

# *American Society of Criminology*

Editor:  
Deputy Police Commissioner Howard R. Leary  
Room 225 City Hall, Philadelphia, 7, Penna.

## **NEWSLETTER**

*Dear Member:*

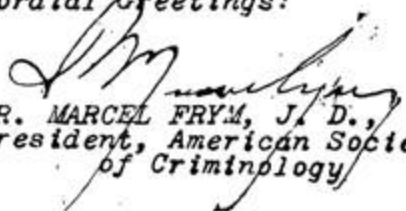
*Our membership drive has been making great strides and I am very pleased with the number as well as with the caliber of people who have joined our ranks. Names of international fame are among them.*

*The preparations for our annual meeting, which will take place in Chicago, Illinois on the 28th and 29th of December, in the framework of the annual convention of the American Society for the Advancement of Science, are progressing very satisfactorily. Our program chairman and new Eastern Vice President, Professor Donal E. J. MacNamara, Director of the New York Institute of Criminology, has completed a challenging schedule, and we expect leading authorities in the fields of criminology as well as of the behavioral sciences to be our featured speakers.*

*Finally, I am working on our plans to call an International Congress of Criminology for the Fall of 1961 here in the United States and I have already obtained statements of enthusiastic support from high governmental officials and other interested parties as well as from the leaders of foreign scientific organizations in the field of criminology.*

*I urge all of you to support us in our membership drive and to come to Chicago to our Annual Meeting.*

*Cordial Greetings!*

  
DR. MARCEL FRYM, J. D.,  
President, American Society  
of Criminology

## IN MEMORIAM: CAPTAIN DON L. KOOKEN

*Don L. Kooken, known to police authorities throughout the country as Captain Kooken, the title he attained in the Indiana State Police, in which he organized and directed the first police recruit training school, passed away on May 27, 1959. The career of a man who rose from timber cruiser to one of America's foremost crime detection experts and head of the Police Administration Department of Indiana University ended when he died in the U. S. Veterans Hospital at Marion, Indiana. Ill for several months, Professor Kooken had retired from his post as Associate Professor of Police Administration at Indiana University on May 1, 1959.*

*A veteran of police administration before he moved into the academic world, Kooken was born April 21, 1891 in Garrett, Indiana. He was a First Lieutenant in the United States Army in World War I, after having been engaged in building construction and as a timber and mineral cruiser in the Canadian Northwest. Following the war he was clerical worker for the Baltimore and Ohio Railroad.*

*Entering the crime detection field, he joined the U. S. Treasury Department Intelligence Division in 1925, and then became a member of the famous "Secret Six", organized by the Chicago Association of Commerce to rid the city of prohibition era crime. He was the last surviving member of this group which was instrumental in bringing the notorious Al Capone to trial for tax fraud.*

*Captain Kooken served in the Indiana State Police from 1934 to 1946 when he resigned to become Assistant Director of the Institute of Criminal Law Administration at Indiana University. Reorganizing the Institute into the Department of Police Administration he served as Assistant Professor, Associate Professor and in 1949 to 1956 he served as Chairman of the Department of Police Administration. From 1947 to 1955 he was the University's Director of Safety.*

*He was frequently called upon to aid police schools and departments as a lecturer and consultant. In 1954 he went to Puerto Rico to conduct a criminal investigation training school for the Island government's Treasury Department. He lectured at the Southern Police Institute, the Northwestern Traffic Institute and other police schools on numerous occasions.*

*Captain Kooken was a member of many police organizations and as such he was asked many times to give the inside stories of the downfall of the Capone gang in Chicago and the Sheldon gang of Southern Illinois. Captain Kooken was an inspiration and guiding light to those who knew him as a fellow police officer. He was instrumental in guiding the future of many young men into the field of modern policing while serving in his University post.*

*College trained career police officers and a standardized code of ethics for all law enforcement was the dream of this man who devoted the major portion of his life to policing. Before his death he was able to see many advances in the law enforcement field and foresee that all of his dreams and ideals would one day become a reality. Much is owed to this man and many will long remember him as a Policeman's Policeman.*

*By A. Robert Matt*

"A POLICE ADMINISTRATOR LOOKS AT POLICE-COMMUNITY RELATIONS"

HOWARD R. LEARY  
Deputy Commissioner  
Philadelphia Police Department

Before the  
POLICE-COMMUNITY RELATIONS INSTITUTE  
Michigan State University  
East Lansing, Michigan  
May 28, 1959

Community Relations should function as a radar scope scanning the community and detecting the comments, criticisms, and feelings of the people.

This must be done with a sensitivity that records and reports this information in a way that the Police Administrator receives it untarnished and undistorted.

These truths are utilized as a barometer of necessary adjustment.

The Police Administrator must recognize the truisms of criticism of deplorable customs and practices of the past, when unbridled force and threats held sway such practices, must today be replaced with suggestion and persuasion.

Our every word and deed must be aimed at molding public opinion. Every word spoken, every act performed must be planned in anticipation of the criticism of tomorrow.

The more complex our society, the closer we are together; the more important it is that we do and say the right thing. Our decisions must be based on what the public deserves and wants. It is not only to our advantage that the public be reliably informed, but it is our obligation and duty to see to it that they are.

The apparent apathy, indifference, hostility, and disfavor that we too often find within our public today is the result of our indifference of yesterday.

It is not enough that we say to the public that we do not practice the "third degree method," that we no longer advocate or condone duress, or intimidation, or violation of civil rights. We must be ready and willing to show positive proof that such practices are not only forbidden, but when indulged in, result in quick and certain exposure, and disciplined results.

"There is not a crime, not a dodge, not a trick, not a swindle, not a vice, which does not live by secrecy. Get these things out in the open, describe them, attack them, ridicule them in the press and sooner or later public opinion will sweep them away." (Pulitzer Quote)

These words of Joseph Pulitzer were spoken over three-quarters of a century ago and there is no greater way to insure public security and public confidence.

Cannot Pulitzer's words serve us as the very beacon by which we guide ourselves in answering the demands for police leadership?

This is the key by which we can turn criticism into effective cooperation and mistrust into confidence.

"A public be damned" attitude on the part of the police has its basis in two injustices: - The first is actual wrongdoing by police; and the second is an ignorance or a lack of appreciation of human feelings and dignities.

The degree of permissiveness which creates and sustains such an attitude will

be exactly what the leader of the organization and every person from the very top to the lower levels allows it to be.

The determinant factor in the entire tone of the organization is the chief police administrator himself; for the organization reflects, with an amazing degree of fidelity, the attitudes and leadership displayed by him.

It is true that injustices such as these are the causes for criticisms directed towards us and it is even more true that the only antidote for these poisonous substances in the police body is TRUTH.

Critics and criticism must be viewed by police as a much-needed warning device to signalize that the department may be suffering from a minor or serious illness.

Contained in the persons of the critics themselves and in the criticisms to which they give voice very often is the necessary element of truth which supplies us with the remedy to cure our lack of public consciousness.

Police-Community Relations must not and dare not be hyphenated by today's progressive Police Administrator.

No longer is the Police Department apart from the Community, but rather it is a part of the community.

The objectives of the Police Department are absolutely identical with the objectives of the community. Any effect on the part of the community which falls short of recognition of this fact is, essentially, a vital contributory factor in any deterioration of what we have chosen to call, Police Community Relations.

The quality of the Police Department's philosophies, objectives, services and performances offered any community, is ultimately governed by what that community demands, and supports.

Such support must be forthcoming from the individual, as well as any militant group, not sporadically, but on a continuing basis, with the confidence of the community apparent at every bend of the road. It is not unusual to determine, after proper examination, that the failures or weaknesses of a Police Department, are really the shortcomings of the community itself. In general, we find that the wrong answers to the following questions may provide the key to this situation. For example - Might not the shortcoming of the community most likely occur in failing to supply an adequate budget, or in its lack of intelligent support of a progressive program of recruitment, selection and training of its Police personnel?

Is the political administration supporting its Police Department?

Is support forthcoming from the District Attorney? From the Courts? Are they in sympathy with the remedies for the community's problems?

This only shows that what perhaps must indicate upon first glance a breakdown in the Police Department, is really a breakdown of the community's support of its own welfare. The community and the individuals who comprise it, alone, can supply the answer to these questions.

The distance that lies between what the people say they expect from their Police Department and what they receive merits very close scrutiny. In line with this, I submit, that you must ask yourselves this question -

What is your community's "GAP QUOTIENT" - I repeat, WHAT IS YOUR COMMUNITY'S "GAP QUOTIENT"?

