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Police Science Notes

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POLICE SCIENCE NOTES

Firearms Identification Decisions.—The Supreme Courts of Illinois, Georgia, and Mississippi recently rendered decisions in three cases involving the identification of firearms.

In the Illinois case, *People v. Dale*, 355 Ill. 330 (1934), an objection was made at the trial to the admission of certain bullets found at the scene of the crime. It was argued that sufficient proof was lacking concerning the custody of the evidence bullets from the time of their finding until their presentation in court. The Supreme Court disposed of this objection in the following language: "The record shows that the officer who found the bullets put his own distinguishing mark on them at the time they were found and he identified them at the trial. The ballistics expert testified that they were fired from one of the revolvers found in the . . . apartment, and we find no error in their admission in evidence."

The two other recent decisions, *Gibson v. State*, 174 S. E. 354 (Ga. 1934), and *Davis v. State*, 154 So. 304 (Miss., 1934), are noteworthy primarily because they clearly indicate the absence of appropriate and complete firearms identification evidence, where such evidence was needed and not used to its full advantage—although convictions were obtained and affirmed in both instances. In the Georgia case the Supreme Court approved of the admissibility of evidence that "the plunger mark on the shell corresponded with the plunger mark on

the shells 10 and 11 [fired from a gun found in the defendant's possession]." In the Mississippi case evidence was held properly admissible which indicated that the empty shell found at the scene of a crime "fitted" in the gun found in the defendant's apartment at the time of his arrest.

Ultra-Violet Light in Criminal Case.—Among other evidence introduced at the trial in the recent case of *State v. Thorp*, 171 Atl. 633 (N. H., 1934) were several photographs, taken in ultra-violet light, of blood-stained impressions of shoe-prints at the scene of a murder. A comparison with the defendant's shoe-prints indicated their identity, particularly the rubber heel impressions. The defendant excepted to the introduction of the photographs on the ground that the linoleum containing the impressions was the "best evidence," and that the process employed by the photographer furnished "abnormal aid to the senses." *Held*: on appeal, affirmed. "The court impliedly found the process to be a trustworthy one, and the photographs thus taken were therefore admissible."

New Staff Member of S. C. D. L.—Mr. M. E. O'Neill, formerly Assistant Professor of Botany at Tulane University, was recently added to the Staff of the Scientific Crime Detection Laboratory, to fill the vacancy created by the resignation of Mr. E. Carleton Hood.

While working toward his Ph.D. at Yale University, Mr. O'Neill devoted a considerable amount of his time to chemical analysis as applied to criminal investigation. His particular interest was in dust analysis, and his research was conducted after having familiarized himself with the published material on this subject in several foreign languages. Moreover, he has been preparing a "key" for the identification of blades of grasses, which, needless to say, will be of considerable potential value in criminal investigations involving an examination of shoe scrapings, dust analysis, etc.

Mr. O'Neill holds the degrees of Bachelor of Science and Master of Science from Tulane University, and has completed two years of work at Yale University toward his Ph.D. in Biology.

The Laboratory considers itself very fortunate in being able to secure the services of Mr. O'Neill. From time to time the results of his research will be published in the Police Science Section of this Journal.

The following is a complete list of Staff Members of the Laboratory: *Newman F. Baker*, A.M., LL.B., J.S.D., Director; *Clarence W. Muehlberger*, B.S., Ph.D., Assistant Director, and Assistant Professor of Toxicology and Pharmacology; *Leonarde Keeler*, A.B., Assistant Professor of Law in Legal Psychology; *Charles M. Wilson*, Research Engineer and Instructor of Police Science; *Katherine Keeler*, A.B., Examiner of Questioned Documents; *Fred E. Inbau*, B.S., LL.B., LL.M., Instructor of Police Science; *M. E. O'Neill*, B.S., M.S., Microscopist.

