent and look foolish in court.

Report Writing II

I. The use of Capitals, Numbers, and Abbreviations

A. Always capitalize

1. All names of persons, places, and organizations.
2. The first word of each sentence.
3. Titles, such as Captain, Professor, Reverend, etc.
4. Trade names of products, sections of the country, and days of the week.

B. Numbers

1. Numbers that are written out should be clarified by the numeral. Example: Five (5).
2. Be sure to use dollar signs, percent signs, and place decimal points in the correct location.
3. Spell out all fractions that stand alone. Example: one-half, one-third.

C. Abbreviations

1. Use care in the use of abbreviations. You could forget what they mean.
2. Abbreviations can be misinterpreted or misunderstood.
3. Do not use the abbreviated marks to denote feet and inches. These can be obliterated or misinterpreted.

II. Structuring Sentences and Paragraphs

A. Use short, simple, and concise sentences.

1. The basic purpose of all writing is to get a message across to the reader.
2. Your report should convey your exact meaning.

B. Your report should be such that it will be understandable and build a pattern of thought in the reader's mind closely akin to the one in your own mind.

1. Make your sentences readable.
2. Say what you mean and make every word count.

III. What must be satisfied in a complete report.

A. What

You must be able to answer the following questions: what happened; what was the occurrence, violation--really what are you talking about.

B. Where

Report where the event happened; i. e., the address, location, place or portion of the location.

C. Who

Describe who was involved--the subject, the complainant, the witnesses.

- D. When
Give the time and date of the occurrence.
- E. How
Describe how the event occurred; i. e., was a screen cut, a door lock forced, a gun shot. List the tools or weapons used.
- F. Why
Give the reason or motive for the event; monetary gain (robbery); revenge (murder), etc.

IV. Collecting Information Necessary for a Good Report

- A. You must describe the people involved and give the following information:
 - 1. The full name.
 - 2. The age and date of birth.
 - 3. The complete address including the business or work address.
 - 4. Complete telephone number, both at home and at work.
 - 5. On subjects involved, get a complete description.
- B. You must give information regarding the places involved, including the full address and a description of the building.
- C. Give the time and date of the occurrence and the time the offense was discovered.
- D. Describe the violation.
 - 1. Describe what took place--was the rear door lock jimmied; was the vent glass broken, etc.
 - 2. Describe what was taken in as much detail as possible; for instance, the items stolen in a burglary.
 - 3. Estimate the value of the items missing.
- E. Give an exact description of how the offense occurred.
 - 1. Example: The rear screen door was cut in the lower right corner, the screen folded back and the lock smashed by a series of blows by some heavy object; 6 deep dents were observed just above the lock.
 - 2. Be as clear as possible in describing the M.O. of any case.
- F. Try to explain why the event happened.
 - 1. The reason something happened is probably the most difficult question to answer.
 - 2. It is sometimes determined after the apprehension of the subject.
 - 3. Usually, it is an educated guess.
Example: money stolen--monetary gain.
 - 4. If you cannot determine the reason or motive for a crime, state that the reason is unknown.

V. What good reports can do to benefit you in your career as a law enforcement officer.

- A. Reports represent your own personal ability, your training, and reflect upon your department.

- B. Your reports may be the thing by which others judge you.
- C. Chief Administrators consider the manner in which reports are written when considering you for promotion.
- D. Your reports represent a gauge of the pride and interest you take in your job.
- E. It is almost impossible for you to do a good job without using good reporting techniques.

REMEMBER: A good investigation coupled with a good report is a hard combination for a criminal to beat.

LAWS OF ARREST I

Guest Instructors: Mr. Mack Player
Assistant Professor
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Staff: Gainesville Police Department

Frequently the law enforcement officer is faced with the situation of taking someone into custody and placing a charge against him. On most occasions the charge placed, if proven in court, will result in a fine, loss of liberty, or both. This type of decision on your part must be made with care and be properly handled. As we will see in the three programs ahead, there is really more to the term "arrest" than meets the eye. The programs will cover various situations that the officer frequently faces and will provide information that will assist him in the conduct of his duty.

- I. What constitutes an arrest? An arrest is defined as the taking, seizing, or detaining of the person of another, either by touching or putting hands on him or by any act which indicates an intention to take such person into custody.
 - A. Taking custody of a person -- the detaining of a man's person by virtue of lawful process or authority.
 - B. Restriction of Freedom -- any action which subjects such person to the actual control and will of the arresting person is a restriction on freedom. This may be actual imprisonment or mere physical detention.

- II. Persons immune from arrest
 - A. Members of the United States Congress -- The Constitution of the United States provide that in all cases except treason, felony and breach of the peace, members of Congress are privileged from arrest during their attendance at the session of their respective houses and in route to and from the same. The U.S. Supreme Court has held that "breach of the peace" means all crimes, traffic violations included. Thus, members of Congress are in reality immune only from civil arrest.
 - B. Members of the General Assembly -- This same immunity is extended by Georgia law to members of General Assembly with the exception that larceny is another crime to which the immunity will not apply.
 - C. Electors -- Under Georgia law, electors are immune from arrest in all cases except treason, felony, larceny and breach of the peace during their attendance on elections and while in route to and from the same. Electors is constructed to mean voters and not members of electoral college.

- D. Militia -- Members of volunteer forces are given freedom from arrest during their attendance at drill in all cases except treason, felony and breach of the peace.
 - E. Ambassadors, Ministers and Consuls -- Ambassadors and Ministers of foreign countries are exempt from arrest on criminal charges. This privilege extends to secretaries or other officers of the legation but does not include consuls.
- III. The Effect of the Miranda Decision -- has limited the use of confessions unless it is shown that procedural safeguards were used to effectively inform the accused of his right against self - incrimination.
- A. When must you warn? Prior to any questioning, the accused must be warned that he has a right to remain silent, that any statement he does make may be used as evidence against him, and that he has a right to the presence of an attorney, either retained or appointed.
 - B. How must you warn? You must first inform the accused in clear and unequivocal terms of his right to retain silent. Second, this warning must be accompanied by the explanation that anything said can and will be used against the individual in court. Third, you must clearly inform the accused that he has the right to consult with a lawyer and to have the lawyer with him during interrogation. Fourth, it is necessary to inform him that if he is indigent a lawyer will be appointed to represent him.
 - C. Must more than one officer warn? No, but it is good policy to have more than one if accused waives his rights. The Miranda Court stated that a heavy burden rests on the government to demonstrate that the defendant knowingly and intelligently waived his privilege against self-incrimination and his right to retained or appointed counsel.
- IV. Duties and responsibilities of officers after arrest.
- A. Obtaining a warrant -- If the arrest was made without a warrant, the arresting officer must obtain a warrant within a reasonable time or else release the prisoner.
 - B. Bringing the accused before a magistrate -- Every person arrested for a crime is entitled to a prompt commitment hearing at which the state must show that there is probable cause to believe him guilty of the offense charged. The accused shall not be imprisoned beyond a reasonable time before being arraigned before a magistrate.

- C. Reasonable time -- What constitutes a reasonable time is a question to be determined by a jury. However, 48 hours is the outer limits of reasonableness for an accused arrested without a warrant and 72 hours for an accused arrested with a warrant.

LAWS OF ARREST II

Guest Instructors: Mr. Mack Player
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Staff: Gainesville Police Department

In the first series of this program we explored arrest and what it really meant; who, if anyone, was immune from arrest; the Miranda decision; citizens arrest and the duties and responsibilities of those who do arrest. In the remaining programs we will attempt to show a number of situations that the patrol officers faces in making an arrest. This series will be quite different from the previous program technique. You will see officers faced with a number of situations as they saw them. The officer will have to make a decision on whether he can arrest or not and why.

- I. Arrest with a warrant
 - A. Obtaining a warrant - Before a magistrate issues an arrest warrant he must receive under oath an affidavit or have personal knowledge from which he can find the existence of probable cause that the person sought has committed an offense.
 - B. Officers who can issue warrants --
 1. Judge of Superior City or County Court
 2. Justice of the Peace
 3. Other municipal officers clothed by law with the powers of a Justice of the Peace.
 - C. Procedure for obtaining a warrant -- affidavit containing a statement under oath by the person who is charging the crime must be submitted to the Judicial Officer.
 - D. Contents of an arrest warrant --
 1. Statement and description of the offense
 2. Place and county committed
 3. Time and date committed
 4. Against whom committed

- II. Making the arrest with a warrant.
 - A. Person making the arrest -- The person making the arrest should not be the person who swore out the warrant.
 - B. Showing the warrant -- The law requires that the warrant be carried by the arresting officer. The officer should identify himself, show the warrant or clearly explain the grounds for the arrest.
 - C. Listen to the fact of this case and determine before the answer whether the arrest should be made or not.

Answer () Yes () No

D. Reason why?

III. Arrest without a warrant

- A. For a misdemeanor -- An officer may arrest without a warrant any person committing a misdemeanor in the presence of the officer. If not committed within his presence then an arrest without a warrant is not lawful.
- B. For a felony -- If there is reasonable suspicion, or probable cause to believe that one committed a felony, and time will not allow a warrant, then arrest without a warrant is justified.
- C. Sufficient time -- A warrant should always be obtained if time permits. However, if justice would be defeated by delaying the arrest until a warrant is obtained, then an arrest without a warrant is lawful.
- D. Listen to the facts of each case and before the answer is given determine if the officer on the program can make the arrest or not.

Situation 1 - Misdemeanor () Yes () No

Situation 2 - Felony () Yes () No

IV. Disturbance Situations

- A. This type of call is usually one of the most trying situation faced by the law enforcement officer.
- B. Look at the facts of each case and determine what the officer can do in each situation.

Situation 1 () Yes () No

Situation 2 () Yes () No

Situation 3 () Yes () No

Situation 4 () Yes () No

Situation 5 () Yes () No

LAWS OF ARREST III

Guest Instructors: Mr. Mack Player
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This program will consider additional situations common to those faced by law enforcement officers. We, of course, cannot depict every situation that they will face because each case is different, if for no other reason than that the same people are not involved; but the elements of the situations are really the same.

I. Arrest and the use of force.

- A. When can force be used -- An officer making a lawful arrest has the right to use reasonable force to accomplish the arrest.
- B. Use of force in misdemeanor arrest -- An officer can not use deadly force if the offense is a misdemeanor unless the person he seeks to arrest tries to harm him.
- C. The amount of force an officer can use -- An officer may use whatever force is reasonable necessary to accomplish the arrest but no more. The degree of force that is reasonable depends upon the seriousness of the crime and the resistance offered.
- D. Use of deadly force in felony arrest -- Deadly force can be used to prevent the escape of one who has committed a felony if the circumstances warrant such force.

II. Family disturbances and breach of the peace situations

- A. This will be a continuation of law week's situation; however, facts will be arranged so that you will have additional information that will change the situation.
- B. Follow the situation carefully and in your mind form an opinion based on information that has been given in previous programs in this series as to whether the officers should arrest or not.

Situation 1	() Yes	() No
Situation 2	() Yes	() No
Situation 3	() Yes	() No
Situation 4	() Yes	() No

III. Violators stopped for traffic violations

- A. Does a traffic violation constitute an arrest?
- B. Can you arrest if you have probable cause to believe another crime has been committed?

Situation 1	() Yes	() No
Situation 2	() Yes	() No

MECHANICS AND TECHNIQUES OF ARREST I
"Rules of Arrest Situations"

Guest Instructors: Staff, Atlanta Police Department
Training Division

When a person is arrested it represents an act which deprives an individual of his liberty. This can and does cause a violent reaction on the part of some individuals. As we cannot look into the future, we are unable to determine, in advance, who will react with violence and who will not. Therefore, it is necessary that the utmost caution be exercised in each and every arrest situation. There is always danger in every arrest, whether it be a local drunk or a murderer. Failure to be alert and to use caution may result in tragedy with you on the receiving end.

I. Alertness

- A. There is an element of danger in every arrest.
- B. There are no exceptions to this rule.
- C. Because you cannot predict what every individual will do, you must be alert during arrest situations.
- D. Years of service do not remove the elements of danger.
- E. Don't allow yourself to have a false sense of security because you have never had trouble before.

II. Caution

- A. Police work by its very nature demands courage, but not foolhardiness.
- B. Do not confuse taking chances with courage.
- C. Remember that you are not on stage attempting to impress anyone with your actions; you have a job to do; do it correctly!
- D. Use opportunities when they present themselves so that the element of surprise is in your favor, but don't allow surprise to work against you.
- E. Be cautious in every step in an arrest situation because a lack of caution can cost you or a fellow officer his life.

III. Plan and Preparation for the Arrest

- A. On many occasions, you will have time to plan your approach and what the duties of other officers will be.
- B. Fellow officers assigned to assist in the arrest situation must thoroughly understand the details of the arrest.
 - 1. If the arrest will occur at a residence, business, shopping center, etc., the officers must understand the geography of the area including possible escape routes.

2. They must be given information as to the person who is to be arrested. A good description, the charge, and whether known to be armed or not, his criminal background and any additional intelligence at hand are all important to those assigned.
 3. Because a person is reported not to be armed is no indication that he will not be armed at the time of arrest and, futhermore, ready to use a weapon against officers.
- C. The sudden arrest situation which affords little time for formal planning is one that calls for the utmost effort and quick response from the officer.
1. The officer must, in a second or two, size up the situation.
 2. He must act without hesitancy.
 3. His reaction must be not only automatic, but must consider the situation at hand.
 4. All of your training and past experience must be called upon to insure the proper response.

IV. Utilization of Additional Manpower

- A. Never hesitate to call for assistance in an arrest situation.
- B. Do not attempt to "go it alone" because of the danger in an arrest situation and the increased chance of suspects to escape.
- C. With additional manpower, the chances for a successful arrest are increased tremendously.
- D. The mere presence of additional officers may many times deter a criminal from a violent reaction.
A criminal may feel that he can take you in a one-to-one ratio, but will certainly consider his chances when faced with a superior force and superiority or weapons.
- E. Not every arrest situation will allow for the calling of additional manpower, but when it does allow time, use it to obtain help. Never hesitate because a fellow officer may mean the difference between a fight or death for you.

V. Control of the Arrest

- A. You, as the arresting officer, must never lose control of the arrest situation.
- B. You must have complete command of the arrest situation every step of the way.
- C. One way you can utilize command is through your voice.
 1. Your voice can speak with authority and cofidence or it can infer a lack of confidence in your position and authority.

2. Give firm concise commands.
 3. Never use profanity or slang.
 4. Overemphasis can give the impression that you are nervous or inexperienced.
 5. Give commands and directions in a clear voice that is loud enough to be heard by the person arrested but not so loud so as to draw attention a block away.
- D. Never act belligerent in an arrest situation.
1. You should be an impartial and impersonal individual who is doing a job that must be done.
 2. Be alert and business-like in your approach.
 3. You should be prepared for a fight in any arrest situation but never approach an arrest looking for a fight because you will surely find one somewhere along the line.
 4. If you act belligerent in an arrest situation, it may cause the individual to react violently or attempt to escape.
 5. You must inform the person you are arresting that he is under arrest.

RULES TO REMEMBER

1. You have a responsibility to preserve your own life.
2. Act with caution and alertness in any arrest situation.
3. You must exercise caution to insure the safety of innocent bystanders.
4. Use firm commands that are distinct and clear.
5. Be definite and firm in your actions but always act with safety.
6. Never fail to call for assistance when possible.
7. Always have complete control in the arrest situation.
8. Remember that there is danger in every arrest.
9. Be prepared and plan your arrest approach.

"THERE ARE NO ROUTINE ARRESTS."

TECHNIQUES AND MECHANICS OF ARREST II
"Searching the Prisoner"

Guest Instructors: Staff, Atlanta Police Department
Training Division

The time of arrest is one of the most hazardous for the Law Enforcement officer. People, regardless of thier background, do not like to face the prospects of having liberty denied. Because of this feeling, people on occasions react violently and without prior warning so the Law Enforcement officer must always be on guard for the unexpected and be ready to act instantly to protect his own life and the lives of others.

There is no reason why a person whom you are arresting for a minor violation cannot react with such force as to cause serious injury or death to you or others.

We all proceed with caution when apprehending felons, however we occasionally do not exercise all due caution when arresting for a misdemeanor. Never let this be the case! All arrest situations should be approached with extreme caution and with strict attention to duty.

One of the important elements of arrest is searching of prisoners. This must be done carefully and be conducted as promptly as possible after apprehension for your protection, the protection of fellow officers, and the general public.

I. Where to Conduct the Search

A. The wall of a building can serve very well for conducting a search.

1. Place the prisoner against the wall with the hands and arms extended above the head. Have the prisoner place the palms of the hands against the wall and spread the arms out to their furthest extreme on either side, still allowing the hands to remain above the top of the head.
2. Have the prisoner spread his legs apart and move backwards to a point where the least movement on his part will cause him to lose balance.

B. The Patrol Vehicle

1. Follow the same steps as in the wall search.
2. Utilize the roof section of the vehicle to replace the wall.

C. Open Area with No Wall Available

1. Have the prisoner extend his arms high over his head.
2. Have the prisoner spread his feet as far apart as possible with his toes pointed outward and leaning forward.

3. Grasp the prisoner by the belt and search with free hand.
 4. Use caution as in any search situation and be alert for any movement on the part of the prisoner.
- D. Kneeling Position when No Wall is Available
1. Have the prisoner kneel with his arms extended rather high over his head and hands apart.
 2. Cross the lower legs at the ankles with toes pointed to the rear.
 3. Use the free hand to place between the shoulder blades so that the subject can be pushed forward if he attempts to move in a menacing manner.
 4. Conduct the search with caution and be alert for any movement on the part of the prisoner.

II. How to Conduct the Search

- A. Once the prisoner is in the position, place your left foot against the side of his left ankle. In this position, the slightest movement on the prisoner's part will allow you to kick the prisoner's leg away causing him to lose balance.
- B. When on the left side of the prisoner search only the left side.
1. Begin the search with the hat, if any. Remove the hat and check the inside of the hat band. The hat can now be used to put articles in that are removed from the subject.
 2. Check the neck area of the subject's shirt and jacket.
 3. Do not pat the subject's clothing, but squeeze it.
 4. Follow down the collar to the arm area, check the arm pit and cuff of the shirt if any.
 5. Check the tie if the subject has one on and the front of the shirt removing pens, combs, etc.
 6. Move to the waist area after checking the back of the victim.
 7. Check around the waist and the belt.
 8. Check all pockets of coats, shirts, and pants.
 9. Check down the outside of the leg and cuff of the pants.
 10. Check the inside of the leg to groin area.
- C. To check the right side of the body, you move to the right and place the right ankle against the inside of the subject's foot and follow the same pattern as described for searching the left side.
- D. Always keep the weapon and holster side of the body as far away from the subject as possible.
- E. At the slightest sign or feel of movement, move away from the subject and check to make sure he is not attempting to adjust his position so that he can move against you. If he is, kick the foot away or move to restrain the subject so that you can safely continue the search.

- F. Check the subject's shoes by lifting them up one at a time and, if necessary, remove the shoe to check the instep area.
 - G. Make sure you remove all objects from the subject and place them in his hat or on the ground until they can be examined and inventoried.
- III. When Two Officers are involved in the Search of Prisoners.
- A. The second officer can be considered the cover officer and his purpose is to provide firearms protection to the searching or first officer.
 - B. The cover officer should assume a position that is well out of reach of the subject.
 - C. The cover officer should hold his weapon, on double action not cocked, directly on the prisoner.
 - D. When the searching officer completes the search on one side of the body, he should walk around behind the cover officer to continue the search on the subject's other side.
 - E. When two officers are involved, only one officer should give verbal directions to the prisoner describing what you want him to do.
- IV. When you have more than one person to search, you must request assistance if at all possible.
- A. If you must search more than one prisoner, utilize the techniques outlined in the wall search position.
 - B. Have each prisoner positioned as described and take each one separately back behind the remainder of the prisoners and utilize the kneeling or standing search techniques.
 - C. The procedure will provide the most safety for a single officer, but is still extremely dangerous. It is well worth the wait for additional assistance before attempting the search of several prisoners.
 - D. Never turn back on any prisoner whether it is a single prisoner or more than one subject.

RULES TO REMEMBER

1. Exercise caution and alertness when dealing with prisoners.
2. Never turn your back on a prisoner.
3. Be certain that the prisoner is off balance before starting the search.
4. Never pat the clothing, crush it.
5. Don't miss anything, it may cost you or your fellow officer his life.
6. Don't attempt to over extend your search to the opposite side; you may be off balance.
7. Don't fail to search the groin area because it is a favorite hiding place for weapons.

8. Remove all items from pockets because they must be examined carefully.
9. Always request assistance when conducting a search of more than one prisoner.
10. Never lose control of the search situation.
11. Don't walk between the cover officer and the prisoner.
12. If there are two officers, only one must do the talking.
13. Never search a prisoner in a position where he is facing you.

A complete detailed search takes time, but it is worth the price - your life!

TECHNIQUES AND MECHANICS OF ARREST III
"Handcuffing Procedures"

Guest Instructors: Staff, Atlanta Police Department
Training Division

One of the important elements dealing with techniques and mechanics of arrest concerns the utilization of handcuffs. Handcuffs represent the single most important restraining device available to the uniform officer. They are small, easily carried and provide a great measure of safety when properly utilized. However, they can be utilized by subjects as weapons that can be turned on you if the handcuffs are not properly used. A handcuffed prisoner is by no means immobilized and an officer should never allow himself to fall into a false sense of security nor drop his guard because his prisoner is handcuffed properly.

I. Care of Handcuffs

- A. Officers carry their handcuffs in numerous places. On the pistol belt, in a handcuff pouch, in pockets, or in the patrol vehicle.
- B. Under the variety of locations that we find handcuffs carried, they are subjected to the elements of weather and can collect dirt, lint, and rust.
- C. Your handcuffs should be inspected frequently and cleaned as you would inspect and clean your service revolver.
 1. Handcuffs need to be cleaned and oiled frequently.
 2. Rust and dirt may cause your handcuffs to fail you at a time when they are needed the most.
 3. Check the handcuff key and the locking surfaces for rust. If dirty or rusted, clean the surface with fine emory paper or steel wool, then oil to prevent further rust.

II. When do you Utilize the Handcuffs?

- A. This is a question that each officer will have to answer for himself or as it is covered by a departmental regulation. It just depends on whether you want to take a chance with your personal safety!
 1. There should be rules and regulations that prescribe the handling of prisoners.
 2. The type of case, whether serious or petty, has no bearing on the situation.
 3. There is no reason why a person arrested for stealing an apple cannot attack you!
- B. You should never allow your judgement to be swayed by how docile a prisoner may seem. Because a previously violent prisoner seems to have changed, do not consider releasing him from handcuffs because he may

- well be using this as a tool to gain the advantage.
- C. The age or sex of a prisoner should not influence you in your decision to handcuff.
You may have to utilize handcuffs for the subject's own protection.
 - D. Because you are relatively near the station or only have to travel a short distance should not influence your judgement on the use of handcuffs.
 - 1. Handcuffs should always be utilized by a one-man unit transporting a prisoner in a patrol vehicle.
 - 2. Handcuffs should not be removed until after you are in the jail section.
 - E. All felony suspects should be handcuffed without question regardless of age, sex, or race.

III. How to Utilize Handcuffs.

- A. In order to insure the maximum benefit from your handcuffs, there are proper methods to use.
- B. All prisoners should be handcuffed with their hands behind their back.
 - 1. The handcuffs should be placed on the subject as soon as you have completed your search.
 - 2. Handcuffs can be applied even before searching as in the case where the prisoner is violent or extremely dangerous.
 - 3. Assuming that you have completed your search, you order the prisoner to support himself with his left arm and bring the right arm back. You then place the handcuff on the right wrist through the prisoner's belt. Order him to place the top of his head against the wall of the building and support his weight with his head and bring the left hand back securing the left wrist in the free side of the handcuff.
 - (a) When only one wrist, the right wrist, is secured the most hazardous time is faced, for if the prisoner can gain the advantage, he can strike the officer with the handcuffs, using them as a weapon.
 - (b) The belt provides additional protection in that it eliminates the possibility of the prisoner stepping through his arms and having his hands in front of him.
 - (c) When you have completed this procedure, the prisoner's hands should be restrained in such a position that the backs of the hands are together and the palms face the sides.
- C. Occasionally you may apprehend a subject that, because of some deformity or injury, cannot put his arms behind his back. If this

is the situation, you must follow the procedure outlined below.

1. Place the handcuffs on the prisoner with his arms in front of him.
 2. Place the handcuffs on in such a manner that the palms face outward.
 3. Turn the prisoner's belt around so that the handcuff chain can be put under it and the buckle will be to the rear.
- D. You may be faced on occasions with the prospect of having to handcuff two prisoners and have only one pair of handcuffs to do the job. Should this occur, you can follow these steps and be assured of some margin of safety.
1. Handcuff the first prisoner by the right wrist.
 2. Pass the handcuffs through the first prisoner's belt.
 3. Handcuff the second prisoner's right wrist behind the back of the first prisoner in the free cuff.
 4. Remember that each prisoner has one free hand so a great deal of hazard is present!
- E. Once you have placed the handcuffs on a person, you must double lock them.
1. Handcuffs should be placed on the wrist tight enough to restrain the prisoner, but not so tight as to cut off circulation.
 2. By double locking the handcuffs, you have insured that the handcuffs provide the maximum protection and insure that they do not tighten up on the prisoner's wrist. (The prisoner can lean up against the wall and the handcuffs may tighten up causing discomfort or pain to the prisoner.)
 3. If the handcuffs are put on too tight or should tighten up, you have increased the hazard to yourself if you have to loosen them.

RULES TO REMEMBER

1. Make sure your handcuffs are clean and in operating condition.
2. Don't let age or sex influence your decision on using handcuffs.
3. Handcuff all felony suspects.
4. Always double lock your handcuffs.
5. Always handcuff prisoners that you are transporting in the patrol vehicle.
6. Remember because a prisoner is handcuffed does not mean that he is totally immobilized.
7. It's a tough job, so utilize the tools that you have to make it as safe as possible.

MECHANICS AND TECHNIQUES OF ARREST IV

"Stopping a Felon's Car"

Guest Instructors: Staff: Atlanta Police Department
Training Division

Stopping felons and suspected felons in vehicles present unique problems for the Law Enforcement officer. You are faced with the problem of getting the vehicle safely stopped and removing any subjects that the vehicle contains. The problem is compounded if there is more than one subject in the vehicle. Our problem and program will deal with a situation that has more than one occupant. As a matter of fact, four persons will occupy the vehicle.