How wide is the gap separating the standards of police performance set by the public and the actual police performance which the community is willing to tolerate?

Does the community attend mass meetings and write burning letters full of indignation to the editor on traffic injuries and fatalities and then accept, without a murmur of protest, a system of ticket-fixing or haphazard traffic enforcement?

Does the community parade in righteous indignation on the evils of a particular taproom or roadhouse, but permit private clubs freedom from inspection and enforcement?

Does the community complain about inefficiency of patrolmen or of their lack of the "will-to-do"?

We must recognize that lack of community understanding and support of proper police policy and practice in areas such as this only widen the "gap quotient."

Now, it has often been said that efficient law enforcement depends upon public support and we can all agree on this. We must, however, say in all truthfulness, that the welfare of the community requires the support of its Police Department. We, as police administrators, dare not constantly point our finger toward others while closing our eyes to ourselves.

Why must we, as police, always keep pace with the turtle? Is this not the time to hasten our pace towards assuming the leadership which is ours by virtue of our position in the community? Can we not meet the standards and the ideals set for us by society?

Such things cannot be accomplished singly or independently without uniting the community's agencies and gaining its militant support --- and all of that is ours for the earning.

We must be ready to stop and listen without suspicion to the suggestions, and more important, to the criticisms of others.

The goodwill of the community must be our most important objective.

It matters not from whom the criticism may come - the first test is its validity. We should not be concerned with the motivation underlying a valid criticism - this is of little, or no consequence.

Valid criticism should be solicited and welcomed - yes even made comfortable!

This does not mean that we blindly accept, without proper evaluation, all criticism, but upon due objective examination, all criticisms which is found to be valid, must be admitted by us with proffered regret that such circumstances ever became a reality. Immediate steps must be taken to rectify the situation.

In this way we build up our defenses against baseless and unwarranted criticism.

The unwarranted criticism is far more difficult to cope with because of its very lack of substance and too often we must deal with it in an atmosphere of misunderstanding.

I submit, that this atmosphere of misunderstanding can well be eliminated by the department's proving to the public that it is ever-willing and eager to spotlight its own shortcomings.

This criticism should not be looked upon by us as undesirable and unnecessary. Without it we grow blind to our faults, unmindful of the needs of others, and calloused in our disregard of ordinary decency.

Defensive thinking and obstructionist tactics by us defeat our very reason for existence and the first strong wind of public opinion will strip us of community

support and understanding.

How does this work out in actual practice?

HERE IS THE PHILADELPHIA STORY.

We have what is known as:

#### THE MAYOR'S POLICE REVIEW BOARD

This Board is appointed by the Mayor to hear citizens' complaints of alleged police brutality and violation of Civil Rights.

The Board is composed of five members:

1. Professor Thorsten Sellin, University of Pennsylvania
2. Right Reverend Edward M. Reilly, Superintendent Philadelphia Catholic Schools
3. Clarence Pickett, Philadelphia Fellowship Commission
4. William Coleman, Esq.
5. William J. Ross

The Board, upon receiving a complaint, requests of the Department all reports pertaining to the incident. In addition, Inspector Ballard makes an independent investigation, and includes a report of his findings and recommendations (relative to the culpability of the officers involved.)

At a later date, a formal hearing is scheduled before the Board. At this time the complainant and the police officers are heard. The Board recommends appropriate disciplinary action if warranted.

For the past two years at the Greenfield Center for Human Relations at the University of Pennsylvania, under the directorship of Doctor Martin Chworowsky, there have been classes taught by Doctor Charlotte Epstein.

Two types of classes are conducted: one composed of policemen who would be the first assigned to tension situations and who would be confronted with the necessity of recognizing and adequately dealing with the problems inherent in such cases. The other is composed of selected personnel of varying ranks in the Department some of whom, having completed the course, and having demonstrated sufficient interest, insight and skill, with added training, would be capable of assuming an active part in any departmental educational program in intergroup relations.

The first group, which started had a very high anti-democratic score on the adaptation of the Authoritarian Attitudes Tests, showed a marked increase in the tendency toward democratic attitudes by the end of the term.

The second group started with less initial hostility and a lower anti-democratic score. Its final score showed an increase in democratic tendencies.

Some of the remarks made by all participants were:

"Our supervisors should sit in on these discussions."

"The course made me think about and analyze things I never did before."

"It gave me some doubts about ideas I always took for granted."

Dr. Charlotte Epstein's publication "Intergroup Relations for Police Officer" was used as background reading for the course.

Role playing, problem stories, rumor clinics, case studies, all were a part of the course.

Some of you have heard a session of the tapes of Dr. Epstein's course.

In addition, Inspector Ballard is giving a course in Intergroup Relations to Police Captains and Inspectors of the Department. Some of you have had the opportunity of hearing a recording of one of Inspector Ballard's sessions.

This type of training is presently in operation and, as planned, it will continue and expand until it reaches every man.

These two developments are comparatively recent - our story does not begin there -

Too much credit cannot be given to the role played by the Fellowship Commission under its Director, Mr. Maurice Fagan. If anyone could be called the friendly critic, counsellor, and guiding light - it is he and his organization, because they first brought to the attention of the Philadelphia Police the need for developing a Human Relations Squad for activating Police Community Relation Officers, and in addition, they formed a Committee on Community tensions in which the police play a real part.

We also have in our city the Mayor's Commission on Human Relations (a governmental agency) under the direction of Mr. George Schermer.

Mr. Schermer and the Commission on Human Relations have aided and assisted us in our racial tension problems - not in the office at the time of crisis - but on the street in the midst of turmoil, or in the house when the windows were being broken.

We must better attune ourselves to our community's needs and desires and understand that the people we work for have the right to make the rules by which we serve.

Daily we strive to be more progressive in the technical know-how but we also must strive to be as progressive in our thinking and relationships as they apply to humanity.

No longer may we remain defensive in our relations with the community, as police we must be as aggressive in creating good relations with the public as we are aggressive in our patrol and apprehension of criminal offenders.

Regularly our thoughts, techniques and practices should be exposed to the laboratory for tests - the laboratory of public opinion for inspection, examination, and recommendation. We must fervently follow the recommendations found from that laboratory analysis.

Police must more fully integrate themselves with the community toward the end that there should be a mutual responsiveness to the common good.

Let us think and perform in glass houses. The community will strenuously support what it sees.

There is no better way to mold public opinion than by saying "Do you have a better way?"

Public opinion, freely expressed, is one of the factors that balance governmental action and public welfare.

We must better prepare our policemen to perform their tasks in a far more complex society than that of, five years ago.

Every day there is less need and justification for the gun and the stick and a greater need for knowing and understanding people.

These facts tell us that the professional law enforcement officer needs more

training in Sociology, Psychology, and United States History, with emphasis on the Constitution and the Bill of Rights. These subjects are equally as important as Criminal Law, Evidence, Firearms instructions and the Motor Vehicle Code.

Equally significant, is the crying need for a well documented analysis of the needs of the individual community for police training in Intergroup Relations.

This is far too delicate and too important a facet of police operations to be approached with naive assumptions and foggy concepts. The Philadelphia Police Department, in concert with the Commission on Human Relations, has a committee on Police Community Relations Training to grapple with this problem.

At the present time a highly qualified firm of consultants is conducting extensive research and study with the objective of developing a course, specifically for Philadelphia Police, in Intergroup Relations. In addition, they will train selected police personnel for the task of conducting this course for every member of the Department.

#### SUMMARY

In closing, all police administrators, and every person, engaged in police work or closely associated with it, must develop the means whereby the inspiration, philosophy and human understanding, which has been a part of your course at this Institute, can be communicated to, and applied by, every police officer throughout the length and breadth of this country.

THIS IS OUR CHALLENGE!

#### REPORT ON POLICE MOBILE UNIT DEPLOYMENT

by  
Harold F. Holtz, Jr.

Field Work Assignment Report  
Fels Institute of Local and State Government  
University of Pennsylvania  
March 20, 1959

#### INTRODUCTION

The Philadelphia Police Department is responsible for handling many and diverse incidents. Basically, these incidents are separated into three main categories - Part I Crimes, Part II Crimes, and Services - with a number of sub-classifications in each category. Part I Crimes include all major crime in the City, (1) criminal homicide, (2) rape, (3) robbery, (4) aggravated assault, (5) burglary - breaking or entering, (6) larceny, - theft, and (7) auto theft. All other crime and violations are reported under Part II Crimes. A significant portion of police duty involves services which are of a nature not to be included in a criminal classification. These services include (1) hospital cases, (2) investigations, (3) lost and found property, (4) minor disturbances, (5) missing persons, (6) vehicular accidents, (7) reports from other departments, and (8) miscellaneous services. These divisions are made primarily as a statistical and reporting convenience to conform with the uniform crime classification system established by the Federal Bureau of Investigation.

