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## Police Science Notes

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## POLICE SCIENCE NOTES

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**Case Reversed Because Test for Blood Had Not Been Made**—The court of appeals of Alabama recently rendered an opinion which should be of considerable interest to those individuals who propose more extensive application of scientific methods in criminal investigations. See *Hand v. State*, 159 So. 275 (Ala., 1935).

Briefly, the facts involved in this case are as follows: The defendant was a member of a fishing party of four men, one of whom had been murdered and whose body was found and turned over to the police authorities by the defendant; an autopsy revealed, among other injuries, a wound in the rear of the head, which, in the opinion of a physician, had been caused by a knife; the police found a pocket-knife on the defendant's person at the time of his arrest. At the trial of the defendant for murder, the physician who performed the autopsy testified that "the depth and the width of the wound corresponded to the depth and width of that knife." He further stated, with reference to the knife, that "there was something on it that looked a little red. I couldn't say that it was blood, I don't know whether it was rust or blood; I did the best I could to see what it was, but I couldn't tell." In commenting upon this testimony the Alabama court of appeals said: "The admission of the testimony of [the doctor] as to the knife in question and the spots thereon, whether blood or rust (in his language), was of doubtful propriety. There are well-established

rules governing and controlling testimony of this character, and the state was under the duty of showing that proper steps had been taken to render this testimony admissible. There was no effort on the part of the state to comply with these rules. And it appears affirmatively that this witness and others were permitted to testify, without predicate of any sort, as to their opinion about the knife and the spots thereon, all of whom were manifestly not qualified so to do. No chemical test was sought from the state chemist or other legal authority; in the absence of which testimony of this character is inadmissible and should not be allowed. That this testimony, though illegal, incompetent, and inadmissible, was highly prejudicial to the substantial rights of the accused, cannot be questioned. . . . In connection with the foregoing, the following is shown by the record: The knife in question was in the possession of the state's representatives from the day it was delivered to them by the defendant and until it was introduced in evidence. The chief of police of Phoenix City, upon his examination as a witness was asked: 'Chief, did you make any effort to have the knife examined by a chemist?' He replied: 'Mr. Waddell (County Solicitor) and I talked about it, and Mr. Bullard (father of deceased) and I, but we never did send it off.'

"It is conceded by authors of medical jurisprudence that testimony relating to blood stains, when based upon the color of the stains, is unreliable because it has been

abundantly proved that color alone is often fallacious. Chemistry and microscope will determine the presence of a blood stain, if it in fact exists, with unfailling accuracy. It was not only within the province and power of the state, but also its duty, to have secured the testimony. Failing so to do rendered the testimony in this connection incompetent, and inadmissible as above stated."

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**Recent Decisions Concerning the Examination and Identification of Firearms**—A decision involving firearms identification evidence was recently rendered by the Supreme Court of Massachusetts in *Commonwealth v. Millen et al*, 194 N. E. 463, 482 (1935). The Court made the following statement:

"The thirty-sixth assignment of error is that the Judge erred in denying motions of the defendants to strike out certain testimony of Charles Van Amburgh, a ballistics expert called by the Commonwealth, respecting experiments made by him and his comparisons, and his photographs relating thereto. The ground upon which this claim of error is based is that the experiments tended to confuse and mislead rather than to assist the jury. The evidence of the witness, an expert in firearms, cannot be said to have been improperly admitted; its admission was within the discretion of the judge. The testimony and the exhibits fail to show any error of law."

The Supreme Court of Louisiana recently rendered the following opinion in a case which involved the examination of a firearm to determine, if possible, whether it had been fired recently. "The ques-

tion presented in two of the bills is whether it was permissible for witnesses who had had years of experience in the use of shotguns and other firearms to express their opinion to the jury as to whether a shotgun, which was found at the home of the party accused about twelve hours after the killing, had been fired recently. The objection which was made to the testimony was that the witnesses were not experts in the science called ballistics—the science of the motion of projectiles. One of the two witnesses was the coroner, and the other was a deputy sheriff. Each of them declared that, from many years of experience, he could tell from the odor and appearance of the burned powder in the barrel of a shotgun if it had been fired recently. They testified that the gun which they found at the home of the accused party, on the morning after the homicide, had been taken apart, and that the barrels had been dipped into ashes, or that ashes had been poured into the barrels, but that they could tell from the odor and freshness of the burned powder in the barrels that the gun had been fired recently. The rule which forbids a non-expert witness to express his opinion has reference to scientific subjects on which an individual's opinion is of no value unless he is versed in the particular science. But, as to the subjects on which any person of experience may form an accurate opinion from the facts which he has observed, a non-expert witness may give the jury the benefit of his opinion, provided he state the facts on which the opinion is founded, because then the jury also is governed by the facts, in determining whether the opinion is well founded. There is no danger

that a jury will attach too much importance to the opinion of the witness in such a case, as when one testifies that from the odor and appearance of the burned powder in the barrel of a shotgun and from his long experience in such matters he is of the opinion that the gun was fired recently, provided he states the facts on which his opinion is founded. What makes such testimony admissible is that there is no danger of deception. Whatever objection there may be to such testimony has reference to its sufficiency or its effect, not its admissibility." *State v. Willis*, 158 So. 826 (La., 1935).