I. Stopping the Vehicle

- A. Utilize all of the steps outlined in "Stopping the Traffic Violator," Program 1 of the L. E. T. Mobile Patrol Techniques Series.
- B. Immediately notify the radio dispatcher of your location and advise all information concerning the vehicle and the number of occupants. At the same time, request assistance.
- C. Utilize red light, siren, and any spot lights that the patrol vehicle is equipped with.
- D. Exercise extreme caution every step of the way!

II. Removing the Occupants from the Car

- A. Your position must be one that provides the maximum safety available and creates a decisive disadvantage for the suspects.
- B. The driver officer and the recorder officer must assume positions that will give each complete command of the situation.
 1. The driver officer should open his door and, with the patrol car still running, step out and assume a position behind the open door with revolver drawn and ready for use.
 2. The second or recorder officer opens his door and with shot gun or revolver dismounts and stands behind his open door.
 3. The recorder officer will issue all commands and only this one officer should verbally command the subjects.
- C. The recorder officer will advise the subjects to do the following:
 1. Order all occupants to remain silent and to look straight ahead.
 2. Order the driver to place his hands on top of the steering wheel, palms up, and keep them there.
 3. Order the second subject, located in the right front, to place his hands, palms forward, on the windshield and not to move them.
 4. Order both subjects in the rear seat to place their hands on the top of the front seat with the palms up.

5. The driver is then ordered to remove the ignition keys with his left hand and drop them outside the car. The right hand must be left on the wheel.
6. Order the driver to remove his hands from the wheel and to place both hands on the door window ledge, to open the door from the outside, and to step from the car slowly with his hands raised above his head with the palms forward.
7. Have the driver suspect dismount from the car and assume a position opposite the rear of the left front tire about eight to ten feet facing toward the patrol vehicle with his left side toward his vehicle.
8. Have the second passenger in the front seat slide across the seat and assume a position next to the driver subject. While this subject is moving across the seat, order him to keep his hands in plain view and against the windshield. It won't be easy for him to get across the seat, but by using his legs to push with, he can do it. Above all, don't let him put a hand down on the seat - a weapon may be present!
9. As soon as the second subject has taken a position with his hands over his head, on the left side of the driver subject, order the third subject located in the left rear of the vehicle and open the door from the outside.
10. Once the rear door is opened, have him dismount and assume a position with his hands over his head to the left of the second passenger.
11. Repeat this procedure with the fourth subject. Have him slide across the seat keeping the hands in plain view. Have him assume a position on the left side of the third passenger.

SPECIAL NOTE:

1. If you are dealing with a two door car, then have the third subject put both hands outside of the front door opening or front door window and open the door from the outside.
2. Never lose sight of a prisoner's hands; both officers must be constantly on the alert for talking and movement on the prisoner's part. You must watch the prisoners carefully when they are moving under your orders.
3. As soon as all subjects are lined up in a standing position, the driver officer has the subjects under his line of fire. The recorder officer should approach the right side of the subject's vehicle and reach through to close the opposite doors and lock them. This will prevent the subjects from

being able to re-enter the car for escape purposes. The recorder officer then returns to his original position.

III. The Position of the Officers

- A. The officers' main concern at this point is to keep out of one another's line of fire.
- B. The driver officer should remove himself from behind the patrol vehicle door and assume a position to the left and five feet to the right of prisoner one, the driver subject.
 1. The recorder officer will assume a position to the front and left of the prisoners about even with the rear tire of the subjects' vehicle.
 2. The prisoners will then be ordered to make a wheel movement and face the vehicle one at a time.
 3. Have each of them assume the wall search position against the roof of their vehicle.
 4. The driver officer will conduct the search of the prisoners.
 5. The driver officer will proceed from his position going behind the recorder officer, so not to cross the line of fire, holster his weapon, and conduct the search of the prisoner at the rear of the subject's car.
 6. The recorder officer moves to a position that is approximately the center of the subject's car at the same time that the driver officer starts to the rear.

IV. The Order in Which the Prisoners are Searched

- A. Search the prisoner to the rear of the subjects' car.
- B. When you are through searching the first prisoner, have the next prisoner step to the rear and the first prisoner assume the position that the first prisoner was in.
- C. Follow this procedure until all prisoners have been searched. When you have finished, the first prisoner searched will be at the front of the car.

SPECIAL NOTE: It sounds like a game of musical chairs; however, the knowledge that it will keep the searching officer from having to step between the cover officer and the prisoner at any time, it is well worth the trouble. It will also keep the searching officer from having to search with prisoners on each side. An officer should never turn his back on the prisoners!

V. Additional Considerations

- A. If you are a two-man unit, then utilize each pair of handcuffs to handcuff two prisoners together as outlined in the use of

handcuffs.

- B. If the situation is such that you are a one-man unit, order the subjects to position their hands as described and request assistance before proceeding further. You simply will not be able to watch them all if you start getting them out of the vehicle.
- C. At night, your problems are increased so you must utilize your lights to cover the interior of the suspect's car and to illuminate the suspects that are out of the vehicle.
- D. Never take your eyes off of the prisoners. The driver officer must watch the prisoners as they emerge from the car and the recorder officer must watch the subjects that remain in the car.

FIREARMS TRAINING I
"Basic Firearms Marksmanship"

Guest Instructors: Staff, Adel Police Department

The basic defensive weapon of the Law Enforcement officer is the revolver. In order for it to provide the protection that we depend upon it for, it must be: 1) in the hands of a capable user, 2) clean, and 3) well-maintained. In order for an officer to be proficient with this basic weapon, there are some fundamental rules that will guide you.

I. Range Safety

A. A good shooter is a safe shooter.

B. Someone must act as range officer.

The range officer must be in charge and his orders followed without question.

C. Basic Rules

1. Treat every gun as if it is loaded at all times.

2. Keep the cylinder open and empty until on the firing line and ordered to load.

3. Keep the muzzle pointed down range.

4. In the event of a misfire or malfunction, keep the weapon pointed down range and advise range officer.

5. Don't allow any horse play. The range is not the place for it.

6. Accidents happen because someone was doing something they should not have been doing!

7. Obey all the rules of the range you are firing on, the orders of the range officer, and your own common sense.

8. Know your weapon and the ammunition for it.

9. Guns were made to kill; if you make a mistake, it might just happen.

II. Basic Police Weapons

A. Caliber .38 special revolver or .357 magnum revolver.

B. The revolver is a cylinder loaded, exposed hammer, selective double action hand weapon.

1. The action of cocking the hammer causes the cylinder to rotate, aligning a chamber with the band.

2. The hammer may be cocked with the thumb (single action) or by applying in continuous pressure to the trigger which will both cock and release the hammer (double action).

C. The revolver has a maximum effective range of 50 yards.

D. Safety Devices

The revolver's safety devices, the safety and cylinder bolt, should be inspected prior to firing,

III. Elements of Basic Marksmanship

- A. A good uniform grip must be assumed to control the weapon during the firing.
- B. The one handed grip is used during slow and rapid fire exercises in the standing position.
The two handed grip is used during quick fire exercises and in some combat firing positions where both hands help to steady the weapon.
- C. The Standing Position
 - 1. The body is turned 45 degrees or more from the target.
 - 2. The feet are spread 12 to 18 inches apart.
 - 3. The weight is evenly distributed between both feet.
 - 4. The legs are straight.
 - 5. The abdomen is relaxed.
 - 6. Shoulders are about level.
 - 7. The shooting arm is pointed, elbow and wrist straight, at target.
 - 8. The head is rotated on the neck to look down the arm at the target.
 - 9. The position is a relaxed comfortable stance, with the arm naturally pointed at the center of the target.

NOTE: The shooter must, in each individual case, choose a body angle that is the most comfortable and natural position for him. The 45 degree position is a good one to start from and the shooter then can vary the angle to suit himself.

IV. Prone Position

- A. The prone position provides maximum stability in firing at longer ranges.
- B. Assuming the Prone Position
 - 1. The shooter drops to his knees, falls forward, breaking his fall with his free hand.
 - 2. The shooter lies flat on the ground with legs apart, heels down or with the legs in a position that is best suited for him and the most comfortable for him.
 - 3. The weapon hand is then supported by the free hand.
 - 4. The arms are extended well out in front of the head.
 - 5. The head and body are aligned with the target.

V. The Sitting and Kneeling Position

- A. The sitting position provides good stability in firing rapid fire at longer ranges.

1. The shooter sits down with the feet flat on the ground, the knees are bent and the legs drawn up.
 2. The elbows are locked against the knees and the revolver is held by both hands with the arms.
 3. The shooter can adjust his position to the one that provides the most comfort for his own purpose.
- B. The kneeling position also provides good stability in firing rapid fire at longer ranges.
1. The two-handed grip is used.
 2. To assume the kneeling position, the shooter kneels on his right knee, rests his left upper arm on the raised knee.
 3. The weight of the body rests on the right leg and foot.
 4. The right arm is almost fully extended.

VI. The Brass Rule of Firing

- A. B - Breath: Take several deep breaths; let the last one out about halfway and lock it in your throat.
- R - Relax: The position should be comfortable and mental activity directed to the shot to be delivered.
- A - Aim: Concentrate on good sight alignment maintained within the valuable area. Focus should be on the front sight with the bullseye appearing hazy.
- S - Slack: Take up the play in the trigger.
- S - Squeeze: Apply an increasing trigger pressure straight to the rear with the trigger finger.
- B. The shooter should deliver the shot within 10 seconds after beginning the BRASS procedure for slow fire.
- C. The shooter should follow through and should be able to call the general area of each shot.

VII. Cocking the Weapon

- A. Single Action
1. The thumb is brought up without losing the grip, and cocks the hammer by pulling it straight to the rear.
 2. The thumb resumes its position on the frame after cocking.
- B. Double Action
1. The shooter squeezes the trigger until the hammer comes back and falls forward.
 2. The shooter maintains sight alignment throughout the double action process.

Firing your handgun effectively and with accuracy comes only with continued practice. Because your life and the lives of others may depend upon your proficiency, it is wise to practice and frequently!

FIREARMS TRAINING II
"The Riot Shotgun and Weapon Maintenance"

Guest Instructors: Staff, Adel Police Department

The Riot Shotgun is probably the most common police weapon next to the service revolver. Most departments have one or more available and many have each car equipped with a riot shotgun.

The shotgun is really a special purpose police firearm which has great effectiveness at short range. It is of particular value in built up areas where its short range characteristics puts the weapon at great advantage over the carbine or rifle with its long range capability.

- I. General Information and Description
 - A. The shotgun is a 12 gauge, cylinder bore choke, hammerless manually operated repeater.
 - B. The tubular magazine holds five shells.
 - C. The shotgun was not designed as a rapid fire weapon, however, a proficient shooter can operate the action slide and squeeze the trigger fast enough to empty the magazine in five seconds.
 - D. Shotgun Ammunition
 1. It is designed by numbers from 00 to 9.
 2. The greater the numerical designation, the smaller shot.
 3. Most common shot sizes used by police agencies are 00 Buck, #2, #4, and 7 1/2 or 8 Buck Shot.
 - E. Range
 1. The Shotgun's effective range depends upon the type and load of ammunition used.
 2. For example, the maximum effective range with 00 Buck is about 75 yards with cylinder bore choke.
- II. Inspection of the Weapon Prior to Firing
 - A. The shotgun should be inspected prior to firing as in preparation to going on duty.
 - B. The following should receive special attention.
 1. Look for any obstructions in the bore or chamber.
 2. Any dents in the barrel or magazine.
 3. Check the safety device to be sure that it is functioning properly.
 4. Check the action lock to be sure that it is functioning properly.
- III. Operation of the Shotgun
 - A. A round is not placed in the chamber unless the shooter intends to immediately fire.

- B. To change the magazine, the shells are pushed into the magazine through a slot in the bottom of the shotgun. The shells are pushed in with the base of the shell to the rear. (To be illustrated in detail over telecast.)
- C. To unload the magazine the shells are pumped through the chamber. (To be illustrated over telecast in detail.)
- D. To load the chamber, the slide action is pumped backward and pushed forward until the shell is locked in the chamber.
- E. Stoppages
 - 1. Stoppages are caused by faulty ammunition or improper functioning of the weapon. The two principle stoppages with the shotgun are malformed ammunition and dented magazine tubes.
 - 2. If the shotgun fails to fire, keep the gun pointed down-range. Wait 15 seconds. Rotate the ejection port toward the ground and operate the action slide to eject and reload.
 - 3. If this fails to reduce the stoppage, check the weapon as follows:
 - (a) If the slide won't go fully forward, check the chamber for a ruptured cartridge, for a cartridge hung up in the feeding mechanism, or for a cartridge which failed to extract.
 - (b) If the slide goes fully forward, check the primer of the ejected shell; if it hasn't been struck, the firing pin or hammer is broken or jammed and must be replaced. If the cartridge primer has been dented, the ammunition is faulty.
 - 4. If a fired cartridge becomes lodged in the chamber and cannot be removed by operating the action slide, unload the magazine, insert a cleaning rod in the barrel and ram the cartridge out.
 - 5. If a round becomes lodged in the magazine:
 - (a) Engage the safety.
 - (b) Use the finger to gently work the cartridge back and forth to free it.
 - (c) Do not reload unless the ammunition was obviously the problem.
 - 6. Don't use a sharp instrument in attempting to fire live cartridges as it may stick the primer setting of the round.

IV. Positions for Firing

- A. Positions for firing with the shotgun are similar to those of any shoulder weapon with some slight modifications.
- B. Ready Position (to be illustrated on television). The weapon is held in a port arms position and ready for quick use.

C. Standing Position

The weapon is brought smartly to the shoulder with the butt against the front of the shoulder. The legs are spread slightly with left foot forward. The body leans into the weapon slightly. The weapon must be held firmly against the shoulder and the body must be braced as a shotgun has considerable recoil, to say the very least.

D. Firing from the Hip.

1. The weapon is held level with the butt locked against the side by the right elbow area.
2. The weapon is sighted by barrel alignment.
3. The weapon can be fired effectively from the hip but again it must be held securely as the recoil is considerable.

E. Firing from a Kneeling Position.

1. The shooter drops to the right knee and braces his left arm against the raised left knee.
2. The weapon is brought to the shoulder as in the standing position.

V. Sighting and Aiming

- A. There is no rear sight on the shotgun, therefore, a good sight picture per se is not possible. Instead the shooter gains good barrel alignment with his target by consistently placing the weapon in the same place on his shoulder and his cheek in the same place on the stock. This is called cheeking."
- B. To learn cheeking, the shooter gains the "feel" of the correct position by sighting along the top of the barrel over the front sight at his target. He practices moving from the "ready" position to the firing position until he places the shotgun on his shoulder and his cheek on the stock correctly and rapidly each time, both eyes being open. With practice the shooter will do this unconsciously so that the shotgun is pointed at his target without conscious effort.

VI. Trigger Pressure

- A. In practicing checking the weapon, the shooter should also practice releasing the safety and applying pressure to the trigger.
- B. As with the revolver, a pressure straight to the rear is applied until the hammer falls and the weapon fires.

VII. Cleaning and Maintenance of the Service Revolver and Shotgun

A. The Service Revolver

1. The revolver is one of the easiest weapons to maintain, requiring only a few minutes each day to keep it in good working order.

2. Daily Maintenance

- (a) Damp air and perspiration from the hands produce rust overnight. Each time the revolver is handled, it should be cleaned and protected with a light coat of oil.
- (b) To clean the revolver, rub it with a clean oily rag, then wipe it with a dry rag. Clean the bore with an oily swab then a dry swab.
- (c) Dust out all crevices and cracks with a small clean brush.
- (d) Then apply a light coat of oil over all metal surfaces, including the bore and chamber.

3. Before Firing Maintenance

- (a) Before firing or going on duty, the bore and chambers should be cleaned and dried.
- (b) Excess oil should be removed from other metal surfaces.
- (c) The cylinder and ejector rod should be lightly oiled.
- (d) All screws should be tightened.

4. After Firing Maintenance

- (a) To prevent rust and corrosion, the revolver must be thoroughly cleaned after firing to remove powder residue and carbon. The bore and chambers must be cleaned for several days to insure all corrosion producing residues are removed.
- (b) To clean the chambers, saturate a swab with bore cleaner and swab each chamber thoroughly; then run a brass cleaning brush attached to the cleaning rod through the chambers several times and reswab the chambers with bore cleaner. The bore is cleaned in the same manner.
- (c) Then run dry patches through the bore and chambers until they come out clean. Inspect for signs of residue.
- (d) The remainder of the pistol should be thoroughly cleaned with particular care to the frame just above the cylinder, the nose of the hammer and the hammer groove in the frame.
- (e) When the revolver is thoroughly cleaned, apply a light coat of oil to all metal surfaces to include bore and chamber.

B. The Riot Shotgun--Maintenance

- 1. The shotgun should be cleaned after each time it is handled and at least weekly if not used. A light coat of oil on all exposed metal surfaces will protect the finish from rust.
- 2. Dirt and light rust can be removed by rubbing with a lightly oiled rag or with bore cleaner. Abrasive material such as steel wool or a fine crocus cloth should be used only when rust cannot be removed with bore cleaner. Care should be taken not to mar or scratch polished surfaces.

3. Leading of the bore occasionally occurs. It's caused by small particles of lead of the shot adhering to the rough surfaces of the bore and can be removed by running a piece of fine steel wool through the bore. The bore should not be scrubbed as this will scratch the walls and increase leading in the future.
4. Rust can be removed from the bore by running a patch soaked with bore cleaner through the bore.
5. After firing, the bore face of the bolt, firing pin stiker and carrier should be cleaned with bore cleaner as with the revolver then dried with clean dry swabs until they come out clean. A light coat of oil should then be applied to all metal surfaces. Before firing, oil should then be removed from the chamber and bore. Too much oil should not be applied to the magazine as it will damage the ammunition.
6. Varnished wood stocks and action slide handles should be dried if wet, then wiped with a lightly oiled rag. Polish with a clean dry cloth.
7. Oil finished stocks should be treated with a light coat of raw linseed oil rubbed in with the hand. Keep the linseed oil off metal surfaces as it becomes gummy as it dries.

FINGERPRINTING I AND II

Guest Instructors: Special Agent Carl E. Claiborne
Special Agent Joseph P. Ayers
Federal Bureau of Investigation
Atlanta, Georgia

Positive identification of criminals has always been a problem for Law Enforcement. One of the major problems is that physical appearance can and does change. Today it is even possible to change the color of one's eyes through the use of contact lenses, or the color of one's hair with dye. These are but two examples and many more can easily come to mind.

Even with this ability to change appearance, modern law enforcement has one infallible means of positive identification. This is the science of fingerprint identification. The use of fingerprints to effect a positive identification is a development of the last 70 to 80 years.

I. Early Methods of Identification

A. Memorizing the faces of arrested person

In the early 18th century, law enforcement officers attempted to memorize the faces of arrested persons, and some officers became very adept at remembering faces. Around the middle of the 18th century, the camera was invented and police began photographing arrested persons for identification purposes. However, physical appearances change, and these methods were not very satisfactory.

B. Alphonse Bertillon

1. Bertillon was a French scientist who devised a system of measuring people as a system of identification.
2. Bertillon used nine measurements as his system of classification.
 - (a) Length of head
 - (b) Breadth of head
 - (c) Length of middle finger (each hand)
 - (d) Length of little finger (each hand)
 - (e) Breadth of cheek
 - (f) Height of person
 - (g) Measurement of arms out-stretched
3. The Bertillon system was based on a theory that the bone structure of an adult remained the same throughout the adult years.
4. Four major disadvantages of the Bertillon system
 - (a) The instruments used in taking the measurements were expensive.
 - (b) Some operators measured loosely, while others held the instruments tighter.
 - (c) The system could not be used on young people who had not attained full growth.

- (d) The system was time consuming. It took 30 to 60 minutes to measure.

II. Fingerprints as a Means of Identification.

A. Early History

- 1. Dr. Henry Faulds--British surgeon

In 1880, Dr. Faulds published an article in an English journal in which he explored the possibility of identifying criminals by fingerprints.

- 2. Sir Francis Galton--British scientist

Studied fingerprints and is generally credited with proving:

- (a) No two fingerprints are alike even between two fingers on the same person.

- (b) Fingerprints do not change.

B. Use of Fingerprints by the Police

Sir Edward R. Henry--British Police Officer

- 1. Devised a system of classification known as the Henry System.

- 2. This system (Henry System), with modifications and extensions, is still in use today in English speaking countries.

III. Fingerprint Classification

A. Definition--A method of sorting the fingerprints of a great number of persons into small file groups by general shapes of the prints. These shapes are called patterns.

B. In 1901, the identification of criminals was introduced into England and Wales. At this time, major departments in the United States began to use the system.

C. The Will West Case

- 1. In 1903, Will West was sentenced to the United States Penitentiary at Leavenworth, Kansas.

- 2. This case illustrated the superiority of fingerprints over the Bertillon System.

D. International Association of Chief of Police

- 1. One of the earliest clearing houses for fingerprints was set up by the IACP in Chicago, Illinois.

- 2. This file and the file at Leavenworth Penitentiary became the nucleus of the FBI Identification Division.

E. Federal Bureau of Investigation Identification Division

- 1. Established by United States Congress on July 1, 1924.

- 2. Today they now contain almost 81,000 persons.

- 3. The Criminal File contains almost 17,000,000 and the Civil File contains almost 64,000,000 persons.

IV. The Effectiveness of Fingerprints

A. Fingerprints are a positive means of identification.

B. Georgia law forbids the fingerprinting of a juvenile without the authority of a Juvenile Court or Superior Court judge.

- C. Some Georgia agencies only bring those persons charged with a felony, some for serious misdemeanors; others fingerprint everyone arrested. Unfortunately, there are a small number of law enforcement agencies in Georgia who do not fingerprint anyone.
- D. In Georgia, there are court decisions which have ruled that taking an arrested person's fingerprints is part of the booking procedure and that Law Enforcement has the right to fingerprint.
- E. If an arrested person refuses to be fingerprinted, an officer can use whatever force is reasonable and necessary under the circumstances to fingerprint the person.

Fingerprinting II

I. Equipment

- A. It is simple and inexpensive.
- B. It consists of:
 - 1. Inking plate--a piece of glass or smooth metal
 - 2. A rubber roller
 - 3. A tube of printer's ink
 - 4. A card holder

II. What is necessary to record

- A. Must record all of the ridges of the first joint of all ten fingers.
- B. The finger is rolled on a thin inked surface and rolled on the card.
- C. Roll the thumbs toward the body and the fingers away from the body.
- D. You should print down to about a fourth of an inch into the second joint of the finger to insure that you get all the print.
- E. Take a plain impression by pressing all four fingers on the bottom of the card.

- III. Use the proper safety precautions when fingerprinting a prisoner. The officer fingerprinting the prisoner should never wear a gun.

IV. Common errors

- A. Using too much ink. (This fills in the spaces between the ridges.)
- B. Failure to roll the fingers fully
- C. Allowing the fingers to slip and thus blurring the impression

The science of fingerprint identification is an important weapon in the arsenal of law enforcement, and each law enforcement officer should know how to use this important and basic tool.

HANDLING OF ABNORMAL PERSON I
"Basic Psychology"

Guest Instructor: C. Downing Tait, M. D.
Georgia Mental Health Institute

How people behave and why they behave as they do are questions that interest most of us. Throughout history, people have tried various ways to find answers to these questions, either about one person in particular, or about people in general.

Since human behavior is so varied, no single expert can hope to learn all there is to know about it. Thus, psychiatrists, psychologists, sociologists, social workers, nurses and various other experts study different aspects of behavior. Even in one field, the experts usually concentrate on a special part of behavior. This is one reason for such sub-specialization as child psychiatry, mental retardation, etc.

As so much specialization testifies, human behavior is complex and various methods are needed to improve our understanding of it.

- I. The following are methods of studying behavior used by experts.
 - A. Types of studies
 1. Biological
 2. Psychological
 3. Sociological
 - B. The types of cases studied may involve animals as well as humans and, on some occasions, may utilize comparisons of human and animal traits.
 1. Human and animals
 2. Children and adults
 3. Normal and abnormal persons

- II. Normal and Abnormal Behavior--To be able to understand what abnormal behavior is, we must have some method to determine what is normal.
 - A. The meaning of normal behavior.
 1. Ideal standard--how people should always behave.
 2. Statistical standards--a trait is normal if it occurs in a great majority of people.
 3. Health standards--A condition must favor, not hinder, the interests of life and health if it is to be called normal.
 4. Standards that are in the best interests of the individual and society.

- B. How should human beings behave?
 - 1. Should we set a goal of behavior that we may never attain?
An example would be: A normal person never goes out into the sunshine without an umbrella. Anyone who did would then automatically be abnormal.
 - 2. Are the majority of people acting normally?
- C. Does a person violate the law because he is mentally ill? Because when he does so, he is not doing what the majority of people do. Is this person mentally ill merely because he is not doing what "normal people" do? Failure to abide by social norms or laws does not always mean that a person is mentally ill.

III. What is a normal person called upon to do in order to get along in the world?

- A. Survival
 - 1. A person seeks to survive; to carry on life, not only his own, but that of his kind.
 - 2. Suicide is an example of abnormal behavior in terms of survival.
- B. Growth and Development
 - 1. Not only does a person seek survival, but also he seeks the opportunity to grow and develop and have a life that brings satisfaction.
 - 2. This is most often seen in a child because we can see change in a child most easily.
 - 3. The change in growth and development continues throughout life, but is not so easily observable in the adult.
 - 4. It is important to keep in mind how various adult abilities are developed from childhood and how they wither in old age.
- C. Biological, psychological, and sociological needs
 - 1. Inner environment--a person's biological needs usually are of a personal nature.
 - 2. External environment--a person's social needs must be met in order to satisfy some of his inner needs.
 - 3. In addition, the person needs to have a place that is satisfying in human society.

IV. The Brain and Nervous System

- A. In order to function, we must have some means of organizing and coordinating our activities. This is done through our brain and nervous system.
 - 1. A breakdown of either of these or any part can result in abnormal behavior.
 - 2. Many forms of mental illness can be caused by disorders or damage to the brain.