Studies have been made of the three different categories showing the number of incidents in each category which occurred in each of the twenty-three police districts throughout the city. These studies gathered and classified statistical data concerning all the incidents, both criminal and non-criminal, handled by the Philadelphia Police Department in 1957. A fourth study has been made using these three studies to attempt to develop some basis for deploying police personnel in the City.



The purpose of this report is to attempt to correlate and analyze the data presented in the four previous reports with an ultimate view toward deriving some basis on which to deploy police mobile units in the city. Mobile units in this study include only cars and wagons. Presently, police mobile units are not deployed on the basis of any hard and fast formula. Rather, they are assigned on the basis of what the experience of the various police officers indicates to be the need in any given district as related to the overall needs of the city. Therefore, the deployment of police mobile units in Philadelphia is based on the best judgment of experienced police officers.

#### PRESENTATION AND ANALYSIS OF THE PROBLEM

The basic problem is to arrive at some formula for the deployment of police mobile units utilizing the data presented in the four previous studies. One phase of police activities in which mobile units play a major role, but which is not included in any of the four previous studies, is traffic violations. In 1957 there were 557,213 tickets issued for traffic violations. Of this number 335,380 were issued for parking violations. If one-half of the traffic violations were handled by mobile units and ten minutes were allowed for each violation, mobile units would be required to spend at least seven complete days of the year issuing tickets. Although this phase of police activity does take some time, it will not be considered in this study.

In attempting to derive some formula for deployment of police mobile units, there are two factors which must be given primary consideration. First, the number of incidents in a district must be evaluated. Although the protection of society against criminals is the fundamental duty of a police force, a very significant portion of police duty involves services. Therefore, a police department must deploy its mobile units not only to prevent crime and arrest criminals, but to perform the wide range of services that are demanded by the citizens of the community. It is interesting to note that in most districts as area increases the percentage of services in relation to the total incidents in a district also increases. The number of services performed by the Philadelphia Police Department are over five and one-half times as numerous as the number of criminal cases handled by this Department. Most of these services are performed by police personnel with mobile units. Thus, services are a very important consideration in deploying mobile units. Police mobile units should always be available, if possible, in case of emergencies. This will necessitate having more available mobile units in more densely populated districts.

The quality of police service and the success of many police operations are dependent on the suitability of utilizing mobile units. The core of the police purpose is to prevent unlawful acts. Crime and misconduct of any type under police control result from the co-existence of the desire to commit the misdeed and the belief that the opportunity to do so exists. If either factor is absent, criminal acts usually will not be committed. The belief that the opportunity exists might be lessened significantly by the patrol of mobile units. The number of mobile units needed in any area to prevent crime can only be arbitrarily designed. Complete saturation of a district with mobile units would probably be necessary to eliminate crime. This is not feasible either economically or efficiently. Thus, the affect of mobile unit patrol on crime prevention can only be arbitrarily decided.

The ranking of districts in Table II gives a clear picture of the direct relationship between population density and incidents, but no correlation with area. This shows the difficulty which presents itself when an attempt is made to develop a formula for the allocation of mobile units in each district. The allocation of mobile units according to a formula is impossible unless incidents and area can be reconciled. These rankings may fail to present a clear picture of the actual situation. For example incidents is roughly 21,000 incidents, while the numerical difference between eighth and thirteenth is roughly 3,000. Therefore, these rankings may be somewhat deceiving.

Some figures presented in this report do not present a clear picture. In developing certain tables the total area at each police district was considered. Areas containing cemeteries, oil refineries, parks, country clubs, and other similar items eliminate the possibility of a clear picture. If these areas could be subtracted from the total area of each district, a much clearer picture of each district would be forthcoming. For instance, in District 15 the Frankford Arsenal encompasses a large amount of area, yet no police patrol is needed. If the area encompassed by the Frankford Arsenal were eliminated, the area covered by each mobile unit in District 15 would decrease substantially. In some districts there is an abundance of open space. If this area was eliminated in developing comparisons between districts, some districts would have a much higher density. In other districts many-storied apartment houses increase density, while there is still no overcrowdedness. In a very compact district with many one-family houses, the density is no greater than the district with many-storied apartment houses, but a problem is more likely to occur in the compact district. With the present density comparisons, this is not brought out.

The two primary factors to be considered in allocating mobile units are incidents and area. In order to allocate mobile units according to these two factors the following formula has been developed.

$$\text{Number of vehicles} = (\text{Index}) (2.1) (\text{Area})$$

It must be remembered that only area and incidents are considered in this formula. The index for this formula is arrived at for each district by dividing the number of incidents per square mile in each district by the city-wide incidence average per square mile. The average number of mobile units per square mile is 2.1 square miles. For example, in District 38 there are 12,846 incidents per square mile, while the city-wide average is 6194. Therefore, the index is 2.1. There are 3.48 square miles in District 38. Therefore,  $(2.1) (2.1) (3.48)$  is equal to 15. On the basis of this formula, District 38 should be allotted 15 mobile units. District 38 now has 14 mobile units.

This formula has proved successful in all districts except those with either very high incidence rates or a large amount of territory. In order to bring these districts more in line a maximum and minimum number of mobile units per district should be developed. These limits can probably be developed best by police administrators with experience in these districts.

This formula should be used as a starting point in the allocation of mobile units. The allocation of mobile units using this formula, without a maximum or minimum, are shown in the Table.

Once a number has been arrived at numerous other factors must be considered. They are volume of pedestrian and vehicular traffic, surface and condition of streets, racial characteristics and moral tone of the population, and character of business establishments and residents. The location of the district station house is also important. If the district station house is located in the northern part of a district, mobile units in the southern part of the district will need more time to drive to the station house. This may necessitate having more mobile units in such a district. These factors can best be evaluated by the experienced police administrator with a knowledge of them.

An attempt was made by the author to evaluate the present allocation of mobile units. First, it was assumed that incidents and area are the two primary factors in the allocation of mobile units. Second, with this assumption the following hypothesis was developed: as incidents per square mile decrease the amount of area a mobile unit can cover should increase.

Table VII presents the figures which are necessary in order to evaluate the validity of this hypothesis. Only in two districts are the number of mobile units allocated to these districts out of line. District 5 should have fewer mobile units according to this hypothesis, while District 37 should have additional mobile units. The need for additional mobile units in District 37 may be disproved when the large amount of vacant land in this district is considered. Therefore, the present allocation of mobile units is equitable in almost every district.

## CONCLUSIONS AND RECOMMENDATIONS

From this study it appears that no hard and fast formula can be developed for the deployment of police mobile units. This is impossible because of the multiplicity of factors which must be considered and the difficulty presented in trying to correlate them. However, after much experimentation and research, it appears possible to develop a formula which should be very useful as a starting point in deploying mobile units, but this formula considers only incidents and mobile units. Once a number of mobile units has been arrived at for each district from this formula, all remaining factors should be weighed carefully by an experienced police administrator before a final allocation of mobile units is made.

There should be extensive research in each district, considering the relevant factors of each district, before a comparison is made with other districts. This is the area that needs immediate attention before any further attempt is made to allocate mobile units in a district. Some of the factors which must be considered that haven't been given sufficient attention are volume of pedestrian and vehicular traffic, surface and condition of streets, racial characteristics and moral tone of the population, number of traffic violations handled by mobile units, and the amount of open area in a district.

The present allocation of mobile units in the 23 districts are equitable in almost every district, according to a hypothesis developed by the author. This hypothesis dictates that as the number of incidents per square mile decreases in a district the amount of area a mobile unit should cover increases.

