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## University Institute of the Criminologic Sciences and Criminalistics in Vienna

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# THE UNIVERSITY INSTITUTE OF THE CRIMINOLOGIC SCIENCES AND CRIMINALISTICS IN VIENNA <sup>1</sup>

Roland Grassberger<sup>2</sup>

In the spring of 1923, the Austrian Department of Education, acting upon the suggestion of Prof. Gleispach, the present director of the school, founded the University Institute of Criminologic Sciences and Criminalistics in Vienna. The Institute began to function in the summer semester of the same year. Incorporated as a part of the University Law School, it is, at the same time, a government institution and its staff members are government officials.

The connection with the University, however, gives this Institute, like other University institutes, a distinctive position among government organizations. This position can be traced back to the extensive privileges accorded Austrian universities when they were founded. Although they have lost most of their privileges, the tradition persists that the independence of our universities and their separation from government and politics constitute one of their most valuable assets. According to our federal constitution, the faculty of a university cannot be given any direction as to what opinions to advocate or what researches to undertake. In making faculty appointments the Department of Education is dependent, to a large extent, upon the cooperation of the faculty of the school concerned, which has the right of nomination. Finally, it is the University which has disciplinary jurisdiction over its faculty, and withdraws the right to teach only on account of age, sickness which incapacitates for teaching, or as a disciplinary measure. The universities of Austria have, therefore, a reputation for great independence.

The work of the Institute is divided into three chief branches, which are closely related:

- I. Instruction of law students in the criminological sciences.
- II. Advancement of research in these fields.
- III. Submission of expert opinions on criminological questions, when requested by the courts.

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The close connection between the service as experts and teaching is, in my opinion, particularly important. The teacher thus has an opportunity to remain in constant touch with practical work in his field, and receives the stimulus which is necessary in order to adapt teaching and research to the demands of actual practice.

The purpose of instruction at the Institute is to supplement the legal training afforded the student through the chief lecture courses by a varied knowledge which will serve him later in his capacity as judge, prosecuting attorney, defense lawyer, or police official. He should be equipped with a working knowledge of all the methods by which modern science assists in establishing the truth in criminal trials. If the defendant is convicted, he should be able to take into consideration all those factors which will help to adapt to the prisoner the specific treatment most advantageous to society and to the accused as a part of society. It is not the purpose of the Institute to train the law student as a criminological expert, but to teach him to follow intelligently the explanations of the forensic expert, to know what questions he can ask of him, and what material he must furnish the expert in order to expect a well-founded opinion.

Attendance at these lectures is not compulsory. The Institute is attempting to make it a requirement for the law student to attend at least a five-hour course during one semester. However, since in admission to the preliminary service leading to a judicial career, a service which is also demanded of the future prosecuting attorney and higher police services, such applicants who have certificates from the Institute are preferred, we have been quite successful in reaching the aim for which we are striving. The lectures are also well attended by foreign students.

The course is four semesters, but the curriculum is arranged so that the student can obtain, within a year, considerable orientation in the most important fields of criminology. Since each lecture course treats a single subject, the student can profit from visiting a single course. The curriculum is arranged as follows:

First Semester:

Research into the Causes of Crime.....	2 hrs. a week
Crime Phenomena—Part I.....	2 " " "
Criminalistic Technology—Part I.....	3 " " "
Crime Statistics .....	2 " " "
Forensic Medicine .....	5 " " "
Forensic Psychiatry .....	2 " " "

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16 " " "

## Second Semester:

Penology .....	2 hrs. a week
Crime Phenomena—Part II.....	2 " " "
Criminalistic Technology—Part II.....	2 " " "
Practicum in Criminalistics.....	2 " " "
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	8 " " "

## Third Semester:

Policy Relating to Penal Legislation.....	1 hr. a week
General Criminalistics .....	2 hrs. " "
Laboratory Work in Criminalistic Photography..	2 " " "
Psychology of Criminal Procedure.....	2 " " "
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	7 " " "

## Fourth Semester:

Presentation of Criminal Types.....	2 hrs. a week
Introduction to Criminal Psychology.....	1 " " "
Criminalistic Methodology .....	2 " " "
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	5 " " "

The lectures on Research into the *Causes of Crime* deal with the various causal factors in crime. The student is introduced to the most important laws of heredity and acquainted with the status of our present knowledge relative to the inheritance of criminal tendencies. The most important results of research in criminal biology are then discussed. In the second part of the course the social factors are discussed, and their importance is illustrated by numerous statistics, most of which have been compiled and tabulated at the Institute.