- B. As the brain and nervous system are part of our biological equipment, we must have some human organization take place through psychological experience.
 - 1. Most of the organization takes place in an automatic way, such as the digesting of food, breathing, and heartbeat, etc.
 - 2. Some of the organization takes place in a semi-automatic way, such as walking, sitting, standing, etc.
 - C. The brain and nervous system have three main purposes.
 - 1. To keep us informed
 - 2. To decide how we behave
 - 3. To take action
 - D. There are two nerve networks.
 - 1. To provide signals from the world around us and from within our bodies, such as sound and sight, hunger and pain.
 - 2. To initiate action or reaction by our muscle and gland systems.
 - E. The brain is really the central headquarters of both nerve systems. It is the part that picks over information from the nerves and guides our actions.
- V. Pleasure and reality principles
- A. People tend to do things which are pleasurable and rewarding and to avoid things which are painful or punishing. This was called the "pleasure principle" by Freud.
 - B. Secondly, there is an important principle called the "reality principle." This principle refers to the fact that if a person is to be mentally healthy, he must come to terms with life the way it actually is and not the way he wishes it were.

VI. Feelings or Emotions

- A. A person has certain signals that inform him of whether he is meeting his various needs. Two of these signaling devices are FEELINGS and EMOTIONS.
- B. Feelings or emotions serve as important guides to whether behavior is achieving goals that foster life and health or hinder it.
 - 1. Emotions give a person the signal that his behavior is in the interest of his own welfare and the best interests of other persons.
 - 2. Some of the emotions that we feel are: esteem, fear, anger, pleasure, pride.

A WORKING DEFINITION OF MENTAL HEALTH

For our purposes, a person is presumed to be mentally healthy if he has a place in the world which is useful and generally satisfying to himself and to the society in which he lives.

There are of course many kinds of places in the world which can be occupied by a person; thus, for example, a man in his work life may have a place or job as a law enforcement officer, but he may also have the place or role of a husband and father in his home life. Note also that the person needs a place in society that is both satisfying and useful to both himself and to others in his society. In other words, a person's behavior normally seems to serve the interests of the individual and of his society, or at least does not seriously disrupt the life and health of each. A person may appear to have a useful place in society, but nevertheless have inner dissatisfactions, and there may also be persons who do not seem to have much of a place in society and yet are reasonably content within themselves.

Perhaps a good way to summarize is to use a definition Freud once gave: he said a mentally healthy person is one who loves and works well.

HANDLING OF ABNORMAL PERSONS II
"Abnormal Behavior"

Guest Instructor: C. Downing Tait, M. D.
Georgia Mental Health Institute

During the course of a typical work week most law enforcement officers will have some experience with one or more persons who behave abnormally. Of course, the violation of law itself is one kind of abnormality from society's point of view. We are concerned here, however, with persons whose abnormal behavior is a result of some kind of psychological disturbance, especially a mental illness.

- I. What causes abnormal behavior--Abnormal structure and/or function.
 - A. Brain damage
 - B. Brain disease
 - C. Failure of some part of the nervous system to function.

- II. Most major mental illnesses involve the brain.
 - A. Most major illnesses show some disturbance in the person's capacity to be realistic about himself, about the world, or his relationship with the world.
 - B. Examples:
 1. An abnormal person may imagine that one person occupies an exaggerated place in life (the prime minister of England, for example) when this is not true.
 2. An abnormal person might feel that the world is more hostile to him than it actually is. He may dream that there are plots against his life.
 - C. Many times, an abnormal person will cut off communications with others and withdraw into himself.

- III. Signs to help in the recognition of mental illness in a person.
 - A. Big changes in behavior
 1. Others will say that an abnormal person is not "himself."
 2. He may behave in a way dangerous to himself or to others.
 3. He may withdraw into himself, talking only to himself.
 - B. He may have sensations that are not based on reality.
 1. Visions, strange orders, peculiar tastes or voices--all or any one of these sensations may be experienced by the abnormal person.
 2. He may have sensations about himself that are not realistic.
 - C. The abnormal person may have unrealistic ideas about himself.
 1. He may believe that he has a grand position.
 2. He may believe that he is worthless (extreme depression).

3. He may have delusions (unrealistic ideas) about the world.
4. He may exaggerate events that occur.
5. He may believe that the world is more unfriendly than it is.
6. He may have strange losses of memory or not know the time, or where he is, or who he is.

IV. Some general pointers on handling the mentally ill person.

- A. Take time to size things up; look the situation over.
- B. Do not abuse or threaten.
- C. Avoid unnecessary excitement.
- D. Don't let him get you excited or overly emotional.
- E. Don't lie to him.

V. The types of abnormal behavior that are most dangerous.

- A. The violent person.
- B. The depressed or suicidal person.
- C. The person whose abnormal behavior seems related to physical illness or loss of memory.

VI. Special mental conditions which are seen most by law enforcement officers.

- A. The psychopathic personality.
- B. The alcoholic.
- C. The drug addict.
- D. The sex offender.
- E. The mentally retarded.
- F. The mental disorders of old age.

HANDLING OF ABNORMAL PERSONS III
"Procedures for Dealing with Mentally Ill Persons"

Guest Instructor: C. Doning Tait, M. D.
Georgia Mental Health Institute

In the first two programs of this series, we have explored basic psychology and how to identify the mentally ill. We have discussed signs to look for and how to best approach a situation involving the mentally ill. This last program will be concerned with the actual situation with various types of mentally ill persons.

- I. When the person is violent.
 - A. You must take all steps to protect yourself and society.
 - B. These people can be extremely dangerous.

- II. How to handle the depressed person.
 - A. The depressed person may be the exact opposite of the violent person. They are usually quiet, move around very little, feel sad, worthless, and hopeless.
 - B. They may attempt suicide and should be considered dangerous.
 - C. Any person who has attempted suicide deserves serious attention.

- III. Suicide attempts.
 - A. Prompt action is absolutely necessary.
 - B. The best efforts cannot always head off suicide in a determined person.
 - C. The major item is to try to establish communication with the suicidal person. If the person will stop and talk, then it may be possible to re-awaken the will to live.
 - D. Some persons commit suicide in private and we do not know about it in time to prevent it.
 - E. If a person goes to a public place (a bridge or tall building, for example,) then we can assume that he is still open to some discussion.
 1. You will have to fit your discussion to each situation.
 2. There are no magical words.
 3. Be matter-of-fact, but show respect for human life.
 - F. Once you have control of the suicidal person, you must get him or her to medical aid.

- IV. Physical conditions causing behavior that looks like mental disorder.
 - A. Diabetes--people may pass out either from the disease or the medicine. Some cases may sweat or twitch and jerk about; in certain instances, the person may have a peculiar, sweetish odor on their breath.

- B. Infectious diseases--flu or pneumonia may cause a person to be dazed or delirious.
- C. Head injuries--These may be quite serious and may have delayed effects. If there has been any known period of unconsciousness or loss of memory, it is advisable to find medical aid.
- D. Other conditions--high blood pressure, hardening of the arteries, brain tumors, etc.

SPECIAL NOTE: It is difficult to distinguish between confusion caused by alcohol and drugs and that produced by an injury or illness. If in doubt, consult a doctor.

CRIMINAL LAW I
"The Policeman and the Law"

Guest Instructor: Col. Jack F. T. Murray
Professor, University of Georgia
School of Law

I. Police Function in the Community

- A. You represent the viable embodiment of authority. Citizens look to you as a representative of law and order. Your uniform alone makes you stand out as the legal representative of law and order.
- B. Your authority has been delegated to you by the people. Historically, it became necessary to delegate the authority from the total population to a select group--the law enforcement officer. This means that you must shoulder tremendous responsibility.
- C. Above all, you are a representative of all the people. You do not represent just factions in the society, but everyone who lives in your community, your state, and your country.

II. Police Training in Law

- A. Police officers receive their training in many ways, but most obvious are police academies and training schools.
- B. Self study is a second way of receiving training. Here the responsibility rests with the officer himself. He must consider whether he wants to do the job well, which calls for extra effort on his part, or not so well, which calls for no extra effort at all!
- C. Much of your legal training comes from your superior officers. Their past experience and training are one set of valuable assets that you can call upon.
- D. Outside help can best be obtained through your Solicitor General. He is your most authoritative source and you should seek his assistance when necessary. He is the best person to explain new court rulings and changes in the law.
- E. Last, but not least, you can learn from experience. If you are losing cases in court, determine what is the reason and make the necessary changes to correct the situation.

III. Police Enforcement of the Law

- A. Because you have had tremendous authority delegated to you, you must have knowledge of what your legal responsibilities are. This you can gain from training.
- B. Enforcement of the law must be fair. There is no other way. It is not an officer's job to punish; this must be left to the Courts and the Corrections Department. You are the unprejudiced party.

- C. In order for you to enforce the law, you must have confidence not only in your ability, but in the laws that you enforce. To do this to the best of your ability, you must understand the law. This is possible through training in the law and understanding the philosophy of the law.
- D. In carrying out your duties you must be firm, but this is not to be construed to mean that you are justified in being a hard officer or an arrogant officer. You can be firm and courteous at the same time.

IV. The Police Officer in Court

- A. Your role in court is of supreme importance. You are the key witness in the State's case. If you are this important, and you are, then be ready for court.
- B. There are steps to your preparing for court.
 - 1. You must prepare for your testimony. You should meet with the Solicitor General or his assistant before the trial. This pretrial conference will help the Solicitor General to prepare his case for court and to go over any last minute details.
 - 2. Your appearance in court is extremely important because in court, as in regular duty, you are judged by how you appear. If you appear in a wrinkled or dirty uniform, unshaven, and hair uncombed, the jury may well form the opinion that your ability as an officer is of the same fashion. So be sure that you are sharp and look your best in court. Court is a dignified situation and you should dress and act appropriately.
 - 3. Although your notebook is a prime source of information to refresh your memory for testimony, you must not constantly refresh your memory for testimony--this will show the jury that you lack confidence or you are not familiar with the case. Also, you must remember that your notes must pertain to the case at hand, and should not contain notations concerning other matters. Remember that the defense has a right to look at your notebook if you use it in court.
 - 4. Have confidence in your ability. You are an expert in your job. You represent law enforcement and you're good! Therefore, when you are called upon to testify, be confident and do the job well.
 - 5. Your speech should be clear and precise. When speaking, your voice should be loud enough for everyone concerned to hear. When you are asked a question, answer it. Don't volunteer any additional information. Answer those questions that have been asked. If you do not know an answer, say "I don't know." If you do not understand a question asked,

and take time to think about the question, then answer it correctly. Do not snap back answers as rapidly as possible. You might make a mistake! If you do, the defense attorney will capitalize on it.

- (a) Never be sarcastic.
 - (b) Never be belligerent.
 - (c) Don't be a know-it-all.
 - (d) Don't put yourself in the position of telling something that is not related to the case.
 - (e) Never, under any circumstances, lie.
 - (f) Don't be anything but impartial.
 - (g) Don't let the defense attorney rattle you. Listen to his question and answer only what you have been asked. If he asks you a quick group of questions without a break for you to answer, don't fire back answers in the same manner.
6. Be familiar with court routine.
- (a) Know where you are to wait before being called upon to testify.
 - (b) Know where you are to sit or stand when testifying.
 - (c) Know the procedure to use in your judge's court.
 - (d) Never allow horseplay in the court or waiting area.
7. If you testify at all, the defense attorney has the right to cross-examine you.
- (a) His main hope will be to make you make an error from your previous testimony, get you rattled so that you will make a mistake, and show that you as a witness are not impartial.
 - (b) You are the State's key witness. If he can injure your testimony, he will seriously weaken the State's case.
 - (c) If you make a mistake, and he finds it, he will capitalize on it. He cannot do this as easily if you correct any error you have made. If you make an error, apologize to the court and say "I am sorry but that date was in error or that time was in error," and then correct it.
 - (d) Don't let him get under your skin; he has a job to do also. It's going to be very difficult at times for you to remain calm, but you must do so.

REMEMBER: Court is your final step! If you blow up there, all your hard work before will go down the drain. You are a professional, on the street or in the court, and you can do your job well!

CRIMINAL LAW II

"Homicide"

Guest Instructor: Mr. Mack A. Player
University of Georgia
School of Law

I. Definition

- A. Taking of human life by human act.
- B. Lawful in that it is excusable or justifiable.
 - 1. war
 - 2. execution
 - 3. arrest for dangerous felonies
 - 4. self defense
 - 5. defense of family
- C. Unlawful
 - 1. murder
 - 2. manslaughter
 - (a) voluntary
 - (b) involuntary

II. Murder--defined as killing with malice aforethought.

- A. Malice
 - 1. Not necessarily ill will, revenge, or spite. May be with love as in "mercy killing."
 - 2. Malice is a legal term and may take many forms.
 - (a) Intent to kill absent of any legal justification or mitigation.
 - (b) Intent to seriously harm.
 - (c) Killing in the course of a dangerous felony (burglary, robbery, kidnapping, etc.).
 - (d) Conduct which evidences an "abandoned and malignant heart."
 - 1. The use of dangerous weapons intentionally disregarding the consequences.
 - (a) Trying to scare by firing over someone's head.
 - (b) Setting off an explosion in a crowd
 - 2. Other "malicious" activities -- throwing a heavy object from a roof into a crowd.
- B. "Aforethought"
 - 1. Has largely lost its meaning.
 - 2. Does not mean "premeditation or deliberation."
 - 3. Means only that the malice preceded the act that killed.
- C. Premeditation and deliberation.
 - 1. States often divide murder into degrees. If there was substantial planning with a specific intent to kill, this would be murder in the first degree.

2. Georgia does not divide murder into degrees; thus premeditation and deliberation are not important. Killing with malice is murder and is punished by death or life imprisonment, depending upon the jury's recommendation. The presence or absence of premeditation and deliberation makes no legal difference in the definition of the crime.

III. Manslaughter

- A. Defined generally as unlawful killing without malice.
- B. Voluntary - There is an intent to kill, as in murder, but it is not murder due to the absence of malice. Punishment is one to twenty years imprisonment.
- C. "Heat of Passion"
 1. Provocation which the law deems adequate.
 - (a) Assault
 - (b) Attack on family
 - (c) Mutual fight or affray
 - (d) Aggravated trespasses and destruction of property
 - (e) The law does not deem the following as "adequate":
 1. Words
 2. Insulting gestures
 3. Rejection by a suitor
 4. Minor trespass
 2. The accused must be suffering from this passion at the time of the killing. That is, he must be acting under passion and not reason.
 3. There must not be a "cooling time" between the provocation and the killing.
- D. Excess of privilege
 1. Belief that self defense was necessary.
 2. Belief that a dangerous crime was being committed.
 3. Killing would be intentional, there was no heat of passion, yet the good faith belief will remove the element of malice that makes a killing murder.
- E. Involuntary - Unlawful killing, but without intent to kill - one to five years imprisonment.
 1. Extreme negligence. Gross and wanton misconduct, but falling short of the "abandoned and malignant heart" that makes the activity one with malice.
 - (a) Negligent use of a firearm.
 - (b) Driving with extreme negligence or while intoxicated.
 2. Killing while in commission of an unlawful act, not amounting to a felony. The act must be in violation of the law and must either be immoral or dangerous.
 - (a) Death resulting from assault and battery.
 - (b) Death resulting from abortion.
 - (c) Death resulting from failure to provide fire exits.

CRIMINAL LAW III
"Sex Offenses"

Guest Instructor: Mr. M. A. Player
Professor, University of Georgia
School of Law

I. Against Children

- A. Rape (Possible death penalty or if jury recommends 1 - 20 years)
 - 1. Carnal knowledge of female child under age of 14
 - 2. Force or consent of child not relevant to guilt
 - 3. Mistake of child's age is no defense.
- B. Miscellaneous Act of Moral Corruption
 - 1. Molestation (1 - 20 years)
 - (a) Taking of indecent, improper or immoral liberties
 - (b) Child under age of 14
 - (c) Either sex
 - (d) Intent to arouse lust or sexual passions of the child or defendant
 - 2. Enticement (1 - 20 years)
 - (a) Enticing or alluring a child to a place
 - (b) For purpose of taking indecent or immoral liberties
 - (c) Crime is not the immoral act, but the inducement for that purpose.
 - 3. Contributing to delinquency
 - (a) Child must be actual delinquent
 - (b) Acts must encourage, produce, or promote conditions of delinquency

II. Against Adults

- A. Rape
 - 1. Carnal knowledge
 - (a) Penetration of some sort
 - (b) Need not be completed
 - 2. Forceably
 - 3. Consent of Victim
 - (a) Is defense if actually present. Unlike carnal knowledge of child.
 - (b) No consent when given under fear of death by threats of violence.
 - (c) No consent when not given, as where the victim is asleep or unconscious.
 - 4. Chastity of Victim
 - (a) Is no defense. A prostitute can be raped.
 - (b) Chastity is relevant at trial to show credibility of victim's testimony and admissible on issue of her consent.

B. Seduction

1. Inducing virtuous female to act of intercourse
2. By fraudulent promises or persuasion and promises of marriage. However, crime is not committed by intercourse upon promise of marriage. Must show additional persuasion.

C. Sodomy

1. Unnatural sex act against order of nature
2. Committed by man with another man or same unnatural act by man with woman.
3. Consent of partner is no defense

III. Against Third Persons or general public

A. Adultery, Fornication, Bigamy

1. Sexual intercourse where one or both of parties are married to a third person is adultery.
2. If both parties are unmarried, it is fornication.
3. Bigamy is the second marriage ceremony where one is presently married.
 - (a) The crime is not the cohabitation but the ceremony.
 - (b) When one of the parties to a marriage is already married, the second marriage is bigamous and both parties to the marriage are guilty if knowingly done.

B. Incest

1. Sexual relations between man and woman when they are within prohibited degrees of kinship.
2. Marriages between those within prohibited degrees of kinship.

C. Bestiality: Carnal knowledge and sexual connection between human and beast.

D. Prostitution

1. Offering or giving for hire the body for sexual intercourse, perversion.
2. Soliciting for a prostitute or procuring customers for a prostitute.
3. Causing or encouraging a female to become a prostitute.
4. Accepting money from a prostitute.
5. Operating a house of prostitution or leasing with knowledge of the activity.

E. Miscellaneous statutes dealing with false registration as man and wife, inducing female to motel room, etc.

F. Lewdness and Public Indecency

1. Acts, under all circumstances, which tend to debauch public morals.
2. Seen by more than one persons.

CRIMINAL LAW IV
"Assaults and Attempts"

Guest Instructor: Mr. Gary Blasingame
University of Georgia
School of Law

I. Assault

- A. Definition: An Assault is an attempt to commit a violent injury on the person of another.
- B. Elements of the Offense
 - 1. An intention to commit violent injury.
 - 2. An apparent ability to carry out this intention.
 - 3. An effort or attempt to carry out this intention.
- C. Comments:
 - 1. There is no such crime as an attempt to make an assault.
 - 2. To prove assault, actual injury need not be shown.
 - 3. Mere preparation to commit a violent injury upon another is not sufficient to show an assault.
 - 4. Preparation accompanied by threats and profanity not sufficient for assault. (Example: Calling one a damn rascal, picking up rocks, and drawing arm back as if to throw, but not throwing, is not an assault.)
- D. Punishment: A bare assault is punishable as a misdemeanor.

II. Battery

- A. Definition: A battery is the unlawful beating of another.
- B. Elements of the Offense
 - 1. The unjustified touching of another in anger.
 - 2. To beat, in the legal sense, is not merely to whip, wound, or hurt, but includes any unlawful imposition of the hand or arm.
- C. Comments
 - 1. The slightest touching of another in anger is battery.
 - 2. The placing of the hands upon a female in a lustful manner, without her consent, is a battery.
 - 3. An assault and battery may be committed by striking another with an automobile, intentionally, or by driving the automobile recklessly as to justify a finding that there was reckless disregard of human life and safety.
- D. Punishment: A battery is punished as a misdemeanor.

III. Assault under color of office

- A. Definition: Our Code provides that any officer of this State who shall assault or beat any individual, under color of his office or commission, without a lawful necessity to do so, shall be guilty of an offense.

B. Elements of Offense: Same as an assault or an assault and battery. Additionally, the offense must be committed under color of office.

C. Comments:

1. A policeman may use all the force that is necessary to effectuate lawful arrest and overcome resistance.
2. An officer cannot justify an assault, or an assault and battery, upon a person, on the ground that his action was provoked by the use of approbrious words or abusive language.
3. If resistance to an arrest begins by the use of words which impart defiance, and indicate a purpose to use violence if necessary to resist arrest, the officer may instantly employ such a degree of force as is necessary to reduce the party to submission and accomplish the arrest.

IV. Assault with intent to murder

A. Definition: An assault with intent to murder is an assault by one person on another person with a weapon that in the manner used is likely to produce death. The assault must be actuated by malice, either expressed or implied, and must be made with the specific intent to kill on the part of the person making it. Stated differently, an assault with intent to murder is an assault without justification and without any circumstances of mitigation, made by one person upon another, with a weapon in its nature likely to produce death, with a specific intent to take the life of the person assaulted.

B. Elements of the Offense:

1. The assault.
2. With a weapon of deadly character.
3. The intent to take life.
4. Commission of assault under such circumstances that, had death ensued, party making the assault would have been guilty of murder.

C. Comments

1. Some overt act must be committed in furtherance of the intent to kill.
2. "Deadly weapon" includes all means or instrumentalities by which assaults with attempt to murder may be made. Some examples are knives, rocks, bottles, sticks, automobiles, shotguns, and rifles.

D. Punishment: The punishment for assault with intent to murder is confinement for not less than two nor more than ten years.

V. Assault with intent to rape

A. Elements of Offense

1. An assault.
2. The intent to have carnal knowledge of the female assaulted.

3. The purpose to carry into effect this intent with force and against the consent of the female.

B. Comments

1. In order to convict, it is necessary that the defendant commit some overt act amounting to an assault, with the intention to have carnal knowledge of the female forceably and against her will.
2. An assault upon a female under fourteen years of age, with the intent to induce the female to consent to sexual intercourse, is an assault with intent to rape.

C. Punishment: Assault with intent to commit a rape is punishable by confinement for not less than one year nor more than twenty years.

VI. Assault with intent to rob

A. Definition: An assault with intent to rob is where any person shall, with any offensive or dangerous weapon or instrument, unlawfully and maliciously assault another, or shall, by menaces, or in and by any forcible or violent manner demand money, goods, or chattels, of or from any other person, with intent to commit robbery upon such person.

B. Elements of Offense: This offense may be committed in any one of three ways:

1. By unlawfully and maliciously assaulting another with any offensive or dangerous weapon or instrument, with intent to commit robbery upon such person.
2. By menaces, demanding any money, goods, or chattels of or from another person, with intent to commit robbery upon such person.
3. By any forcible or violent manner, demanding any money, goods, or chattels of or from another person, with intent to commit robbery upon such person.

C. Punishment: Assault with intent to rob is punishable by confinement for not less than two nor more than four years.

VII. Shooting at another

A. Definition: Our Code provides that any person who shall shoot at another, except in his own defense, or under circumstances of justification, with a gun, pistol, or other instrument of the like kind, shall be guilty of a criminal offense.

B. Elements of the offense

1. The shooting at another.
2. With a gun, pistol, or other like weapon.
3. Not in self defense or justification.

C. Comments

1. The offense of shooting at another is a form of aggravated assault.

2. It is not necessary that the shooting at another be with intent to kill.
- D. Punishment: Shooting at another is punishable by confinement for not less than one nor more than four years.

VIII. Attempts

- A. Definition: Our Code provides that if any person shall attempt to commit a crime and in such attempt shall do any act toward the commission of such crime, but shall fail in the perpetration thereof, or shall be prevented or intercepted from executing the same, he shall be guilty of a criminal offense.
- B. Elements of the Offense
 1. An intention to commit a particular crime
 2. The performance of some overt act toward the commission of the crime.
 3. The failure to consummate the commission of the crime.
- C. Comments
 1. Merely to make preparation for the commission of the crime, but doing no act toward the commission of the crime, does not constitute an attempt. There must be an effort to commit the crime.
 2. In dealing with all cases of assaults and attempts, we must bear in mind that under the laws of Georgia no person shall be convicted of an assault with intent to commit a crime, or of any other attempt to commit any offense, when it shall appear that the crime intended or the offense attempted was actually perpetrated by such person at the time of such assault, or in pursuance of such attempt. For instance, where the defendant is charged with assault with intent to rape, and the evidence shows that the rape was actually committed, the defendant cannot be guilty of assault with intent to rape.
- D. Punishment: The punishment for attempt to commit a crime is as follows:
 1. Where the crime would be punishable by death, the attempt is punishable by confinement for not less than two nor more than seven years.
 2. Where the crime would be punishable by confinement for not less than three years, the attempt is punishable for not less than one nor more than four years.
 3. Where the crime would be punishable by confinement for not less than three years, the attempt is punishable by confinement for not less than one nor more than two years.
 4. Where the crime would be punishable by confinement for not less than two years, the attempt is punishable by confinement for one year.
 5. Where the crime would be punishable by confinement for not less than one year or as a misdemeanor, the attempt is punishable as a misdemeanor.

CRIMINAL LAW V

"Larceny, Robbery, and Possession I"

Guest Instructor: Mr. M. A. Player
University of Georgia
School of Law

I. Introduction to Theft Offenses

A. General areas of theft law

1. Larceny offenses - the wrongful and fraudulent taking and carrying away of the personal goods of another with intent to deprive the owner thereof.
2. Embezzlement offenses - fraudulent appropriation of personal property by a person to whom it has been entrusted.
3. Fraud offenses - obtaining property (or title) by use of false or fraudulent pretenses.

B. Difference between the three crimes is based upon complex legal distinctions.

1. Who had original possession as distinguished from custody?
2. Under what circumstances possession was changed (against the will, by fraud, or with consent?)
3. Has title to the property passed?

C. Statutory Scheme

1. Crimes were defined historically as common law.
2. Statutes have incorporated the terms but have made additions.
 - (a) Large number of statutes defining essentially one type of crime.
 - (b) Statutes overlap, making one act violative of numerous statutes.

II. Larceny

A. Elements

1. Taking possession from another
2. Wrongfully or trespassory
 - (a) Without consent
 - (b) Consent fraudulently obtained
3. Carrying away or transportation
4. Intent to deprive the owner; if intent is not to deprive the possessor of his property, the crime is not larceny.

B. Basic Statutes

1. Simple larceny (as defined above, but as limited below)
2. Larceny from the person - person must be unaware of the taking. If it is from his person and he is aware of the taking, it is probably a form of robbery.

