

A MANUAL OF CRIMINAL LAW AND
CRIMINAL PROCEDURE FOR POLICE

§

THE UNIVERSITY OF CHICAGO PRESS
CHICAGO, ILLINOIS

—
THE BAKER & TAYLOR COMPANY
NEW YORK

THE CAMBRIDGE UNIVERSITY PRESS
LONDON

THE MARUZEN-KABUSHIKI-KAISHA
TOKYO, OSAKA, KYOTO, FUKUOKA, SENDAI

THE COMMERCIAL PRESS, LIMITED
SHANGHAI

A MANUAL *of* CRIMINAL
LAW AND CRIMINAL
PROCEDURE *for* POLICE

By

ERNST W. PUTTKAMMER

Prepared under the auspices of the

CITIZENS' POLICE COMMITTEE, NORTHWESTERN
UNIVERSITY, AND THE UNIVERSITY
OF CHICAGO



26018 LAW LIBRARY

THE UNIVERSITY OF CHICAGO PRESS
CHICAGO, ILLINOIS

COPYRIGHT 1930 AND 1931 BY E. W. PUTTKAMMER
ALL RIGHTS RESERVED. PUBLISHED OCTOBER 1931

Revised Edition

COMPOSED AND PRINTED BY THE UNIVERSITY OF CHICAGO PRESS
CHICAGO, ILLINOIS, U.S.A.

FOREWORD

The primary purpose of this *Manual* is to serve as a textbook in criminal law and in criminal procedure in police training schools. A secondary purpose is to supply a convenient reference book to which the officer may go for information when desired. It is hoped, however, that the general reader wishing to secure a broad description of these subjects may find the book useful. Bearing these purposes in mind, it is obvious that the book could not be other than brief and elementary in its treatment of the subjects. It was inevitable also that the need for brevity would lead to general statements that were not universally true or accurate; such difficulties, however, are inherent in all shorter treatises.

The arrangement of the subject matter and its discussion are based on this main purpose—its use as a police textbook. This has frequently resulted in cutting across logical boundary lines. It is based primarily on the law of Illinois (the statutory references are to the Smith-Hurd statutes), but in so general a treatment the statements made are substantially accurate in almost all the states.

For the benefit of police instructors subjects for class discussion and illustrative questions are frequently given. These are, however, only suggestions, and an able instructor will of course add to and alter them according to the needs of the class. The instructor should avoid assigning the same fixed number of pages at a meeting, as the importance of the sections varies greatly, and material covering several pages may in several instances call for less class time than highly important matter concentrated in one page; the instructor must be governed by experience in apportioning his time.

Chapter headings do not indicate sharp breaks in the subject. On the contrary, the attempt has been made to carry on the discussion without, so far as possible, any break.

This short explanation will, it is hoped, make the book more useful in that which it aims to do, and prevent it from being judged from the basis of that which it lays no claim to being.

E. W. PUTTKAMMER

October, 1931

CONTENTS

PRELIMINARY	I
CRIMINAL LAW	5
Felonies and Misdemeanors	5
Doing Physical Injuries to Others	6
Sex Offenses	11
Children, Offenses against	16
Some Unlawful Businesses	20
Miscellaneous Sorts of Conduct Hurtful to Public	22
Offenses against the Government Itself	29
Taking or Using Property Wrongfully	31
Anti-narcotic and Prohibition Laws	42
General Principles Applicable to All Criminal Offenses	43
PROCEDURAL LAW	52
Proceedings Preliminary to Trial	52
Trial	71
Miscellaneous	86
INDEX	89

PRELIMINARY

1. Before anyone can understand anything about the law, he must have a general idea of what our government is like. For that reason we are beginning the course with a very brief description of our government.

2. Our government—any government, anywhere—naturally breaks up into three parts: (1) the part that makes laws; (2) the part that enforces laws; (3) the part that judges whether or not somebody has broken the law.

Illustration: Every factory, every club, is run the same way. In baseball the national commission makes the rules. The umpires enforce them. The president of the league decides disputes about them.

We could not get along if we left out a single one of these three. And we do not need any more than these three because they take care of everything.

