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Police Science Notes

POLICE SCIENCE NOTES

A Course or Seminar for Prosecuting Attorneys—A brief course of instruction—in effect a seminar—designed particularly for prosecuting attorneys and their assistants, will be offered by *Northwestern University School of Law,* principally through the facilities of the *Scientific Crime Detection Laboratory,* during the five day period from August 3 to August 7, 1936, inclusive. The course is not to be conducted as a conventional college course wherein the attendants would be treated as students. The object is to assemble a group of prosecuting attorneys, limited in number, for the purpose of permitting them to avail themselves of all the university facilities pertaining to criminal investigation and prosecutions, and at the same time to permit an exchange of ideas and opinions among the prosecutors themselves. The course will consist of:

(1) A series of lectures and demonstrations by the staff members of the Scientific Crime Detection Laboratory in the various methods of scientific crime detection. As a guide and for future reference there will be given to each person attending a specially prepared manual concerning the scientific principles and explanations of the various types of scientific evidence, as well as a complete and authenticated discussion of their legal status and application.

(2) Lectures by other university faculty members, principally from the Law School, who have specialized in surveying and studying many of the problems concerning the powers, duties, and privileges of prosecuting attorneys, the law of evidence in criminal trials, and also who are prepared to discuss recent decisions and current ideas upon many other aspects of criminal prosecution. In addition, there will be contributions from several other persons, not members of the university faculty, who are selected for this occasion because of their special qualifications in some particular phase of criminal prosecution or investigation.

Traffic Safety Program — The Northwestern University Traffic Officer's Training School has now been expanded into a full time program of traffic safety education and research. The University has appropriated $3,000 to be combined with a grant of $5,000 from the Automobile Manufacturers' Association for the support of the project. The offices of this traffic institute are located at 1827 Orrington Avenue, Evanston, Illinois. Lieutenant F. M. Kreml, of the Evanston police department, has been appointed director.

The general program of activity for the next year will include the following: Two basic courses on traffic problems will be offered for members of municipal police departments. One of these will be held the latter part of October, 1936, and the other will probably meet sometime in the following Spring. These courses will be similar in character to the previous

sessions of the traffic officers' training school except that they will be limited to municipal police. They will be at least two weeks in length and possibly more. A separate two weeks course will be offered sometime through the year for members of state and county police departments. An advanced course will be offered for three or four weeks sometime during the year for men who have made exceptionally good records during the last three years at the sessions of the traffic officers' training school.

It is planned to offer some special work for a few selected officers. This is to give them an opportunity for study and research at the University with field work with the Evanston police department. The subjects to be emphasized will be record analysis, accident investigation, vehicle inspection, and traffic planning. It is intended to carry forward the research which is already in progress on the effectiveness of enforcement, the development of standard traffic training procedures, the development of standards for the selection of traffic police, and the study of the effect of alcohol on traffic problems. The institute will serve as the traffic training center for the Evanston police department. Another phase of the program contemplated is the development of a guide for traffic executives, of material for traffic officers to use, and of films for use in visual education in traffic safety.

This whole program will be administered in close conjunction with the work of the traffic safety division of the International Association of Chiefs of Police, which also has offices at 1827 Orrington Avenue, Evanston. Lieutenant Kreml is also director of the IACP program. Captain Ray Ashworth of the Wichita, Kansas, police department is assistant director of the IACP project. A $15,000 grant from the Automobile Manufacturers' Association will be used to cooperate with the work of the National Safety Council, to assist in the establishment of traffic officers' training schools throughout the United States, to provide consultation and advice for police departments on their problems of traffic safety, to develop a traffic manual, to publish a traffic section of the IACP "News Letter," and numerous other related activities.

The practical combination of these two programs in the same office and under the same director promises to make Evanston and Northwestern University the outstanding center of traffic safety education, consultation, and research in the United States. The close relation of the whole project to the police department of Evanston, which recently won the title of safest city in the United States, offers unexcelled laboratory facilities for research and training.

