

1958

## Police Science Book Reviews

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### Recommended Citation

Police Science Book Reviews, 48 J. Crim. L. Criminology & Police Sci. 671 (1957-1958)

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*Breitaupf* cases for a "judicial guide." The following factors were considered significant by the court: the officers acted on more than a mere suspicion that the defendant was concealing narcotics; there was not a "whole series of abuses and violations of the defendant's rights"; the examinations were conducted by qualified doctors under sanitary conditions with the use of medically approved procedures and one that is relatively common and not painful to a healthy person; the necessity of the action and possible alternatives. With respect to the latter, the court considered the various ways the evidence might be lost or destroyed; the intolerable burden on the law enforcement authorities to prevent such; and the consequences of a loss or destruction of the evidence. The court also considered the factor that a substantial amount of narcotics is transported in body cavities and the great difficulty in stamping out such traffic.

The concurring judge stated that a doctor's testimony, which indicated that the defendant's health might well have been jeopardized if the heroin were not promptly removed, was significant. On the other hand, the dissent felt that the court had failed to condemn a "shocking and abhorrent" "ex parte star chamber invasion of the body."

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**Evidence Inadmissible Because Consent to Search Without Warrant was Involuntary**—One of the defendants, an airman in the United States Air Force, was accused of stealing. He denied the charge, but was arrested and held without formal charges being filed against him. The air force officer questioning the airman knew that he had an automobile and requested to search it. The airman agreed, but the car was parked off base at a friend's house and only the airman had the keys to the car. The officer and the airman went to the car, and while searching it without a warrant, the officer found a sheet of photostat or photograph paper upon which appeared the semblance of several United States \$10 Bills. When the officer commented that the material found looked like counterfeit money, the airman explained that he and his friend had produced the material as a prank. The officer then informed the airman that he was no longer under arrest with respect to the larceny matter and left him. Arriving at the headquarters of the local city police, the officer informed detectives as to what he had found, and the detectives promptly arrested the

airman and his friend. The Secret Service was called in and filed complaints charging the friend with photographing the bills and the airman with possessing and concealing them. The defendants then filed a motion to suppress the evidence which the officer had found. The United States District Court granted the motion and held that the evidence was inadmissible because the airman's consent to have his car searched was coerced and not voluntary. *United States v. Kidd*, 153 F. Supp. 605 (W.D. La. 1957).

The court was first faced with the question of whether or not the airman and his civilian friend were both afforded the same degree of constitutional protection. In determining that both had the same rights, the court said that "the cloak of constitutional protection against unreasonable search and seizures is available to all citizens, at all times and places, civilian or military, within the jurisdiction of the United States." The court then stated that since there was no search warrant, the government had to prove that the airman's consent to the search of his car was "unequivocal and specific, freely and intelligently given" and that there was no actual or implied coercion. The court, however, found the evidence to be to the contrary. There were two reasons for the court reaching this conclusion. First, the airman was at all times under military compulsion, subject to the orders of his superiors, and "undoubtedly" afraid of a court-martial for insubordination if he refused to consent to the officer's request to search his car. Secondly, the airman was under the "moral compulsion" of attempting to clear himself of a false larceny charge. The court commented that there was ample time for one officer to obtain a search warrant because only the airman had the keys to the car, and he was in the custody of the officer. In addition, since the evidence was inadmissible as to the airman, it must also be suppressed as to the other defendant, the court held; the reason being, that both defendants must be tried together and the use of the evidence against the other defendant would be prejudicial against the airman.

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**Traffic Officer Has No Power to Prohibit Otherwise Legal Left Turn**—A city police officer was directing traffic at the intersection of two heavily travelled streets during the evening rush hour. Upon approaching that intersection, the defendant signaled for a left turn, but the police officer

ordered him to proceed straight ahead. When the defendant refused to do so, he was arrested and charged with a traffic violation for failing to comply with the order of the police officer directing traffic. At the defendant's trial, the point was brought out that there was no local or state enactment prohibiting a left turn at the intersection in question. The Supreme Court of Rhode Island reversed the defendant's conviction and held that a police officer on his own volition can not prohibit a left turn. *State v. Pascale*, 134 A. 2d 149 (R.I. 1957).