3. Larceny from house - similar in many respects to crime of burglary.
- C. Numerous miscellaneous statutes
1. Larceny of car
 2. Larceny of dogs
 3. Larceny of trees
 4. Larceny of written instruments

III. Robbery

A. Elements

1. Larceny
2. Against person
3. Use of force or intimidation

B. Statutory scheme

1. Robbery by force - Taking is forceful and against the substantial resistance of the victim.
2. Robbery by intimidation - Force is threatened. Victim is placed in fear.
3. Robbery by snatching - Victim is present and taking is with knowledge, but only minor force is used and no fear is created.

IV. Embezzlement

A. Elements

1. Possession obtained (as distinguished from mere custody).
2. Obtained with consent of owner without fraud.
3. Fraudulent appropriation thereafter.

B. Statutory Scheme

1. Larceny after trust - Entrustment is for the use and benefit of the owner.
2. Embezzlement type statutes
 - (a) By bailee, warehouseman, common carrier.
 - (b) By corporation officer or employee.
 - (c) By clerks and agents entrusted with goods.
 - (d) By government officials.
 - (e) Others.
3. Extreme overlapping - A given appropriation might fall within definition of larceny after trust as well as one or more of the embezzlement statutes.

C. Distinctions

1. Between larceny and embezzlement is possession.
 - (a) Embezzlement is fraudulent taking by one who already has possession.
 - (b) Larceny is the fraudulent taking of possession.

2. Between embezzlement and fraud
 - (a) In embezzlement a person has possession, but no title in the goods.
 - (b) In fraud, there is a transfer of title as well as possession, a difficult legal question.

CRIMINAL LAW VI
"Larceny, Robbery, and Possession II"

Guest Instructor: Mr. M. A. Player
University of Georgia
School of Law

- I. Fraud
 - A. Elements
 - 1. Obtaining of property or title (as distinguished from possession only)
 - 2. By fraudulent representations
 - (a) Representation of a presently existing fact
 - (b) Which is false and
 - (c) Known to be false with
 - (d) Intent to defraud or deceive
 - B. Statutory Scheme
 - 1. General statute prohibiting cheating and sharp practices
 - 2. Obtaining credit by false representation
 - 3. Falsely impersonating another
 - 4. Use of bad checks to receive goods or services
 - 5. Fraudulent use of credit cards

- II. Receipt of Stolen Property
 - A. Elements
 - 1. Buy, receive, or take possession of property
 - 2. That has been stolen or feloniously taken from another
 - 3. With knowledge that it has been stolen
 - B. Statutory Scheme
 - 1. Person who so receives is considered an accessory after the fact to the theft offense that was committed
 - 2. Thus he is punished as if he actually committed the theft offense

- III. Forgery
 - A. Forgery is the making of a false writing with intent to defraud.
 - B. Uttering is the offering as genuine an instrument known to be false and doing so with intent to defraud.

- IV. Federal Crimes
 - A. Counterfeiting
 - B. Interstate transportation of certain stolen property or receipt thereof.

REVIEW EXAMPLES

- I. Person gets into automobile and drives away. What crime?
 - A. Without consent of owner
 1. No intent to return? _____
 2. Intent to return? _____
 - B. Consent of owner freely given, but later the defendant appropriates it to his own use.
 1. For benefit of owner? _____
 2. For benefit of defendant? _____
 - C. Consent of owner given but due to fraudulent representations of the defendant. What Crime? _____
 - D. Defendant misrepresents his wealth and pays with check he knows is bad. What crime? _____
- II. Person tries on coat in store. While clerk is not looking, the customer runs away. What crime? _____
- III. Person makes a false representation as to his credit using false identification. The coat is handed over and the customer leaves. What crime? _____
- IV. Clerk, who is in sole charge of the store, takes the coat for his own use. What crime? _____
- V. Shop Lifter. What crime? _____
- VI. Purse snatcher. What crime? _____

CRIMINAL LAW VII
"Burglary and Arson"

Guest Instructor: Mr. Gary Blasingame
Asst. Professor of Law
University of Georgia
School of Law

I. Burglary

A. Definition:

1. At common law, burglary was the breaking and entering of the dwelling house of another in the nighttime, with intent to commit a felony therein.
2. In Georgia we have expanded the definition of burglary in at least two particulars.
 - (a) First, the crime may be committed in the daytime as well as at night.
 - (b) Second, burglary is not limited to the dwelling house and outhouses within the curtilage.
3. Our Code defines burglary as follows:
"Burglary is the breaking and entering into the dwelling, mansion, or storehouse, or other place of business of another, where valuable goods, wares, produce, or any other article of value are contained or stored, with intent to commit a felony or larceny. All outhouses contiguous to or within the curtilage or protection of the mansion or dwelling house shall be considered as parts of the same. A hired room or apartment in a public tavern, inn, or boarding house shall be considered as the dwelling house of the person occupying or hiring the same."

B. Elements of the Offense:

1. Breaking:

- (a) As applied to burglary, breaking means making an opening into the building by trespass. Stated differently, breaking consists in putting aside a part of the house which obstructs entrance and is closed, or in penetrating by an opening which is as much closed as the nature of the case admits.

(b) Comments:

1. The slightest actual breaking of any part of the house is sufficient to constitute a "breaking."
2. The breaking is not limited to an outside door or window. If the outside door is open but the felonious design requires entrance into a part of the building which is closed, the making of an opening into that part of the house is a breaking. However, some

part of the house itself must be broken. Thus, the opening of a drawer of a desk in the house would not be a breaking as contemplated by the law.

3. The opening of an unlatched door and gaining of entrance thereby is sufficient to constitute a breaking.
4. The turning of the bolt of the door not for the purpose of any lawful business constitutes a breaking.
5. The opening of a door by unlocking it with the key of the owner is sufficient to constitute a breaking where the unlocking is in pursuance of a felonious design.
6. The opening of a window although the window is unlocked is sufficient to constitute a breaking.
7. However, there must be some breaking. Thus gaining an entry to a house through an open window does not constitute a breaking even though it is necessary to push aside the curtains to gain entrance.
8. In order to constitute a breaking, the entry must be made without the owner's consent; that is, there must be a trespass. Thus opening a door to enter a store during regular business hours is not a breaking, even if the door is opened with intent to steal.
9. The breaking must be into the house. If one gets into a house without a breaking and then breaks his way out of the house, the burglary is not complete.
10. The breaking does not always have to be an actual breaking; it may be constructive, as where entry is effected by fraud or threat. Thus where one, with intent to commit a felony in a house, knocks at the door and rushes in as the owner opens the door, there has been a constructive breaking. Likewise, one who uses false pretenses to enter a house with intent to commit a felony therein has constructively broken into the house.

2. Entering:

(a) The crime of burglary is not complete upon a breaking; there must also be an entry. Any entry, however slight, after the breaking, is sufficient. It is not necessary for the trespasser to get entirely within the building.

(b) Comments:

1. If the wrongdoer puts his hand inside while he is raising a window or opening a door, the entry is sufficient.
2. If in pushing out a pane of glass the wrongdoer's finger is momentarily within the house, the entry is complete.

3. Other examples of entry are the thrusting of the head, hands, arms or a foot into the house.
 4. The entry may be made with an instrument, if the instrument is used not merely for the breaking but for the purpose of committing the contemplated felony or larceny.
3. Dwelling, mansion, or storehouse, or other place of business of another, where valuable goods, wares, produce, or any other articles of value are contained or stored.

In order for the offense to be burglary, the breaking and entering must be into a building designated by the statute. The breaking and entering into any other building does not constitute burglary.

(a) Dwelling House or Mansion:

The dwelling house or mansion refers to the residence or habitation of a person other than the defendant. That is, where such person makes his abode. This includes all outhouses contiguous to or within the curtilage or protection of the mansion or dwelling house and also includes a hired room or apartment in a public tavern, inn, or boarding house.

1. The term curtilage may be applied to those buildings used in a small enclosure, whether or not there is such an enclosure. (It must be remembered that the breaking and entering is not a breaking and entering into the curtilage, but must be a breaking and entering into a building within the curtilage.)
2. In order to be a dwelling house or mansion, the dwelling must be occupied as such. The tenants may be temporarily absent from the building; however, if they have never entered into occupancy, or have left with no intention of returning, the building is not a dwelling.

(b) Storehouse:

A storehouse is a place where goods are stored or kept for sale at wholesale or retail, such as a shop or store.

(c) A place of business where valuable goods, wares, produce, and other articles of value are contained or stored.

A place of business where valuable goods, wares, produce, or other articles of value are contained or stored does not refer to a store or shop exclusively, but means any house occupied as a place of business of another, although the business be not the selling of commodities such as is carried on in a wholesale or retail establishment.

4. Of Another:

A person cannot be guilty of a burglary into his own dwelling. However, a landlord can commit burglary by breaking and entering into a house or a part of a house that he has leased to another.

5. Intent to commit a felony or larceny therein:

There can be no burglary unless there is an intent at the time of the breaking and entering to commit a felony or a larceny. It is not necessary however that the intended felony or the larceny be actually committed. It is the intent at the time of the entry that is controlling.

C. Summary of Elements of Burglary:

1. A breaking and
2. Entering of
3. A building enumerated by statute
4. Of another
5. With intent to commit a felony or larceny therein.

D. Punishment:

Burglary is punishable in this state by confinement for not less than one nor more than 20 years.

II. Arson

A. Definition:

Arson is the malicious and willful burning of the house or outhouse of another.

B. Elements of the Offense:

Generally, the state must prove that the house burned; that a criminal agency was the cause of the burning, and that the defendant was the criminal agency. These elements may be explained in more detail as follows:

1. Willful and Malicious:

- (a) Generally there must be a deliberate intent to burn the house of another.
- (b) A burning caused by mere negligence or mischance is not reason.

2. Burning: The burning is complete when the house is consumed or generally injured.

3. House or Outhouse:

- (a) The word "house" has been defined by our courts as a structure having a roof and lateral enclosure of some sort, in which persons live or work, animals are confined, or property is stored or contained.
- (b) An "outhouse" is a house of any description which is not a dwelling house. It is not necessary that an "outhouse" be appurtenant to any other building.

4. Of Another:

- (a) Arson is a crime against the habitation or security of the house.
- (b) A landlord can be guilty of arson against the house of his tenant.
- (c) A tenant can be guilty of arson of his own house as our code provides that the fact that the person burning or attempting to burn the house or outhouse of another may be himself the occupant of such house, or in possession of such outhouse, shall make the offense nonetheless arson or an attempt to commit arson, provided that such occupancy or possession is as a tenant of the owner or as an intruder.

C. Degrees of Arson:

1. Arson in the First Degree:

- (a) Any person who willfully and maliciously sets fire to or burns or causes to be burned or who aids, counsels or procures the burning of any dwelling house, whether occupied, unoccupied or vacant, or any kitchen, shop, barn, stable or other outhouse that is parcel thereof or belonging to or joining thereto, whether the property of himself or of another, shall be guilty of arson in the first degree.
- (b) Arson in the first degree is punishable by confinement for not less than two nor more than 20 years unless the crime results in the death or maiming of any person, in which event arson in the first degree is punishable as for the crime of murder.

2. Arson in the Second Degree:

- (a) Any person who willfully and maliciously sets fire to or burns or causes to be burned, or who aids, counsels, or procures the burning of any building or structure of whatsoever class or character, whether the property of himself or of another, not included in arson of the first degree, shall be guilty of arson in the second degree.
- (b) Arson in the second degree is punishable by confinement for not less than one nor more than 10 years unless the crime shall produce the death or maiming of any person, in which event the punishment shall be the same as for murder.

3. Arson in the Third Degree:

- (a) Any person who willfully and maliciously sets fire to or causes to be burned or who aids, counsels or procures

the burning of any personal property of whatsoever class or character, such property being of the value of \$25.00 or more and being the property of another person, shall be guilty of arson in the third degree.

- (b) Arson in the third degree is punishable by confinement for not less than one nor more than three years except in those cases where the arson shall produce the death or maiming of any person, in which event the punishment shall be the same as that for murder.

4. Arson in the Fourth Degree:

- (a) Any person who willfully and maliciously attempts to set fire to or attempts to burn or to aid, counsel or procure the burning of any of the buildings or property mentioned in arson in the first, second, and third degree, or commits any act preliminary thereto, or in furtherance thereof, shall be guilty of arson in the fourth degree.
- (b) The punishment for arson in the fourth degree is confinement for not less than one nor more than two years or a fine not to exceed \$1,000.00, provided however that if the crime produces death or maiming of any person, the punishment shall be as for murder.

5. We also have statutes relating to arson which make it a crime to burn railroad bridges, to burn to defraud an insurer, to kindle a fire on land of another causing damage to his property.

CRIMINAL LAW VIII
"Crimes Against Public Peace"

Guest Instructor: Mr. Gary Blasingame
University of Georgia
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I. CARRYING CONCEALED WEAPONS

General Comment: Probably no single misdemeanor results in the commission of a violent felony more often than the carrying of a concealed weapon. But for the carrying of such weapons, many, many altercations that result in death or serious bodily injury would be no more than simple misunderstanding or at most a fist fight. Our law enforcement personnel should strive to reduce the incidence of the carrying of concealed weapons by zealous prosecution of offenders, and our courts should mete out such punishment to those convicted as to dissuade repetition of the violation and to deter others from the commission of such an offense.

A. Definition of the Offense:

Any person having or carrying about his person, unless in an open manner and fully exposed to view, any kind of metal knucks, pistol, dirk, sword in a cane, spear, bowie knife, or any other kind of knives manufactured and sold for the purpose of offense and defense, shall be guilty of the offense of carrying a concealed weapon.

B. Elements of the Offense:

1. Carrying About the Person

(a) The concealed carrying of a weapon at any place is a violation of this statute.

(b) This offense may be committed on one's own property.

2. Weapon:

Metal knucks, pistols, dirks, sword in a cane, spear, bowie knife, or other knives manufactured for offense and defense.

3. Concealed:

(a) In order not to be concealed, a weapon must be so exposed that it can be readily seen and recognized.

(b) The weapon can be concealed by carrying it in a pocket or otherwise in one's clothes, by carrying it in a sack or basket, or by any other method by which it is prevented from being exposed from view.

(c) The concealment need only be for a moment.

C. Comments:

1. The defendant's purpose for carrying a concealed weapon is not material.

2. One cannot carry a concealed weapon, even though his life has been threatened, and he carries the weapon for his own protection.

- D. Punishment:
The offense of carrying a concealed weapon is punishable as a misdemeanor.

II. CARRYING OF DEADLY WEAPONS AT COURTS AND OTHER SPECIFIED PLACES:

- A. Definition:
Our code makes it a criminal offense to carry about the person any deadly weapon to or while at a court of justice or an election, grand or precinct, or any place of public worship, or any other public gathering, except militia muster grounds.
- B. Elements of the Offense:
1. To carry about the person:
 - (a) The carrying of the weapon need not be concealed.
 - (b) Even a license does not give one the authority to carry a pistol to an area named in the statute.
 2. A deadly weapon:
This includes pistols, bowie knives or dirks, or any other deadly weapon.
 3. To a place named in the statute:
- C. Exemptions:
This statute does not apply to a sheriff, deputy sheriff, coroner, constable, marshal, policeman, or other arresting officer, or posse, acting in the discharge of their official duties.
- D. Punishment:
The violation of this statute is punishable as a misdemeanor.

III. CARRYING PISTOLS WITHOUT A LICENSE:

- A. Definition of Offense:
Our code provides that it shall be unlawful for any person to have or carry about his person or to have in his manual possession outside of his own home or place of business any pistol or revolver without first taking out a license from the ordinary of the county in which the party resides.
- B. Elements of the Offense:
1. To carry about the person or have manual possession:
 - (a) One has manual possession of a pistol or revolver where the weapon is in actual contact with his hands or any portion of his person, or where the pistol is carried immediately within his reach. Thus one who has a pistol in the glove compartment of his car would not be guilty of carrying a pistol without a license, while one who carries the pistol on the seat of the car within his reach probably would be guilty of the offense.

- (b) Possession, as contemplated by this statute, means for some appreciable time at least, or possession with the intent of carrying the weapon to some other place.
 - (c) Momentary possession, such as examining with a view toward purchasing the pistol or revolver, is not sufficient to complete the offense.
 - (d) Temporary manual possession is permissible where the use of the pistol is absolutely necessary in an emergency for the defense of one's family, person, or property.
2. At a place other than one's home or place of business:
- (a) A person's home is the place where he ordinarily resides. Ownership is not required.
 - (b) A person's place of business is the place where he works. For example, a farmer or farm laborer may carry a pistol without a license on the farm where he works. (However, the farmer or farm laborer could not carry a pistol without a license on a public road adjacent to the farm land.)
3. A pistol or revolver:
- (a) The weapon may be owned by the carrier or by someone else.
 - (b) Even if the weapon is temporarily unserviceable, one may be convicted of carrying it without a license under some circumstances, such as where the carrier makes a hostile act with the weapon.
4. Without first obtaining a license from the ordinary in the county where the person resides:
- (a) The license must be issued for the particular pistol being carried.
 - (b) When a person is found with a pistol or revolver in his possession, our courts place the burden upon him to show whether he has a license.

C. Exemptions:

Law enforcement officials, militiamen while on duty, and students at military colleges in the performance of their duty, are exempted from the operation of this statute.

D. Comments:

- 1. Obtaining a license to carry a pistol in this state is relatively simple. Anyone who is sane, over 14 years of age, and has never been convicted of a felony may obtain a license upon making application to the ordinary, and giving a bond with security in the amount of \$100.00, conditioned upon the proper and legitimate use of the weapon.

2. This statute should not be confused with the carrying of a concealed weapon. One cannot obtain a license to carry a concealed weapon.

E. Punishment:

The carrying of a pistol or revolver without a license is punishable as a misdemeanor.

IV. OTHER OFFENSES CONCERNING WEAPONS:

Our code proscribes a number of actions involving pistols and weapons. Examples are:

A. Pointing Weapon at Another:

Any person who shall intentionally point or aim a gun or pistol, whether loaded or unloaded, at another, not in a sham battle by the military, and not in self defense or in defense of habitation, property, or person, or other instances standing upon like footing of reason and justice, shall be guilty of a misdemeanor.

B. Selling or Furnishing Weapons to Minors:

Any person who shall knowingly sell or furnish any minor with a pistol, dirk, bowie knife, or sword cane, shall be guilty of a misdemeanor. Nothing herein contained shall be construed as forbidding the furnishing of such weapons under circumstances justifying their use in defending life, limb, or property.

V. OTHER OFFENSES AGAINST PUBLIC PEACE:

A. Inciting to Riot:

Any person who, with intent to cause a riot, does an act or engages in conduct which urges, counsels, or advises others to riot, at a time and place and under circumstances which produce a clear and present danger of a riot, shall be guilty of a misdemeanor.

B. Picketing, Demonstrating or Riotous Conduct on or Adjacent to State Property:

It shall be unlawful for any person or persons to engage in picketing, demonstrating, or other riotous conduct on, around or adjacent to State property, unless such person or persons shall have obtained a permit from the Governor's office. Such permit shall only be issued by the unanimous consent of the Governor, the Lieutenant Governor, and the Speaker of the House.

C. Possession, Manufacturing, Selling, Offering for Sale, Giving Away, or Transporting Fire Bombs or Molotov Cocktails:

1. Definition of offense:

Any person who shall possess, manufacture, sell, offer for sale, give away, or transport a fire bomb or fire bombs within this State shall be guilty of a felony.

2. Definition of fire bomb or Molotov cocktail:

Any device, by whatever name called, made of a breakable

container containing a flammable liquid or compound with a flash point of 150 degrees Fahrenheit or less which has a wick, or any similar material, which, when ignited, is capable of igniting such flammable liquid or compound when such device is thrown or dropped, but said terms shall not include any device which is manufactured or produced for the primary purpose of illumination or for marking detours, obstructions, defective paving or other hazards in the streets, roads, highways and bridges of this State.

CRIMINAL LAW IX
"Principals and Accessories"

Guest Instructor: Col. John F. T. Murray
Professor of Law
University of Georgia School of Law

- I. Principals in the first degree
 - A. The actor or the absolute perpetrator of the crime.
 - B. The person who commits the crime.

- II. Principals in the second degree
 - A. One who is present, aiding, and abetting the act to be done.
 - B. Presence need not always be an actual, immediate standing by, within sight or hearing of the act. May be also a constructive presence, or when one commits a robbery or murder or other crime and another keeps watch or guard at some convenient distance.

- III. In Georgia, the distance between principals in the first and second degrees are not material.
 - A. All principals are punished alike.
 - B. One indicted as a principal in the first degree may be convicted upon evidence showing him to be a principal in the second degree. August v. State 11, Ga. App. 798 (1912) 26-502

- IV. There are no principals in the first or second degree in misdemeanors in Georgia.
 - A. Smith v. State, 23 Ga. App. 140 (1918)
 - B. One who aids or abets another in the commission of a misdemeanor is a principal offender and may be indicted and convicted as a perpetrator of the crime. Brannon v. State, 43 Ga. App. 473 (1931)

- V. If a person is guilty of being a principal in the first or second degree, an accessory before the fact or a joint conspirator, then he cannot be convicted as an accessory after the fact.
 - A. Under Georgia law, there is no such crime as conspiracy.
 - B. However, one may be found guilty of a crime caused by acts pursuant to an already formed conspiracy.
 1. The crime is the act prohibited, not the conspiracy alone.
 2. Conspiracy is an incident and one of the means by which a criminal act is accomplished.
 3. It is seldom that any one act, taken by itself, can be seen attending to prove a conspiracy, but when taken in connection with other acts, its tendency to prove the fact may be more clearly discerned. Annis v. State, 85 Ga. App. 188 (1951)

- C. A conspiracy is a combination or agreement between two or more persons to do an unlawful act, and may be established by proofs of acts and conduct, as well as by direct proofs and conducts, as well as by proof or express agreement. Bolton v. State, 21 Ga. App. 184 (1917)
- D. Conspiracy may extend beyond actual commission of a crime and include such matter as suppressing evidence or concealing the crime. Burns v. State, 191 Ga. 60 (1940)

CRIMINAL LAW X

"Liquor, Gambling and Narcotics"

Guest Instructor: Gordon H. Miller
Instructor
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I. LIQUOR - Title 58.

- A. General Scheme. It is unlawful to sell, offer for sale, keep for sale, barter, furnish or otherwise dispose of prohibited liquors and beverages. (§ 58-102).
1. General Rule. Sale is illegal in every county unless expected. (§ 58-1078).
 2. Local Option. The general limitations and restrictions do not apply in counties adopting legalization. (§ 58-124). Local referendum may authorize the sale of liquor. (§ 58-1001 to 58-1012).
- B. Distilling. Distilling, manufacturing, or making alcoholic beverages is a felony. (§ 58-206). Permitting liquor to be made on one's premises is illegal. (§ 58-209). Key to the section is the "knowledge" requirement. Whether the accused had knowledge of the existence of a still on his premises is a question for the jury. See Johnson v. State 79 Ga. App. 210 (1949) and Malcon v. State 28 Ga. App. 627 (1922).
- C. Contraband and Confiscation.
1. Apparatus and appliances used for making illegal alcoholic beverages--declared to be contraband and no person has any property right in it. (§ 58-207). Cannot be condemned and sold; must be destroyed. Leath v. Rosser 52 Ga. App. 587 (1935).
 2. Vehicles and boats used to convey illegal alcoholic beverages are to be seized and condemned by arresting officers. Condemnation proceedings are instituted in the superior court having proper jurisdiction. (§ 58-207). Automobiles are not subject to condemnation where an employee of the owner uses it to transport liquors without the consent of the owner. Matson and Healy v. State 25 Ga. App. 266 (1920). Vehicles used to transport more than 1 quart of liquor in a dry county subject to condemnation. Statute does not apply to beer or malt beverages. State v. Patterson 80 Ga. App. 450 (1949).
 3. Raw Materials for use in Manufacture of Illegal Alcoholic Beverages--Declared to be contraband and shall be destroyed unless fit for human consumption, in which case shall be delivered to the public schools of the county for their use. (§ 58-210).

4. Untaxed liquors--are contraband. (§58-210).
 5. Property right in prohibited liquors--not allowed (§58-122).
 6. Confiscation of vehicles used to import non-tax paid alcoholic beverages into the state--subject to the rules and regulations of the State Revenue Commissioner. (§58-1013).
- D. Personal Use. Possession of a quart legal if properly stamped. (§58-1073). Possession of more than a quart in a dry county is a misdemeanor. (§58-1077). Even though Federal prohibition law did not prohibit possession of intoxicants for the personal consumption of the owner and his family, Georgia law prohibits it. *Bryson v. State* 27 Ga. App. 230 (1921).

II. GAMBLING

- A. Gambling - Covers playing and betting for money or other things of value, at any game played with cards, dice or balls; or at any table of whatever name, kind, or description, for gambling or betting at ninepins or billiards or pool. Misdemeanor (§26-6404). If the accused were sitting around in a group and ran upon the approach of officers, and money and cards were found where they were, this would probably be sufficient to authorize a conviction. See *Davis v. State* 123 Ga. 502 (1905) and *Hall v. State* 12 Ga. App. 571 (1913).

This section covers craps, chuckluck, faro, horse racing, dog racing, poker, and playing pool for money.

Essentials necessary to constitute gambling are (1) consideration (2) chance and (3) prize. *Williams v. State* 65 Ga. App. 843 (1941)

Maintaining gambling houses - 26-6401 - Misdemeanor.

Circumstantial evidence is not sufficient to convict where police find a room with playing cards and poker chips on the table and a game was in progress using these items if there is no showing that either money or some other thing of value was placed at hazard during the game. *Phillips v. State* 19 Ga. App. 143 (1916).

Although betting on horse racing is not prohibited by this statute and even though the races might be run in a different state, it is a violation of this section to maintain a place for betting on horse races. *Thrower v. State* 117 Ga. 753 (1903).

Knowingly renting or letting a room for gambling purposes - 26-6401 - Misdemeanor. If the accused did not rent the premises for an illegal or immoral purpose, he is under no obligation to use ordinary diligence in discovering the use to which the premises were put; but if the circumstances of the conduct of that business were such as to put him upon notice that the premises were used for gambling, the jury would be authorized to find that the accused had knowledge that the premises were so used. *Bashinski v. State* 123 Ga. 508 (1905).

Gambling with minors - 26-6405.

Gambling with post-office clerks and bank officers - 26-6406.

Players competent witnesses - 26-6407.

Betting on elections - It is unlawful to bet or wager money or other things of value on any election or primary for the election of any State or Federal officer, candidate, or delegate. Misdemeanor (§26-6409).