Instructor: Bring out the foregoing paragraph by first asking the class: "Could we get along if we had only part (1) and part (2)? Part (1) and part (3)? Part (2) and part (3)? Can any student think of anything that these three do not take care of?"

Each of the three parts has a special name of its own: (1) the one that makes the laws is called the "legislative department"; (2) the one that enforces the laws is called the "executive department"; (3) the one that judges whether they have been broken is called the "judicial department."

Put these names on the blackboard. Then drill the class in them.

"The Powers of the government of this State are divided into three distinct departments—the legislative, executive, and judicial" [Illinois Constitution of 1870, art. iii].

3. The part that makes the laws—the legislative department—is called the "General Assembly." It meets every two years at least, at the state capital at Springfield, Illinois. There

may be special meetings oftener. All the members of the General Assembly are elected. The General Assembly is in two parts: the senate and the house of representatives.

What is the part that makes the laws called? How are its members chosen? Is it divided into parts? Into how many? What are the two parts called? Where does the Assembly meet? How often?

“The legislative powers shall be vested in a General Assembly which shall consist of a Senate and a House of Representatives, both to be elected by the people” [Illinois Constitution of 1870, art. iv].

4. When the Assembly has made a law, such a law is called an “act.” It is also called a “statute.” All our statutes are printed in a large book, where they are arranged in chapters. Each chapter has one subject. The chapter that has the statutes on crimes is chapter 38. It is also called the “Criminal Code.”

What is a law called? If you wanted to find the statute on murder, where would you look? What is in chapter 38? What is its other name?

5. The executive department is headed by the governor of Illinois. In the same department are all such officials as the state treasurer, sheriffs, coroners, and so on. The state is divided into a great many counties, each county having its own sheriff and its own coroner. The sheriff, helped by his deputy sheriffs, enforces the laws, makes arrests of law-breakers, and has charge of prisoners in the county jail.

6. The part that judges the laws—the judicial department—is made up of many courts. Some have nothing to do with criminal law. We shall describe only those having to do with criminal cases in Cook County. The first court here is the Criminal Court. This is where prisoners are tried (not all prisoners—some are tried in the Municipal Court, which will be described later on). If they are found guilty, they can ask a higher court, called the Supreme Court, to go over the whole trial to see if any mistake (called an “error”) was made. This is called “appealing.” In order that the Supreme Court can go over the whole matter, a written account of everything that

happened at the trial is sent to it. This written account is called the "record." If the Supreme Court finds no error in the record, the decision in the Criminal Court is "affirmed," which means that it is not changed. If there was an error, the decision is "reversed," and the Supreme Court gives orders to try the prisoner again or, perhaps, to let him go.

Make sure students know the meaning of "Criminal Court," "Supreme Court," "appeal," "error," "record," "affirm," and "reverse."

7. Just like the state, the city government has its legislative, executive, and judicial parts; but each part has no authority beyond the city limits.

The city's legislative part is called the "city council." The council is made up of the mayor and the aldermen, one from each ward. There are fifty wards in Chicago. The council can make laws only on matters which the General Assembly of the state has turned over to it. These laws are called "ordinances." The ordinances are in a book called the *Municipal Code*. You will learn more about them in the course on ordinances.

What is the city council? What can it do? What are ordinances? Where can you find them?

The mayor is the head of the executive part of the city government. The Police Department belongs to this part too. There had to be a city police department because the county sheriff does not have the time or the force to take care of a large city. The Police Department helps to enforce the state laws and enforces the city ordinances.

What is the mayor? Why does the Police Department belong to the executive part instead of to the legislative or judicial? What do they enforce?

In the executive part there are three men, appointed by the mayor, who make up the Civil Service Commission. This commission, by means of examinations, appoints, classifies, promotes, and discharges city employees. The object of the Civil Service Law is to procure a force of public employees

solely through merit, and to secure for such employees a permanent position, depending only on competence, faithfulness, and good behavior.

The judicial part of the city government is called the Municipal Court. Some kinds of criminal cases are tried in it. Later on you will learn which kinds belong to it and which kinds to the Criminal Court.

What is the Municipal Court?