**Legislative Act Regarding Scientific Methods of Crime Detection—** State Senator George A. Hutchinson of Enid, Oklahoma, recently introduced a bill in the Oklahoma Legislature entitled "An act providing that confessions or evidence obtained through the use of certain scientific instruments, means or methods, may be used in the trial of any person accused of the commission of a crime; prescribing the conditions under which such evidence may be introduced; and declaring an emergency." The bill itself reads as follows: "Be it Enacted by the Legislature of the State of Oklahoma: *Section 1.* In the trial of any person accused of the commission of a crime, a confession or evidence obtained from such person through the instrumentality or use of certain scientific methods or processes such as the Keeler Polygraph, commonly known as the 'lie-detector,' the 'psychogalvanometer,' the 'mirror-confession-chamber,' the use of scopolamine, the 'word-association test,' and similar

scientific devices or tests, the efficacy of which has been or may hereafter be definitely established by experimentation, shall be admitted as evidence. Provided, both the State and the accused shall be permitted to present expert witnesses either to establish or deny the efficacy of the particular scientific method or methods used to obtain such confession or evidence and the manner of the application thereof. *Section 2.* It being immediately necessary for the preservation of public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this Act shall take effect and be in full force from and after its passage and approval."

The Senate Committee on Criminal Jurisprudence reported the bill (No. 328) with a recommendation that it "do pass." After a third reading in the Senate, however, on April 25th, further consideration was indefinitely postponed, by a vote of 21 to 15. Senator Hutchinson suggested in a recent communication received by the *Journal*, that by reason of the bill having been presented at this time "it will seem less strange and revolutionary when it is introduced in the next session, and, of course, it will eventually be enacted in some form."

**Handwriting of Criminals—**The following is an excerpt which appeared in Volume 103 of the *Journal of the American Medical Association*, at p. 684 (1934): "In a recent report, Quinan (Clarence Quinan, *Handwriting of Criminals*, *Arch. Neurol. & Psychiat.* 32:350 (Aug.) 1934) has described the results of efforts to differentiate the handwriting movements of convicted

murderers from those of convicted forgers. One hundred each of murderers, forgers and unselected non-criminals were examined. In addition, six abattoir 'killers' were studied. The same model sentence was written by all the subjects and the time required, the angular inclination of the letters, the total running length along the base line and the configuration of the letters were recorded. It appears that bradygraphia is characteristic of murderers, for this group required 101 seconds to complete the model sentence, whereas the times for forgers and non-criminals were 68 and 49 seconds, respectively. The running length was somewhat greater for the forgers than for the other groups. The total angularity of the letters was noted. The coarse, sprawling letters instead of smooth and rounded loops were evidently made by jerky movements of the pen. The numbers of angles were 469, 286, and 283 for the murderers, forgers and non-criminal groups, respectively. The 'spastic-ataxic' writing of the murderers was also characteristic of the six abattoir 'killers.' The writing of the forgers, in addition to being full and rounded in configuration, frequently showed eccentricities in the manner of crossing the 't's' as well as certain flourishes on terminal letters. Although without doubt many factors influence the character of a person's handwriting, it is of considerable interest that, in these antisocial groups a correlation can be established between handwriting and the particular misdemeanor involved."

p. 4, April, 1935) its author, Superintendent J. R. Wilkinson of the Police Identification Department of Windsor, Ontario, discussed some very good reasons why a system should be devised and employed for recording laundry marks. The author proposes "a complete, international standard system." The following system he has devised "would take care of the United States and Canada, and may include other countries:"

"By giving each state and province a number, starting from 1, and using that as a numerator, and as a denominator using letters of the alphabet starting from "A," each of which would stand for the 26 largest cities. For instance, Toronto, which is the largest city in Ontario, would have as its identifying number, something like this, 16-A. Then each laundry and firm of dry cleaners in Toronto would be given a number and it would be compulsory for the firms to place on laundry work their number, together with the province and city number, and that of their customers, which could start at A-1 to 9999, and then on to Z-9999, and then back to 1A, and so on to 1Z-9999.

"It is understood, of course, that each customer would retain his own number, not used by anybody else.

"By this method it would mean that, if on the shirt of a murdered man these symbols were found, 19-D 9A-32, it would mean that this shirt had been washed at the Puritan Laundry, Blank City, Ontario, for Charles Baker, who resided at 317 Blank Avenue."

