

Winter 1939

Police Science Notes

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Recommended Citation

Police Science Notes, 29 *Am. Inst. Crim. L. & Criminology* 731 (1938-1939)

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POLICE SCIENCE NOTES

TECHNICAL ABSTRACTS

By M. EDWIN O'NEILL†

Identification of Cloth Fragments— The examination of suspected automobiles in "hit-and-run" cases frequently results in the recovery of fibers or threads which have been torn from the clothing of the victim. With such evidence it is possible to show similarities between the fibers in question and samples from the clothing with respect to general characteristics such as color, fiber type, etc., but the demonstration of identity is a practical impossibility with available laboratory methods. Sometimes, however, bits of cloth are found which are sufficiently large to permit a comparison on the basis of size, form, weave, thread irregularities and other distinctive characteristics, which enable the laboratory technician to arrive at a definite opinion regarding identity or non-identity.

In a case investigated recently by the Accident Prevention Division of the Chicago Police Department a comparison of this kind was successfully made. An automobile, while backing out of an alley, ran over a small child, inflicting serious injury. Although there were no eye witnesses to the accident, suspicion was directed toward a particular automobile which was observed leaving the scene. The police officers assigned to the case conducted a careful examination of the suspected car and as a result there was recovered from a shackle bolt under the car a small piece of cloth approximately one and three quarter inches in length by one inch in width. This fragment of cloth and the overalls worn by the victim at the time of the accident were taken to the laboratory for comparison.

A preliminary examination of the exhibits revealed that both were made of blue cotton corduroy and that the ribs of cloth in each instance were of similar size and spacing. The overalls contained a number of tears, especially in the trouser seat, and this portion of the garment was considerably stained with black gummy material resembling lubricating grease. When the overalls were spread out and the torn edges of the cloth were fitted together there remained an irregular shaped space, adjoining the central seam, where a portion of the cloth was missing. The size and shape of this area, as well as the contour of the edges, was found to correspond closely to that of the cloth fragment, allowance being made for the slight overlap at the seam. (See Figure 1.) With the torn edges of cloth of the overalls placed together in as near as possible their original position the fragment of cloth could be introduced into the remaining space with an accurate "fit" resulting. (See Figure 2.) The connection between the two exhibits was further demonstrated by a

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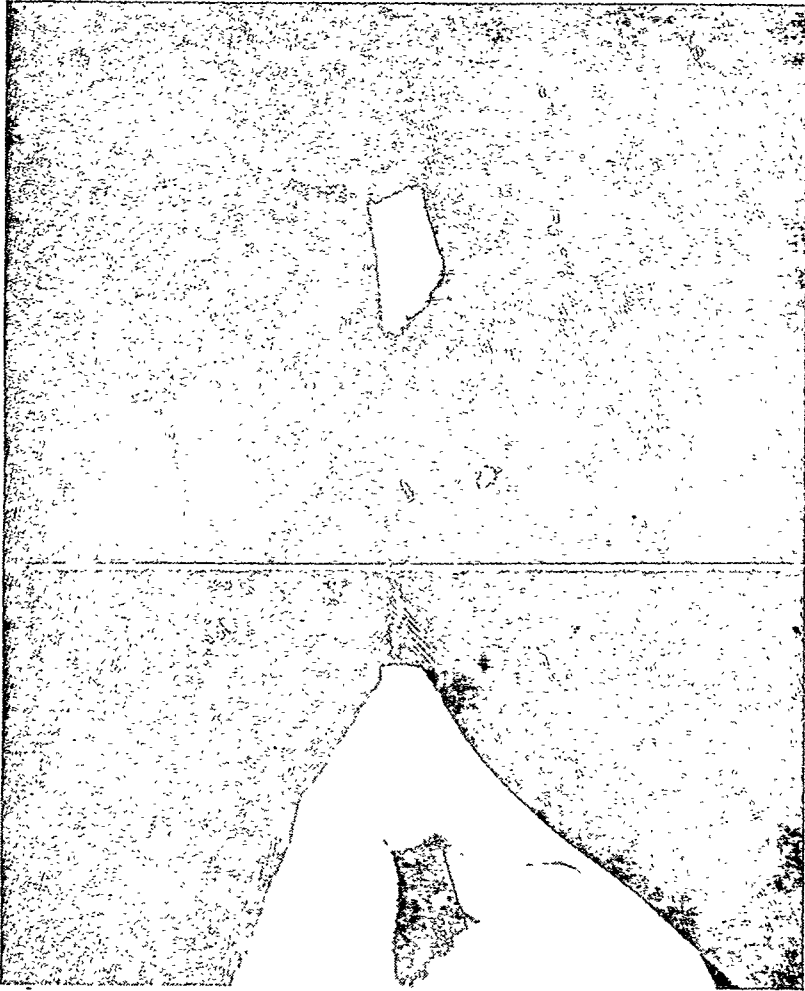