Difficulties in Proving Forgery.—The June issue of the *Pennsylvania Law Review* (Vol. 82, No. 8, 1934) contains an article on the "Difficulties in Proving Forgery" by Albert S. Osborn. In it Mr. Osborn lists, as follows, some of the difficulties frequently encountered in attempting to prove a forgery, and then, in his usual interesting and convincing style, he discusses each difficulty at considerable length: "(1) Positive supporting perjury by co-conspirators; (2) Definite and detailed perjury by relatives and friendly witnesses actuated by sympathy and friendship; (3) Restrictive legal rules still in force in certain states regarding handwriting and document expert testimony; (4) Objections and arguments by an alert attorney, whose aim is to prevent proof, who quotes the old critical pronouncements which were the direct outgrowth of the ancient laws excluding standards of comparison, reasons for opinions, and the use of enlarged photographs and all optical instruments; (5) Unconscious prejudice in the minds of many of the older attorneys and judges, based on the overruled decisions still still printed in the books; (6) Lack of scientific training and technical knowledge of the subject of forgery by attorneys and judges; (7) Inexperience and lack of technical ability of local technical witnesses in certain cases who are called to prove that a document is not genuine; (8) The employment by the claimant, or rather the claimant's attorney, of unworthy specialists as witnesses who take a case no matter what the facts may be; (9) Incompetent jurors who cannot be technically educated during one trial; (10) Prejudice against the general subject of expert testimony, based mainly upon abuses, especial-

ly in sensational murder cases, of medical and insanity expert testimony; (11) The law allowing brief, unwitnessed, holographic wills to be probated, and in Pennsylvania allowing brief, unwitnessed, undated wills to be probated on proof of the signature only; (12) Another serious difficulty arises when the genuine signatures of a decedent, whose signature has been forged, are of a hesitating, tremulous, decrepit and unskilful character and easy to imitate . . .; (13) The final and not the least important difficulty is the contingent fee contract in important claim cases, which makes an attorney in effect a party financially interested to the extent of thirty, forty or even fifty per cent of a possible recovery, in some cases, of many thousands of dollars."

I. A. I. Convention.—A joint convention was held from August 6th to August 10th by the International Association for Identification and the California State Division of that organization. The program included the following speakers and their subjects: *Captain M. F. Nuremberg*, "Your Convention"; *Captain Howard Barlow*, "Classification and Filing of Single Finger-Prints"; *LeRoy Goodwin*, "Standardization of Police Record Forms"; *Clarence S. Morrill*, "The California State Criminal Identification and Investigation Bureau"; *Walter J. Macy*, "Can Finger-Prints Be Successfully Imitated or Forged?"; *Carl J. Wallace*, "Latent Finger-Prints—Lifting, Development, and Preservation of the Print"; *Horry Caldwell*, "Co-operation Between the Identification Officer and the Private Expert"; *Edward F. Burke*, "The President's Message"; *L. Clark*

Schilder, "The Classification and Filing of Doubtful Prints—The National Identification Bureau Records—Universal Finger-Printing"; *J. Edgar Hoover*, "The National Bureau and Its Value in the Fight Against Crime" (Not given by Mr. Hoover, but the subject was discussed by Mr. Schilder); *Dr. H. L. Updegraff*, "Can Finger-Prints Be Transferred from One Person's Finger to Those of Another by Skin Grafting?"; *Frank Gompert*, "A Tour of the Display Exhibits (of the Crime Investigation Laboratory)"; *Lieutenant Howard C. Nutt*, "The Crime Investigation Laboratory—Its Scope and Equipment"; *Ray H. Pinker*, "Examination of Physical Evidence—Blood Stains, Hair, Fibers, Paint, Burglar Tools, Debris, Imprints"; *R. J. Abernethy*, "The Forensic Chemist and the Identification Expert"; *Dr. A. F. Wagner*, "The Autopsy and Crime Investigation"; *R. B. Haselden*, "Determination of the Age of Documents"; *W. R. Ellis*, "Questioned Document Problems"; *Spencer Moxley*, "The Value of Accurate Measurements in Gun Identification"; *Captain E. C. Crossman*, "The Qualifications of a Ballistic Expert"; *Robert M. Smith*, "Photographs—Lenses, Filters, Light, Films, Printing Paper, Formulas"; *Maurice F. Hasler*, "Identification by the Spectrographic Method"; *J. D. Zimmerman*, "Ultra-Violet Light Rays—Infra-Red Light Rays"; *Wallace J. Moore*, "Moultage—Its Value in the Preservation of Physical Evidence and Methods of Court Demonstration"; *Emory J. Smith*, "Scientific Evidence in Criminal Cases" (not delivered); *Luke S. May*, "Tool Marks and Identification of Physical Evidence"; *Blayne Mathews*, "Identification in Extortion Cases"; *Hart Schraeder, Jr.*,

"Handwriting Evidence and Methods of Illustrating for Court Demonstration"; *John L. Harris*, "Type-writing Identification and Its Proof in Court"; *Maurice O'Neil*, "Ballistics and Demonstration of Evidence"; *O. W. Bottorff*, "Latent Finger-Prints—Their Photography and Proof in Court"; *Burton Pitts*, "The Scientific Identification Expert and the District Attorney"; *Hon. Charles W. Fricke*, "The Expert Witness in Court".