Betting or soliciting bets on athletic contests - It is unlawful to bet, wager or gamble, to offer to bet, wager or gamble or to solicit bets or wagers on the result of or on the occurrence or nonoccurrence of any event connected with or on any act of the participants in any baseball, football, or other game, sport, or athletic contest. Misdemeanor (§26-6410).

B. Bribes

1. Bribes to win or lose athletic contests - It is unlawful for any person to give, offer or promise any reward, money or thing of value to anyone who participates or expects to participate in any sport, game or athletic contest or to any coach, trainer, manager or official in such sport, game or athletic contest with intent to influence such person to lose, try to lose, or cause to be lost or to limit his or his team's margin of victory in such sport, game or athletic contest. Felony (§26-6411).

2. Soliciting or accepting rewards, money, etc., to try to lose athletic contests - (Companion statute to §26-6411 above.) It is unlawful to accept rewards, money or anything of value to lose, try to lose, or cause to be lost or to limit his or his team's margin of victory in sport, games, or athletic contests. Felony (§26-6412).

C. Lotteries - Sale of Lottery tickets. 26-6501

Elements of a lottery are consideration, prize and chance.

Equitable Loan and Security Co. v. Waring 117 Ga. 599 (1903).

It is the sale of the tickets that violates the state, not the purchase.

Roney v. Crawford 135 Ga. 1 (1910).

A "gift enterprise" is a sporting artifice by which, for example, a merchant or tradesman sells his wares for their market value; but, by way of inducement, gives to each purchaser a ticket which entitles him to a chance to win certain prizes, to be determined after the manner of a lottery. Russell v. Equitable Loan and Security Company 129 Ga. 154 (1907).

Gift scheme whereby purchaser receives tickets for each dollar of his purchase price on items which enable him to win a new automobile at a drawing is a gift-enterprise scheme and contrary to public policy. Standridge v. Williford-Burns-Rice Company 148 Ga. 283 (1918).

Carrying on a lottery. 26-6502.

Covers "numbers" Hodges v. State 64 Ga. App. 328 (1941).

Covers "Boledo" Brown v. State 57 Ga. App. 838 (1938).

Covers "Bolita" Notis v. State 84 Ga. App. 199 (1951).

Covers "clearing houses" Wilson v. State 57 Ga. App. 839 (1938).

Covers "Bookmaking" Grant v. State 75 Ga. App. 784 (1947).

Covers "slot machines" Kolshorn v. State 97 Ga. 343 (1895).

Covers "Baseball parley games" Harris v. State 101 Ga. App. 542 (1960).

Pinball machines whereby a player inserts a coin and either loses his coin or wins money or something of value (a free play is something of value) is covered by this section. Heath Sales Co. v. Bloodworth 221 Ga. 567 (1965).

Turning Lottery Wheels. 26-6503.

Unlawful to Advertise Lottery. 26-6504.

What constitutes prima facie case against publishers. 26-6505.

Trading Stamps. 26-6506.

Where catalogues are distributed at the place of business containing a description of articles obtainable in exchange for certificates issued to customers who pay cash does not violate this section. Tumlin Bros. Co. v. Daniel Bros. Co. 141 Ga. 613 (1914).

Vehicles and conveyances used for transportation of lottery and gambling devices declared contraband. 26-6507.

Seizure of lottery devices. Condemnation and sale. 26-6508.

Possession of lottery tickets. 26-6510.

COCKFIGHTING. 26-6601.

III. NARCOTICS

A. Federal Food, Drug and Cosmetic Act (§21-301 U. S. C. A.)

1. Prohibits introduction into interstate commerce of any food, drug, device or cosmetic that is adulterated or misbranded. (§21-331a).
2. Articles of food, drug, device or cosmetic that are adulterated or misbranded when introduced into or while in interstate commerce may be condemned and seized. (§21-334a, b).
3. Drugs which are habit-forming (these include barbituric acids, cocaine, codeine, heroin, marihuana, morphine, opium, etc. See §21-352d for complete list) or because of its toxicity or other potentiality for harmful effect it is not safe to use except under supervision of one licensed by law to administer such drugs shall be dispensed only upon written prescription of a practitioner licensed by law to administer such a drug or upon an oral prescription by such practitioner which is reduced promptly to writing and filed by a pharmacist or by refilling an existing prescription. Failure to dispense according to this section makes the drug misbranded. (§353b).

4. Depressant and Stimulant Drugs. Drugs which are habit forming because of their stimulant effect on the central nervous system or have a potential for abuse because of their depressant or stimulant effect on the central nervous system or their hallucinogenic effect are unlawful to possess, manufacture, compound or process (§ 21-3602).
- B. Federal Narcotic Drug Act (§ 21-171 U. S. C. A.)
1. Unlawful to import narcotic drugs (defined in § 26-4731 of the Internal Revenue Code) into the U. S. Felony (§ 21-174).
 2. Smuggling marihuana into U. S. is unlawful. Felony (§ 21-176a).
 3. Sale of heroin to juveniles - unlawful to sell, give away or furnish heroin to persons under 18. Felony (§ 21-176b).
(Penalties for violation of this section are severe; can result in life imprisonment and \$20,000 fine.)
 4. Growing of opium poppy is unlawful unless licensed. (§ 21-188b).
 5. Purchase, manufacture, sale, etc., of opium poppy or its products by unlicensed persons is unlawful. (§ 21-188c).
 6. Transportation of opium poppy or its products is unlawful unless unlicensed. (§ 21-188d).

(Narcotic drugs and marihuana are regulated by §§ 26-4701 to 4775 of the Internal Revenue Code.)

NARCOTIC DRUGS

It is unlawful to purchase, sell, dispense or distribute narcotic drugs except in the original stamped package or from the original stamped package. The absence of appropriate tax paid stamps from the narcotic drugs shall be prima facie evidence of violation of this section. (§ 26-4704).

Trafficking - It is unlawful to import, manufacture, produce, compound, sell, deal in, dispense, distribute, administer, or give away narcotic drugs without having registered and paid the special tax. (§ 26-4724a).

Transportation - It is unlawful to send, ship, carry or deliver narcotic drugs from any State, Territory, or the District of Columbia into any State, Territory or the District of Columbia unless registered and the special tax has been paid. (§ 26-4724b).

Possession - It is unlawful for any person who has not registered and paid the special tax to have in his possession or under his control narcotic drugs. Such possession or control shall be presumptive evidence of a violation of this section. (§ 26-4724c).

MARIHUANA

Possession - It is unlawful for any person who is a transferee required to pay the transfer tax imposed to acquire or otherwise obtain any marihuana without having paid such a tax.

Registration - Every person subject to the tax upon payment of the tax must register his name and place of business with the internal revenue district where his business is located. (§26-4753).

Trafficking - It shall be unlawful for any person required to register and pay the special tax to import, manufacture, produce, compound, sell, deal in, dispense, distribute, prescribe, administer, or give away marihuana without having so registered and paid such tax. (§26-4755a).

Transportation - It is unlawful for any person who shall not have paid the special tax and registered to send, ship, carry, transport, or deliver any marihuana from any State, Territory, or the District of Columbia into any State, Territory, or the District of Columbia. (§26-4755b).

C. Dangerous Drug Act (Ga. Code §79A-701).

Makes it unlawful to sell, give away, barter, exchange, distribute or possess dangerous drugs. Dangerous drugs are those defined as dangerous by Federal Food, Drug and Cosmetic Act and those determined to be dangerous by State Board of Pharmacy. This act does not apply to licensed drug manufacturers, wholesalers, pharmacists and physicians.

D. Uniform Narcotic Drug Act (Ga. Code §79A-801).

1. Unlawful to manufacture, possess, have under control, sell, prescribe, administer, dispense or compound any narcotic drug unless licensed. (§79A-803).
2. Narcotic drug includes coca leaves, opium, isonipecaine, marihuana, etc. (79A-802(14)).
3. It is unlawful to obtain or attempt to obtain a narcotic drug or procure or attempt to procure the administration of a narcotic drug by fraud, deceit, misrepresentation or subterfuge; or by forgery or alteration of a prescription or written order; or by concealment of a material fact; or by the use of a false name or the giving of a false address. (79A-819).

E. Georgia Drug Abuse Control Act (Ga. Code §79A-901).

Prohibits manufacturing, compounding, processing, sale, delivery, and possession of depressant and stimulant drugs and hallucinogenic drugs.

F. Georgia Drug and Cosmetic Act (Ga. Code §79A-1001).

Regulates adulterated and misbranded drugs and cosmetics (similar to Federal Food, Drug and Cosmetic Act).

CRIMINAL LAW XI
"Juvenile Delinquency"

Guest Instructor: Col. John F. T. Murray
University of Georgia
School of Law

- I. Reason for handling children differently
 - A. Minds are still in development stage
 - B. Will profit by good teaching and example
 - C. Try to salvage a useful life for the community
 - D. Youth crime if unchecked becomes adult crime

- II. Who is a Juvenile?
 - A. In Georgia - a person less than 17 years of age
 - B. Common Law less than 14
 - C. Most jurisdictions, the cut-off age is 18
 - D. Youthful offenders under Federal Law are specially considered up to age 21
 - E. Delinquent and Neglected children - distinction

- III. Offenses committed by Juveniles
 - A. Naturally, they may commit any offense in the code
 - B. More frequently the offenses are relatively minor and, in some instances, may not even be crimes if committed by adults.
Examples: playing hooky
 smoking in school corridors
 staying out late in disobedience of parents
 - C. Malicious Mischief - generally speaking is the destruction or damage to property caused deliberately rather than negligently
 - D. Joy-riding
 - E. Incurability

- IV. Role of police in contact with Juveniles
 - A. Stress Preventive side - places to play - school - home
 - B. Maximum use of discretion
 - C. Get to know your people
 - D. Work in harmony with the schools
 - E. Try to isolate trouble-makers and see if you can
 - 1. get them back in school
 - 2. get them a job
 - 3. restore some sort of family life
 - F. Policeman is first point of contact--if the sum total of the child's encounter with police is one of respect, then a potential delinquent may be salvaged. If the sum total of the child's encounter is one of fear or hate, then society has created a new problem for itself.

V. Disposition of Juveniles

- A. Juvenile Court should be last resort
- B. Stress role of parent - school is next
- C. Foster parents if necessary
- D. Cooperate with Welfare Services in the community
- E. Consider punishment of the parent rather than the child.
- F. If child is taken into custody - Miranda rules apply.

VI. Juvenile Court

- A. Proceedings are less formal - but most provide minimum of due process:
 - 1. Right to notice of hearing and charges
 - 2. Right to counsel
 - 3. Right to remain silent
 - 4. Right to Confrontation and Cross-examination
- B. Probation should be considered in most cases
- C. Detention Centers should be considered only for the most flagrant violators.

CRIMINAL LAW XII
"Probation and Parole"

Guest Instructor: Col. John F. T. Murray
Professor
University of Georgia School of Law

What Police Should Know About Probation and Parole

I. Definitions:

Probation: A judicial action where after finding a defendant guilty the judge sees fit to release him without imprisonment, he is subject to conditions imposed by the court and subject to supervision.

Parole: An executive act whereby a person who has served a portion of his sentence is released subject to conditions and supervision as above.

II. Discretion and Conditions:

A. Discretion exists in the judge on the one hand and the Pardon and Parole Board on the other. But the discretion should be exercised wisely for the good of the individual and the community.

B. Conditions usually require the probationer or parolee to:

1. refrain from violating any law
2. not to leave the state without permission of the court
3. report at stated intervals to his probation or parole officer
4. other conditions may be imposed such as restriction to victims of larceny; return to school; support children; refrain from alcohol; stay away from certain places, i. e., poolhalls, bars, etc.

III. Probation Policies:

A. Based on presumption that the rehabilitation of the prisoner will be more effective outside prison walls and under the guidance of trained personnel.

B. Without trained and dedicated parole and probation officers the presumption breaks down.

C. Fairness in administering the system will also have a favorable impact on the prison population and the public at large. This is no place for politics as recent events in this state have shown.

IV. Personnel and Practices:

A. College trained with emphasis on social work, sociology, psychology, and criminology.

B. Sympathetic personalities who will be respected by those they work with.

- C. Understanding of the social structure, police organization and judicial system of the community.
- D. A willingness to work long hours away from the comfort of a desk and close to the sources of information--homes, schools, churches, places of employment, hangouts, and trouble spots.
- E. These people are notoriously low paid when one considers the significant role they play in crime prevention and law enforcement.
- F. Case loads are too high.

V. Pre-sentence Report:

- A. Investigation of background of defendant
- B. Family situation--employment
- C. Prior record
- D. Recommendation to court
- E. Follow-up

VI. Role of Police:

- A. Know the probation and parole officer.
- B. Be aware of the people he is helping.
- C. Assist him where possible.
- D. Assist the parolees and probationers as well.
- E. Report instances of breach of conditions.
- F. Report any arrests to probation or parole officer.

VII. Parole or Probation or Revocation:

- A. Enforced on breach of conditions
- B. Represents a failure in the supervision
- C. Returns the defendant to custody in parole revocation--or places him in prison if probation is revoked.
- D. Police may often be called to testify at these hearings which are less formal than a trial in court but are nevertheless important.

CORRECTING THE PUBLIC OFFENDER

Guest Instructors: Dr. Richard Chappell
Institute of Government
University of Georgia

Mr. Edward S. Kendrick
Dir. of Georgia Probation Service
State of Georgia

Mr. Zell Miller
State Department of Corrections
State of Georgia

The Police Officer often feels somewhat frustrated when an offender whom he has apprehended is released on probation. He usually feels that his efforts have been rewarded when a culprit goes to prison and stays there until the end of his sentence.

The Police sometimes recommend probation for a defendant but that, frequently, is because the person has given information that helped the police in solving a crime, or there is the promise of future help. From the standpoint of the probation officer, a defendant's turning informer is not a good reason for a grant of probation. It may be a factor but not a controlling one. So we see the police and the probation officer sometimes working at cross purposes. The guest instructors will be able to clarify many aspects of probation, parole, and corrections for you.

I. Probation Defined

- A. Probation is a disposition that allows the convicted offender to remain free in the community while supervised by a person who attempts to help him lead a law-abiding life.
- B. History of Georgia Probation Services
 - 1. Created by Act of the Legislature in 1956.
 - 2. Operations began on July 1, 1956.
 - 3. The system grew out of a need by the courts for an "at-home" or "at-circuit" method of treating selected offenders outside of prison.
 - 4. There would have been no state probation system if the judges of Georgia and many others had not worked diligently for the creation of this system.

II. The Probation Act

- A. Administered by a state board of probation.
 - 1. Composed of members of the State Board of Pardons and Paroles acting ex-officio capacity.

2. The Chairman of the State Board of Probation is the Chairman of the State Board of Pardons and Paroles.
- B. The Act creating the System placed at least one probation officer in each judicial circuit. Today there are 93 officers handling a case load of 10,048, an average of 114 persons per month per officer.

III. Duties of a Probation Officer

A. General Duties

1. Attend criminal sessions of Superior Court and all other courts of original jurisdiction (excluding juvenile, municipal and ordinary courts), unless excused by the judges.
2. Carry out all duties assigned by judges with duties assigned by Superior Court Judges receiving priority and prevailing should conflicts arise.
3. Make pre-sentence investigations as directed by the judges of the courts served.
4. Supervise probationers in accordance with both the general conditions set forth in the statewide probation act and special conditions imposed by the sentencing judges, unless some modifications are made in the general conditions by the sentencing judges.
5. Issue warrants for violators, place them in the hands of the appropriate law enforcement agencies and initiate revocation proceedings when the offenders are apprehended.
6. Collect and disburse fines, court costs, restitution and child support payments as directed by the sentencing judges.
7. Keep records and files and make reports as directed by the Director and the Board of Probationers.
8. Oversee the general operations of the office, including the fixing of work schedules of field secretaries and second officers, approval of expenses, payments of bills, ordering and safeguarding of supplies and maintenance of assigned furniture and equipment.
9. To be responsible for the general operation of the system within his assigned area.
10. To serve as liaison between the Director and Board and the Judges served.

B. Their two main duties are pre-sentence investigations and Supervision of Probations.

C. Pre-Sentence Investigation

1. Record of previous offenses
2. Account of pending offenses
3. Family situation and interests
4. Health
5. Education

6. Economic status
7. Employment history
8. Military service
9. Reputation and community attitude
10. Remarks or summary and conclusions
11. Probation program
12. Recommendation, if requested

IV. Corrections

A. Purpose

1. Make the community safer by reducing the incident of crime.
2. First is security of the individual.
3. He is imprisoned not for punishment but as punishment.

B. While in custody the attempt is made to rehabilitate him. This is done through training, counseling and work.

C. Administration

1. The Board of Corrections
2. Director, Mr. Asa Kelley

D. Prison Population

1. 8,200 in 16 state branches and 75 Public Work Camps
2. 2,850 are in Reidsville

V. Parole

A. Administration - Pardon and Parole Board - Col. J. D. Partain, Jr., Chairman; Mrs. Rebecca Garrett and Mr. Joseph Maddox, members.

B. There are three phases to sound parole.

1. Preparation - which should take place in the institution where the offender is lodged and in the community to which he is to return.
2. Selecting - The parole board should have full information on the offender's programs in prison. They need to know whether he has used the educational, work, recreational, religious and other opportunities afforded by the institutional program. The Board is also interested in the employment opportunities and whether the community outside is ready and willing to receive him.
3. Supervision - good parole involves supervision by a parole officer who is firm though friendly and helpful.

HANDLING JUVENILES I
"Juvenile Delinquency and Youth Crime"

Guest Instructor: Lt. Norman E. Denny
Training Division
Albany Police Department

Our best hope for a reduction in crime is to reduce juvenile delinquency and youth crime.

In 1967 a majority of all arrests, for major crimes against property, were made of persons under 21 years of age. Persons under the age of 21 years were a substantial minority of the arrests for crimes against persons.

To prevent and control delinquency the police officer must know something about the nature and dimension of the problem of delinquency.

I. General Background

A. How serious is delinquency?

1. Ninety percent of all young people have committed at least one act for which they could have been brought into Juvenile Court.

B. How many of our youth are involved?

1. One in every six male youths (not traffic) will be brought into Juvenile Court before his 18th birthday.
2. The highest arrest rate has been found to be in the age group of 15 through 17.
3. In reference to sex, boys are arrested five times more often than girls and four times as many come to the attention of the Juvenile Court.

C. With all of the statistics gathered, no figure can tell us just how vast the juvenile problem is. The statistics can tell us nothing about youth involvement in the tremendous number of unsolved offenses.

D. Are we making too much ado about nothing?

1. Are the crimes committed by the youth of today much more serious than those committed in our youth?
2. Will youth outgrow many of these acts?
 - (a) Are many of the offenses committed really just childish pranks that were committed in our day too, if we are willing to remember?
 - (b) It is almost impossible to tell if the crime rate among juveniles is greater today than 30 years ago, because more people report crimes today than ever before.

3. A recent public opinion poll has shown juvenile delinquency to rank among the top three concerns of the American public. It follows defense of the nation and world peace in the minds of our people.
4. We must remember that children live in families and families live in communities, so the bulwark for any attack on juvenile delinquency must be the community. We, the Police, are part of that community and are in addition charged with the enforcement of the laws.

II. What type of illegal acts do youth commit?

- A. Really no one has a corner on any one type of crime. Juveniles are no exception to this rule.
- B. Crimes committed by youths run from the extremely serious to the childish prank. There are no crimes which they will not attempt or become involved in.
 1. Homicide, rape, robbery.
 2. Larceny, burglary, and auto theft.
 3. Malicious mischief, annoying phone calls, knocking down mailboxes, and the list just goes on and on.
- C. Because you are dealing with young people does not mean that you are dealing with childish crimes. Youth are capable of committing serious offenses and they do. Because of this, they will come to the officers' attention.

III. In order to combat delinquency the Law Enforcement officer must know some of the causation factors related to youth crime and the youths who become delinquent.

- A. Poverty - This certainly shares its place in the cause of youth crime. Youngsters who have little to eat or wear on occasion become prone to commit offenses that they hope will improve their lot.
- B. Slum neighborhoods
 1. Slum areas have been called the breeding ground of delinquency and crime.
 2. For many in a slum area, crime is a way of life and livelihood.
- C. Environment and Economics
 1. Environment plays a significant role in the delinquency problem. The child's home may well be one in which he is brought up with little sense of values.
 2. The family may even condone anti-social behavior.
 3. Children may receive no training as to what is right and wrong.
 4. The family may be so economically depressed that the child is encouraged to steal and commit other related delinquent acts.

5. Economic conditions may be such, within the family, that both parents work without regard to the child's activities after school. This provides the child with a situation where, for a period of three to four hours a day, he or she is without supervision and has idle time to kill.

Of course, not all of these things mean that a youngster will become a delinquent or that he will ever come into contact with the police. But these areas create many of the problems that seem to foster delinquent behavior.

D. Family Background

1. The family has a definite relationship in crime causation.
2. We must take into consideration that, though a family is not in the middle or upperclass situation, it is an uncomfortable family where the child is not cared for or cared about. Children by the thousands who started in such a family situation have become successful and were not police problems.
3. But, children who come from such a family background are at a disadvantage.
 - (a) The child's school work may suffer because of the necessity of working to supplement family income.
 - (b) Books and educational materials may be scarce or non-existent.
 - (c) The child may be encouraged to drop out of school as early as possible so that he can earn enough to feed and care for himself.
4. In such homes there can occasionally be found situations where the child is taught and encouraged to steal because the family lives by such means.
5. Broken homes have some bearing on juvenile delinquency. Most children need the love and guidance of both parents. Many delinquent youngsters come from broken homes.
6. When both parents are employed, the child is faced with a lack of guidance during most of his day. He lacks a parent to discuss problems with and may be faced with a situation where two tired parents do not take time to listen to his problems.
7. Birth order of youngster has some role in behavior pattern. Each additional child added to the family receives less care than previous siblings, merely because mother has less time and is more extended for service to the children.
 - (a) Older children sometimes resent the new baby because their mother is now divided between them and the baby.
 - (b) The younger child receives less attention because some time is given to the older child.
 - (c) Both children may resent their positions and act out in delinquent ways to gain attention.

Each of the above or a combination of these does not mean that a youngster will be delinquent; but, they are signs to look for in a child's background. They may shed some light as to why the child got into difficulty. We must remember that children from middle class and upper class families get into difficulty too, and they are not faced with many of the problems listed above. No one has the key to delinquency; no one can say if this, this and this exists, then a baby will grow up to be a delinquent. That is a key we may never find.

IV. The basic function of Law Enforcement Officers is to control violations of law and enforce regulations. But, prevention of violations is an important part of any officer's job. This is especially true in juvenile work. Prevention may be a key to successful reduction in criminal offenses.

A. Public relations programs aimed at youth:

1. Recreation activities (boys clubs and Boy Scout Troops are good sources)
2. As a Law Enforcement Officer you should maintain close relationships with such activities so that you will know what is going on in your city.
3. Talks to school groups, church groups and other social organizations should be scheduled so that the Law Enforcement Officer can bring to these groups information about the crime problem and enlist their aid in combatting it.

B. The early detection of a delinquent act, followed by a rapid apprehension of the person involved, combined with a knowledge that the offender will be dealt with properly, tends to deter future acts.

C. Prevention Patrol

1. A primary source for the discovery of juvenile offenses and offenders is good patrolling.
2. Know the areas that attract youths:
 - (a) parks
 - (b) amusement areas
 - (c) all night and drive-in restaurants
 - (d) pool halls
 - (e) motion picture theatres
 - (f) taverns
 - (g) bus and railroad stations
 - (h) even the street corners and local drugstores
3. Patrol these areas, not for the purpose of harassing youngsters, but to protect from and detect offenses before they occur.
4. If known criminals are about, watch to be sure that they do not attempt to associate with juveniles.

5. Watch carefully for drinking on the part of juveniles. Not only does it represent an offense in its own right, but may also lead to more serious crimes.
6. Watch for youths driving autos; it may be someone else's car.
7. Be alert for sexual deviates associating with juveniles.

There are numerous ways of discovering juvenile delinquency. Many cases will originate as complaints. Patrol by alert officers will detect and prevent many others.

V. Handling the Juvenile Offender

- A. Once a child has been apprehended you must handle the case with dispatch and consideration.
 1. If a youth officer is available in your department, enlist his aid.
 2. If the youth officer is available, the apprehending officer will work in cooperation with the youth officer.
 3. You must make an immediate investigation of the offense.
 - (a) A great deal depends upon your investigation because it will help to allow the court and youth officer in the proper disposition of the case.
 - (b) Your report must be as complete as any other case you will ever handle.
- B. Your contact with youth is of extreme importance because their future attitude toward law enforcement may be made at this time. This is especially true in the treatment of the first offender. Your treatment of youth must be done with care and still get the job done. Listed below are some reminders that may be helpful.
 1. Treat the offender with consideration.
 2. Be friendly.
 3. Be firm but fair.
 4. Don't make any false promises.
 5. Gain the child's confidence and respect.
 6. Always be positive in your attitude.
 7. Don't lose your temper.
 8. Never, under any circumstances, resort to vulgarity, profanity, or obscenity.
 9. Don't brand the offender.
 10. Remember the child of today is the man of tomorrow.
- C. Your Juvenile Court may have set policies regarding referral of delinquents which you must follow; if not, listed below are some suggestions for referral or warn and dismissal.
 1. Referral to Court
 - (a) When the offense is of a serious nature.
 - (b) When the child is known to the court.
 - (c) When the child has had repeated delinquencies.

- (d) When the child and his parents have failed to cooperate.
- (e) When the child needs treatment services available only through the court.
- (f) When the case either warrants judicial determination of guilt or the child and his family require assistance.

2. Warn and Dismissal

- (a) The offense is minor in nature and there is no apparent need for treatment.
- (b) The child shows no habitual delinquency pattern.
- (c) The family situation is stable with good parent-child relationship.
- (d) A public or private agency is giving adequate help.