FIGURE 1

Portion of seat of overalls worn by accident victim showing area where cloth is missing, and (at bottom) fragment of cloth recovered from suspected automobile.

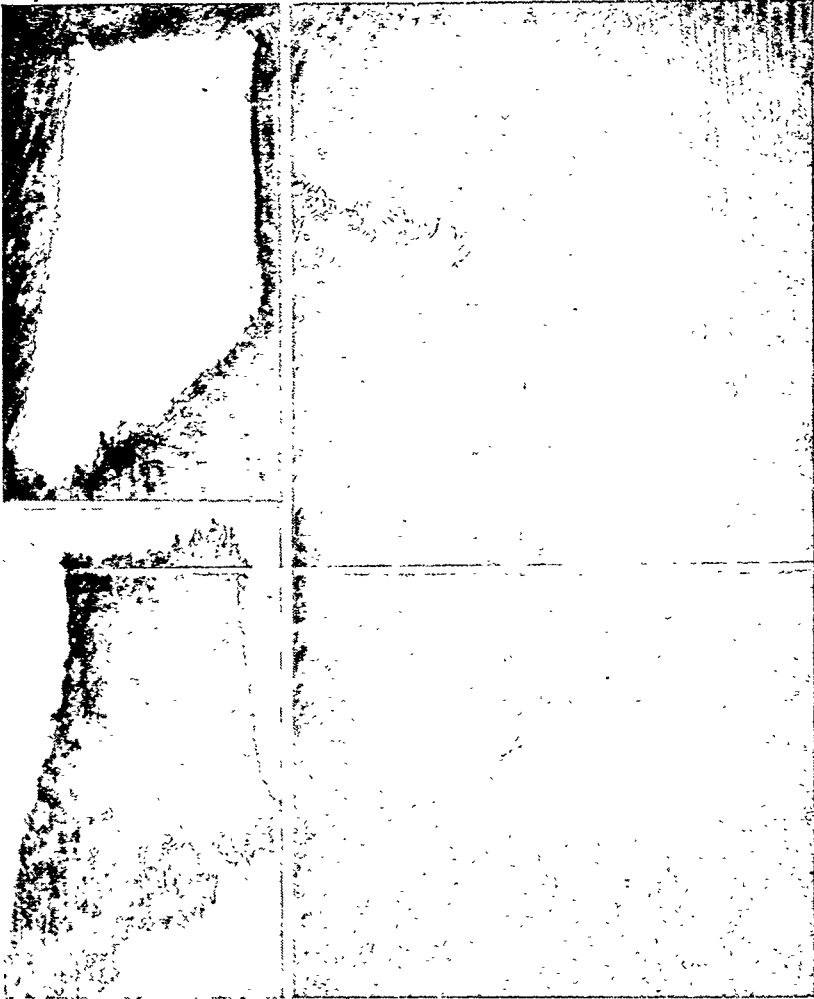


FIGURE 2

Photographic enlargements showing area of missing cloth in overalls of victim; fragment of cloth found on automobile; and matching of cloth fragment with overalls.