The Surete Nationale of France.—The recent reorganization of the Surete Generale (French equivalent of the C. I. D. of England and perhaps of the Division of Investigation of the United States), under its new title of Surete Nationale, effected a raising of the educational standards required of its recruits. In the future all candidates for the rank of Commissaire must hold degrees in Law, Letters, Science, or Medicine, while those for the other rank of Inspector must at least have passed the "baccalaureat." Candidates who survive the competitive examinations will be required to undergo a three months' course at the technical Police School which is about to be established. At the end of this course they will be required to take another examination. Graduates of the School will then perform nine months' duty under instruction and on probation, at the end of which time their appointments are subject to confirmation. (See "The Police Review" (England) for August 17, 1934.)

A Will Shown to be a Forgery by Thunder and Lightning.—A rare document examination case occurred recently, in which a weather

bureau record of thunder and lightning had bearing upon the genuineness of a document. It is the so-called *Chinsky* case decided by the Surrogate's Court, Borough of Brooklyn, New York City. Mr. Albert S. Osborn's opinion formed the basis for the decision.

In an attempt to explain the "trembling" appearance of the testator's alleged signature, various witnesses stated that at the time of the execution of the testament a thunder storm was in progress. Weather reports indicated, however, that the storm did not occur until approximately one hour after the time of signing as evidenced by hospital records.

The other interesting feature of this case concerns "guided" signatures. Following are excerpts from the Surrogate's opinion which should be of particular interest to document examiners:

"It is an interesting subject of speculation as to when a 'guided' signature becomes a forgery. Obviously, when any person writes, some instrument must be employed for the purpose, which in the usual case is a pen in a penholder. It would, of course, be possible to fasten a stick to the penholder and to exert the propulsive energy merely on this addition. The resulting writing would, however, be that of the person who moved the entire combined instrument. In like manner it might be possible for a person to fasten the pen into an inert human hand and to propel it in a manner which would make marks. In such a case the writing would no more be that of the possessor of the inert hand than it would be that of the stick in the case first supposed, and in both cases, the characteristics displayed in the writing would be those of the

active individual. So striking is the demonstration in the comparison of writing in the case at bar, that the court is of the opinion that this is substantially what took place in the present instance." (See 4 p. supplement to "Questioned Documents" for insertion at p. 312.)

International Exchange of Fingerprints.—One of the activities of the Division of Investigation of the United States Department of Justice which has attracted widespread interest and contributed materially to the cause of more effective law enforcement throughout the world is its regular exchange of fingerprints with the identification bureaus of foreign countries.

According to a recent bulletin of the Department (of July 17, 1934), since this project was instituted in March of 1932, the superintendents of identification bureaus in Accra (Gold Coast Colony), Algeria, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Bermuda, Brazil, Burma, Canada, Ceylon, Chile, China (Hongkong), Colombia, Cuba, Czechoslovakia, Danzig, Denmark, Egypt, England, Federated Malay States, Finland, France, Germany, Greece, Haiti, Holland, Hungary, Ireland, Italy, Jamaica, Japan, Latvia, Lithuania, Mexico, New Zealand, Norway, Palestine, Paraguay, Peru, Poland, Portugal, Pretoria, Republic of Panama, Punjab (India), Roumania, Sierra Leone (Africa), Southern Rhodesia, Spain, Sweden, Switzerland and Turkey, as well as the superintendents of identification bureaus of all the territories and possessions of the United States, such as Hawaii, Canal Zone, Alaska, Philippine Islands, Puerto Rico, and Virgin Islands have participated in this

activity. All law enforcement agencies throughout the United States and Canada which transmit finger-print records regularly have been invited to indicate to the Division the cases wherein they desire that the foreign exchange be arranged and to furnish duplicate copies of prints to relay to the foreign countries. Further, the bureaus outside the continental United States have been offered the facilities of the Division's fingerprint files to elicit criminal records on Americans operating illegally in distant parts of the world. The numerous finger-prints which are being exchanged are an indication of the enthusiastic support which has been accorded this project. For example, during the fiscal year of 1934, 2,340 finger-prints were forwarded to foreign bureaus, and of these 5% were identified, while 11,890 fingerprints were received from foreign agencies and identifications were effected in 14% of these cases.