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Laundry Marks—In an article which recently appeared in the *Policeman's Review* (Vol. 5, No. 4,

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Academy of Science Award to Vollmer—The National Academy of Science recently awarded its "Pub-

lic Welfare" gold medal for outstanding contributions in the field of social sciences to Professor August Vollmer, in recognition of his achievements in advancing the sciences of criminal investigation and police administration. Mr. Vollmer was formerly Chief of Police of Berkeley, California, and is now Professor of Police Administration at the University of California.

the personnel 'in service' the quality of the service will wane. Without opportunity to attend technical courses and to learn new methods, practices, technique, etc., that would normally come to their attention only accidentally, if at all, police officers cannot keep abreast of the times nor meet successfully the challenge of the enemies of law and order."

**New York City Police Department**—A brief but very interesting history and review of the development of the New York Police Department is to be found in the March, 1935, issue of "Spring 3100," published by this department. The title of the article is "A Brief Review of the New York City Police Department," and its author is Inspector John J. O'Connell.

Beginning with the "Rattle Watch" of 1654, which consisted of from four to six men, and concluding with the present Uniformed Force of 18,263 men, Inspector O'Connell describes the rapid growth of this country's largest police unit. He then makes the following comments:

"The professional training given the recruit and personnel 'in service' at the Police Academy has resulted in an increase of 10% in convictions during the year over 1929, the year in which the Academy was established. So it is patent that the professional training given has made its mark, notwithstanding the complexities of the work, added duties exacted and handicaps that had to be overcome. . . . Police service cannot be effective if it stops with the training of recruits. Training wears off with the years and unless the initial course is supplemental by courses at regular intervals to

**Peace Officers' Manual**—"A Peace Officers' Manual for Combatting Subversive Activities" was recently published by the "Peace Officers' Association of the State of California." It is twenty-two pages in length and is divided into three chapters: "History and Organization of the Communist Movement," "Organization and Operation of Peace Officers," and "Organization and Operation of Citizens' Groups."

"In the first chapter an effort is made to portray those un-American forces which appear to have made great progress in the execution of their plans to bring about chaotic social conditions inimical to the welfare of the people of this commonwealth. It is believed that the treatment of this subject as a portion of the Manual will be enlightenment to the peace officers of the state and serve to acquaint them with those factions in our society that are so strongly attempting to undermine our established American institutions. It is also hoped that the knowledge gained by the readers will create a desire to make further and more exhaustive study of those subversive movements and activities that are creating such social, economic, and criminal problems.

"The peace officers of the state

realize their responsibility as the peace-time Army which exists as the one force or institution between law and order and chaos, between lawful society and the criminal elements. They believe that their obligation and duty to suppress un-American and subversive influences is as important and paramount as the control of any and all other criminal activities. To accomplish this undertaking, the Association has provided for an organization, the description and operation of which constitutes Chapter II of this Manual.

"The members of the Association are cognizant of the fact that the law enforcement agencies of the state constitute but a small force in number as compared with the population of the state, and when considering the multifarious duties they are required to perform. They further realize that the agencies must have the support and assistance of the citizens of the several jurisdictions. Chapter III of this Manual describes how this may be accomplished."

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**Cardiff Police Crime Laboratory—**The February 22, 1935, issue of the "Police Chronicle" (England) contains an account of the recent establishment (December, 1934) of the Cardiff Police Crime Laboratory. The laboratory is located in the Law Courts of Cardiff, and forms an integral part of the Detective Department.

**Institute for Law Enforcement Officers—**The Extension Division of the University of Michigan recently sponsored a brief course of instruction offered for the benefit of police officers. It was known as the second Institute for Law Enforcement Officers, and consisted of sixteen lectures, among which were the following:

"The Physiology and Psychology of Lie Detection" by Professor John F. Shepard, of the University of Michigan; "Practical Experiences in Lie Detection: the Polygraph," by Sergeant Harold Mulbar, of the Michigan State Police; "Scientific Procedures Which Have Been Used in Investigating Particular Crimes," by Inspector John Navarre of the Detroit Police Department; "The Application of Wood Technology to Crime Detection," by Professor William Kynoch of the University of Michigan; "Scientific Evidence and the Court," by Dr. Le Moyne Snyder of Lansing; and "The Dermal Nitrate Test: Lecture and Demonstration," by the same speaker; "Physical Considerations in the Use of Ultraviolet and Infra-red Light in the Study of Crime," by Professor F. A. Firestone, University of Michigan; "The Use of X-rays in the Investigation of Crime," by Dr. F. J. Hodges, of the University of Michigan; "Firearms Evidence as an Investigative Aid," by Major Seth Wiard; and "The Use of Chemical Warfare Agents in Police Work," followed by a "Demonstration of the Use of Chemical Agents," by the same speaker.