In the first part of the course on *Crime Phenomena* the usual habits and modes of expression of criminals are discussed. The second part of the course describes the criminal who works alone. The student should obtain from these lectures a picture of how the crimes, whose legal definition he has learned, are in reality performed.

Criminalistic Technology acquaints the student with all the technical aids which modern science has placed at the disposal of the prosecution officer. Most attention is given to the study of traces, that is, dactyloscopy, the marks left by tools, and ballistics. Comparison of handwriting is discussed minutely, and modern methods of recognizing and explaining counterfeits, especially by the application of ultraviolet rays, are demonstrated. The chief aim of the course is to acquaint the student with the most fundamental methods of investigation, to teach him the more simple tests to be made; and

in the case of more complicated investigations, to teach him the preservation of valuable clues so that when the expert arrives, he possesses usable material. Material for these lectures is furnished, for the most part, from actual cases which are given to the Institute to be worked on, and a collection of objects from the museum is also used.

The lectures on *Crime Statistics* demonstrate modern methods of mass observation, and illustrate their use by a number of examples. This course is combined, occasionally, with the one on *Research into the Causes of Crime*.

The student learns in the lectures on *Forensic Medicine* all the questions relative to a crime which may be asked the medico-legal expert. The working methods of such experts are demonstrated on patients and corpses. Above all, it is shown what constitutes a case of injury or a serious condition, when taking a person into custody.

The lectures on *Forensic Psychiatry* and the presentation of mental patients give the student a picture of mentally diseased criminals and of the reactions of psychically abnormal persons or of those suffering from a temporary mental derangement. Explanations are given of the basic facts underlying the expert's opinion concerning the criminal responsibility of the defendant and what information the officials entrusted with the administration of justice must submit to him for his report.

The lectures on *Criminal Psychology*, which study the mental life of the criminal, endeavor particularly to show the thoughts and reactions which result in the commission of a crime. The purpose of this course is to explain the conduct of the criminal at the time of the crime.

The lectures on the *Psychology of Criminal Procedure* acquaint the student with the psychological processes which play a rôle in the court-room. Much attention is given to the psychology of testimony. The causes of erroneous testimony are discussed; and it is taught, in particular, how to examine a witness in order to obtain testimony which is nearest the truth. It should be mentioned, perhaps, that according to the Austrian law of procedure the witness is examined by the judge, and that where cross-examination occurs, it plays a subordinate rôle. The psychology of the defendant is studied, in this course, in connection with the accusation which is directed at him, rather than in relation to the crime committed. Above all, it is endeavored to explain the circumstances which may influence the testimony of the accused, regardless of whether he is rightly or wrongly

accused. It is also pointed out how one can best hold the defendant to telling the truth, and what is the nature and manner of securing a credible confession. According to the Austrian law of procedure, the judge is duty bound to re-examine every confession in his official capacity. Finally, these lectures take up the difficult subject of the psychology of the judge.

The lectures on *Penology* acquaint the student with the forms of correctional and penal treatment which the law puts at the disposal of the judge, and indicate how the judge should apply these measures properly. These lectures, which are also intended to give the student a glimpse into life behind prison walls, regularly conclude with the inspection of two large penitentiaries and detention jails.

In the lectures on *General Criminalistics* the student is made familiar with the means by which criminals communicate. He learns the most important expressions in criminal jargon, the most common graphic signs used by criminals, methods of deciphering simple secret codes, and the superstitions current in the underworld or taken advantage of by criminals.

*Laboratory Work in Criminalistic Photography* demonstrates the many ways in which photography can be employed at the scene of the crime, in personal identification, and in the examination of documents.

The course on *Criminal Types* introduces the student to various types of criminals in the nearest prison. The lecturer converses, in the presence of the students, with the criminal who is being introduced to the group, touching not only the previous life of the criminal, but also very general questions. This discussion is followed by a report on the previous life of the criminal, a sort of case history, which deals, in particular, with the crime of which the prisoner was accused. Following this report, valuable disclosures resulting from the conversation with the prisoner are pointed out; and the criminologist, psychologist, psychiatrist, and aetiologist have a word on this topic.

*Criminalistic Methodology* teaches the student how to apply the criminalistic theories he has learned, and how to undertake his investigations in the correct sequence, so that the prosecution will be, as the law puts it, "A way toward truth and right".