Hawaiian Criminological Laboratory.—Through the efforts of a group of public-spirited individuals, a criminological laboratory was formed recently in Honolulu, Hawaii. Its origin and development thus far closely parallels the history of the Scientific Crime Detection Laboratory of Northwestern University. It is a non-profit corporation created for the purpose of making available in the territory of Hawaii "the latest facilities for the detection and prevention of crime, with special reference to the scientific laboratory examination of clues and the preparation of evidence." The consultant staff is composed of specialists who contribute their service "on a volunteer

basis." Professor August Vollmer, who sent this information (a printed bulletin) to the Journal, stated that the city of Honolulu is expected to ultimately establish the laboratory as a governmental unit.

Metropolitan Police College.—A "police college" was formally opened recently in London as a training school for aspirants to the upper ranks in the metropolitan force. (See New York Times, Magazine section, July 1, 1934.) It is intended as a training school for the purpose of developing "a younger and more educated type of police officer" to fulfill positions of superior authority in the police force. In fact, the new Police College is the only gate to the upper ranks.

The students are carefully selected men either from within or from without the force, and they must spend fifteen months at the college, after which they occupy various positions for a nine months probationary period.

Offenses Known to the Police.—A compilation of figures, recently prepared by the United States Department of Justice (Vol. 3, No. 8 of "Fugitives"—August, 1934) indicates that during the second quarter of 1934 the number of offenses of murder and non-negligent manslaughter exceeded the number reported during the first three months of the year. The same is true with reference to cases of aggravated assault. However, cases of robbery, burglary, and larceny decreased during the second quarter.

Peoria's Two-Way Radio.—According to an account published in

the June, 1934, number of "The National Police Officer," the two-way police radio system in Peoria, Illinois, is working with complete satisfaction. Moreover, "there is an economy feature to the Peoria radio system. Since going on the air four months ago, less than \$50 has been spent for power, parts and repairs." By means of this system communication is available from police squad car to the broadcasting station and also from one squad car to another."

Minnesota Police Association.—According to an announcement in the official bulletin (June-July, 1934) of the Minnesota Police and Peace Officers, the twelfth annual convention of the Minnesota Police Association was held in Hibbing during June 25th and 26th, at which time the following officers were elected for the coming year: David C. Broderick, President; Henry C. Reibau, Vice-president; and Frederick C. Johnson, Secretary.

Functions and Accomplishments of the Division of Investigation.—A recent bulletin issued by the United States Department of Justice contained the following information regarding the Division of Investigation. Because of the increasing importance of that department, excerpts of the report are reprinted in Police Science Notes for the benefit of those individuals who may not have available the original bulletin.

The Division of Investigation has the responsibility of investigating offenses against the laws of the United States and collecting evidence in cases in which the United States is or may be a party, and

possesses primary investigative jurisdiction of those offenses against the laws of the United States not specifically assigned by Congressional enactment to other Governmental agencies for investigation.

This Division does not investigate violations of the Narcotic Laws, Smuggling, Counterfeiting, Immigration Laws, and certain other miscellaneous statutes.

Among the most generally known violations investigated by the Division are the following: Bankruptcy Act; Antitrust Laws; National Bank and Federal Reserve Acts; Crimes on the High Seas and on Indian and Government Reservations; Frauds Against the Government; Impersonation; Peonage; Theft of Government Property; Bribery of Government Officers; Espionage; Escaped Federal Prisoners; Killing or Assaulting Federal Officers; Robbery of National Banks or Member Banks of the the Federal Reserve System; Crimes in connection with Federal, Penal and Correctional Institutions; Neutrality Laws; Perjury; Pardon, Parole and Probation Matters; and certain violations involving interstate or foreign transportation, including the National Motor Vehicle Theft Act, known as the Dyer Act; White Slave Traffic Act, known as the Mann Act; Kidnapping; Extortion; The National Stolen Property Act; Flight to Avoid Prosecution or Testifying in Certain Cases; Federal Anti-Racketeering Statute; and Thefts from Interstate Shipments. In addition to the above criminal statutes the Division is called upon to investigate a large number of civil matters including the defense of War Risk Insurance Suits.

Statistics at best are rather dry, but offer the most concise method

of outlining the achievements of the Division. Convictions were secured in 93.81% of all cases investigated by the Division which were brought to trial during the fiscal year 1934. During the same fiscal year 3,531 convictions—that is, an average of almost 10 convictions for each day in the year—were obtained in cases investigated by the Division. The sentences imposed in these cases included 11 life sentences and totalled over 5,073 years, exclusive of probationary sentences, totaling 2,501 years, and suspended sentences of 1,012 years. The fines imposed during the same year totaled \$772,938.73.

