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Police Science Notes

POLICE SCIENCE NOTES

Blood Grouping Tests: Admissibility as Evidence— An important decision was recently rendered by the Supreme Court of South Dakota in a case involving the admissibility of blood grouping tests. It is a decision on rehearing of *State* v. *Damm*, 62 S. D. 123, 252 N. W. 7 (1933), 266 N. W. 667 (1936). The facts in the case were as follows: the defendant, accused of rape, resulting in the birth of a child, offered to submit himself to a blood test, and he requested a court order directing that a similar test be made upon the prosecutrix and her child, with a view of determining whether or not he could have been the father of the child. The court denied the request. A conviction resulted, and the defendant appealed. The case was affirmed, in the following language of the court delivered in 1933: "Without endeavoring to arrive at any decision on other questions involved in connection with this particular claim of error, we hold that the learned judge did not abuse his discretion in refusing to order the blood test requested by appellant. We base such holding specifically upon the proposition that it does not sufficiently appear from the record in the case that modern medical science is agreed upon the transmissibility of blood characteristics to such an extent that it can be accepted as an unquestioned scientific fact that, if the blood groupings of the parents are known, the blood group of the offspring can be necessarily determined, or that, if the blood groupings of the mother and child are known, it can be accepted as a positively established fact that the blood group of the father could not have been a certain specific characteristic group. In other words, we think it insufficiently appears that the validity of the proposed tests meets with such generally accepted recognition as a scientific fact among medical men as to say that it constituted an abuse of discretion for a court of justice to refuse to take cognizance thereof, as would undoubtedly be the case if a court today would refuse to take cognizance of the accepted scientific fact that the finger prints of no two individuals are in all respects identical. We therefore find no error."

A rehearing was granted, and between the years 1933 and 1936 the court apparently experienced a change of opinion regarding the established utility of blood grouping tests and the propriety of their admissibility as evidence. Statements are made in the rehearing opinion, however, which indicate that the previous opinion was merely "misinterpreted." Nevertheless, the present and rehearing opinion states in no uncertain terms that the court goes on record as approving of the use of blood grouping tests in trials involving determinations of paternity. "We do not wish," stated Justice Campbell in his very able discussion, "any misapprehension as to the views of this court by any possibility to deter other courts from accepting and acting upon a tenet

of biological science which we are convinced is now fully ripe for acceptance in medico-legal cases," and for that reason "we deem it proper at this time to state, for whatever it may be worth, our actual opinion on the abstract question, notwithstanding the fact . . . that it is also our view that the determination of the abstract question favorably to appellant's contentions is not decisive of the present appeal." * * * "We therefore say, without further elaboration or discussion, that it is our considered opinion that the reliability of the blood test is definitely, and indeed unanimously, established as a matter of expert scientific opinion entertained by authorities in the field, and we think the time has undoubtedly arrived when the results of such tests, made by competent persons and properly offered in evidence, should be deemed admissible in a court of justice whenever paternity is in issue."

Photograph of Fingerprints Admitted as Evidence—The recent case of *Hornsby* v. *Commonwealth,* 92 S. W. (2d) 773 (Ky., 1936), held that a photograph of finger-prints found at the scene of a burglary was admissible to show the defendant's presence at the place and time of the crime, "in view of the testimony that fingerprints of no two persons are exactly identical." The court stated that fingerprint evidence was not to be rejected "upon the ground that it is opinion evidence, in view of the fact that the testimony of the expert witnesses was that by the fingerprints taken in millions of cases it has been conclusively demonstrated that the fingerprints of no two persons are exactly identical in their markings, and therefore, where two fingerprints are found to be exactly identical, it establishes the fact that they are the fingerprints of one and the same person."

Document Examination: Competency of Standards—The defense contended, in *State* v. *Nelson,* 56 Pac. (2d) 710 (Wash., 1936), a prosecution for forgery, "that the testimony of the two handwriting experts called by the state was not based on proper standards." In passing upon this question, the court used the following language: "In this connection, it is said that Albert S. Osborn's work on 'Questioned Documents' prescribes the standard for such testimony. The state introduced a number of documents which contained either the admitted signature of the testatrix or the signature was supported by evidence. It is claimed that the signatures used for comparison should have been those made more nearly to the time of the death of the prosecutrix. The matter, however, goes to the weight of the evidence, and not to its admissibility. So far as we are informed, no court has held that, in order that such testimony may be admissible, it must conform to the standards prescribed by Osborn. The testimony was properly admitted, and the weight was for the jury to determine."

Illinois School of Police Administration—The Illinois Municipal League, together with the Illinois Police Association, sponsored a school of police administration recently, from June 8-13, 1936. The objectives of the school, as outlined

in its bulletin, consisted of the following:

"To cooperate with the nation-wide program of achieving a trained personnel in the public service; to provide the public with improved standards of police protection and service; to provide the police officer with a basis for the skilled performance of his duty, by encouraging a scientific approach to matters of police administration; to encourage cooperation between municipal, county, state, and federal law enforcement agencies in the solution of their common problems; to make available to every police officer in Illinois some measure of specialized training that will better equip him to handle his job and result in more efficient service and a generally improved morale; to promote public respect and admiration for the trained police officer."

A series of lectures was delivered upon such subjects as "The Police Power and the Municipality," "Law of Arrest," "Juvenile Delinquency," "Crime Prevention," "Scientific Crime Detection," etc.

Minnesota Police Training School—The first Minnesota Police Training School, sponsored by the League of Minnesota Municipalities and the Municipal Reference Bureau of the University of Minnesota, was held at Minneapolis, May 18-22, 1936. According to figures released by the director of this project, approximately seventy-five men were in attendance, including policemen from forty-six municipalities, and sheriffs and deputies from six counties. Lectures such as the following were delivered: "Police Jurisdiction; Classification of Crime; Law of Arrest," "First Aid," "Police Tactics," "Scientific Crime Detection," "Traffic Control and Enforcement," etc.