The lectures on *Policy Relating to Penal Legislation* show the student how legislation makes use of or will make use of the body of knowledge which is yielded by research in the various fields of criminology, which he has become acquainted with in the other courses. It is indicated what sort of specific regulations relating to criminal

law and criminal procedure should be formulated by the legislator in order to provide society with a suitable weapon against criminality.

The courses on *Forensic Medicine*, *Criminal Psychology*, and *Forensic Psychiatry* are given by physicians, the others by members of the law faculty. Since all the jurists lecturing in the Institute have had more or less court practice, and particularly in the capacity of examining magistrates, they are in a position to make their lectures more convincing by illustrations from their own experience. Moreover, the cases upon which they give expert opinions offer abundant material for illustration. Finally, the Institute possesses a large collection of instructive criminological exhibits. According to existing ministerial decrees the courts must offer to the criminological institutes, before disposing of them otherwise, all objects confiscated during a prosecution which could possibly be of scientific importance. The whole nation is divided into districts, according to the location of the various institutes. Where there are several interested organizations in a single district, a division of the exhibits is agreed upon. The collection contains more than three thousand objects, and is divided into the following sections:

- I. Weapons, fire-arms and ballistics. Action of weapons.
- II. Explosives and incendiary apparatus.
- III. Apparatus for forging documents, counterfeited and falsified documents, counterfeit coins and banknotes, tools for forging, fortune-tellers' instruments, and implements for other frauds. Infringements on the laws relating to trademarks, designs, copyrights, and patent rights.
- IV. Prison exhibits and tools used in escape from prison.
- V. Securing clues, dactyloscopy, method of identification and detection.
- VI. Tools for house-breaking, theft, and smuggling, broken locks and containers, technical protection against burglary.
- VII. Pornography, sadistic and masochistic tools, implements of homosexuals.
- VIII. Poisons; implements of drug addicts.
- IX. Implements to procure abortion.
- X. Confiscated printed material.

A catalogue of information on the criminological history of the more important exhibits can be used to supplement the lectures on *Crime Phenomena*.

An extensive library, containing almost all the German criminological literature, can be utilized by the students. The Institute's lack of funds prohibits, unfortunately, the purchase of a large collection of

foreign books. It is limited, therefore, in acquiring non-German literature to standard works in foreign languages and subscriptions to leading technical periodicals abroad.

A collection of eight hundred diapositives has been prepared at the Institute, largely from material collected there, but also from books and from lantern slides placed at the disposal of the Institute by the police authorities. These are of service in instruction.

In addition to trying out the criminological methods of investigation discussed in current literature, the Institute undertakes independent research. The reason the Institute has not published material on new methods of investigation is that its aim is to submit conclusive works covering wide fields. Inasmuch as the staff members receive very small salaries—the best trained member, for instance, is paid only 250 shillings a month, which corresponds to the purchasing value of \$90—most of them are forced to take additional work as forensic experts in order to obtain an income corresponding to their position. Although it has been pointed out that practical work is of great value in criminology, a point is reached, nevertheless, where too much of this work hinders research; or, at least, deprives the individual of the time necessary to compose a scientific article on the new methods he has developed. The Institute carries on zealous research in criminal sociology. But here, too, there is unfortunately a lack of assistants to prepare the rich material on hand. The Institute receives a short report on every person found guilty for a misdemeanor or crime, other than slander, but it is not in a position to work on this material. Furthermore, the courts, and public prosecutors' offices are obliged to send to the Institute, when requested, any file material relating to criminal cases, which is not needed by the court. However, the Institute can look back on a series of publications which appeared in the *Kriminologischen Abhandlungen*, ably edited by the Director of the Institute, and published by Julius Springer; as well as several articles in leading technical journals.<sup>8</sup>

<sup>8</sup>*Kriminologische Abhandlungen* (Articles on Criminology), edited by W. Gleispach; Publisher: Julius Springer, Vienna.

Publication No.