E. H. DEL.

Finger-Prints: Federal Court Takes Judicial Notice That Finger-Prints Afford "Surest Method Known" for Identification Purposes—In *Piquett* v. *United States*, 81 Fed. (2d) 75 (1936), upon the defendant's appeal from his trial court conviction for having conspired to harbor or conceal the notorious hoodlum Homer Van Meter, it was urged that the proof of an agreement to alter Van Meter's facial features and his finger-print ridges—"the purpose thereof not being disclosed by the

evidence"—was not sufficient to sustain the charges of conspiracy to harbor and conceal him for the purpose of preventing his arrest under a federal warrant. In upholding the trial court's decision, the appellate court stated: "This court will take judicial knowledge of the well recognized fact that identification by finger-prints is about the surest method known, and that it is in universal use in the detection of criminals. We also feel warranted in saying that its use in other fields is comparatively very slight. There was only one conclusion at which the jury could rationally arrive from the fact that appellant and his co-conspirators were altering Van Meter's finger lines, and that was that they were trying to conceal his identity. That fact, coupled with the knowledge of appellant and his co-conspirators that Van Meter was a fugitive, warranted the jury in finding that they conspired to conceal Van Meter at the time and place charged, for the purpose of preventing his arrest."

Document Examination: Publicity of Expert Witness Before Trial; Marking of Exhibits as Affecting Admissibility; Books Used on Cross-Examination—Two recent appellate court decisions, one from Ohio, and one from California, should be of interest to examiners of questioned documents. In the Ohio case, *Hagans* v. *State*, 50 Ohio App. 534, 193 N. E. 889 (1935), a prosecution for forgery, "it was charged that the state's evidence was insufficient to warrant conviction because of the fact that actual proof of the charges was made only by the evidence of an expert witness, who was discredited by a defense expert who testified adversely to him. As a second ground of error it is urged that the trial court erred in its refusal to sustain the defense motion to discharge the jury and continue the case, when it transpired during the course of the trial that the local newspaper had published two articles, laudatory in character, of the state's expert witness. It is claimed that these were inspired and were read by the jurors (before trial, at the time when the expert testified before the grand jury), and that they created a prejudice against the accused which resulted in a verdict of guilty. The third claimed error is in the admission in evidence of a certain document known as state's 'Exhibit R'." Following is the language used by the court in disposing of these objections: "It is common knowledge that similarity of letter characters between the forged document and the known characteristics of the one charged with forgery are most important in establishing proof of the overt act. Yet we find on page 159 of the record that the defense expert in answer to the query, 'It does not mean anything to you, the similarity of letters,' replied, 'No sir.' Without doubt this answer, coupled with certain clear instances of similarity which the jury might readily perceive upon examination, caused the jury to view the testimony of the defense expert with considerable suspicion. * * * Did the newspaper publications influence the jury and deny the accused a fair and impartial trial? We do not think so. We find these articles atached to the record, but we do not find them to have ever been admitted in evidence. Neither

do we find that it was insisted upon that the jury be polled as to whether they had read the articles and were influenced by them. The jury thereafter had the state's expert before it, and even if they had read the articles, they then had opportunity to form an opinion of his character and ability and determine the weight to be given his opinion, and the sufficiency of the evidence upon which it was based. The record further discloses that the court very properly at the time, and in no uncertain terms, instructed the jury that if they had read the articles to disregard them entirely. It should not hastily be presumed that the jury disregarded the court's instructions. We have read these articles. They contain no recitation of facts or expression of opinion as to (defendant's) guilt other than to say that the indictwas procured because of the opinion of the expert witness. The jury thereafter saw and heard the witness testify at length. It could and did then value that opinion at its actual worth. We are unable to perceive wherein the accused was prejudiced by these articles." * * * The "Exhibit R" which defendant contended should not be admitted constituted two standard signatures of the defendant. A notation appeared on the paper containing these standards to the effect that the signing was witnessed by several people. It was claimed that this notation made the document incompetent in evidence. "This paper had been procured by the examiner at the request of the state's expert as a 'standard' for comparison with (defendant's) endorsement appearing on one of the checks. It was exhibited to (the defendant) on the stand and identified by him as containing his signatures. It was then objected to. It was only admitted for the purpose of providing a standard of comparison with (defendant's) purported endorsement on the check in which he appeared as payee. It was used for no other purpose. The notation simply made it possible for positive identification by (defendant) and could in no ulterior way have influenced the state's expert. We are unable to conceive by any flight of fancy how the accused could have been prejudiced by this notation. The admission of this document was in no way erroneous."