HANDLING JUVENILES II
"Juvenile Crime Control Procedures"

Guest Instructors: Sgt. Jimmy DeLoach
Patrolmen Ronnie King
Juvenile Division
Albany Police Department

- I. Law Enforcement Officers are responsible for three areas in delinquency control.
 - A. Delinquent behavior - This is the actual violation committed by the young person.
 1. The type of offense may vary but the investigation must be complete and thorough.
 2. Your report should contain the juvenile's full name, address, phone number and date of birth. It should include the parents' full name and a notation concerning the parents' attitude regarding the offense.
 3. In addition to the above, you must notify the parents of the offender as soon as possible so that they do not become alarmed if the child does not report home as expected.
 4. The remainder of the report should be the same as any other offense and you are referred to the notebook material on Report Writing I and II.
 - B. Potential Delinquents
 1. The school dropout is among those youngsters who should receive your close attention. They have idle time to kill because employment is difficult for them to obtain.
 2. Youngsters who have little supervision due to working parents, or from family backgrounds which you know are less inclined to worry about the child's whereabouts, are sometimes inclined to become involved in delinquent situations.
 3. A good officer draws upon his experience, information received from others, and his own observations to recognize and be aware of those situations that spell delinquent conditions.
 - (a) The local school principal and counselors can be valuable sources of information in a good program of delinquency prevention.
 - (b) Visits to them only take a few minutes and the rewards can be most gratifying.
 - (c) You should be aware of the children that reside in your zone or city and a good relationship should exist between you and the children.
 - (d) A brief stop, when you have time, just to talk with children that you see goes a long way in building this relationship.

C. Conditions causing delinquency

1. You should closely observe those areas which cater to youth.
2. Routine checks of those areas will prevent many delinquent acts.
3. Taverns, etc., should be put on notice regarding the laws that pertain to drinking age.
4. School dances and such affairs should be checked frequently and should be supervised by adults. These adults should be present all during the affair. Notify them that you are in the neighborhood and available to assist.
5. Parties at private homes should be checked to make sure that proper supervision exists.
6. Any affairs that involve youth involve you.
7. Parking areas should be checked not only because delinquency can occur there but also because this type of area also draws perverts and those that may attack for the purpose of robbery, etc.

II. Police Juvenile Investigations usually fall into two categories:

A. Cases where a juvenile is involved with an adult as an accessory or a victim.

1. The juvenile may be part of an offense with an adult, such as a juvenile and an adult committing armed robbery.
2. Where the child is the victim.
 - (a) This can be a situation where a child was robbed or some other crime is committed against them.
 - (b) Usually it is where the child is abused, neglected, or dependent.
3. The neglected, dependent, or abused child must be protected by the law enforcement officer to insure that the child is not subjected to further deprivation.
 - (a) The juvenile court should be notified so that arrangements can be made for foster home care or supervision of the home.
 - (b) Many times you will be involved in cases where children are left alone at night in autos. These situations may involve just finding the parents and warning them or necessitate notification of the court.
 - (c) The abused or beaten child requires immediate action on the part of the officer to insure that the child does not receive further abuse or injury.
 - (d) Immediate medical attention may be required and, if so, see that the child is taken to the hospital for care.
 - (e) Notification of the juvenile court and juvenile officer, if your department has one, should be made as soon as you determine that you are handling such a case as those listed above.

- (f) You may feel it necessary to arrest adults involved; if so, you should follow standard arrest procedures.
 - B. Where the juvenile is the offender you should handle the case by either warn and dismissal or bringing it to the attention of the court.
 - 1. If the child is referred to Juvenile Court, it is usually in the form of a petition.
 - 2. In addition to these two methods, you may find that the case is unfounded, that no crime has been committed at all.
 - 3. You may develop evidence that clears a child of the offense.
 - 4. Refer the child to a social agency, such as the Welfare Department that may already have his home under supervision.
 - 5. You may suspend action on the case because of good parent and child attitude.
 - 6. The charge against the youngster may be dropped because of insufficient evidence. This does not mean that the case may not be reopened at a later date and charges placed.
- III. In addition to criminal offense committed by children and against them, you have the problem of runaways and missing children.
- A. Runaway children can be brought to court for being a runaway. However, most are handled on the departmental level.
 - 1. Where do you start to look for a runaway?
 - (a) The family can provide you with the possible reason the child would leave home, a good description, what clothing has been taken and if the child has any money.
 - (b) The family can also supply information as to relatives in other parts of the state or country that the child may go to.
 - (c) Friends can occasionally supply you with the destination of the child or his whereabouts now.
 - (d) The school can provide information as to the reason. Bad grades, for instance, seem to cause a good many runaway offenses.
 - (e) Transportation stations and highways should be checked. Most of these suggestions pertain to older children. Young children usually wander away and become lost rather than actually running away.
 - B. Young children and lost children
 - 1. Check the parents' home carefully. Many small children are found under beds or in closets asleep. Even if the parents claim they have checked carefully, you do it again, then you will be sure.
 - 2. Once the interior of the house is checked, the outside and surrounding area must be searched. If there are any openings that lead under the house they should be checked. The yard area should be carefully checked.

3. Neighbors should be called upon to see if the youngster is playing with a friend or if they know of the child's whereabouts.
 4. If these prove negative, then you should notify your supervisor and planning should be discussed for a more extensive search and the need for more officers to assist. The radio dispatcher should be given a full description and details of the situation.
 5. Areas should be checked that would be of interest or attract youngsters. Freight yards, canals and rivers, construction, amusement areas, parks and playgrounds are in this grouping.
 6. Relatives that live close by should be checked to see if the child has gone over to visit.
 7. Determine if the child has any toy or tricycle with him. It is a good item to identify by.
- C. Lost children may be found at any time by the officer on routine patrol.
1. Try to determine if the child lives in the neighborhood.
 - (a) The child may be able to point out his house.
 - (b) Someone in the neighborhood may know the child and be able to direct you to the child's home.
 - (c) Other children may know the child and be able to direct you to his home.
 2. If you determine that the child is not from the immediate area, then you should notify the radio dispatcher, giving the child's description and your location.
 3. The child can be taken in the patrol vehicle and the officer can ride about the area to see if the child can see and point out his house to you.
 4. You should stay in the area for a period of time because the parents may be out searching and find you. However, after cruising for 20 or 30 minutes without locating the parents, the child should be taken into the department to await the phone call from the parents reporting a missing child.

TRAFFIC LAWS

Guest Instructor: Lt. Walter E. Wacter, Jr.
Training Officer
Valdosta Police Department

In the next program we will be discussing the traffic laws and regulations that were enacted by the General Assembly and are enforced by the law enforcement officers in the State of Georgia.

These laws and regulations are all combined to make "The Uniform Act Regulating Traffic on Highways of the State of Georgia." They are in a booklet which is published by the Department of Public Safety. We will discuss some of the violations that the local officer encounters.

Article I

Section 2.

(e) Authorized emergency vehicles--

Vehicles of the fire department, police vehicles, state patrol vehicles, and such ambulances and emergency vehicles as are designated or authorized by the chief of police of an incorporated city or town.

Article II

Section 26.

- (a) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.
- (b) The driver of an authorized emergency vehicle may:
1. Park or stand, irrespective of the provisions of this act.
 2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
 3. Exceed the speed limits specified in this act so long as he does not endanger life or property.
- (c) The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any said vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

- (d) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

Section 28.

- (a) Provisions of act uniform throughout state. The provisions of this act shall be applicable and uniform throughout this State and in all political subdivision and municipalities therein, and no local authority shall enact or enforce any ordinance rule, or regulation in conflict with the provisions of this act unless expressly authorized herein. Local authorities may, however, adopt additional traffic regulations which are not in conflict with the provisions of this act.

Section 29. Powers of local authorities--

- (a) The provisions of this Act shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction, and within the reasonable exercise of the police powers.

Article III

Section 33. Local traffic-control devices--

- (a) Local authorities in their respective jurisdictions shall place and maintain such traffic-control devices upon streets and roads under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this act or local traffic ordinances or to regulate, warn, or guide traffic. All such traffic control devices hereafter erected shall conform to the State Manual and specifications.

Article IV

Section 45. Immediate reports of accidents--

The driver of a vehicle involved in an accident resulting in injury to or death of any person or property damage to an apparent extent of \$25.00 or more shall immediately by the quickest means of communication give notice of such accident to the local police department if such accident occurs within a municipality; if such accident occurs without a municipality, such notice shall be given to the office of the county sheriff or to the nearest office of the State Patrol. The above notices shall be in addition to the written report required by Section 4 of Motor Vehicle Safety Responsibility Act.

Section 47. Persons under the Influence of Intoxicating Liquor or Drugs

- (a) It shall be unlawful and punishable as provided in Subsection (g) of this Section for any person who is under the influence of intoxicating liquor to drive, or operate any vehicle within this state.

- (b) Upon the trial of any person accused of violating Subsection (a) of this Section, evidence as to the amount of alcohol in the defendant's blood at the time of the alleged offense as shown by a chemical analysis of the defendant's blood or breath shall be admissible as competent evidence bearing upon the question of whether the person was under the influence of intoxicating liquor and shall give rise to the following presumptions:
- (1) If there was at that time 0.05 per cent or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor.
 - (2) If there was at that time in excess of 0.05 per cent but less than 0.10 per cent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining whether the defendant was under the influence of intoxicating liquor.
 - (3) If there was at the time 0.10 per cent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.
 - (4) Per cent by weight of alcohol in the blood shall be based upon milligrams of alcohol per one hundred cubic centimeters of blood.
 - (5) The foregoing provisions of Subsection (b) shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor.
 - (6) The result of any such test shall not be admissible in evidence against the defendant, and no record thereof shall be preserved, and no notation of the result of the test shall be made on the driver's license of the person tested, if the test does not indicate that there was, at the time of the test, 0.10 per cent or more by weight of alcohol in the blood of the person tested.
- (c) Chemical analyses of the defendant's blood or breath to be considered valid under the provisions of this Section shall have been performed according to methods approved by the State Crime Laboratory and by an individual possessing a valid permit issued by the State Crime Laboratory for this purpose. The State Crime Laboratory is authorized to approve satisfactory techniques or methods to ascertain the qualifications and competence of individuals to conduct such analyses and to issue permits which shall be subject to termination or revocation at the discretion of the State Crime Laboratory.
- (d) Only a licensed physician, registered nurse, medical examiner, or ASCP certified or qualified medical or laboratory technician or aide may withdraw blood for the purpose of determining the alcoholic content therein. This limitation shall not apply to the taking of breath specimens.

- (e) Upon the request of the person who shall submit to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or his attorney.
- (f) It is unlawful and punishable as provided in Subsection (g) of this Section for any person who is under the influence of any narcotic drug, or who is under the influence of any other drug to a degree which renders him incapable of safely driving or operating a vehicle, to drive or operate a vehicle within this state. The fact that any person charged with a violation of this Subsection is or has been entitled to use such drugs under the laws of this state shall not constitute a defense against any charge of violating this Subsection; provided, however, it shall be the duty of the arresting officer, if it shall become necessary to incarcerate a person suspected of violating the provisions of this Subsection, to summon, as soon as possible, a licensed physician to examine the party so apprehended. The expense of such examinations shall be borne by the court having jurisdiction of said alleged offense.
- (g) Every person who shall be convicted of a violation of this Section shall be guilty of a misdemeanor and, except as otherwise provided for herein, shall be punished as for a misdemeanor.
 - (1) Those persons who are convicted of violating this Section for the first time shall have their drivers' license suspended for a period of at least 30 days and shall receive such other punishment as the judge shall deem appropriate.
 - (2) Those persons who are convicted of violating this Section for the second time within a period of three years may be sentenced to imprisonment for a period of at least 15 days, shall have their drivers' license suspended for a period of at least six months and shall receive such other punishment as the judge shall deem appropriate.
 - (3) Those persons who are convicted of violating this Section for the third or more time within a period of three years shall be sentenced to imprisonment for a period of at least 30 days, shall have their drivers' license suspended for a period of at least three years and shall receive such other punishment as the judge shall deem appropriate.
 - (4) Notwithstanding the foregoing provisions of this Subsection, if a person convicted of violating this Section shall be less than 21 years of age, and the conviction is the second for violating the provisions of this Section, the judge shall suspend such person's driver's license until he shall reach 21 years of age, or for a period of two years, whichever is greater, and impose such other punishment as he shall deem appropriate.

Section 47A. Implied Consent to Chemical Tests.

- (a) Any person who drives or operates a motor vehicle upon a public road or highway of this State shall be deemed to have given his consent to a chemical test, administered pursuant to the provisions of Section 47, of his blood or breath for the purpose of determining the alcoholic content of his blood if lawfully arrested for any offense allegedly committed while the person was driving or operating a vehicle under the influence of intoxicating liquor. No person shall be required to take a blood test if he objects thereto, and in such case such person shall be given a breath test. If such persons shall be minors, their parents or guardians shall also be deemed to have given such consent. The test shall be incidental to a lawful arrest and administered at the direction of a law enforcement officer having reasonable cause to believe such person was driving or operating a motor vehicle upon a public road or highway while under the influence of intoxicating liquor. Such person shall be informed by the arresting officer that his failure to submit to such a chemical test will result in the suspension of his privilege to operate a vehicle for a period of six months.
- (b) If any such person refuses the request of a law enforcement officer to submit to a chemical test, the Department of Public Safety, upon receipt of the sworn statement of a law enforcement officer to the effect that he had reasonable cause to believe that such person had been driving or operating a motor vehicle upon a public road or highway while under the influence of intoxicating liquor and that the person had refused to submit to the test after being requested by the law enforcement officer, shall suspend his license to operate a motor vehicle for a period of six months. No such suspension shall become effective until ten days after the giving of written notice thereof as provided for in Subsection (c).
- (c) The Department of Public Safety shall immediately notify such person in writing of the proposed action to be taken. Within 15 days of the receipt by the Department of the person's request in writing, the Department shall afford him an opportunity for a hearing in the same manner and under the same conditions as provided in the Georgia Administrative Procedure Act, approved March 10, 1964 (Ga. Laws 1964, p. 338), as the same may now or may hereafter be amended. For the purposes of this Section, the scope of the hearing shall cover the issues of whether the law enforcement officer had reasonable cause to believe the person had been driving or operating a motor vehicle upon a public road or highway while under the influence of intoxicating liquor, whether the person was placed under arrest, whether he refused to submit to the test after being requested to do so by a law enforcement officer, and whether, except for the persons described in Subsection (a) above who are incapable of refusing, he had been informed by the arresting officer that his driving privilege would be suspended if he refused to submit to the test.

An application for a hearing made by the affected person within ten days of receiving notice of the proposed action of the Department of Public Safety shall operate to stay the suspension by the Department for a period of fifteen days during which time the Department must afford a hearing. If the Department fails to afford a hearing within fifteen days, the suspension shall not take place until such time as the person is granted a hearing and is notified of the Department's action as hereinafter provided. However, if the affected person requests that the hearing be continued to a date beyond the fifteen-day period, the suspension shall become effective immediately upon receipt of the Department's notice that said request for continuance has been granted.

If the Department determines upon a hearing of the matter to suspend the affected person's license to operate a motor vehicle, the suspension herein provided for shall not become effective until five days after receipt by said person of the Department's notification of such suspension.

- (d) Any person who is afflicted with hemophilia shall be exempt from the blood specimen test required by this Section.
- (e) Any person who is afflicted with a heart condition and is using an anticoagulant under the direction of a physician or surgeon shall be exempt from the blood specimen test required by this Section.
- (f) Only a licensed physician, registered nurse, medical examiner or ASCP certified medical or laboratory technician or aide acting at the request of a law enforcement officer may withdraw blood for the purpose of determining the alcoholic content therein. This limitation shall not apply to the taking of breath specimens. Only those persons provided for in Subsection (c) of Section 47 shall conduct the appropriate tests to determine the alcoholic content thereof.
- (g) Any person who is arrested for driving or operating a vehicle while under the influence of intoxicating liquor shall have the right to demand a blood or breath test to determine the amount or weight of alcohol in his blood. It is mandatory upon the officials in whose custody he shall have been placed after arrest to have a blood or breath specimen taken for the purpose of determining the amount of alcohol in the person's blood, if the facilities for obtaining such specimens are available in the county of his confinement, and to have said specimen analyzed according to the procedures provided therefor by the Section. The costs of such test shall be borne by the jurisdiction having custody of such arrested person.
- (h) No licensed physician, registered nurse, medical examiner, or ASCP certified medical or laboratory technician or aide shall incur any civil or criminal liability as a result of the proper obtention of such specimens for the purpose of determining the alcoholic content thereof when requested in writing by a law enforcement officer to administer such a test.

Section 3. All convictions and pleas of nolo contendere for violations of this law on second and subsequent offenses in any court of this State shall be promptly reported by said court to the Georgia Department of Public Safety. Any person who willfully fails to make such reports shall be guilty of a misdemeanor.

Section 4. All laws and parts of laws in conflict with this Act are hereby repealed.

Section 48. Speed Restrictions--

- (a) No person shall drive a vehicle on a street or highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on entering the highway in compliance with legal requirements and the duty of all persons to use due care.
- (e) It shall be unlawful for any person except an officer in the performance of his duty, to willfully operate a motor vehicle, motorcycle, motor-driven cycle or any other vehicle upon the public highways, roads or streets of this State in such a manner so as to race or otherwise engage in a contest of speed with any other motor vehicle, motorcycle, motor-driven cycle or other vehicle with any timing device or other device used to test the speed of such vehicles. Any person violating the provisions of this sub-section shall be guilty of a misdemeanor and upon conviction thereof upon a plea of guilty or upon a plea of nolo contendere shall be punished by law.

In paragraph (f) and paragraph (g) it is stated that it is unlawful for any person to help check the speed or to ride in a car that is drag racing with another or having its speed timed or checked.

Article VII

Section 63. Following too closely--

- (a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon the condition of the highways.

Article VIII

Section 69. Turning movements and required signals--

- (a) No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in Section 66, to turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person

shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other traffic may be affected by such movement.

- (b) A signal of intention to turn right or left when required shall be given continuously during and not less than the last 100 feet traveled by the vehicle before turning.
- (c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

Article IX

Section 72. Vehicles approaching or entering intersection--

- (a) The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway.
- (b) When two vehicles enter an intersection from different highways at approximately the same time the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

Article X

Section 82. Pedestrians on roadways--

- (a) Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.
- (b) Where sidewalks are not provided, any pedestrian walking along and upon a highway shall when practicable walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.
- (c) No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.

Article XI

Section 85. Special stops required--

- (a) Certain vehicles must stop at all railroad grade crossings. The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at a grade, any track or tracks of a railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as

required herein and upon proceeding when it is safe to do so, the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the driver shall not shift gears while crossing the track or tracks.

- (b) No stop need be made at any such crossing where a police officer or a traffic-control signal directs traffic to proceed.
- (c) This section shall not apply at street-railway grade crossings within a business or residence district.

Article XII

Section 91. Officers authorized to remove illegally stopped vehicles.

- (a) Whenever any police officer or highway patrolman finds a vehicle standing upon a highway in violation of any of the foregoing provisions of this article, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main traveled part of such highway.
- (b) Whenever any police officer or highway patrolman finds a vehicle unattended upon any street, highway, bridge, or causeway, or in any tunnel, where such vehicle is an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

Article XIII

Section 95. Riding on Motorcycles.

A person operating a motorcycle shall not ride other than upon the permanent and regular seat attached thereto nor carry any other person as a rider upon such motorcycle other than upon such permanent and regular seat if designed for two persons or upon another seat firmly attached to the rear or side of the operator. No person shall ride upon or operate a motorcycle on the highways and roads of this State without wearing upon his head a crash helmet of a type designated by the Director of the Department of Public Safety of this State.

Section 101. Putting glass, etc., on highways prohibited--

- (a) No person shall throw or deposit upon any street or highway any glass bottle, glass, nails, tacks, wire, cans, rubbish, garbage, trash, or other dangerous or unsightly material which is likely to injure any person, animal, or vehicle upon such street or highway.
- (b) Any person who drops, or permits to be dropped or thrown, upon any street or highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

- (c) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

Article XIV

Section 102. Equipment.

- (a) Scope and effect of regulations.

It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any street or highway any vehicle or combination of vehicles which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this article or which is equipped in any manner in violation of this article, or for any person to do any act forbidden or fail to perform any act required under this article.

Section 105. Head lamps on motor vehicles--

- (a) Every motor vehicle other than a motorcycle or motor driven cycle shall be equipped with at least two head lamps and shall comply with the requirements and limitations set forth in this article.

Section 106. Tail lamps--

- (a) Every motor vehicle, trailer, semi-trailer, and pole trailer, and any other vehicle which is being drawn at the end of a train of vehicles, shall be equipped with at least one tail lamp mounted on the rear, which when lighted as hereinbefore required, shall emit a red light plainly visible from a distance of 500 feet to the rear, provided that in the case of a train of vehicles only the tail lamp on the rear-most vehicle need actually be seen from the distance specified.

CROWD CONTROL I

Guest Instructor: Lt. Stanley Jordan
University of Georgia
Traffic and Security

On many occasions the Law Enforcement Agency is called upon to handle large groups of persons. These people must be directed and protected by the Law Enforcement Officer. Crowd control situations may arise at any time but can be anticipated during athletic events, parades, traffic accidents, concerts, and the arrival of prominent persons.

Most crowds are of a temporary nature, gathered for one specific reason, and have a mutual interest. It may be getting to and from a football game. In all probability, it is leaderless and orderly; the persons in the group are aware of the law and are willing to respect its principles. However, you as a law enforcement officer must be prepared to direct the crowd with skill and promptness.

This will not be a program on riot control or hostile crowd control.

I. Planning

A. Whenever a large group of persons are to gather, the law enforcement agency must plan in advance the steps to be taken in crowd control.

1. The law enforcement agency must know the approximate number of persons involved.
2. In the case of a parade, you must know the route to be taken, the assembly parts, and where the parade will disband.
3. The officers assigned must be briefed as to all aspects of the control situation.

B. Officer Briefing

1. Each officer must know the exact location he is to report to.
2. The area on either side of his post that he is responsible for.
3. Officers must know, in detail, the regulations that apply to this affair, such as, will parking be allowed; must the crowd remain on the sidewalks; must there be openings left for pedestrian traffic, etc.
4. Officers must be briefed as to the availability of first aid stations and their locations.
5. He must know the locations for command officers in the event he should need to contact them for assistance or information.
6. Officers must be briefed as to the best routes for persons to take when leaving the event.

The secret to successful crowd control is planning. It can mean the difference between a smooth flowing, well organized, well-planned situation or a complete snafu with its related traffic jams and irate citizens.

- C. When officers from other agencies are called upon to assist in crowd control functions, they must be included in briefings and a chain of command agreed upon.

II. Officers' attitude

- A. Crowd control problems can be most pressing and demand a great deal of patience on the part of the law enforcement officer.
- B. The officer must remain firm but fair in his treatment.
 - 1. People will obey your orders if they hear and understand what you want them to do.
 - 2. Orders directing persons should be in the form of a request. Make your request in a clear voice that is loud enough to be heard by the group that you are speaking to. Make your statement to the point and tell the group exactly what you are requiring them to do.
 - 3. If you shout or push, are surly or uncouth, you may cause the group to resist or become unruly.
 - 4. Your attitude and the manner in which you conduct yourself will play a significant role in the movement and control of the group.

III. Crowd Control at Accidents and Disasters

A. Traffic Accidents

In LET 17-2 "Preservation of the Accident Scene," we discussed procedures and reasons for good crowd control at traffic accidents. You should refer to this material for review.

B. Fires and Other Disasters

- 1. Officers dispatched to the scene of fires should be familiar with good crowd control techniques.
- 2. Your main responsibility is the protection of life and property.
- 3. You must keep the onlookers out of the area of danger.
 - (a) This may mean that you will have to utilize barricades or ropes to cordon off the area.
 - (b) People should be kept far enough away from the fire scene to be safe from falling debris.
- 4. In addition, you must keep spectators far enough away to insure that the fire fighters are not interfered with. They have an important job to perform and must have freedom of movement to be assured of success.
- 5. People have a natural interest in fires, explosions and other related disasters. Because of this natural interest, they are inclined to gather at such locations. This does not mean that they intentionally wish to interfere or hinder the efforts of those workers who have responsibility to handle the affair. Under your skillful direction, they will abide by your commands and not interfere.

6. Lanes for additional fire equipment arrival and/or ambulances must be kept free of milling persons.

As with everything in police work, a little pre-arrival planning can spell the difference between success and failure. A plan should be made for fire disasters and each officer should be ready to implement that plan when the need arises. Officers should be aware of the needs of fire fighters and rescue men at disaster scenes so that they will be able to assist without hesitation when the need arises. If you have to plan with firemen at the scene, it's too late! Plan before and be ready!

INTERVIEWING

Guest Instructor: Captain Harold G. Black
Training Officer
Gainesville Police Department

In numerous other Law Enforcement Television Training Programs we have said that people are our business. They are who we deal with, who we are sworn to protect, and who we must apprehend on occasion.

You have contact with people every day; they are from all walks of life and have every imaginable problem with which to confront you. On many occasions, you must talk to them for the purpose of gathering information. The information will be a necessary part of your investigation. You must be familiar with the techniques of interviewing witnesses so that you can obtain the information required.

This is not a program on interrogation of suspects.

- I. How you should approach persons that you are going to interview.
 - A. Your greeting should be cheerful and friendly. You are seeking this person's help as a witness or as someone who will provide information.
 - B. You should immediately record the person's full name, address, and telephone number, after you have determined if he can assist you.
 - C. People react in the manner in which they are approached. Remember that an antagonistic or sarcastic approach may tend to jeopardize any communication between you and the other party.

- II. Your position
 - A. You should not stand so that you are talking directly into someone's face. Many people are offended by having another's breath hit them in the face.
 - B. For your own safety, you should stand to the side so that you can protect yourself from any hostile move. You must never drop your guard, regardless of the circumstances. You never know to whom you are talking.
 - C. Don't put your arm around someone's shoulders or touch them without reason. Many people are repelled by being touched by strangers.
 - D. Remember, you need the help of these people, so do not alienate them if you can avoid it.

- III. Place for the interview
 - A. If at all possible, you should conduct your interview in a location that has the least amount of noise or distraction.
 - B. The inside of the patrol car is fine, but turn your radio down so that it does not distract.

- C. You must be a good listener and have patience--your witness may be distracted, timid, afraid, or worried. This may be a person's first contact with a law enforcement officer.