The defendant's conviction rested on a state statute which provides: "No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control, or regulate

traffic." P. L. 1950, chap. 2595, art. XXI, sec. 3. Since there was no legislative prohibition against making a left turn at the intersection in question or any legislation vesting in the officer the power to prohibit an otherwise legal turn, the court said there was no basis for the conviction. It was immaterial, according to the court, that the motive of the police officer was proper and that it would have caused the defendant little inconvenience to comply with the directions of the police officer. The court did not indicate, however, what its decision would have been had it found that a "real emergency" had existed at the intersection.

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(For other recent case abstracts see pp. 632-633, *supra*.)

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## POLICE SCIENCE BOOK REVIEWS

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Richard L. Holcomb\*

**INDUSTRIAL PLANT PROTECTION.** By *John Richlieu Davis*, Charles C Thomas, Springfield, Ill., 1957, Illus. 150, Pp. 566, \$12.00

**PRACTICAL PLANT PROTECTION AND POLICING.** By *B. W. Gocke*, Charles C Thomas, Springfield, Ill., 1957, Pp. 149, \$4.50

Up to now there has never been a book covering industrial plant protection. The Public Safety Institute of Purdue University did develop an excellent series of manuals in this field during World War II, but these are the first two books. They were published within a few months of each other and by the same publisher. I think it equally fitting that they be reviewed together.

Both books cover the same general area, but the book by Davis is much more complete and better illustrated. (The price is higher also, but page for page, the cost is less.) As a matter of fact, I am at a loss to see why the same publisher would bring out these two books at the same time. If you want a book on plant protection you might as well spend \$12.00 and get quite a complete coverage of the subject. The book for \$4.50 amounts to only a brief outline in comparison, so brief in fact as to be inadequate.

*Industrial Plant Protection* is organized into six sections and twenty-eight chapters. The sections cover organization and operation; report writing and report forms; security problems and methods; fire problems and control; accident prevention; armed forces industrial security. The table of contents is extremely detailed, but there is no index. This makes it difficult to find just what you want without going through nineteen pages of table of contents. There is a good bibliography.

The author comments on a problem that is immediately apparent. He has pretty well mixed operational and policy material in together. He discusses top policy right along with such things as detailed explanations on how to use judo holds. However, the author explains that he noted this was occurring as writing progressed and that it was impractical to do otherwise. I am inclined to agree

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with him. We have so much to learn in this field and there is such a wide variation in types and sizes of security organizations that we are not yet in a position to write separate books on the policy and on the operational level.

Davis has an unusual combination of training and experience. He is a graduate of one of the first Police Administration classes at Michigan State and since then has had over ten years of varied experience in the operation of industrial protection organizations. His book reflects this.

This is a long book. At the same time, it covers so many sorts of problems that it cannot treat them in full detail. It will be necessary to turn to the bibliography to get a more complete understanding. However, it does relate the problems of plant protection to each other and will give anyone interested a good basis for understanding. I only wish that I had had something like this when I first started the operation of a plant protection force.

B. W. Gocke also has a good background and could doubtless write an excellent book. In the case of *Practical Plant Protection and Policing* he just hasn't done it. He also gets into both policy and operational levels and in this short a publication, you can't do justice to either. As a matter of fact, I think he could have better left out some of the material than cover it as briefly as he has done.

Anyone interested in this field at any level of operation will profit by reading *Industrial Plant Protection* by Davis. I don't think that *Practical Plant Protection and Policing* would help them much.

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**RACIAL FACTORS AND URBAN LAW ENFORCEMENT.**

By *William M. Kephart*, University of Pennsylvania Press, Philadelphia, 1957. Pages 209, \$5.00.