In the California case, *People* v. *Hooper,* 51 Pac. (2d) 1131 (1935), also a prosecution for forgery, the defendant urged, upon appeal, that the trial court erred in permitting the prosecutor to cross-examine the defense expert "touching his familiarity with a certain printed work on the subject concerning which he was testifying." The appellate court held and stated: "While it is the general rule that the contents of printed books may not be brought before the jury upon examination of an expert witness, upon the theory that such action violates the hearsay rule and permits a person not under oath and not subject to cross-examination to place his opinion before the jury, . . ., the rule is otherwise on cross-examination where, as here, the witness has testified that he relies upon certain works, or where the purpose is to test the competency of the expert."

Firearms Identification: Competency of Expert Witness—In *Dobry* v. *State,* 263 N. W. 681 (Nebr.,

1935), "the state produced the evidence of ballistics experts to the effect that the bullet found in the body of (deceased) was fired from the gun which the defendant obtained from the witness (a hardware dealer). The defendant produced the evidence of an expert to the effect that in his opinion, the evidence bullet could not have been fired from the gun in question." In sustaining the conviction of the defendant upon such evidence, the appellate court stated: "The credibility of each witness produced as one skilled in ballistics and the weight to be given to his testimony are matters that are clearly within the province of the jury to determine. It cannot be said that any one of these skilled witnesses is, as a matter of law, entitled to have his opinion treated as a conclusively established fact. This is a matter that is within the province of the jury and, they having arrived at a conclusion upon contradictory evidence, their finding will not be disturbed. In the case of *Evans* v. *Commonwealth,* 230 Ky. 411, 19 S. W. (2d) 1091, 66 A. L. R. 360, the testimony of witnesses skilled in ballistics is well considered. In that case the testimony of Calvin H. Goddard, a witness skilled in ballistics, was set out at length and its competency upheld by the Supreme Court of Kentucky. Goddard was a witness in the case at bar and his testimony was along the same lines as therein detailed, so much so that we consider the case of *Evans* v. *Commonwealth, supra,* authority for the submission of such evidence to the jury for their consideration as to its weight and credibility."

Shoe-Prints: Comparison Made With Defendant's Shoes—In *Weaver* v. *State,* 86 S. W. 758 (Tex., 1935), it was held: "The fact that the officers took the heel of appellant's shoe out to the scene of the alleged rape and there fitted it into a heel track, also that they took the girl in question out to the scene and her foot fitted tracks there found, seems to have been proper. The fact that appellant was in jail at the time his shoe was taken out and placed in the track in question does not make the testimony inadmissible." An officer was also permitted to testify that he observed on appellant's shoes while he was in jail steel caps on the heels which corresponded with heel-prints found at the place of the alleged offense.

X-Rays: Showing Skull Fractures in Criminal Case—In *Johnson* v. *State,* 165 So. 402 (Ala., 1935), it was held that where the defendant, charged with murder, claimed to have struck deceased only two blows over the head, while state's witnesses testified that defendant struck three, X-ray photographs purporting to show fractures made of the skull of deceased were admissible for the purpose of aiding the jury in considering the conflict in testimony.