IV. Witnesses may make different statements.

- A. In any group, individuals see things differently.
 - 1. To a garage mechanic, an accident may appear in the form of repairs. In other words, he may concentrate on damage and can only supply vague information concerning anything else.
 - 2. A woman may see colors of vehicles differently than a man.
 - 3. A boy may be able to give you a very complete description of a vehicle.
 - 4. In a robbery, the victim may be only able to describe the gun used.
- B. A person's background can play an important role in his statements concerning an incident.
- C. The officer must be skillful in his questioning to determine which is the correct information.
 - 1. For instance, you could ask a woman: "Do you see another car or building of the same color?"
 - 2. Do not ignore youngsters. Often, they can provide exacting information.
 - 3. You have all been faced with witnesses that give you a description such as: "The man was 5'9"; the man was 6' " and weights often vary as much as 30 to 40 pounds.
 - 4. You may have as many different descriptions as you have witnesses.
 - 5. You could help to clear this up by giving them a point of reference. Another person, a window, a lamp decoration or the wall can be a good reference point.
 - 6. Always remember that a witness only sees part of what happens.
 - 7. A witness only remembers part of what he sees.
 - 8. A witness can describe only part of what he sees.

V. Factors affecting witnesses

- A. Several external factors influence the ability of a witness to perceive; i. e., distance from the event.
- B. The amount and type of lighting greatly affect what is seen and not seen.
- C. Weather may be a predominant factor.
- D. Noise also reduces a person's ability to perceive an event most noticeably, perhaps by diverting attention from the sounds of the incident.

1. Most testimony depends upon the eyesight and hearing of the witness.
 2. Experienced officers learn to judge the perceptive ability of a witness by comparing it with their own. They use themselves as a yardstick.
- E. You must be aware of the fact that people often exaggerate their ability to see and hear to cover up deficiencies they may suffer or to avoid admitting they were not paying attention. People whose experience and learning are wide and varied usually bring the most information away from an event.
- F. Never ignore a witness because he has difficulty communicating with you. You will have to use tact and patience.

VI. When the interview should take place

- A. If the witness is calm, he should be interviewed as soon as possible, so that his memories will be fresh and unconfused by discussions with others.
- B. The atmosphere should be informal and the witness should be allowed to tell his story in his own words before you ask him specific questions.
- C. A witness may ramble and become confused occasionally. Be patient with him.
1. Interruptions may cause the witness to withhold information for fear of offending you, causing you to miss vital information.
 2. Remember to keep your part of the conversation to a minimum. You want to hear what the witness has to say, so do not dominate the conversation.
 3. Remember, you need the help and information that a witness may have, so do your best to get it from them. Past experience and skill as a law enforcement officer can contribute to your ability to be a good interviewer.

POLICE PHOTOGRAPHY I
"Basic Photography"

Guest Instructor: Mr. Luther M. Dey
Law Enforcement Photography Consultant
Eastman Kodak Company

Before any artist or craftsman can do a good job, he has to learn to use the tools of the trade. We are going to discuss the basic tool of photography, the camera, and how to use a simple camera so that you will be able to get a good picture every time you press the button.

I. Causes of Unsatisfactory Pictures

A. The most common cause of unsatisfactory pictures is camera movement.

1. Jiggling the camera during the moment of exposure.
2. Approximately 70% of all pictures have a degree of unclearness because the camera was not held perfectly still while the picture was being taken.
3. With eye level cameras, the camera should be held so that it rests against the forehead, nose, and cheek bone.
4. With reflex-type cameras, try to rest your camera against a wall or any firm support. If a solid support is not available, hold the camera with a downward pressure so that it is being supported by a taut neckstrap.

B. Firing the Shutter Release

1. Squeeze the shutter release slowly--do not punch it abruptly. It does not matter how fast or slow you apply pressure to the shutter release button; the shutter itself will move at the same speed.
2. It is advisable to practice with the camera, much as you would with your service revolver, to get the feel of the release. This will give you some idea of how far it travels before firing.

II. Long and Short Exposure Settings

A. Many cameras, both simple and complicated, have a setting marked "B." This "B" setting stands for brief time exposure and must only be used when the camera is on a support such as a table or tripod. It is never (or very seldom) used outdoors during the daytime.

B. Most box cameras have a single-speed shutter that operates between 1/25 and 1/50 of a second. This seems to be quite fast, but you would be surprised how fuzzy a picture can be at this speed if the camera is jiggled! Some cameras have shutter adjustments that give speeds of up to 1/100th or 1/300th of a second. If

you have such equipment, you should use the 1/100th speed for most of your picture taking. This suggestion is given purely to minimize the effects of slight camera jiggle.

III. Subject Movement

- A. Most people feel that if they want to take a picture with a simple box camera the subject must be absolutely still.
- B. There are four ways that you can take pictures of persons or objects in motion.
 - 1. At the split second when movement is at a minimum.
 - 2. When the moving object is moving directly toward you.
 - 3. By panning the camera. Panning means that you swing the camera so as to keep the subject in the viewfinder as it rushes past.
 - 4. Take pictures so far away from the fast moving object so that you cannot see the fuzziness.

IV. Focusing

- A. Focusing is important!
- B. With a box camera no picture should be taken closer than 5 feet to the camera.
 - 1. With some cameras you can focus exactly by use of a viewfinder.
 - 2. Many simple cameras have some distance-setting arrangement that enables you to set the camera for distance or closeup.
- C. The viewfinder of your camera is designed to see the same area that will be seen on film.
 - 1. However, when taking closeups the lens and viewfinder are separated and you may lose part of the top of your picture.
 - 2. Leave some space at the top of your picture to allow for this separation.
 - 3. You must line your eye up with the center of the viewfinder. Failure to do this will result in your seeing a different picture than the lens sees.

V. Camera and Lens Cleaning

- A. A dirty lens can cause fuzzy photographs.
- B. If the lens is dirty, there is a special technique you should adopt for cleaning it.
 - 1. Brush the lens with a soft brush to remove loose particles of dust and grit (available in any photo shop).
 - 2. Then wipe the surface clean with Lens Cleaning Tissue and Lens Cleaning Fluid (available in any photo shop).
 - 3. Do not use specially treated tissues made for eye glasses. They contain special chemicals which may attack the casting on the surface of most present-day lenses.
 - 4. If you do not have lens tissue or fluid, the best technique is to blow the grit from the lens and then use a clean corner of

a handkerchief to wipe the lens.

- C. The inside of your camera should be cleaned periodically. This can be done with a soft brush. A vacuum cleaner is quite useful also for removing lint and grit from the internal areas of your camera.

Special Note: Do not put your fingers on the lens surface. The oil from your skin will collect dirt on the surface. Also, do not get your fingers in the way of the lens when taking pictures!

VI. Loading the camera

- A. Read your camera instruction booklet first.

- B. Regular Roll Film Cameras

1. Place the film into the supply side of the camera.
2. Make sure the film roll is locked, then break the small paper band that holds the film roll tight.
3. Remove the band completely and the tapered end should be pulled up to and fitted carefully into the takeup spool and into the long slot.
4. Make sure that the paper edge of the film is running squarely between the spool flanges.
5. Take up enough of the film paper to insure that it seats properly and will hold in the takeup spool.

- C. 35mm Film Loading

1. Film must engage in both sprocket wheels.
2. Film must be carefully engaged in the slot of the takeup roll.

- D. Always load your camera in subdued light. Do not load or unload a camera in bright sunlight. (To load or unload the camera, use the shade of a tree, the squad car, or the doorway of a building to cut down the possibility of a light break.)

VII. Exposure

- A. Exposure means getting the correct amount of light onto the film.
- B. The rules for exposure with a simple box camera are very easy.
 1. If you are using color film, you can only take pictures with a simple box camera when bright sunshine is falling directly on the subject. The fact that the sun is shining is not enough. It must be shining on the subject.
 2. Since most black and white film is faster, you can take pictures not only in bright sunlight, but also when it is hazy.
 3. More comprehensive cameras have setting to allow more light to reach the film. The film will have instruction, in most cases, to tell you the suggested setting. Again refer to your instruction booklet. Remember: "When all else fails, try reading the instruction."
 4. Some cameras set the lens automatically by a built-in exposure meter. If you have such a camera, refer to your manual.

The photograph can be a valuable asset to the Law Enforcement Officer!

POLICE PHOTOGRAPHY II
"How to Photograph an Accident"

Guest Instructor: Mr. Luther M. Dey
Law Enforcement Photography Consultant
Eastman Kodak Company

You cannot ask an automobile accident to repeat itself. All you can do is try to reconstruct it. The best or easiest way to do so is to take advantage of the aid that photography can offer.

I. Basic Rules

A. Quickness counts.

1. Pay particular attention to the position of injured persons and other evidence that you know will be removed.
2. The scene should be approached from the same direction as one of the cars.

B. See through the driver's eyes.

1. Photographs should be taken from the eye level of all drivers involved.
2. If there are witnesses involved, photographs should be taken eye level from the spots where they stood.

C. Tie the shots together.

1. A permanent reference point should be included in all photographs of the accident.
2. In a town this reference point might be a manhole cover or a fire hydrant; in the country, a culvert or tree.

D. Remember the chalk.

1. Before any bodies are removed, they should be outlined in white chalk. If a vehicle must be removed, its four wheels should first be outlined in white chalk.
2. It is advisable to chalk a white arrow indicating which direction is north for inclusion in each photo for reference.

E. If there is any doubt about whether or not to take a photograph, it should be taken. Better to have a little too much evidence than not enough.

II. Proven Procedure

A. There is a five step procedure that provides adequate photographic coverage of most automobile accidents.

B. The following example of the five step procedure will involve an accident at an intersection. It can apply equally well to any vehicular accident.

1. Step One: From about 100 feet from the intersection shoot toward it to show how it appeared to the driver. Then the

photographer (from the same spot) turns and shoots toward the direction from which the second car was coming. This will establish if any obstructions could have prevented the first driver from seeing the second driver.

2. Step Two: The photographer should then move up to about 25 feet from the probable point of impact and shoot again. This will establish what traffic controls were present and show skid marks or lack of skid marks.
3. Step Three: Take these same basic 3 shots from the viewpoint of the second driver. The photographer simply reverses the order. First he shoots from the direction the second driver was coming: 1 picture at 25 feet from the probable point of impact and 2 pictures from 100 feet.
4. Step Four: Photograph the damage to each vehicle. This can give a good idea of the force of the collision. Color photos can illustrate paint transferred from one vehicle to another. License plates should be photographed.
5. Step Five: Any skid marks or tire tracks should be photographed head-on, to show the direction the vehicle was traveling; and side-on, to show their length. These photos will help determine the speed the vehicle was traveling and when the driver perceived danger. When photographing skid marks, it is best to place the camera as high as possible.

III. Working Under Bad Conditions

- A. At night - It is best to use a camera that has a fast lens. Place the camera on a rigid tripod and open the camera shutter on the time setting. Fire the flash at the subject from the camera position. Have someone hold their hand in front of the lens and uncover it when you direct them. Then fire the flash again from as many positions as necessary to illuminate the scene. This technique is known as "Painting with Light" and will be explained in detail.
- B. Dusk - It is difficult to take photos at dusk. Shooting both with available light and flash is a good idea. This may take a little longer, but it could save some disappointments.
- C. Foul Weather - A northern police agency developed a novel approach to the problem of protecting its equipment. Before leaving the squad car the photographer tightly covers his camera with a clear plastic bag from which all the air has been sucked out. This prevents flash units from shorting out and allows the cameras to be readily used in the rain.

IV. Hit and Run Photography

- A. Debris: Photograph all debris that is connected with the accident.

- B. Tire impressions: Even if tire impressions will be made by castings, they should be photographed first. The camera should be placed on a tripod, with the back of the camera parallel to the ground. The photographer should select, when possible, a length of track that reveals any defects, such as cuts, that could help identify an individual tire. He should always photograph, in sections, enough length of tire track to equal the circumference of each tire.
- C. Blood: Color film should be used. However, black and white film with a red filter such as Kodak Wratten Filter #24 and Tri X Pan Film will make the blood look darker and have more contrast.

V. Possible Murder or Suicide

- A. Remember: There is nothing accidental about some fatal accidents.
- B. Photograph anything that is suspicious. If, for example, a dead person is found behind the steering wheel of a car that has been in a serious collision and he shows few bruises and little bleeding, a photo could later help show that he was dead, possibly before the accident occurred.
 - 1. The interior of each car should be well photographed in any fatal accident. Areas of deformation should be emphasized, particularly where there is any indication of occupant contact.
 - 2. Anything in the car's interior that indicates body contact-- the steering wheel, instrument panel, interior of the door, bent knobs, broken windshields--should be photographed.

REMEMBER

Often it seems evident just who is the guilty party in an accident. But you, the law enforcement photographer, must keep an open mind and not let any quickly formed opinion influence your approach to your job. If you do your work well, you will soon have plenty of solid evidence on which to base a sound conclusion.

COMMUNITY RESOURCES
AVAILABLE TO ASSIST
LAW ENFORCEMENT AGENCIES

Guest Instructor: Captain Rex Stone
Savannah Police Department

From time to time, law enforcement agencies will face many and varied situations that they are not equipped, manned or financially able to handle; problems that do not fall within their jurisdiction but yet are of their concern and for which they must find a solution. Such problems may concern training of assigned personnel, rendering assistance to stranded travelers or tourists, providing guidance and relief for the needy within the community which comes to their attention, improving facilities and capabilities of the department in order to increase operational effectiveness and services rendered, etc.

There is a wealth of talent, skills, facilities, and resources available in the local community or region that is at the disposal of law enforcement officers just for the asking. These include citizens who are willing to devote their time and energy in support of law enforcement agencies; social and human agencies established to provide services and facilities that are needed by citizens, but are not used, mainly because of the lack of knowledge or understanding of many needy individuals and families; educational institutions, training programs and opportunities; civic clubs and other fraternal organizations. These individuals and organizations are ready to assist you in your job and to provide services for which they were established. It is the responsibility of each officer to seek them out, become familiar with their services, solicit their support and cooperation; and you will be ready to handle most problems that come to your attention in a professional manner and better serve your community.

- I. Social and Human Agencies. These are a few of the many community services provided by local organizations other than law enforcement. Each officer should be familiar with the ones located in his community, their location and services rendered. This will enable him to advise and assist citizens in obtaining the help or services needed.
 - A. Family and Children services
 1. Old age assistance
 2. Aid to the blind
 3. Aid to families with dependent children
 4. Aid to permanently and totally disabled
 5. Children welfare services
 6. Services to unwed parents
 - B. Family Counseling Center
 1. Marriage counseling
 2. Counseling on family problems
 3. Counseling on parent-child problems
 4. Travelers aid - traveling, stranded or moving

- C. State Employment Service
 - 1. Provides counseling and testing services to assist applicants in their occupational choice
 - 2. Special placement services for veterans, handicapped workers, and farm laborers
 - 3. Free placement service to assist employees in securing qualified workers
 - 4. Provides statewide and nationwide placement services
- D. Mental Health Association
 - 1. Child Guidance
 - 2. Diagnosis and treatment
 - 3. Preventive mental health programs
- E. Salvation Army
 - 1. Emergency assistance--food shelter, and clothing to needy persons
 - 2. Men's rehabilitation program
 - 3. Transient lodging for homeless men
 - 4. Provides care for unwed mothers
- F. County Health Department
 - 1. Provides out-patient clinic
 - 2. Dietary advisory service
 - 3. Public health nursing program
 - 4. Laboratory services
 - 5. Public health education program
- G. Veterans Administration
 - 1. Assist veterans in establishing eligibility for services and benefits.
 - 2. Provide medical examinations for pension ratings and to determine need for hospitalization or out-patient treatment
- H. State Department of Veterans Service--assist veterans and their dependents in any of their needs including:
 - 1. Claims for compensation
 - 2. Pensions
 - 3. Insurance
 - 4. Education
 - 5. Hospitalization
- I. Vocational Rehabilitation Service
 - 1. Helps handicapped to become employable
 - 2. Removes handicap, when possible, through surgery and rehabilitation
 - 3. Offers counseling and guidance, aptitude tests, job training and job placement.
- J. American Red Cross
 - 1. Case work service to veterans
 - 2. Claim service for veterans
 - 3. Line of communication between servicemen and their families

4. Administer relief funds
5. Instructs home nursing and first aid courses

II. Resources available for direct assistance. Most local police departments do not have qualified instructors, personnel funds or facilities to conduct a desired professional training program. This is no excuse to maintain an untrained and unqualified force. Local professional training programs can and should be implemented by use of the following resources:

A. Local Training

1. Lawyers and judges--criminal law, traffic law, laws of arrest, laws of search and seizure, rules of evidence, court procedures, appearance and conduct in court, civil rights law
2. Doctors, nurses and Red Cross--first aid, narcotics, handling mentally disturbed persons, water safety
3. Bankers and Insurance Companies--fraudulent checks and forgery
4. Board of Education and local newspaper
 - (a) Note taking and report writing
 - (b) Human, public and community relations
 - (c) Physical training, defense and offense tactics
5. Military units (if available)
 - (a) Defense and offense tactics
 - (b) Explosives
 - (c) Crowd/Mob control
6. "Ham" operators--use, maintenance and care of communications system
7. Photographers
 - (a) Police photo
 - (b) Crime scene photo
8. Area police agencies--use of facilities and/or instructor personnel of other police agencies within the area
9. Federal Bureau of Investigation--the F. B. I. will provide local training in a variety of police subjects, if requested.
10. The University of Georgia
 - (a) T. V. Training Program through the Georgia Educational network
 - (b) Field teams to bring training to local level
 - (c) Maintains film library for use by local departments
11. I. A. C. P. Training Keys
12. State Crime Lab Technician
 - (a) Ballistics
 - (b) Chemical analysis
 - (c) Identification handling of evidence
 - (d) Crime scene search

- B. Specialized training
1. Colleges and Universities
 2. Georgia Police Academy
 3. FBI/SPI/NWU

SUPPORT YOUR COMMUNITY AND THEY SUPPORT YOU.

THE LAWS OF EVIDENCE

I. Introduction

A. Scope - In light of the fact that the rules of evidence are so numerous and complex, this review can only cover the fundamental and basic principles.

1. Basic doctrines founded on the common law rules of evidence, which are generally applicable.
2. Those evidence rules which come into play in the enforcement of the criminal law.
3. The rules which concern the police officer rather than those rules of trial practice which concern the prosecutor in the formal presentation of evidence in court.

B. Basic Considerations

1. The State has the burden of proof. It must establish the truth of the charge of crime against the defendant to a degree beyond and to the exclusion of every reasonable doubt. This high degree of proof is demanded in order to overcome the presumption of innocence with which the accused enters the courtroom.
2. In discharging the burden of proof, only evidence which is logically relevant to the issues may be introduced.
3. The great body of laws of evidence consists of technical rules, e. g., the hearsay, best evidence, and privileged communications rules, which are based upon certain social and public policies. These complex rules occasionally obstruct the ascertainment of truth in a particular case.
4. The accused must be treated fairly and justly at all stages of the criminal proceeding.
5. The process of fact-finding under our present system demands rigorous guaranties of accuracy—with emphasis upon proof by witnesses who possess firsthand knowledge of facts.

C. Evidence Defined

As a legal term, it may be defined as that branch of the law which determines what matters are admissible in court to determine the truth of the issue. Any fact which the court allows to be used to determine the guilt or innocence of the accused is evidence.

D. Trial by Jury

The rules of evidence developed under the Anglo-American system of jury trial, under which the issues are divided into questions of law and questions of fact. Questions of fact are decided by the jury and questions of law are resolved by the judge.

E. Rules of Evidence are mainly exclusionary

Rules of exclusion consist of those rules by which facts which are irrelevant, immaterial, incompetent, unreliable, misleading, and prejudicial are kept from the jury's consideration in order that they reach a proper verdict.

F. Proof

The word proof is not the same as evidence, although they are used that way. Strictly speaking, evidence is the means of attaining proof.

II. Classifications--Terms Defined

- A. Oral Testimony--statements made by witnesses in court and under oath.
- B. Documentary Evidence--writings of a private or public character.
- C. Real Evidence--physical objects, substances, or other things.
- D. Direct Evidence--that which tends to prove the fact or issues in question, without intervention of evidence or any other fact.
- E. Indirect Evidence--circumstantial evidence--that from which other facts may be inferred.

III. Competency

Competency refers to the qualifications of the witness, under the law, to take the stand and to testify. The common law declared numbers of different relationships disqualified to testify, e. g., husband and wife. The modern trend is to make more and more types of persons competent to testify. Among the persons of interest to the law enforcement officer in regard to this rule are the following:

A. Accomplices

- 1. Once incompetent to testify, under the present law they may.
- 2. Such testimony, however, is looked upon with a great deal of suspicion by the court and should be corroborated by strong evidence.

B. Persons convicted of a crime

At one time, such witnesses were considered incompetent to testify. Today, however, the disqualification of witnesses for crimes is regulated by statute.

C. Defendants

- 1. Because of the Fifth Amendment privilege against self-incrimination, the defendant may not be compelled to testify.
- 2. The defendant may testify, if he desires. If he elects to do so, his credibility may then be attacked by the prosecution.
- 3. The Georgia Code, 38-415, provides that the defendant may make a statement in court, not under oath, and not make himself subject to cross-examination unless he desires to submit to the same.

D. Infants

This test is not age, but whether or not the infant possesses sufficient understanding and intelligence to observe, remember, and relate accurately and appreciates the obligations to speak the truth.

E. Insane persons

Insanity, itself, does not render a witness incompetent if he has sufficient understanding to observe accurately and to remember, and is capable of giving a correct account of the matter, and understands the duty to speak the truth.

F. Spouses

1. At common law, husband and wife were considered as one person and could not testify against one another.
2. The modern view no longer holds this theory, but instead, abides by the doctrine of privileged communications (see below).

G. Illegally obtained evidence

Evidence obtained by improper police procedure, as unreasonable search and seizure, is incompetent as evidence and is inadmissible.

IV. Privilege

A. Duty to testify

1. Persons who possess relevant and material information have the duty and they can be compelled to come to court or produce pertinent documents or other property.
2. If they refuse, they may be subject to contempt of courts proceedings.
3. If they possess some privilege, they will not be punished for failure to testify.

B. Privilege against self-incrimination

1. The defendant has the privilege not to be called as a witness in a criminal prosecution.
2. This is not true in the federal courts. The Supreme Court has held that this is not a violation of the Fifth Amendment.

C. Confidential Communications

It is only in the exceptional cases that a privilege of not testifying or not producing documents or other matter exists. Certain particular relationships are protected by the law on the grounds of public policy and special privileges are respected concerning communications between them.

1. Attorney and Client

- (a) Based on the public policy that encourages defendants to talk freely with their attorney, knowing that his service and counsel and the contents of their discussion will remain secret.
- (b) Only the client may waive this privilege, not the attorney.
- (c) The privilege extends only to communications, written or oral, for the purpose of obtaining professional advice.

2. Husband and Wife

- (a) Based on the social policy to promote and encourage confidences between husband and wife and for the preservation of marital harmony.

- (b) The communication must be intended to be confidential.
- (c) A third party who overhears the communication may, generally, testify as to what he heard.
- 3. Clergy and Penitents
In a majority of the States, communications made on spiritual matters in pursuance to church discipline are privileged.
- 4. Physician and Patient
 - (a) Where this privilege is recognized, the communication must be confidential, i. e., it must come to the doctor's attention in connection with his treatment.
 - (b) To qualify for the privilege, the purpose of the treatment must be a lawful one.
- 5. Informants
 - (a) Defendant is not entitled as a matter of right to know the name of the one who gave the information which started the prosecution.
 - (b) Where this information is essential to the defense, the informer must be revealed, e. g., where the defense turns on the good faith of the police officer.

V. The Hearsay Rule

A. In General

1. Hearsay evidence is testimony, oral or written, of a statement made out of court which is offered to show the truth of the matters asserted in court and thus results for its value upon the credibility of the out-of-court asserter.
2. More simply, it is evidence given by a witness which consists of what he heard another person say about some fact in issue which the latter observed, or heard about, and of which the witness in court has only second-hand knowledge.

B. Objections to Hearsay Evidence

1. The person who made the statement out of court usually did so without being under oath as a witness in court has to be. Thus, he felt no obligation to speak the truth and had no fear of being prosecuted for perjury.
2. There was no opportunity to cross-examine the absent person who made the out-of-court statement and expose his faults in perception, memory, and veracity.
3. The demeanor of the person who made the out-of-court statement could not be observed or credibility judged.
4. The witness in court repeating the out-of-court statement might do so inaccurately.

C. Exceptions to the Hearsay Rule

There are numerous exceptions to the hearsay rule, but many are concerned only with evidence in civil trials. These exceptions are justified on the grounds of a special necessity to the interests of justice and because they contain inherent guarantees of trustworthiness.

D. Confessions and Admissions

1. A confession is an express acknowledgement of guilt by the defendant, oral or written, completely admitting his commission of the crime charged.
2. An admission is something less than a confession. They are merely statements from which guilt may be inferred, e.g., admitting to being in the area of the crime at a particular time.
3. Judicial confessions are those given in court and under oath. Extra-judicial confessions are those which are not given in court.

E. Dying Declarations--the elements:

1. The declaration must only concern the circumstances surrounding the victim's death and may include the name of the assailant.
2. The victim must know that he is dying and give up all hope of recovery. (This may be shown by circumstantial evidence.)
3. The victim must die. The fact that the victim may linger for some time after making a dying declaration does not render it inadmissible.
4. It may be given in any manner, i. e., it may be oral, written, by a nod of the head, or in any manner that the victim is able to communicate.

F. Business Entries

Regular entries made in the routine of a business upon the personal knowledge of the recorder and entered at or near the time of the transaction recorded, as a record of original entry, is admissible when the recorder or his informant is unavailable.

G. Past Recollection Recorded

1. A witness may testify from a memorandum of a past transaction, although he has no independent recollection of the facts and circumstances, and although a consultation of the writing fails to recall a distinct recollection to his memory.
2. It is sufficient if he testifies that he once knew the facts and that the memorandum of them, which he knew to be correct, was made at the time or soon after they occurred. It must have been made by the witness or at his direction.

H. Present Recollection Refreshed (Revived)

Allows the use of memorandum to refresh the memory of a witness where the witness, after consulting it, can testify to the facts to which it relates from an independent recollection. (e.g., a policeman's notes)

I. RES GESTAE--a Latin expression meaning "things done" or, simply, "the event which has occurred."

1. Where there has been a startling or unusual event sufficient to produce a spontaneous and instinctive reaction, during

which interval certain statements are made under such circumstances to show lack of forethought or deliberate design, such statements explaining the event are admissible.

J. Former Testimony

1. Where a witness who testified at a former trial dies, becomes insane before the later trial, is out of the jurisdiction, or is kept away by the opposing party, his former testimony is admissible at the later trial.
2. In the second action, the parties must be the same and the issues also must be the same as in the first trial.

K. Public Records

Official records and written reports of a public nature, e. g., judgements of the court, jail records, marriage licenses, weather reports, etc., which public officers are required to keep, of transactions occurring in the course of their public duties are admissible in evidence as proof of the facts which they record.