This volume, which is based on the first study of its kind in the United States, analyzes some of the major racial problems encountered in the day-to-day activities of a metropolitan police depart-

ment. Although the study was made in Philadelphia, Dr. Kephart's findings have validity for any large urban center with a sizeable Negro population where Negroes also serve as members of the police force.

As the author explains, it was hoped that the survey would accomplish two things: (1) provide the Philadelphia Police Administration with an analysis of some of the more important areas of race relations within the police force; and (2) supply social scientists with statistical and descriptive material from which inferences and hypotheses can be drawn and tested relative to a broader consideration of the framework of race relations.

Utilizing information obtained from 1,081 questionnaires and from more than one hundred interviews with police of both races on all levels of the force, this monograph explores the interaction between white police and Negro offenders, between Negro police and Negro offenders, and between Negro and white police. Although Dr. Kephart discusses a number of general hypotheses concerning race relations that may be applied to much broader areas than police work, he is primarily concerned with practical matters which bear directly on the effectiveness of police work, the increasingly difficult job of maintaining law and order in urban communities, and the formulation of police department policies.

The author is deeply conscious of the great difficulties involved in the interpretation of race relations and cautions the reader not to draw unwarranted conclusions from his study. For example, he says, "Whether police are more (or less) prejudiced against Negroes than are other occupational groups is not known to the writer—or to anyone else—and the present study should not be construed as an attempt to supply an answer."

While Dr. Kephart believes that the Philadelphia Police Administration is impartial in its treatment of Negro personnel, he has little doubt that the entrance of Negroes into civil-service type jobs will be comparatively limited as long as their educational level lags behind that of the white. However, the author believes that "the most important problem facing the Philadelphia Negro community is not fair employment or educational opportunity or any other index of equality—the big problem is the staggering amount of Negro crime." He feels that "the high Negro crime rate, in general, is not attributable to differential treatment, either by the police or by the courts," and that "responsibility falls primarily on the Negro

community itself—and thus far acceptance of the responsibility has lagged". In Philadelphia the educational level of the Negro has risen steadily; he has access to more and better jobs; his wages and purchasing power are higher than ever before. "Yet," as Dr. Kephart explains, "there is no sign that immoral and illegal behavior in the Negro community are on the decline".

*Racial Factors and Urban Law Enforcement* contains more than thirty tables and much statistical information, as well as verbatim accounts of interviews with high-ranking police officials. In accomplishing the purposes of his study, Dr. Kephart has supplied the social scientist, the law-enforcement officer, and the general reader with a body of organized information not previously available. His findings should be of great interest to everyone who lives or works in an urban area.

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READY FOR THE PLAINTIFF! A Story of Personal Injury Law. By *Melvin M. Belli*. Henry Holt & Company, New York, 1956, Pp. 338, \$6.50.

This extremely lucidly written account of practically all aspects of a hitherto controversial subject such as the Personal Injury Law will come as a welcome addition to almost everybody, except perhaps the insurance companies. As I write this, early in January, 1957, the newspapers of California report the State Bar Association's representation before the State Judicial Committee in Sacramento seeking to amend the Personal Injury Law to the effect that all parties involved in an accident, so far as they are wholly or partly responsible, should be held liable. The papers comment that this purpose is meeting with almost unanimous endorsement and approval with the sole exception of the lobbyists who represent the insurance companies. The representation of the Bar Association, he it noted, is based on Mr. Belli's book, Mr. Belli being a resident of San Francisco. In its 27 chapters, the book lets the chips fall where they may, not just "against" the insurance companies, but "for" and "against" everybody that stands in the way of justice, sometimes even against the "injured" himself! Thus attorneys, district attorneys, judges, and juries come in for their share of criticism by the author for malpractices and abuses. For instance, in the chapter entitled "What's Your Leg Worth?" the author makes it a point to remind the reader that,