The total value of recoveries effected in cases wherein employees of the Division performed investigative work amounted to \$1,116,619.28. In addition to these recoveries the sum of \$261,672.26 was saved the Government in Court of Claims cases in which investigations were conducted by the Division.

In 1,659 War Risk Insurance cases investigated by the Division during the fiscal year 1934, a total savings of \$17,890,768.13 to the United States was effected.

During the same fiscal year 928 Federal fugitives from justice were located—an average of between 2 and 3 Federal fugitives located per day. In addition, the Identification Unit of the Division assisted various law-enforcement officials throughout the United States in identifying 4,356 fugitives during the same year. Stolen motor vehicles numbering 2,302 and valued at \$910,024.23 were recovered in cases in which the Division performed investigative work for the fiscal year 1934. Since the enactment of the National Motor Vehicle Theft Act, or to give its commonly accepted name, the Dyer Act, in Oc-

tober, 1919, until June 30, 1934, 36,695 stolen motor vehicles valued at \$23,827,167.75 have been recovered in cases in which the Division performed investigative work.

Death of Professor Ottolenghi.—

An official bulletin recently issued by the Rome Institute of Legal Medicine contained an announcement of the death of Professor Salvatore Ottolenghi (June 28, 1934). Professor Ottolenghi was a prominent figure in the fields of criminology and police science. From 1885 to 1893 he studied under Lombroso and subsequently contributed with the latter on his famous work "l'Uomo delinquente" ("The Criminal Man"). As Director of the "Italian Scientific Police," Professor Ottolenghi was credited with creating the first comprehensive school in the world for the scientific instruction of police officers.

Noted Detective Dies.—

Allen O. Myers, former chief of operatives of the Burns Detective Agency and also a former agent for the Department of Justice during the World War, died recently at the age of fifty-seven. Mr. Myers' most notable piece of detective work was in the Richard Wyckoff murder mystery in New Jersey. (See New York Times for August 14, 1934.)

Suggestion.—

The reader of Police Science Notes is referred to the section of this Journal on "Current Notes" for valuable information concerning the recent meeting of the American Bar Association. Consider particularly the note on "Expert Testimony Statute."

Traffic Officer's Training School.—

With acceptances received from most of the nationally known authorities on traffic control and safety who have been invited to serve as instructors, plans for the second annual Traffic Officers' Training School of the Midwest Police Conference are practically completed, it was announced recently by Professor A. R. Hatton of the Political Science department of Northwestern university and Sergeant F. M. Kreml, director of the Accident Prevention bureau of the Evanston Police department, who are in charge of the school.

The school will open on Monday, October 8, and closes on Friday, October 20. It will be open to police and peace officers from any jurisdiction. Tuition for the school will be ten dollars; two dollars a day for room and board, if it is desired to have the school provide such, will bring the total cost of attendance to thirty-four dollars a man, exclusive of transportation. The ten dollars tuition is, however, the only fixed and required charge for the school.

The school, the first session of which last year proved eminently successful, was begun and is being carried on for the purpose of giving police officers a better knowledge of the methods of handling the problems of both congestion and accidents that have arisen in recent years. The instructors are men of recognized authority from every branch of the traffic field, each one well qualified to speak on some phase of the problem. The course is entirely practical, covering almost every phase of traffic control, including organization and training of personnel, traffic legislation, traffic planning, first aid, accident investigation, and many other phases

of interest to police officers and officials.

The two weeks session will be divided each day into a morning period of classroom lectures and discussions and an afternoon period of field work and demonstrations. Visits to the Chicago police department and the National Safety council, headquarters in Chicago, field traffic studies, actual accident investigation and motorcycle patrol demonstrations will serve to clarify and round out the classroom instruction and discussion.

Registrations for the school are now being received daily at the Political Science department of Northwestern university and at the Traffic Division of the Evanston police department. It is hoped that one or more representatives from

as many police agencies as can do so will be sent to the school, both for the comprehensive course that will be offered, and for the opportunity for comparison and dissemination of views on recent trends in the field of traffic control and safety among representatives of the various police agencies.

Following is a list of the instructors and the subjects to be treated by each one: *S. J. Williams*, "The Traffic Officer and His Functions" and "Legislation"; *F. M. Kreml*, "Organization and Training"; *Ray Ashworth*, "Traffic Direction and Control by Police"; *F. C. Lynch*, "Education"; *B. W. Marsh*, "Traffic Planning"; *E. J. Reeder*, "Field Work"; *A. J. Hagel*, "First Aid"; *J. S. Baker*, "The Driver"; *R. H. Forney*, "Accident Investigation."