count of the longitudinal ribs of the cloth. There were seventeen ribs in the bottom edge of the fragment and the same number along the bottom edge of the torn area in the trousers. At the top edges the number of ribs was found to be eleven in each instance. Comparison of other features, such as thread lengths, stitching holes at the seam, surface stains, etc., which were useful in properly matching the pieces together, also served to corroborate the other comparisons. From the results of this examination it was possible to arrive at a conclusion that the cloth fragment recovered from the suspected automobile had originated from the overalls of the victim of the accident.

LEGAL DECISIONS

BY FRED E. INBAU

Expert Testimony as Invasion of Province of Jury—Experiment by Expert in Court—In the case of *State v. Richardson*, 84 Pac. (2d) 699 (Wash., 1938), which involved a prosecution for murder by beating and burning, a physician was permitted to testify that the hands of the deceased were tied when she was placed in a tub of hot water—which fact would serve to contradict the defendant's contention. The physician testified that because of the absence of burning on certain areas of deceased's arms, and because of the presence of a small unburned area on the small of her back, the arms must have been tied with some insulating material such as wet neckties. To the doctor's testimony the defendant objected on the ground that this constituted an invasion of the province of the jury, particularly so in view of the fact that the jurors already had before them photographs of the deceased's body and also testimony describing the condition of the body—from which they could arrive at their own conclusions. The court held that the admission of the physician's testimony was discretionary with the trial court, and in so holding quoted from a previous decision which held as follows: "The line of demarcation between matters that fall within the knowledge of mankind generally and matters that are the subject of special and peculiar knowledge cannot from the nature of things be very accurately drawn. The one of necessity shades into the other, and hence, even though the extremes of the opposing rules may be definitely marked, and error predicated thereon easy of delineation, the trial judge must have something of discretion whether he will or will not admit opinion evidence when the line of demarcation between these rules is approached."

The trial court also permitted the physician to demonstrate to the jury the basis for his conclusion by placing neckties about the wrists of the prosecuting attorney in order to illustrate the position the deceased was in when placed in the hot water. The appellate court held that: "The action of the witness was simply an exhibition by him to illustrate the meaning of the testimony he had given"; and that "the admissibility of experiments, illustrations, and other demonstrative evidence before a

jury, throwing light upon the manner in which the crime was committed, rests in the discretion of the trial court."

Admissibility of "Lie-Detector" Evidence—The decision in the case of *People v. Forte*, 167 Misc. 868, 4 N. Y. Supp. (2d) 913 (1938), referred to in September-October number of this Journal, has been affirmed by the New York Court of Appeals. (18 N. E. (2d) 32.) In this case, after all the evidence had been produced for the jury's consideration, the defendant's counsel moved to reopen the case and to be permitted to take the defendant from Kings county to a laboratory in Bronx county for the purpose of an examination on a "pathometer"—a "lie-detector" operated by Rev. W. G. Summers (since deceased). His motion was denied. Upon appeal, in which the defendant alleged the trial court's ruling was erroneous, the New York Court of Appeals decided: "We cannot take judicial notice that this instrument is or is not effective for the purpose of determining the truth. Can it be depended upon to operate with complete success on persons of varying emotional stability? The record is devoid of evidence tending to show a general scientific recognition that the pathometer possesses efficacy. Evidence relating to handwriting, fingerprinting and ballistics is recognized by experts as possessing such value that reasonable certainty can follow from tests. Until such a fact, if it be a fact, is demonstrated by qualified experts in respect to the 'lie-detector,' we cannot hold as a matter of law that error was committed in refusing to allow the defendant to experiment with it." For detailed discussion of this subject generally see this Journal, 29 (2):207-291 (1938).