### NUMBER of OFFENSES per CAR per YEAR and per TOUR

POLICE DISTRICT	NO. OF CARS	PART I's per CAR		PART II's per CAR		total PER YEAR	TOTAL PART I's and II's per CAR
		PER YEAR	PER TOUR	PER YEAR	PER TOUR		
2	10	90.9	.0830	89.9	.0821	180.8	.1651
5	8	45.6	.0416	93.9	.0858	139.5	.1274
6	8	321.4	.2935	1304.8	1.1916	1626.2	1.4851
7	12	47.9	.0437	57.3	.0523	105.2	.0960
9	8	175.6	.1604	533.8	.4875	709.4	.6479
14	13	147.3	.1345	220.1	.2010	367.4	.3355
15	12	139.0	.1269	182.0	.1662	321.0	.2931
16	8	169.9	.1552	558.0	.5096	727.9	.6648
17	10	174.2	.1591	571.0	.5217	745.2	.6806
19	8	232.5	.2123	1247.6	1.1394	1480.1	1.3517
23	10	362.4	.3310	848.0	.7744	1210.4	1.1054
24	6	114.5	.1046	341.5	.3119	456.0	.4165
26	13	120.8	.1103	287.3	.2624	408.1	.3727
29	14	139.9	.1278	278.2	.2541	418.1	.3819
30	13	146.5	.1338	213.2	.1947	359.7	.3285
31	10	319.6	.2919	766.4	.6999	1086.0	.9918
32	11	112.6	.1028	197.5	.1804	310.1	.2832
33	7	188.4	.1721	539.6	.4928	728.0	.6649
35	10	155.0	.1416	150.5	.1374	305.5	.2790
37	5	176.6	.1613	444.6	.4060	621.2	.5673
38	11	173.8	.1587	295.0	.2694	468.8	.4281
39	9	165.2	.1509	290.0	.2648	455.2	.4517
41	5	130.4	.1191	283.4	.2588	413.8	.3779
<b>TOTAL AVERAGES</b>	<b>221 9.6</b>	<b>164.4</b>	<b>.1501</b>	<b>397.2</b>	<b>.3627</b>	<b>561.6</b>	<b>.5128</b>

**NOTE:**

The sector patrol car in Philadelphia is a standard two-door sedan equipped with a two way radio system. It is painted an orange-red and is lettered on all sides with a reflective type material. The term wagon as used in this report is Police parlance for the Emergency Patrol vehicle. A half ton panel body truck, heavy duty, equipped with two way radio, stretcher and other emergency equipment. This vehicle is also on constant sector patrol.

NUMBER of OFFENSES and SERVICES per MOBILE UNIT per YEAR

POLICE DISTRICT	NO. OF CARS	NO. OF WAGONS	TOTAL MOBILE UNITS	PER MOBILE UNIT PER YEAR		TOTAL NO. OF INCIDENTS
				NO. OF PART I	NO. OF PART II	
2	10	3	13	69.9	69.9	2011.6
5	8	2	10	36.5	75.1	1188.2
6	8	3	11	233.7	948.9	4026.0
7	12	2	14	41.1	49.1	1201.3
9	8	3	11	127.7	388.2	2908.3
14	13	2	15	127.7	190.7	2447.9
15	12	3	15	111.2	145.6	2559.0
16	8	3	11	123.5	405.8	3399.6
17	10	2	12	145.2	475.8	3635.4
19	8	3	11	169.1	907.4	3635.0
23	10	3	13	278.8	652.3	4690.5
24	6	2	8	85.9	256.1	2687.3
26	13	3	16	98.1	233.4	2375.1
29	14	3	17	115.2	229.1	2976.5
30	13	3	16	119.0	173.1	2601.1
31	10	3	13	245.8	589.5	5027.8
32	11	2	13	95.3	167.1	2491.1
33	7	2	9	146.6	419.7	3716.6
35	10	3	13	119.2	115.8	2888.4
37	5	2	7	126.1	317.6	3659.3
38	11	3	14	136.6	231.8	3193.3
39	9	3	12	123.9	217.5	2777.7
41	5	2	7	93.1	202.4	2538.2
TOTALS	221	60	281			
AVERAGES	9.6	2.6	12.2	129.3	312.4	2953.6

PRESENT DEPLOYMENT of POLICE MOBILE UNITS

POLICE DISTRICTS	INCIDENTS per SQUARE MILE	POPULATION DENSITY per SQUARE MILE	SQUARE MILES per MOBILE UNIT	TOTAL MOBILE UNITS	
				PRESENT	PROPOSED
23	74,360	55,732	.126	13	21
19	71,400	39,904	.102	11	14
31	59,716	58,544	.168	13	22
33	56,216	57,374	.132	9	11
6	55,356	24,592	.145	11	15
9	52,444	39,244	.111	11	11
16	48,112	34,734	.141	11	13
17	45,920	50,506	.158	12	15
38	25,792	34,304	.274	14	15
26	22,964	33,340	.207	16	13
29	15,060	24,858	.395	17	17
39	14,064	19,094	.395	12	11
30	11,248	17,696	.463	16	14
24	9,860	13,522	.545	8	7
35	9,716	21,246	.595	13	13
15	9,032	18,724	.567	15	12
37	7,752	12,526	.944	7	8
41	7,420	11,158	.684	7	6
14	6,684	12,252	.732	15	12
32	5,872	10,240	.848	13	12
2	5,504	11,266	.731	13	8
5	4,008	7,408	.593	10	4
7	1,268	2,470	1.893	14	6

POLICE DISTRICT	NO. of CARS	NO. of WAGONS	AREA COVERED PER CAR and/or WAGON				
			TOTAL MOBILE UNITS	SQUARE MILES	PER CAR	PER WAGON	PER MOBILE UNIT
2	10	3	13	9.50	.950	3.167	.731
5	8	2	10	5.93	.741	2.965	.593
6	8	3	11	1.60	.200	.533	.145
7	12	2	14	26.50	2.208	13.250	1.893
9	8	3	11	1.22	.153	.407	.111
14	13	2	15	10.99	.845	5.495	.733
15	12	3	15	8.50	.708	2.833	.567
16	8	3	11	1.55	.194	.517	.141
17	10	2	12	1.90	.190	.950	.158
19	8	3	11	1.12	.140	.373	.102
23	10	3	13	1.64	.164	.547	.126
24	6	2	8	4.36	.727	2.180	.545
26	13	3	16	3.31	.255	1.103	.207
29	14	3	17	6.72	.480	2.240	.395
30	13	3	16	7.40	.569	2.467	.463
31	10	3	13	2.19	.219	.730	.168
32	11	2	13	11.03	1.003	5.515	.848
33	7	2	9	1.19	.170	.595	.132
35	10	3	13	7.73	.773	2.577	.595
37	5	2	7	6.61	1.322	3.305	.944
38	11	3	14	3.48	.316	1.160	.274
39	9	3	12	4.74	.527	1.580	.395
41	5	2	7	4.79	.958	2.395	.684
<b>TOTALS</b>	221	60	281	134.0			
<b>AVERAGE</b>	9.6	2.6	12.2	5.8	.606	2.232	.477

NUMBER OF OFFENSES AND SERVICES PER DISTRICT

POLICE DISTRICT	INCIDENTS		Part I Offenses		Part II Offenses		Services	
	Total	%	Total	% of Incidents	Total	% of Incidents	Total	% of Incidents
2	26151	3.45	909	3.5	899	3.4	24343	93.1
5	11882	1.43	365	3.1	751	6.3	10766	90.6
6	44286	5.34	2571	5.8	10438	23.6	31277	70.6
7	16817	2.03	575	3.4	687	4.1	15555	92.5
9	31991	3.85	1405	4.4	4270	13.4	26316	82.2
14	36719	4.42	1915	5.2	2861	7.8	31943	87.0
15	38385	4.62	1668	4.3	2184	5.7	34533	90.0
16	37286	4.49	1359	3.8	4464	11.9	31463	84.3
17	43625	5.36	1742	4.0	5710	13.1	36173	82.9
19	39984	4.82	1860	4.7	9981	25.0	28143	70.3
23	60976	7.35	3624	5.9	8480	13.9	48872	80.2
24	21498	2.59	687	3.2	2049	9.5	18762	87.3
26	38003	4.58	1570	4.1	3735	9.8	32698	86.1
29	50602	6.10	1959	3.9	3895	7.7	44748	88.4
30	41619	5.01	1904	4.5	2771	6.7	36944	88.8
31	65363	7.88	3196	4.9	7664	11.8	54503	83.3
32	32384	3.90	1239	3.8	2172	6.7	28973	89.5
33	33449	4.03	1319	3.9	3777	11.3	28353	84.8
35	37549	4.52	1550	4.1	1505	4.0	34494	91.9
37	35616	3.09	883	3.4	2223	8.7	22509	87.9
38	44705	5.39	1912	4.3	3254	7.3	39548	88.4
39	33332	4.02	1487	4.5	2610	8.0	29235	87.5
41	17768		652	3.6	1417	8.0	15699	88.4
<b>TOTAL</b>	829989	100.0	36351		87788		705850	
<b>% of Total</b>				4.3		10.1		85.6

An Analysis of the Apparent High Rate of Part I  
Crimes In the Sixth Police District for 1957,  
City of Philadelphia, Pa.

