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Questions and Answers

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QUESTIONS AND ANSWERS

David G. Monroe [Ed.]

Question: Is it true that the police of the British Isles have a common pension system?

Answer:

Yes. The present pension system was born out of the unsatisfactory conditions which prevailed in the police service previous to 1920. As a result of agitation for improvement in policing, the British Home Secretary in 1919 appointed a special Committee on the Police Service, headed by Lord Desborough, to study the problem of police and to suggest remedial measures. Then in 1920, recommendations with respect to improvement in pensioning were incorporated in a "Bill to Consolidate and amend the Law respecting allowances, and gratuities of members of police forces in Great Britain and their widows and children." The bill (now known as the Desborough Act) was passed in 1920-21. The act placed all the police of the British Isles on a specific pension level and unified pensioning throughout the Isles.—Note the Session Papers of the House of Commons, 1920 and 1921.

Question: What is meant by "forensic chemistry" as applied to policing?

Answer:

Lucas, in his volume on forensic chemistry, states that "It is chemistry exercised in the service of the law." More particularly, forensic or legal chemistry may be defined as chemistry applied to the discovery and disclosure of evidence arising in connection with the administration of justice. The word "forensic" is probably derived from the Latin "forensis" which denoted a public place, a market place. Gradually, as public places and markets came to be used as centers of debate, speeches, and judicial trials, the term "forensic" came to be used with reference to debates and, in particular, argumentations before courts of law. Although the term "chemistry" is thought of as a science relating to the composition of substances and of their transformation, the term has a much broader application in the field of evidentiary law. Forensic chemistry is no longer restricted to the purely chemical side of criminal investigation but is now concerned with such analytical procedures as microscopy, X-ray, photography, determination of physical constant of objects and the like.—Consult Söderman and O'Connell's *Modern Criminal Investigation*, and Lucas' *Forensic Chemistry and Scientific Criminal Investigation*.

Question: In what cases may the court direct a jury to reconsider its verdict?

Answer:

It is not for the judge to direct a jury to reconsider its verdict for acquittal. However, where there is a verdict of conviction in which it appears that the jury has mistaken the law, the court may explain the reason for that opinion and direct the jury to reconsider its verdict.

Question: Under what circumstances will a vehicle standing in a street not be considered a parked vehicle?

Answer:

There are a number of situations in which a standing vehicle is not deemed to be parked, as for example: (1) When standing is done in com-

pliance with the direction of a police officer or traffic control sign or signal. (2) When it becomes necessary for a driver to stand his vehicle in order to avoid conflict with other traffic. (3) During the time permitted by ordinance or statute for loading or unloading passengers and merchandise. (4) Under such other conditions as may be permitted by ordinance or statute for stopping and standing.

Question: What is meant by the "War Traffic Control Plan" as initiated by the Federal Government?

Answer:

Details of the plan have been outlined in a pamphlet issued by the U. S. Office of Civilian Defense under the title *War Traffic Control*. Traffic control, as pointed out in the publication, is the restraint and direction exercised over traffic and may be accomplished by design, by traffic control devices, or by manual direction. Control by manual direction is vested in the police; design and traffic control devices are the responsibilities of engineers. War Traffic control is simply that control to be exercised when an emergency situation due to the war creates traffic problems and demands of an unusual character or severity, different from those normally encountered. The Plan briefs procedures to be followed when such aggravated factors as the following occur: (1) An air raid. (2) Blackout conditions. (3) Sudden, unanticipated and serious interference with, or interruption of planned traffic circulation. (4) Frequent and sudden changes in demands for road use. (5) The need for special restriction on road use and channels of operation. (6) Special problems attendant upon the accommodation of military traffic. (7) Restrictions in communication facilities.

Question: What is meant by the *Corpus Delicti*?

Answer:

Contrary to popular conception, the term *corpus delicti* does not mean the body of the deceased. Actually, the term refers to the body of the offense, or in other words, the facts and situations which go to make up the commission of a crime. Since a crime involves some specific loss or injury, the loss or injury must first be proved: a house burned in an arson case, property missing in a larceny case, a person dead in a murder case, and so on. Thus, the *corpus delicti*, or body of the offense, actually includes all facts relating to the commission of a particular crime and the further fact that the crime was committed by some human agent.

In the field of police investigation, establishing the *corpus delicti* is vital. For courts follow an exacting rule of evidence which requires that no person shall be convicted of a crime on the strength of his confession alone. The crime must be proved by some evidence other than that supplied by the defendant: it must be outside, independent evidence, apart from that given by the defendant. The doctrine of *corpus delicti* came into being as a means of assuring that an innocent man should not pay the penalty for a crime he had not committed.—Consult Wigmore, *A Treatise on the Anglo-Saxon System of Evidence in Trials at Common Law*, sec. 2072.

Question: Should adoption of positive means of personal identification be confined only to the criminal elements?

Answer:

Seeking to identify a person by virtue of a personal name and the memory of acquaintances and witnesses has long since failed in the identification of criminals and those suspected of crime. The adoption of fingerprinting and

other methods of identification came as an indispensable means of overcoming the frailties of visual identification.

It has been said on many counts that the time is rapidly approaching (or has now arrived) when scientific systems of identification must be put in force for everyone. There appears little doubt that already the needs of positive identification have passed beyond the walls of police stations and penitentiaries. Among the reasons advanced in defense of the proposition that there should be positive identification of all persons are the following: (1) Failure to identify the dead may lead to costly and prolonged litigation over questions of inheritance, insurance, pensions, etc. (2) A person's mind may become temporarily or permanently clouded with the result that he cannot identify himself. (3) Tragic injuries in consequence of vehicle accidents, fires and other catastrophes, may so mutilate the victim that visual identification fails. (4) War times bring increasing demand for "all out" identification in combatting subversive activities. (5) In the performance of business activities, fraudulent practices can be more easily overcome through a positive personal identification system.—See the volume, *Personal Identification* by Wentworth and Wilder.

Question: Can the doctrine of *res ipse loquitur* be applied in actions to recover for injuries due to the operation of an automobile?

Answer:

In general, yes. The facts surrounding and forming a part of an automobile accident may be such as to raise an inference that the accident was due to negligence on the part of the person operating or in control of the vehicle. There are, however, many limitations as to the use of the doctrine.—Consult C. P. Berry's *The Law of Automobiles*, vol. 5, sec. 5.270.

Question: What is Criminal Law?

Answer:

Criminal Law is that branch or division of law which defines crimes, treats of their nature and provides for their punishment. There are certain acts or omissions which, because of their nature and effect, strike at the very roots of the public peace, health, welfare, morals, justice, safety, or convenience, and affect the rights secured by the government to all its citizens or subjects. Because of the importance and effect of those acts or omissions upon the community as a whole, the state prohibits them and punishes the offender by a criminal action in the name of the state. The essential idea is the punishment of the offender for his act.—See Chapter I, "The Scope of Criminal Law" in Justin Miller's *Handbook of Criminal Law*.

Question: What is Civil Law?

Answer:

Civil Law, as distinguished from criminal law, is that portion of the law dealing with the rights, duties and privileges of the individual citizen or subject, and with the method of enforcing in courts such rights, duties and privileges through actions at law brought by the injured individual. The essential idea is the prevention of further injury or the payment of compensation to a party for the injury already suffered by him through interference with his private rights.

Further discussion of this question may be had in a subsequent number.