L. Reputation

A witness may testify to the reputation of the defendant in the community where the defendant lives. Such testimony may cover evidence of personal character, particularly to prove the character of a witness for veracity, and the character of an accused for the trait involved in the crime on trial; the location of the boundaries of land; and matters of public interest.

VI. The Best Evidence Rule

1. This rule pertains to documentary evidence.
2. In proving the contents of a written document, the best evidence, i. e., the original document, must be produced or its absence must be explained.
3. If the document itself is unavailable, the court may permit the introduction of secondary evidence, i. e., a copy of the original.

VII. Real Evidence

1. The evidence of tangible physical things is often referred to as demonstrative evidence, physical evidence, objective evidence, or autoptic evidence.
2. Examples of such evidence include guns, fingerprints, tracks, blood, photographs, maps, crime scene sketches and handwriting specimens.
3. Real evidence may be direct or circumstantial.
4. It must be properly identified, carefully preserved, and the chain of custody maintained to forestall tampering. It must be verified as correct by testimony in court.

OTHER AGENCIES I
"Federal"

The Local Law Enforcement officer on many occasions handles cases which develop into violation of Federal Law. It behooves us to know the proper agency to call upon in such cases. These programs will provide general background information on different federal agencies.

I. The United States Secret Service

- A. The U.S. Secret Service is a bureau of the Treasury Department with headquarters in Washington, D. C., and with offices in cities throughout the United States. It was established in 1865 for the express purpose of stopping widespread counterfeiting of this Nation's currency.
- B. In its early years the Secret Service was the principal general law enforcement agency of the U.S. Government and its members were called upon to perform a great variety of missions and to conduct numerous investigations which were later assigned to other agencies of the Government. These investigations included the infamous Teapot Dome Scandals, the Ku Klux Klan, Government Land Frauds, and uncovering espionage activity during the Spanish American War and World War I.
- C. All Special Agent applicants are the subject of a thorough medical examination and a full field character investigation, and if appointed, receive a "Top Secret" security clearance. Special Agent training includes comprehensive courses in protection techniques, criminal law, criminal investigative procedures, use of scientific investigative devices, document and handwriting examination and analysis, self-defense, first aid, lifesaving (swimming), and use of firearms. In addition, agents receive instructions in atomic, biological and chemical warfare.
- D. The duties of the Secret Service are described in the United States Code, title 18, section 3056. The principal duties are:
 1. Protection of the President of the United States, the members of his immediate family, the President-elect, the Vice-President or other officer next in the order of succession to the office of President, The Vice-President-elect, and protect the person of a former President and his wife during his lifetime and the person of a widow and minor children of a former President for a period of four years after he leaves or dies in office, unless such protection is declined.
 2. Detection and arrest of persons engaged in counterfeiting, forgery, or alteration of currency, checks, bonds, and other obligations of the United States and of foreign governments. This also includes violations concerning the manufacturing, sale and use of tokens, slugs, devices, paper, or other things

similar in size and shape to any of the lawful coins or other currency of the United States.

3. Investigation of violations of the Government Losses in the Shipment Act, and the Gold Reserve Act.
4. Personnel security and Federal Tort Act investigations for designated bureaus of the Treasury Department.

E. Protective Responsibilities

After the assassination of President McKinley at Buffalo, New York, in 1901, the Secret Service was detailed to protect President Theodore Roosevelt. As a matter of interest, legislation wasn't passed for this protective function until 1906 when Congress officially authorized the Secret Service to protect the President of the United States (Sundry Civil Expense Act for 1907).

This responsibility was extended in 1913 to include the President-elect, in 1917 to the members of the President's immediate family and in 1951 to the Vice-President of the United States upon his request. In 1962 Congress authorized the protection of the Vice-President without requiring his request or the other officer next in the order of succession to the office of the President and extended the law to provide protection for the Vice-President-elect. The law was extended in 1965 to protect the person of a former President and his wife during his lifetime and the person of a widow and minor children of a former President for a period of four years after he leaves or dies in office, unless such protection is declined.

F. The White House Police

The White House Police Force is supervised and directed by the Director of the Secret Service. These uniformed officers are charged with the protection of the Executive Mansion and grounds in the District of Columbia, also with any building in which White House offices are located and with the protection of the President and members of his immediate family. Members of the White House Police also receive special training in many fields.

G. Other Protective Assignments

In December, 1941, the Secret Service was chosen to safeguard the originals of America's priceless historical documents, including the Declaration of Independence, the Constitution of the United States, the Gutenberg Bible, Lincoln's Second Inaugural Address, and the Lincoln Cathedral copy of the Magna Carta. Under Secret Service protection, these famous documents were taken from the Library of Congress in Washington to a place of safety and were returned to Washington by the Secret Service near the war's end.

The Service was also in charge of protecting the United Nations Charter when it was moved in April, 1945, from San Francisco to the State Department in Washington, D. C.

The most recent protective assignment of this type, by request of the President of the United States, was safeguarding the priceless painting "Mona Lisa" by Leonardo Da Vinci, during its stay in the United States from December 1962 to March, 1963.

H. Counterfeiting

Early in the Civil War it was estimated that about one-third of all the currency in circulation was counterfeit. At that time U. S. currency was printed by various banks in hundreds of different designs, and it was not until 1863 that the United States adopted a national currency and issued U. S. Notes, commonly called "greenbacks." This national currency was quickly counterfeited and the counterfeits circulated so extensively that the government was compelled to take steps to protect its money; thus, the birth of the U. S. Secret Service.

Counterfeiters were arrested by the hundreds, and gradually the Secret Service brought the crime under control. Today practically every American accepts and pays out money without once stopping to think that it might be counterfeit. While this confidence is a tribute to the work of the Secret Service, it is also an asset to the counterfeiter. Unfortunately many people are still victimized by passers of counterfeit money because the public pays so little attention to the currency they handle.

Secret Service tactics in suppressing counterfeiting include not only intense investigations and the use of improved modern enforcement techniques, but also the education of the potential victims of the counterfeiter. On the theory that an informed public is a strong foe of the underworld, the Secret Service seeks constantly to show the average person how to detect counterfeit money and what to do about it.

I. Forgery

The Secret Service investigates the forgery of all U. S. obligations. Thousands of Government checks fail to reach the people entitled to them because the checks are stolen and cashed by thieves posing as rightful owners. Every year hundreds of forgers are arrested by Special Agents of the Secret Service.

II. The United States Treasury Department--Alcohol and Tobacco Tax Div.

A. Organization and Functions

The Alcohol and Tobacco Tax Division is part of the Internal Revenue Service, U. S. Treasury Department. The Director, Alcohol and Tobacco Tax Division, is responsible for the administration and enforcement of all internal revenue laws and regulations relating to distilled spirits and other beverages and products having

an alcoholic content, and to cigars, cigarettes, and cigarette papers and tubes. He is also responsible for the administration of the National Firearms Act, the Federal Firearms Act, the Liquor Enforcement Act of 1936, the Federal Alcohol Administration Act (which relates to interstate and foreign commerce in distilled spirits, wines, and beer), and several other related laws.

The National Office of the Alcohol and Tobacco Tax Division is located in Washington, D. C., and contains five branches: Permissive, Enforcement, Tobacco Tax, Basic Permit and Trade Practice, and National Office Laboratory. In addition, the Division has seven regional offices in the United States, each headed by an Assistant Regional Commissioner who supervises Alcohol and Tobacco Tax activities within those regions. Branch offices, each headed by a Supervisor in Charge, are located in each region.

Regional Alcohol and Tobacco Tax offices contain three branches: Permissive, Enforcement, and Laboratory. The function of the Permissive Branch is to regulate and supervise the legitimate production and distribution of liquors and alcoholic products, and the industries engaged in the handling of cigars, cigarettes and cigarette papers and tubes, and to encourage the highest possible degree of voluntary compliance with the laws and regulations governing production and distribution of these products. The Enforcement Branch has to do primarily with the suppression of the nontaxpaid liquor traffic and illegal traffic in firearms. This involves the detection of violations, apprehension of offenders, seizures of contraband and means and instruments used in the commission of crimes, and the obtaining of evidence sufficient to sustain convictions. The Laboratory Branch analyzes products of the legitimate industry, as well as products illegally produced. The Branch also performs analytical work for other divisions of the Internal Revenue Service and examines and analyzes samples of drugs and narcotics for the Bureau of Narcotics.

B. Enforcement Activities

The headquarters office of the Enforcement Branch in Washington is under the supervision of a chief, who, together with his staff, supervises all enforcement activities in the headquarters office and all regional offices.

The duties of an Investigator include seizing and destroying illicit distilleries, stopping, searching and seizing vehicles transporting the nontaxpaid products, apprehending violators, and perfecting cases for criminal prosecution. Unfair competition and unlawful practices on the part of the legitimate industry are investigated under the authority of the Federal Alcohol Administration Act. Violations

of the Federal Firearms laws are investigated, and retail liquor dealers are periodically checked to prevent the refilling of liquor bottles with a brand other than that appearing on the label.

As a part of an all-out drive against illicit distillers, three highly successful enforcement programs were inaugurated in 1957. These are:

Major Violator Program - The objective of this program is to identify, apprehend, and successfully prosecute both liquor and firearms law violators who represent the greatest threat to the revenue in their particular area of operation. Investigative effort is concentrated on the perfection of criminal cases against the principals or financial backers of such groups.

Known Defendant Seizure Program - This program emphasizes the extension of preliminary investigations and the planning of raids so that the number of arrests per seizure is increased.

Preventive Raw Materials Program - This program is designed to shut off sources of supply of sugar and other raw materials essential to the production of nontaxpaid spirits.

III. Bureau of Narcotics and Dangerous Drugs

- A. The Federal Bureau of Narcotics and Dangerous Drugs was formed on April 8, 1968, as a result of the merger of the former Bureau of Narcotics under the Treasury Department and the Bureau of Drug Abuse Control under the Food and Drug Administration, Department of Health, Education and Welfare.
- B. The principal objectives of this Executive Reorganization are efficiency of law enforcement, conservation of Agents' time, and centralization of information and authority for the total dangerous drug control area. The new Bureau is now under the Justice Department.
- C. In order to efficiently curb drug abuse, it is essential that enforcement agencies at all levels--Federal, State, County, and City--unite and coordinate their activities. The Bureau of Narcotics and Dangerous Drugs has many programs set up with these various agencies, some of which are:
Education Programs such as:
 1. Two-week National schools for Local Law Enforcement Officials on narcotics and dangerous drugs.
 2. One-day seminars set up locally by the Bureau in various cities throughout the District area covered.
 3. Joint enforcement programs such as the Federal-State Drug Accountability Program whereby the states cover the retail drug stores and the Bureau covers manufacturers, wholesalers,

and distributors under the record-keeping and illegal sale sections of the State and Federal laws.

4. On the job training and enforcement with Federal agents working with State and local agents and officers in actual investigations.
5. Exchange of information including leads on illegal peddlers and diverters of drugs.
6. Loan and exchange of equipment including training aids, educational films, literature, etc.

OTHER AGENCIES II
"Federal"

I. The United States Department of Justice
Federal Bureau of Investigation

A. Origin

The FBI was originated in 1908, when Attorney General, Charles Bonaparte, directed that Department of Justice investigations be handled by a small group of special investigators. In the following year the name "Bureau of Investigation" was given to this group.

The organization grew gradually during the succeeding years. The World War I Selective Service Act and espionage laws brought new duties. Then the National Motor Vehicle Theft Act (now the Interstate Transportation of Stolen Motor Vehicle Act) was passed in 1919 to curb the transportation of stolen automobiles from state to state.

In 1924, Attorney General, Harlan F. Stone, who later became Chief Justice of the United States, appointed 29-year-old J. Edgar Hoover as Director of the Bureau.

B. Services

1. Laboratory--The FBI laboratory was established in 1932. Since that date, the Laboratory has conducted nearly 3 million examinations of evidence. An expert staff of dedicated scientists and technicians compare handwriting specimens, compare markings on bullets, examine explosives, hairs, fibers, bloodstains, and conduct thousands of other examinations. From small flecks of paint or particles of shattered glass taken in a hit-and-run accident, FBI Laboratory experts can often determine the make or model of the car involved. They can tell whether a particular hammer was used in breaking a safe dial, or whether a particular pair of pliers cut a given piece of wire.

Since the FBI is a fact-finding and fact-gathering agency, its investigations are as important in clearing the innocent as in convicting the guilty. In many instances where circumstantial evidence has pointed to innocent persons, scientific findings of the FBI have cleared them.

In this laboratory, the spy, saboteur, murderer, extortionist, bank robber and kidnaper are all trapped by the findings of science. Not only are these facilities used by the FBI in its work, but they are available to local law enforcement agencies without cost.

2. Identification--The FBI's Identification Division contains over 180 million sets of fingerprints--the largest collection in the world. Millions of these prints are from the armed services. In World War II and during the Korean conflict, the number of

unknown dead among frontline soldiers was greatly reduced because every man and woman in the Army, Navy, Marine Corps, Air Force and Coast Guard had fingerprint records filed with the FBI. Since fingerprints offer the only known means of positive identification, the value of this collection to the American people is beyond calculation. It frequently is responsible for the identification of amnesia and disaster victims. These files contain many touching stories of broken family circles which have been mended through the assistance of fingerprint records.

Fingerprint records on lawbreakers are filed in a section separate from others. Arrest records for over 16,500,000 persons are contained in the fingerprint files. An average of about 1,880 wanted criminals are identified monthly as their fingerprints are checked through the files, and there are about 73,000 persons on whom wanted notices are posted at all times.

This identification clearinghouse serves law enforcement agencies throughout the country. Approximately 28,000 fingerprint cards are received each day for processing. A special filing system has been set up to record the single fingerprints of notorious criminals. Fugitives who a few years ago fled from state to state to escape detection now find themselves identified no matter where arrested. Any police agencies listing a criminal as "wanted" are immediately notified when the fugitive is located.

C. Jurisdiction

Charged with the duty of investigating violations of the laws of the United States and collecting evidence in cases in which the United States is or may be a party in interest, the FBI functions as a purely fact-gathering agency. It does not evaluate, adjudicate or prosecute cases. The facts in a case, determined through investigation, are presented to the government's lawyer, called the United States Attorney, who is charged with the responsibility of determining whether prosecutive action is warranted. He is the individual who authorizes the issuance of a warrant which is executed when FBI Agents apprehend the subject. If the arrested person pleads not guilty, the Agent who investigated the case will frequently be called upon to testify in court regarding his findings.

Still another investigative duty of the FBI is to conduct many applicant-type inquiries each year concerning individuals who are being considered for government positions. The FBI is performing a service function and the information is reported without opinions and with no recommendations of any kind. It is important to remember that the FBI is not empowered to issue any type of clearances for either public or private employment.

The voluminous files of the FBI are strictly confidential and

are available only for official government use. It is vitally necessary that these files remain inviolate, for to release them to public view would cause irreparable damage and injustice. A considerable portion of the data in the FBI's possession was furnished with the understanding that it was to be held in confidence and that the identity of the individual furnishing the information would be fully protected.

II. The Postal Inspection Service

- A. The Postal Inspection Service is the oldest Federal investigative agency in the United States. It precedes the Declaration of Independence by approximately 39 years. The first postal inspector of whom there is any record was Benjamin Franklin, who at the time he was appointed postmaster at Philadelphia, Pennsylvania, in 1737, was given additional duties by the Deputy Postmaster General for the Colonies of "Regulating the several post offices and bringing the postmasters to account." Benjamin Franklin visited the various post offices and made investigations, many similar to those we make today. In 1772 the position was titled "Surveyor." On March 6, 1801, it was changed to "Special Agent." In 1830, the title was changed to "Office of Instructions and Mail Depredations." On June 11, 1880, the title was changed to "Post Office Inspector." In 1954 it was changed to "Postal Inspector."
- B. There are approximately 60 Federal statutes known as Postal Laws in which the Postal Inspection Service has primary jurisdiction. In Fiscal Year 1967, 54% of our total time was used on criminal investigations. During that year, we made 13,734 arrests. Our conviction rate, based on all cases coming to trial, stands at 99%. Some of the more frequent violations with which we are concerned are depredations upon the mails, burglary, embezzlements, tampering with the mails, mail fraud, obscene matter, scurrilous defamatory matter, mailing of bombs, poisons and extortion letters, which relate to threats to injure the reputation or to accuse any person of a crime. Of the many types of postal crimes, the most common is theft of letters containing checks from house and apartment mail boxes. The greatest hardship falls on those whose credit in the neighborhood depends upon the prompt receipt of their checks--elderly people on pensions, the unemployed, and the handicapped.
- C. Cooperation and coordination are bywords in the Postal Inspection Service. For example, where U. S. Treasury checks are stolen, investigation is coordinated with the Secret Service. When the mails are used to transport drugs, inspectors and narcotics agents pool their information and efforts. When a violation of State or local law is involved along with the violation of Federal Law, postal inspectors work with State and local police.

Post office burglaries are increasing at a rapid rate. The majority of break-ins used to be in smaller post offices, often the country store type. Today the target is the big city post office with its larger supply of cash, blank money orders, valuable mail and postage, which can be fenced at bargain prices. The number of blank money orders stolen annually shows the face value up to \$3,000,000. We are constantly expanding in our investigations of mail fraud. This crime might conveniently be termed "cheating and swindling," through the mails, but the mail fraud statute is technical in some respects and does not cover every instance wherein someone loses money in a transaction in which the mails were used. Many of these frauds that do come under our statute are aimed at the homeowner. For example, in current operation is the so-called "referral plan" of tricking thousands of housewives into signing over-priced purchase contracts for vacuum cleaners, inter-com systems and other products. The sellers promise that commissions to be paid the housewife for referring other potential customers to the promoters will more than pay for the product. The obtaining of credit cards by fraud and the fraudulent use of credit cards are considered to be under the mail fraud statute. Local police authorities who receive complaints from the public bearing on postal law violations may turn the complaint over to any postal inspector or send it to the Postal Inspector in Charge, P. O. Box 4327, Atlanta, Georgia, 30302, or the complainant may be referred to us in the same manner. Our headquarters office in Atlanta can be reached by telephone at Area Code 404-688-3517, Ext. 231. Our night and Sunday number is Area Code 404-688-5580. Any postmaster will be happy to assist local police in contacting the nearest postal inspector or our division headquarters.

Many types of complaints, such as extortion, where the pay-off may be only a day or so away or perhaps even hours, require prompt attention. We can always arrange for a postal inspector to participate in this type of investigation.

- D. In the area of mail fraud, it would not be practical to cover all features of the law on this program, and therefore, it is suggested that any complaint having the appearance of mail fraud be turned over to us for detailed examination. The same is true of complaints covering obscenity in the mails or pornographic material. Frequently, complaints of this nature connect with investigations already under way by postal inspectors.

Local and state police frequently contact our Service to inquire about their authority in making investigations of persons who have custody of U.S. Mail, such as truck drivers operating on star routes. The best procedure is for local authorities to contact a postal inspector and we can arrange for whatever cooperation is needed.

Officers must bear in mind that they are not authorized to open mail pouches or sacks or otherwise interfere with the passage of the mails. This does not mean that any person in charge of the mail has a right to avoid questioning by officers nor can he use his position to carry contraband, liquor, or anything else in such categories. Incidentally, routine stopping or questioning of mail truck operators in connection with traffic inquiries, traffic violations, etc., are not considered as "delaying the mails."

The regulations of the Post Office Department provide that postal personnel operating vehicles or equipment are to obey the rules and regulations for operators issued by the Department, Region or local authority and the traffic laws and ordinances of the State and community.

- E. Questions are frequently asked concerning the propriety or legality or censorship of mail in prisons, security institutions, etc. The general rule is that once mail has been delivered to the authorities at an institution it is no longer under the jurisdiction or responsibility of the Post Office Department. Whether a prisoner has been convicted or just awaiting indictment or trial does not alter the Post Office Department's position. Any question relating to the legality of mail censorship by prison officials is one to be determined by the courts; it is not a question to be determined by the Post Office Department. Letters prepared for mailing by prisoners or inmates do not come under the jurisdiction of the Post Office Department until they are placed into the U. S. Mails. Many questions are raised concerning Federal jurisdiction over crimes committed in postal facilities. There are generally four possible situations as to jurisdictional status and in view of this unsettled jurisdictional status with respect to Federal post office property, specific instructions would not serve any useful purpose. In order to be certain, it is necessary to determine the status of each Federal post office from the Federal Records in Archives. If at any time we can assist police officials in any question relating to jurisdiction in Federal postal buildings, we will be glad to do so.
- F. A great many post offices are not Federally owned but instead are leased from private ownership. These buildings or other facilities consequently are not Federal reservations as such and local authorities do have jurisdiction, except as to postal offenses. For example, theft of mail from a post office box, assault upon a custodian of mail, embezzlement, etc. An assault by one postal patron upon another, committed in the lobby of leased postal facilities, would be a crime under local or state law.

- G. Local or state authorities are authorized to serve warrants and make arrests within certain limitations in Federally owned or leased post office buildings. This is permitted so as to prevent such a building from becoming an asylum for fugitives from justice. However, in minor crimes and traffic offenses, the Post Office Department would be justified in refusing to permit a postal employee to be removed from the premises if the employee could not be replaced. This would not pertain in cases of serious crimes, especially felonies. It is presumed that upon proper showing to the local authorities that the services of process in post offices may be detrimental to the postal service, the local authorities likely would cooperate by serving and executing such processes at times and places that would cause the least disruption to the postal service. Generally, it is the custom for the process server to go to the postmaster's office and the postmaster will then call the employee to the office where service is made. Again, if at any time police authorities have difficulty in this area, we will be glad to assist them. Our division headquarters office is located in Atlanta, Georgia. We serve the States of North Carolina, South Carolina, Georgia and Florida. Inspectors are stationed in the following cities in Georgia: Albany, Athens, Atlanta, Augusta, Columbus, Gainesville, Macon, Rome, Savannah, Valdosta, and Waycross.

III. United States Treasury Department--Customs

- A. The present Constitution of the United States became effective March 4, 1789. The Second Act of the Constitutional Congress was passed July 4, 1789, and provided for duties on imported merchandise. That is where the present Customs Service had its beginning. It even predates the Treasury Department of which the Bureau of Customs is now a part.

The entire Bureau of Customs has about 10,000 employees and the investigative and enforcement arm, the Office of Investigations has less than one-tenth of the entire force.

In the field this investigative arm is known as the Customs Agency Service. In all there are about 300 Customs Agents who are responsible for all field investigations and 450 to 500 Customs Port Investigators who handle most of the enforcement activities in Seaports International Airport. There are Customs Agency Service Offices in all major seaports and border stations as well as seven foreign offices.

- B. The Customs Agent's investigative responsibility covers a broad field of violations and administrative matters embracing 30 different case classifications. However, the heaviest concentration of investigations is in four areas: Of course, smuggling of narcotics (including Marijuana) and other merchandise such as liquor, jewelry, gold, etc.; fraud which involves undervaluing and false invoicing of

merchandise usually commercially; personnel investigations, the Customs Agency Service does all its own background character and security investigations as well as dereliction investigations; and petitions for relief.

In Fiscal Year 1967, the total number of all investigations was 26,993; the total of all arrests, 3,374. There were 9,012 seizures (excluding narcotics and Marijuana) valued at \$63,703,665. The real shocker comes in the seizure of smuggled Marijuana and Heroin. In Fiscal Year 1967, there was a total of 26,313 pounds of Marijuana seized. But in the first eight months of Fiscal '68 we have made 1,331 seizures totaling 48,283 pounds. In Fiscal '67, we seized 35,323 grams of smuggled Heroin.

- C. Customs agents are interested in any information concerning any known or suspected violation having to do with imported merchandise. With the tourists both American and foreign running into the millions and the violators large and small mingling in with the millions, it's a big job to do with less than a thousand men; so we need all the help we can get from the police at all levels and from the good citizens at large.

OTHER AGENCIES III "State Agencies"

On many occasions, the local law enforcement officer comes into contact with agencies of the state that are closely akin to law enforcement or officers that enforce special laws. These agencies can be of significant assistance to the local officer on certain cases. They are ready to assist the local officer whenever possible and it behooves you to know where and in what instances to call upon them.

- I. Georgia Department of Family and Children's Services
 - A. Programs and services are designed to reach troubled children, to find solutions to their problems of mind, body, and spirit, to give these troubled children a positive perspective of their own worth and capacity as individuals and rescue them from becoming liabilities to society.
 - B. Services Provided
 1. Child Welfare--designed to supplement or substitute for the care normally given by parents.
 2. Unwed Mothers--provides for good care in licensed maternity homes. Provides counseling for the mother and planning for the child.
 3. Protective Services--protection of children from abuse or neglect.
 4. Foster Care--provides foster care for children who cannot live at home.
 5. Adoption--adoption is one of the most rewarding services. Places infants or children who have no suitable home with adoptive parents.
 - C. Licensing
 1. The Children & Youth Act gives the State Board for children and youth the responsibility for establishing minimum standards for child-caring facilities.
 - (a) Children's institutions
 - (b) Day-care centers
 - D. Court Services
 1. Local services for juvenile offenders
 2. Cooperation between court, probation, welfare and institution
- II. Georgia Department of Revenue--Alcohol Tax Unit
 - A. The Revenue Department Income Tax Division Controls state income tax, sales tax, and motor fuel tax.
 - B. The Revenue Department's Alcohol Tax & Control Unit is primarily concerned with enforcement in a controversial area. Control of the illegal and legal whiskey within the State.
 1. The largest unit is the Alcohol Tax Unit and it is charged with destroying moonshine stills, tracking down and arresting bootleggers and raiding unlicensed establishments.

2. The Revenue Agents represent the State in the Police Service Agency, which when called upon during emergencies augments the Georgia State Patrol and other agencies on both state and local levels.
 - C. The State Revenue Agents need your assistance to control illegal moonshine, for only through cooperation can success be found. The Department of Revenue will assist you in your training or help you with a local moonshine problem.
- III. The Georgia Game and Fish Commission
- A. Created on September 1, 1911, to enforce the state conservation laws.
 - B. The first employees were conservation officers or "game wardens." The Commission now employs game biologists and fish biologists, and the staff has grown to 350 employees that include some of the nation's finest technical people.
 - C. Duties of the Commission
 1. Boating safety
 2. Firearm safety
 3. Land procurement
 4. Public stream access
 5. Shellfish propagation
 6. Hunting and fishing