Submitted by  
George Aldridge, Jr.  
of the  
University of Pennsylvania  
Fels Institute of Local and State Government  
May 22, 1959

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

Conclusions:

1. The formula employed in the 1958 study for relating crime to a population base is inadequate in that it does not make allowances for districts with transient populations.
2. If census tracts are used to relate crime to a population base, a more realistic picture of major crime areas by virtue of residence of known criminals can be obtained.
3. The use of a census tracts formula does have many fallacies, but perhaps less fallacies than the formula employed in the 1958 study.
4. If a census tracts formula is employed, a subsequent study might reveal that the Sixth Police District has a crime rate that is in accord with some of the outerlying police districts.

Recommendations:

1. It is highly recommended that the census tracts formula included herein be employed and subsequent studies made of other police districts in order to verify the results revealed by its use in the Sixth Police District.
2. Socio-economic studies of other police districts should not be made until the major criminal areas by residence are determined. Then, the major criminal areas by residence should be analyzed for their socio-economic characteristics before each area or district by virtue of the number of criminal acts committed therein is analyzed.

Introduction

The Philadelphia Police Department is responsible for handling numerous and diverse incidents. These incidents have been divided basically into three separate categories---Part I Crimes, Part II Crimes, and Services. This report, though, is primarily concerned with the Part I Crimes. Part I Crimes include all major crimes in the City: Criminal Homicide, Rape, Robbery, Aggravated Assault, Burglary, Larceny, and Auto Theft. Each of the preceding major crimes are then broken down into numerous sub-classifications. These categories, divisions, and sub-classifications have been established in order to conform with the uniform crime classification system established by the Federal Bureau of Investigation.

A study was made in 1958 of the three different categories showing the number of incidents in each category which occurred in each of the twenty-three police districts throughout the city. This study gathered and classified statistical data concerning all the incidents, both criminal and non-criminal, handled by the Philadelphia Police Department in 1957. One of the major results of this 1958 study revealed that one particular police district consistently ranked high in comparison with all other police districts in all Part I Crimes.

The purpose of this report is to analyze the possible reasons why this particular police district, the Sixth Police District, ranked consistently high in this study.

### Presentation and Analysis of the Facts

The Sixth Police District extends from the north side of Chestnut Street to the south side of Poplar Street and from the Delaware River to Broad Street, inclusively. It is an area of 1.60 square miles with a total resident population of approximately 38,348 according to 1957 statistics. In population density, the district ranked eleventh in comparison with all other districts with 24,592.25 persons per square mile and ranked fifth among the smaller districts in total area.

In the 1958 study previously mentioned, the following formula was used to obtain the statistical data presented below:

$$\frac{\text{Number of crimes in the district}}{\text{Total population of the district}} \times 10,000 \text{ (persons)}$$

The reasons given for using this formula were that in order to make valid comparisons of crime between districts the formula must relate the number of offenses to a uniform per capita figure. Consequently, the figure of 10,000 was selected.

Using this formula the 1958 report revealed that the Sixth Police District ranked:

- a. First in Homicide with 6.10 homicides per 10,000 persons even though the district ranked third among all other districts' raw totals with 24.
- b. Second in aggravated assaults with 51.84 aggravated assaults per 10,000 persons, even though the district ranked fifth among all other districts' raw totals with 204.
- c. First in Robbery with 58.96 robberies per 10,000 persons, even though the district ranked third among all other districts' raw totals with 232.
- d. First in Burglary with 154.52 burglaries per 10,000 persons, even though the district ranked third among all other districts' raw totals with 608.
- e. First in Larceny with 319.46 larcenies per 10,000 persons, but here the district also ranked first among all other districts' raw totals with 1,257.
- f. First in Auto Thefts with 52.10 auto thefts per 10,000 persons, even though the district ranked eleventh among all other districts' raw totals with 205.
- g. Second in Rapes with 10.42 rapes per 10,000 persons, even though the district ranked fourth among all other districts' raw totals with 41.

Another formula was used in the 1958 study to determine the rate of clearance of crimes by arrests. Using this formula, the clearance rate for all Part I Crimes in the Sixth Police District for 1957 were established: Homicide - 75.0%, Aggravated Assault - 85.8%, Robbery - 53.0%, Burglary - 27.0%, Larceny - 54.6%, Auto Thefts - 25.4%, and Rapes - 73.2%.

It was noted at the time the 1958 study was made though that the use of a population base might produce an unreliable evaluation of the true nature of crime in a district due, for the most part, to a high transient population factor. This fact alone speaks well of the Sixth Police District.

After having analyzed the police arrest books in the Sixth Police District for the year 1957, it was found by this writer that there were numerous crimes committed in the district by persons residing outside of the district. Thus, in order to obtain a more realistic concept of major criminal areas in police districts, it is recommended that census tracts be used. The suggested means of analysis would be the same for other police districts as has been followed in this study of the Sixth Police District. Arrests of persons having committed major crimes were broken down into two categories - the number of persons having committed a major crime in the district, but residing outside of the district; and the number of persons having committed a major crime in the district and residing in the district. Since each police district is subdivided into a certain number of sectors, major crimes having been committed by residents of the district can be further broken down into the

sectors of the District.

Using the above theory, the major crimes committed in the Sixth District by persons residing outside of the district would be plotted against the district and sector thereof in which the person had residence - not where the crime was committed. Only through the use of such a theory can crime be realistically related to a population base and at the same time allow for the transient population factor.

But, it should not be assumed, however, that this theory is without fallacies, for it has quite a few. Most of the fallacies though can be attributed to inadequate methods of reporting information when an individual is arrested. Some of the reporting fallacies are incomplete addresses, such as the listing of "no name," and the listing of vague or false home addresses; the duplicate booking of the same individual; the listing of charges of offense against the individual when no such offense occurred; and a number of similar fallacies. Then, too, there are some fallacies that can only be corrected to a limited degree - e.g., there is no follow up to determine the validity of the alleged address of the individual arrested; there is no way of determining the degree of an assault and battery charge, whether it was petty or major; no means of determining the results of court cases when an individual is held for trial after the preliminary hearing, whether the individual was convicted or discharged, etc.

One of the facts that has been revealed from the use of this theory for 1957 crime statistics in the Sixth Police District is that there were a number of major crimes committed by individuals living outside of the district. In practically all of the major crime categories, approximately fifty percent or more of the crimes were committed by persons living outside of the district. These persons were found to reside in other police districts of the city; outside of the city, but in the state of Pennsylvania; and outside of the state of Pennsylvania. Of a total of approximately 1074 persons arrested in the Sixth Police District for major crimes in 1957, approximately 705 persons had residence outside of the district. A chart on a succeeding page gives a further breakdown of the number of persons arrested in the Sixth Police District by residence in the sectors thereof. It can be seen by the statistics on the chart that sector D exceeds all other sectors of the district by some degree. Sectors H, B, and F follow with the next highest total numbers. Sectors E, A, and C follow with considerably lower total numbers, while sector G has the least total number of major crime arrests.

The above pattern of major crime arrests by residence of individuals in the district indicates that the upper sectors of the district have a consistently higher number of major crime arrests than do the lower sectors. This is due to the fact that the upper sectors are primarily residential in nature, as compared to the lower sectors. The lower sectors are comprised primarily of the city's largest business and commercial industries: retail houses, wholesale houses, storage and trucking operations, financial institutions, etc. Consequently the Sixth Police District and especially the lower sectors thereof are constantly under attack by the residents of the upper sectors, but to a greater degree by persons residing outside of the district.

The following socio-economic observations have been made in the Sixth Police District, but deserve further investigation and analysis:

1. In regards to the types of persons residing in the Sixth Police District, admittedly they are quite diverse. In fact, it might be considered a smelting pot of ethnic, racial, and social groups.
2. The incomes of the residents of the district is also considered low, but this seems to be quite characteristic of most American cities.
3. The residential areas of the district might in some instances be classified as blighted areas, which potentially lend themselves to criminal activity.
4. The occupancy ratios of dwelling units and the number of persons per dwelling unit are considered as not exceeding established national averages.

