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Police Science Book Reviews

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POLICE SCIENCE BOOK REVIEWS

Ralph F. Turner*

A TEXTBOOK ON FACIAL RECONSTRUCTION. By *Gladys P. Curry* (Publisher), 1947, Boston, Massachusetts. Pp. 276. \$7.50.

In the opening chapter of this book the author states that "the science of facial reconstruction concerns the restoration of the features of life to mutilated dead bodies or to fleshless skulls" and that "it is of prime importance to the police as a means of identifying unknown dead bodies, and to morticians in restoring to mutilated faces an appearance lifelike and natural."

The topics covered in the text include an elementary discussion of the anatomy of the head and the bare skull; directions for rebuilding or modelling with wax the eyes, nose, mouth, chin, and ears; the placing of hair, eyebrows, and moustache; indications of marks and lines of expression; and the use of cosmetics on the reconstruction. There is appended a description of the author's method of fingerprinting the dead. The text is illustrated by 64 plates. The book is not closely printed: of the total of 276 pages at least 125 are either entirely blank or contain only a caption or brief description of the accompanying plate.

This presentation of the art of facial reconstruction may be of value to morticians, but the treatment of the subject falls far short of the requirements for personal identification in scientific investigations involving skeletal remains. The author seems to be unaware of the existence of the precise data which have been assembled by anatomists to serve as a basis for facial reconstruction, and there is no mention of the important role of the physical anthropologist in furnishing information as to race or stock, probable body build, and other indications which are fundamental in the accurate restoration of the facial characteristics to the "fleshless skulls" of the unknown dead. Without the use of such data, derived from careful anatomical and anthropological studies, the reconstruction will be too greatly influenced by the estimates and judgment of the sculptor or preparator, and may lead to serious error in personal identification.

University of California

M. EDWIN O'NEILL

INVESTIGATION OF NEGLIGENCE CASES. By *Harvey G. Stevenson*. Associated Lawyer's Publishing Company, Newark, New Jersey. Pp. 92.

The aim of this short volume (92 pages) is to assist investigators and lawyers in the investigation of civil negligence cases. Primarily of importance to the investigator, it presents the purposes and methods of investigation and covers in considerable detail the obtaining of witnesses' statements. The criminal investigator would find much of value in this book to assist him in the interview of informants and the recording of their statements.

Since the investigator can perform his duties fully and intelligently only if he knows what facts to seek, there is included a chapter summarizing the law of negligence. As this law is not the same in all states, the author has pointed out the general rule and has qualified it by stating

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the minority rule. One wishes that space had permitted him to clarify in which states the general rule was followed and those in which it was not. No doubt it was assumed, and correctly, that any reader would wish to ascertain the particular rule followed in his own state.

Substantial portions of the book are devoted to the investigation of particular types of negligence cases. Prominent in the list are automobile accidents and sidewalk accidents. In each type are included exhaustive check lists of questions to be asked the various classes of witnesses together with suggested forms of statements.

The last chapter of the book takes up "Rules of Safety." The author has drawn upon his considerable experience as an investigator and trier of negligence cases to bring out the carelessness and ignorance that causes accidents and safety precautions that will avoid them. While this section is perhaps not relevant to the main issue, it does contain sound observations distilled from long experience and reveals a serious desire to make that knowledge useful and available.

Non-technical language is employed, and the work can be easily comprehended by one not trained in the law. Designed primarily for the investigator, references and citations are omitted, an omission which will be regretted by the lawyer but doubtless welcomed by the investigator. The legal principles enunciated are, however, quite clear cut and not particularly subject to dispute. The book is well indexed and contains a variety of useful forms and check lists. It should prove of considerable value to the investigator of civil negligence cases and will have some usefulness to the criminal investigator, who will want to apply its principles to recording the statements of witnesses.

Michigan State College

ROBERT H. SCOTT

THE LEGAL RESPONSIBILITIES OF TRAFFIC ACCIDENTS. Published by the Eno Foundation for Highway Traffic Control, Saugatuck, Connecticut. Pp. 64.

In this 64 page brochure are outlined the various types of highway hazards and the legal liability of the maintaining and operating agencies therefor. The first portion of the booklet outlines many of the conditions that have been the basis for legal action. Included are:

- (1) Inadequate warning of permanent conditions (ex. narrow bridges, deadend streets, and dangerous curves).
- (2) Warning of temporary conditions (ex. washouts and icy roads).
- (3) The failure of mechanical signals.
- (4) Improper location and maintenance of signal.
- (5) Defective highway conditions (ex. bumps, soft shoulders).
- (6) Improperly designated traffic control areas.
- (7) Failure of employees designated as flagmen.

Next is discussed the question of legal liability for these negligent acts and omissions. Highways are, of course, almost entirely maintained by the state and its political subdivisions. But the state has traditionally enjoyed a "sovereign immunity" from its wrongful acts. "The king can do no wrong", said the traditions from which the common law sprang; and this concept of the immunity of the sovereign from suit was enlarged to include the state and precluded both contract and tort actions. This doctrine has, however, been subject to modification, and some courts

and legislatures have sought to increase the redress of the citizen for negligent wrongs suffered at the hands of the state. The problem of determining just how far courts will go in extending liability against the state depends largely upon the state in question. There is a wide range of variation.

The municipality, however, presents a different problem because of the distinction between governmental functions like the operation of a police department and the passage of laws on the one hand, and private or corporate functions like the operation of electric and gas systems on the other. For governmental actions, the municipality is not liable (in the absence of enabling statutes); for private or corporate functions it may be liable. In determining which are governmental and which are private lies the difficulty. For example, a city would not appear to be liable for failure to keep traffic signals operative, as this is considered a governmental function; but for failure to replace a fallen "silent policeman", a city was held liable on the ground that it had become a "mere obstruction in the street."

The general freedom from liability of the minor political subdivisions of the state, such as counties, towns, and road districts, is discussed separately.

Another portion of the pamphlet is devoted to the liability of highway officers for defective maintenance or operation of roads. Few definite conclusions are drawn because of the conflict of decisions on this point. The question of notice of conditions, failure to appropriate money, and contributory negligence are considered in the light of their effect on possible recovery of damages.

The final portion of the booklet points out the place of the traffic engineer and the responsibility of communities to follow their recommendations for safe traffic practices if liability is to be avoided. It is stated that whatever immunity for inadequate traffic devices and for improper practices traffic agencies possess exists at the sufferance of legislatures.

Within the limits of space prescribed, it would not be possible for this brochure to present an exhaustive analysis of the law covering this complicated subject. The problem is made more difficult by the different doctrines followed in different states. It has proved difficult to provide in so few pages for knowledge that would be sufficiently detailed for the lawyer and not too legally technical for the engineer or administrator. The author has illustrated the various problems with leading cases, and these constitute an illuminating guide to understanding the confused and changing pattern of legal responsibility for traffic hazards.

Any person concerned with the field of traffic in an administrative, technical, or legal capacity, will be well advised to acquaint himself with the contents of this booklet. He will acquire a valuable insight into the legal problems arising from traffic operation and the possibility of official and personal responsibility for failure to guard against injury to person or property.

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