- 1: *Das Wahrsagen*. (Fortune-telling.) By Dr. Hubert Streicher, Privatdozent. 1926.
2. *Das Schmersproblem und seine forensische Bedeutung*. (The Problem of Pain and Its Forensic Significance.) By Dr. Rudolf Michel, Jur. D., M. D., Privatdozent. 1926.
3. *Die chronisch erhöht gefährlichen mit besonderer Berücksichtigung ihrer Behandlung im englischen Recht*. (Habitual, Highly Dangerous Criminals. With Special Reference to Their Treatment in English Law.) By Dr. Edgar M. Foltin, Privatdozent. 1927.
4. *Die Brandlegungskriminalität. Eine Untersuchung über ihre Ausdehn-*

Before discussing the activity of the Institute's staff members as consultants in criminal proceedings, reference should be made to the fact that the forensic expert is, according to Austrian law, appointed by the court. The district attorney, the defendant, and defense counsel may suggest the appointment of a certain expert, but the court is not bound to accept their proposals. The parties have no influence on the final choice of an expert. Thus the non-partisan character of the expert is preserved and recognized by all the persons concerned in the proceedings. Moreover, as part of the University faculty, the Institute's staff members have a reputation for great independence. But it is not only for this reason, but rather on account of their wide experience and the technical apparatus which they have at their disposal, that the services of the Institute's faculty are much in demand. According to a decree issued by the Ministry of Justice, with the approval of the Department of Education, the faculty of criminological university institutes may be appointed to undertake the following:

Receive, examine, and interpret clues. (Finger, foot, tool, and other prints and traces.)

Examine writing. (Compare hand and typewriting, examine forgeries, erasures, and text reconstructions, determine age of documents, and decipher cryptograms.)

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- ung, Bedingungen und Bekämpfung.* (Arson: A Study of Its Extent, Nature, and Repression.) By Dr. Roland Grassberger. 1928.
- 5: *Die graphischen Gaumerzinken.* (Graphic Signs Used by Criminals.) By Prof. Hubert Streicher. 1928.
- 6: *Die Verbrecherhandschrift. I. Teil: die Handschrift der Betrüger, Diebe und Einbrecher.* (Handwriting of Criminals. Part I: Handwriting of Swindlers, Thieves, and Burglars.) By Dr. Roda Wieser. 1930.
- 7: *Die Strafzumessung. Ein System der Strafzumessungsgründe, zugleich ein Behülf für die Praxis.* (Sentence. Systematized Bases for Sentences; an Aid for Practitioners.) By Dr. Roland Grassberger. 1932.
- Articles in technical periodicals, the most important of which are:
- Gleispach, Wencel, Prof. *Die Erforschung der Verbrechensursachen.* (Research Relating to Causes of Crime.) *Zeitschrift für die Ges. Strafrechtswissenschaft.*
- — *Das Wiener Universitätsinstitut für die gesamte Strafrechtswissenschaft und Kriminalistik.* (The University Institute of the Criminological Sciences and Criminalistics in Vienna.) Vienna.
- — *Zur Aethiologie der Sexualdelikte.* (Etiology of Sex Crimes.) First International Congress on Sex Hygiene. Berlin, 1925.
- Höpler, Erwin, Prof. *Todesstrafe und Mordkriminalität.* (Capital Punishment and Murder.) *Aschaffenburgs Monatsschrift.*
- — *Wirtschaft und Kriminalität.* (Economics and Criminality.) *Archiv für Kriminologie.*
- Forscher, Hugo, Prof. *Bemerkungen zur Diebstahlskriminalität in Wien.* (Observations on Thefts in Vienna.) 1923. *Archiv. für Kriminologie.*

Identify pieces of material.

Examine injuries to letters, seals and imprinted stamps.

Investigate cases of arson.

Give information on criminal psychological questions.

Give information concerning methods of communication and other practices among criminals, interpret the superstitions, the graphic signs and the jargon of criminals.

The reports are in writing, and only in very rare cases does the expert appear in court in person.

The Institute has several laboratories which are equipped with the necessary apparatus. Most important is the apparatus for microscopy and color examination, which has a complete microphotographic equipment for photography in invisible light. The ultra-violet equipment consists of two quartz lamps with quartz lenses, prisms, and objectives, so that not only fluorescence photographs can be made, but also photographs in reflected ultra-violet light. A large dark room makes possible the employment of the most modern photographic technique. There is also a small laboratory for simple chemical tests; more complicated chemical analyses are submitted to the Institute for Forensic Chemistry.

This is, for the most part, the working plan and the purpose of the Institute. Due to unfavorable times, we are still far from the goal we had set, but the American reader may be interested in learning about the beginning we have made. When economic conditions improve, we shall, perhaps, receive the funds necessary to complete our plans and to continue the series of undertakings which have been suspended by the state as a result of economic retrenchment.