The greatest threat, however, for breeding criminal activity in the Sixth



Police District by the residents thereof seems to be the high density of population per square mile and the close proximity of buildings due to mixed land uses. In short, the high density of population per square mile and mixed land uses in the Sixth Police District appear to be fostering criminal activity to a greater degree than the types of individuals who inhabit the district. However, this theory is offered without the aid of comparable facts and statistics on other police districts. It is recommended, therefore, that before any further socio-economic analyses of other police districts are made, that there be an attempt made to establish and verify the major crime areas of the remaining police districts by the use of the theory previously presented. Then, socio-economic analyses should then be made to determine the reasons why a particular resident area of persons having been arrested has lent itself to criminal activity than other similar areas. The area studies would then quite logically be followed by socio-economic analyses of the individual police districts. Only after these studies have been made and in this order can realistic and substantive analyses of police districts be made in terms of their socio-economic characteristics.

#### Conclusion

Assuming that the outerlying police districts have a relatively stable population and are not affected to any great degree by a transient population, the proposed theory might show that the amount of crime committed by the residents of the Sixth Police District to be no greater than an outerlying residential district. In short, if the census tracts theory is used, the only types of major crimes in which the Sixth Police District should exceed all other districts might possibly be larcenies, burglaries, and perhaps robbery. This is due, of course, to the business and commercial composition of this central district. In the other major crime categories, the Sixth Police District should rank below the city average or average

The theory or formula to be used would be:

$$\frac{\text{number of crimes committed in the district by residents thereof}}{\text{total population of the district}} \times 10,000 \text{ (persons)}$$

Using this formula, the number of crimes per 10,000 persons in the Sixth Police District for 1957 for each of the major crime classifications would be:

Homicide .....	2.033/10,000
Rape .....	3.812/10,000
Aggravated Assault .....	34.563/10,000
Robbery .....	20.077/10,000
Burglary .....	15.502/10,000
Larceny .....	17.281/10,000
Auto Theft .....	(statistics inadequate)

The above statistics should be compared to those derived when the 1958 study was made. The 1958 study and the statistics for each of the above categories were presented earlier.

When the two sets of statistics are compared, it can be seen that there is a noticeable reduction in the number of crimes per capita when the new formula is used. This is due, of course to the elimination of the transient factor, as previously stated. A crime having been committed in a district by a person having residence in another district would consequently be plotted against the district of residence and not the district in which the crime was committed. For example, if a burglary were committed in the Sixth Police District by a person having residence in the Nineteenth Police District, the crime would be included in the total raw number of burglaries for the Nineteenth Police District instead of the Sixth Police District.

**Part I Crime by Sector  
Sixth Police District - 1957**

<u>Crime</u>	<u>Raw #</u>	<u># In District</u>	<u># Out of District</u>
Burglary	150	61	89
Robbery	153	79	74
Larceny	403	68	335
Aggravated Assault	306	136	170
Auto Theft	14	2	12
Homicide	18	8	10
Rape	30	15	15
<b>Total Major Crime</b>	<b>1074</b>	<b>369</b>	<b>705</b>

# In District By Sector

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
2	8	4	26	0	8	0	13
1	8	5	39	9	9	1	7
8	16	1	16	5	13	0	9
7	21	4	44	11	26	0	23
0	0	0	0	0	2	0	0
0	0	1	5	0	1	0	1
1	0	1	4	0	2	0	2
<b>19</b>	<b>53</b>	<b>16</b>	<b>134</b>	<b>25</b>	<b>61</b>	<b>1</b>	<b>60</b>

## TORTS-MUNICIPAL LIABILITY-DUTY TO PROTECT CITIZEN AIDING IN LAW ENFORCEMENT

A resident of the City of New York supplied information to the Police Department of the City of New York, which led to the arrest and conviction of a dangerous fugitive from justice known as Willie Sutton. The informant's participation was widely publicized. He received immediately thereafter communications threatening his life, and notified the proper authorities. Three weeks later he was shot and killed by an unknown person. Action was brought by the administrator of the deceased against the City of New York on the theory that the city had failed to adequately protect the deceased, especially after threats to his life, and that this failure of duty to the deceased placed liability on the municipality. The Court of Appeals of the State of New York in a four to three decision, held, that under the facts presented, there was a duty on the part of the City of New York to use whatever means possible to see that the deceased was protected. (Max Schuster, 2d 265, 180 N.Y.S.2d 265, 154 N.E.2d 534 (1958).

This is a case of first impression in New York, enlarging the municipality's duty to protect its residents. This extended liability raises the further question of how far such liability should be carried. Obviously such liability does not carry to all the citizens at all times for this would create an impossible burden for the municipality--one that cannot be practicably put into operation. It can therefore be reasonably inferred that this liability imposed by the court upon the municipality is limited to the situations where a citizen has given material assistance to the municipality in the arrest or prosecution of criminals, and when it reasonably appears that the citizen is in danger due to the probability of retaliation by the apprehended criminal or his cohorts.

The liability of the City of New York in this case is based on three principles laid down by the Court of Appeals. The first point is the waiver of municipal immunity by virtue of the Court of Claims Act of 1929. Without this legislation no action could be brought against a municipality for negligence in the exercise of its police powers. The vital section of this act is section 8 which states that:

The State hereby waives its immunity from liability and action and hereby assumes liability and consents to have the same determined in accordance with the same rules of law as applied to actions in the Supreme court against individuals or corporations.<sup>1</sup>

The waiver and consent of the State have been operative since 1929, but were not actually applied until 1945.<sup>2</sup>

The second point raised by the court is the duty on the part of the government to persons aiding in the law enforcement as set forth in section 1848 of the Penal Law. This section creates an absolute liability against municipal corporations for damages arising from the personal injury or death of persons injured or killed while aiding policemen at their request in making arrests. The duty exists where the citizen supplies vital information as well as where he gives physical aid. The duty of a person to assist an officer in law enforcement at his request is plainly set out in this section; indeed, a failure to do so is a misdemeanor. It seems that the purpose of this section allows the conclusion that if a person volunteers information or aid and then is injured in consequence thereof, the government should also be liable. This is the logical conclusion reached by the Court here.

Clearly under this statute a person owes an absolute duty to aid in the law enforcement process, when requested by the proper authorities. But doesn't such a person owe such a duty without the request by the officers of the law? The individual owes at least a moral duty to see that the commission of crime is prevented. The laws generally provide for "citizen arrests"<sup>4</sup> and "citizens aid to officers of the law"<sup>5</sup>. Since there is an affirmative duty on the part of a citizen to aid in law enforcement and a penalty for failure to do so, there should also be a corresponding duty on the government to protect such citizens when they give the affirmative aid as required. The present case, does not fall directly within the provisions of section 1848 of the Penal Law because the death occurred some three weeks after the information was given and because decedent was a volunteer.

However, a governmental policy of protecting citizens who aid the government in the arrest and prosecution of criminals seems to be embodied in the provisions of section 1848 of the New York Penal Law. It seems therefore, that the court could effectuate this policy by holding, as a common law rule, that the municipality has a duty to protect those who volunteer information likely to be useful in the apprehension of criminals.

This rule would be strongly supported by the third argument on which the court relies: that public policy (even without statutory declaration) demands that the government provide adequate protection for its informants, for without such protection, citizens would be loath to help for fear of harm to person, property or family. Without the aid of a general spirit of public cooperation in such matters, it would be impossible for the government to adequately perform its police powers to protect the health, safety, morals and general welfare of society. In the case of *In re Quarles v. Butler*,<sup>6</sup> which dealt with the prosecution of persons who conspired to prevent a private citizen from informing on a criminal, the Supreme Court of the United States said that it was the duty of the government to make certain that a private person feels free to exercise his right and duty to notify the enforcement authorities of law violations and:

to protect him from violence while so doing, or on account of so doing. This duty does not arise solely from the interest of the party concerned, but from the necessity of the government itself, that its service shall be free from the adverse influence of force and fraud practiced on its agent .....

It seems reasonable therefore to hold that there is a duty on the part of the government to use reasonable care to protect persons who have aided and collaborated with government in connection with the arrest and prosecution of criminals, when it appears that such individuals are in danger due to such collaboration. If it were otherwise, it may well become difficult to convince the citizens to aid and cooperate with the law enforcement officers.

Of course, even assuming that a municipality has no legal duty to protect in such cases, it would clearly, under familiar tort principles,<sup>8</sup> be liable for harm caused where it extends only some protection which was not reasonable under the circumstances.

In Pennsylvania, the question presented by this case has not arisen for various reasons. In the first place, in this State there is no comparable statute to the New York Statute,<sup>9</sup> which waives governmental immunity in this class of cases. Thus there can be no action brought against the municipalities to raise the points raised here. Furthermore, Pennsylvania does not have a statute similar to Penal Law 1848 of the New York Code which imposed the duty of the municipality to protect those who have given aid. Without such a statute it would undoubtedly be difficult to place the liability on the government without laying the basis therefore, as this New York statute does.

The importance of the decision in the instant case cannot be denied. In this day and age, where the crime rate has risen to such great proportions, it is vital to the successful campaign against this crime wave that every possible source is used to wage this fight effectually. Without providing for the adequate protection of citizens who voluntarily aid in law enforcement such aid will not be forthcoming and without such aid there cannot be any measurable success in the suppression of crime. Thus, this decision in this case can be justified on public policy alone. It may be argued that this result could be obtained through the application of common law principles. This may be true, but this writer believes that such reasoning will not have as much force or weight as the reasoning presented in this case. It is imperative that other states and communities follow in the lines of this decision whether by statute or common law principles, in order to effectively aid the government in the performance of its duties.

David W. Sass

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1. N.Y. Court of Claims Act, § 8.
  2. *Bernadine v. City of New York*, 294 N.Y. 361, 62 N.E.2d 604 (1945).
  3. N.Y. Penal Law § 1848.
  4. Prosser, Torts 108, § 26c (2d ed. 1955).
  5. Note 3, supra.
  6. 158 U.S. 532 (1894).
  7. *Id.*, p. 536.
  8. Prosser, Torts 182, § 38c (2d ed. 1955).
  9. Note 1, supra.
- 32 Temple Law Quarterly 365 (1959).

FALSE CONFESSORS\*  
by Dr. Marcel Frym, J.D.†

Among the most baffling phenomena in the administration of criminal justice are voluntary confessions made by innocent people who appear in police precincts in order to "give themselves up". A standard interpretation of such false confessions is that most of these people want to be seen in the limelight of public attention. This, as so many other "common sense" explanations of incomprehensible behavior, is an attempt by laymen to deny the complexity of a problem and to oversimplify its solution. Our fight against crime is hamstrung by our emotional refusal to accept the contributions of the behavioral sciences, calling their exponents egg-heads and ridiculing their explanations which, by necessity, are not easily understood.

One of the great jurists of this country, Justice Oliver Wendell Holmes declared in a speech at Harvard Law School in 1895:

"An ideal system of law should draw its postulates and its legislative justification from science. As it is now, we rely upon tradition, or vague sentiment, or the fact that we never thought of any other way of doing things as our only warrant for rules which we endorse with as much confidence as if they embodied revealed wisdom. Who here can give reasons of any different kind for believing that half of the criminal law does not do more harm than good?"

Another great legal mind, Justice Benjamin Cardozo, stated in his famous address before the New York Academy of Medicine on November 1, 1928:

"I think the students of the mind should make it clear to the law-makers that the statute is framed along the lines of a defective and unreal psychology.....It is my belief that at a day not far remote the teachings of biochemists and behaviorists, of psychiatrists and penologists will transform our whole system of punishment for crime."

In the framework of my criminological research activities for the Hacker Foundation for Psychiatric Research and Education in Beverly Hills, California I devoted special attention to the problem of false confessions, especially to the internationally-known murder case of the "Black Dahlia". A Los Angeles bar-fly, Elizabeth Short, had been brutally killed and her body sadistically mutilated on January 15, 1947. More than thirty false confessions to this murder have been received up to now. . . . In extensive studies of false confessors I have been able to establish that they had fantasied the deed to which they confessed falsely--or other acts qualified as crimes or as sins, more or less clearly related to the confessed crime --over a long period of time, with progressively rising tension. They had committed the crime in their fantasy again and again and, although struggling against their torturing, obsessive desires, could not prevent the rising of these dreams and daydreams to a preconscious level.

One can observe in the history of false confessions a series of stages comparable to Wertham's five stages leading up to a "catathymic crisis"--a stage of initial thinking disorder, a crystallization of the fantasy content, and a stage of extreme tension, finally culminating in the act of false confession. After completion of the confession, the tension recedes, and insight is often regained. It is then

\*A condensation of a chapter "False Confessions" written by Dr. Frym in a book entitled "Explorations in Psychoanalysis", edited by the late Dr. Robert Lender and published by the Julran Press, in New York in 1955.

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## Psychiatric Services in a Police Department\*

Chief John D. Holstrom, Chief of Police, Berkeley Police Department, Berkeley, California

The Berkeley, California Police Department has worked with psychiatrists since 1951 when members of the police first received elementary training in recognizing gross symptoms of emotional and mental disorders. Psychiatrists have been used in the recruitment of police officers since 1921. Since 1949, the police department has had 10 hours per week of psychiatric time available either in the psychiatrist's office or at police headquarters. During these years it was found important that the police not only get to know the psychiatrist as a person and thus gain an estimate of his personality, abilities and reactions, but also that the psychiatrist gets to know the police, their special abilities, shortcomings and attitudes.

The psychiatrist provides a valuable consultation service to the police in many types of emergencies. The police receive many reports concerning people who are disturbing the peace. Policemen who investigate often wonder what course of action would be best. Should the individual have protective custody, or can the matter be dealt with in the home or neighborhood. Is the individual dangerous to himself or to others? Consultation with the police psychiatrist, even by telephone, often helps in working out the most expeditious disposition of such cases. Not infrequently in routine investigatory work, the policeman may interview and interrogate an individual who appears to be quite unstable. At this point, the policeman would like to have a very informal type of psychiatric screening which is usually impossible or inappropriate to obtain through usual clinic or hospital channels. Here, the policeman can refer the individual directly to the police psychiatrist in an informal fashion for a psychiatric interview, appraisal and consultation with no red tape.

The police psychiatrist is used in situations where individuals are under arrest. This is a typical use of medical psychiatric services, where examination by the psychiatrist may determine whether the person will "go the route of prosecution" or go to a mental hospital. Sometimes individuals who are in temporary police custody make a major disturbance in jail or elsewhere. In this immediate situation, the police want some idea of how basically disturbed this individual is and what should be done about it immediately or prior to the patient having a major breakdown.

Not infrequently, juveniles come to the police for consultation and advice in a state of confusion and emotional disturbance. Immediate referral to a psychiatrist in an informal fashion is extremely helpful to the youngsters. The psychiatrist can advise the parents, the police, the youngster himself; getting at the problem at its very earliest stages.

Special problems in which the police psychiatrist is particularly useful are in evaluation and disposition of sex offenders, who may be simply community nuisances or on the other hand may be dangerous aggressive sex deviates. A second special group seen by the police psychiatrist includes individuals who threaten or attempt suicide. A unique function for the psychiatrist is the occasional instance when the police are investigating complaints of various sorts against physicians. Often, it is helpful to use the police psychiatrist instead of, or in addition to, formal referral of problems to the Medical Society. The latter course of action is a slow process whereas the use of the psychiatrist on an informal basis provides a mechanism for working with the problem immediately for an emergency situation.

\*Based on the Roundtable on Emergency Psychiatric Services, sponsored by the Joint Commission on Mental Illness and Health, and the Committee on Public Health of the American Psychiatric Association at the Annual Meeting, San Francisco, May 13, 1958

Few people, including psychiatrists, understand the police or understand the police process. Like wise, few people seem to understand psychiatrists or the psychiatric process. Both police and psychiatrists can work together through a psychiatrist who can work as a middleman and develop this important liaison. (1) This service has been found not too expensive for the police department, and to serve the best interests of the community.

that rationalization sets in, with intoxication or an acute physical condition suspected as the cause of temporary confusion.

It was Theodor Reik who, in his classic "The Compulsion to Confess and the Need for Punishment" (only recently translated into English), made the most basic contribution to an understanding of the psychodynamics of confessions as such. In psychoanalytic terminology, confession constitutes an attempt on the part of the "superego" (the "moral personality") to reconcile the eternal feud between the "ego" and the untamed, repressed drives of the "id".

In order to better understand these attempts of the "superego", a brief reference to the conceptual development of undoing a wrong by suffering (atonement) might be advisable. Through experience, the child establishes the causal nexus between doing something forbidden and ensuing pain. This might be physical pain, or the mental version of pain, fear and anxiety, aroused by the withdrawal of love on the part of the protective parent. The child also observes the restoration of the previous "normal" condition after he has suffered (been punished). He thus links the suffering with the resulting restoration of the desirable condition of being loved again, and considers it as a tool for obtaining this needed status. Our legal, sociological concept of "paying one's debt to society" is based on this inference, which has its historical precedence in the making of sacrifices to the gods in order to appease them, and the principles of atonement and of penance. -- Our entire life thus constitutes a series of continuous attempts to adjust to this interplay of instinctual demands and restrictive forces which are conditioned by changing and locally different legal and moral concepts. We derive temporary reassurance from paying the price, from investing painful and sacrificial efforts in order to obtain immediate relief from painful tension.

The importance of understanding false confessions can hardly be overestimated. The mechanisms of the mind, revealed by them, also contribute to those well-known "mistakes", sometimes incomprehensibly silly, of offenders which lead to their detection. Actually, they are caused by their unconscious desire to be caught and to undo, through punishment, their unbearable guilt feelings.

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# The Fifth Freedom \*

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Perhaps it was those factors which most greatly affect human behavior that led President Franklin D. Roosevelt to announce the Four Freedoms on January 6, 1941.

On that day, when part of the world raged in war and the rest apprehensively waited for it to spread, in his "State of the Union" message to Congress, the President defined what he considered to be the most important social and political objectives of the people of the United States. He called these factors "freedoms," and listed them to be:

- (1) Freedom of speech and expression.
- (2) Freedom of every person to worship God in his own way.
- (3) Freedom from want.
- (4) Freedom from fear.

The wise conciseness of these words matched the dreams of all good men that somehow and some day the whole world would find these freedoms a part of their way of life. But it has not been a dream which yet has found fruition in fact.

Since these words were spoken we have fought World War II. We have engaged in the bloody Korean conflict. We subsequently have landed our fighting forces on foreign soil under tenebrous skies of threatened war. We are and have been awed by the advent of nuclear weapons, and we sit in breathless amazement as man-made satellites pierce the heavens and circle beyond the earth. No longer is the moon the object of childish fancy as "a piece of green cheese," nor is the "man in the moon," sufficient explanation to satisfy the demands of our young for factual information. We are "shooting the moon," and no one doubts that before long we'll hit it.

While the scientists of the world have come into their own and now occupy a lofty perch in public acclaim, the leaders of government appear as perplexed as any of us in understanding what is going on, much less what to do about it all. No one seeks to find only a single answer as to what is wrong with the nations of the world and why they are behaving as they do. But, although the cure is difficult without isolating the cause, we might go along with Dr. Jerome D. Frank, associate professor of psychiatry at the Johns Hopkins Medical School.

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In a recent article the Doctor traces a parallel between the behavior of nations today and some mental patients. Russia and the United States in particular may need some psychotherapy, he believes. Such national symptoms as denial, repetition compulsion, and the self-fulfilling prophecy are observable.

In the first, the patient attempts to deal with a massive threat by denying its existence, as witness the widespread unconcern in both Russia and the United States with civil defense against nuclear warfare. When the patient keeps repeating the very acts which cause trouble for him, called "repetition compulsion," there is rigidity of behavior that isn't healthy. Or when enemies cannot trust each other because each is forced to act in such a way as to justify the other's misgivings, we have another symptom called the "self-fulfilling prophecy."

While we are unable to do much about the neurotic behavior patterns of Russia, we might turn our attention to our own. And the best beginning is with ourselves at a local level. The dealing with a massive threat by denying its existence, by ignoring it or passing it by with minimum comment and attention, seems to find application in the American view of crime.

It is reasonable to estimate that there will be 3,000,000 reported crimes in our country for the year of 1959. That averages one criminal act for each 60 persons. It also constitutes a 100% increase in crime since 25 years ago. Head-scratching among American police leaders parallels that of our government leaders in seeking solutions to international misbehavior. What are we going to do?

Explosive population increases have and will add to our problem of human misbehavior, but it does not justify the tremendous increase in crime. The latter is disproportionately greater. Within the next 22 years it is predicted that the population of the United States will increase from the present 175 million to between 215 and 244 million people. Unless the trend is away from misconduct, this will mean even worse human behavior for the simple reason that there will be more to misbehave. Again, what are we going to do about it?

I would like to suggest a possible approach to a course of new action available to us as policemen. It is the extension of our crime prevention efforts through the use and application of what is known as the behavior sciences. Some time ago we realized it was far better to prevent misbehavior than to wait for it to happen. It is better for the people we serve, and it is a precious means of cutting down on our own work. It simply makes good sense, just as it is more plausible to put up traffic lights at a dangerous intersection rather than sit around and scoop up the broken bodies and mangled metal.

The behavior sciences incorporate the findings and efforts of the sociologist, psychologist, psychiatrist, anthropologist and even the economist. They are directed at the basic causes for man's behavior. With a discovery of the causes, which can be labelled stimuli, we have a chance to control the responses.

We are concerned with juvenile behavior, but we are presently so limited in our ability to affect it that it is almost frustrating. Too often we come into contact with our youth after the bad deed is done, and take up from there. Let us assume that mass media influence on the young mind is firmly established in regard to television shows. Let us assume that it is an established fact that the violence of some shows, and especially nightly repetition of such violence, is harmful and encourages crime among our youth. Armed with these findings from the behavior sciences, the police could embark upon a campaign directed at parental control of this mass media influence through selectivity of programs.

As a major item in the police use of the behavior sciences looms the advocacy of psychological examinations of school children as a matter of routine. Our schools have for years and to varying extents taken it upon themselves to check the child physically. The ears are examined, the teeth are looked at, eye examinations are given, and the parents are advised as to results.

But the emotional problems of the child are left to manifest themselves first, then attention is given. We don't wait for the child to complain of a toothache before we check his teeth—why wait until he exhibits a mental or emotional disturbance before attention is given him?

The dark ages of viewing the individual as being "crazy" because he has a mental or emotional disturbance, of locking him up and forgetting him, are gone. Those who blush in shame because it is suggested that some member of the family needs psychiatric aid are of a diminishing and ignorant minority. The time is here for the police to engage in preventive "medicine" for potential misbehavior.

More and more the policeman is forced to admit that even with his modern weapons of fighting crime he is losing ground. How far back the enemy, gross misconduct, will push him before he adopts counter tactics is for us to decide. We must link hands with our educational leaders, our doctors and all of those who are able to attack crime and future crime through their present, daily fields of endeavor.

Misbehavior at all ages is more than just the commission of acts which society has codified into law-violations. It includes those activities which are not felonies nor misdemeanors, but nevertheless are destructive to society and to the individual himself. Divorce is predicated in many instances on non-criminal demeanor, but none the less is action clearly constituting misbehavior. There is no reason for the police to ignore

all types of misbehavior beneath the level of criminal activity. To do so is to passively condone much that causes crime, and to do so upon the ground that it is without our scope of work to attempt constructive action.

We are armed by law to fight crime and criminal behavior; we are armed by the behavior sciences to fight misbehavior at all levels. We must enlarge our views of the scope of the police function to include as a part of our function the attack upon conditions which breed crime, and to carry out that attack through positive methods modern behavior men are providing.

We make so much ado over obtaining a driver's license, but we ask few qualifications of those who marry and embark upon the rearing of a family. We do not concern ourselves with the advocacy of child training by enlightened, educated parents. No, we sit back and wait for the harm to be done to the individual through environmental factors that disease the mind with future misbehavior, then we complain that our work is heavy and we retreat another step in our ability to fight crime.

The unitary theory or concept of mental illnesses, many of which are the core of criminal behavior, is that the individual afflicted has become mentally and emotionally affected because he cannot adjust to his surroundings, to his family problems, to his working conditions, to any and everything that constitutes his particular place in life.

We must concern ourselves with all of the factors which cause this impairment of the ability to self-regulate to one's environment. Until we do, crime will increase as all types of human misconduct multiply.

I propose active police participation in a program which advocates the following steps toward better behavior:

1. More attention to the mental and emotional condition of the child at as early an age as feasible. This might be accomplished by psychological examinations given on the same basis as present physical examinations, with reports made to parents and teachers.

2. More vigorous inducement of parental education in the field of mental health both for themselves and their children. The forum and procedure for such instruction is admittedly a problem, but it can be accomplished through sincere efforts.

3. An enhancement of communications between the public and the police with more effective messages directed at crime prevention through better conduct. In other words, an attempt to arrest the attention of the people so as to make unnecessary their physical arrest.

If we are ever to make strides in attaining President Franklin D. Roosevelt's greatest of his four freedoms, freedom from fear, we shall first have to make strides toward the attainment of a badly needed fifth freedom in America—that of freedom from criminality.