

1968

## Police Science Book Reviews

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may not solve every difficult decipherment problem. (WEK)

**Effect of Temperature on Deformation of Bullets after Passage through a Water Layer**—Tadeusz Marcinkowski and Zygmunt Przybylski, *Journal of Forensic Sciences*, 12(3): 376-382 (July 1967). Bullets have been fired through water layers at two different temperatures and two different thicknesses. The deformations obtained when the bullets struck a steel plate showed that temperature is importantly involved in determining the degree of such deformations. (WEK)

**Death Due to a Tear Gas Shell: Report of a Case**—M. Ramu, *Journal of Forensic Sciences*, 12(3): 383-5 (July 1967). A death due to explosion

of a tear gas shell which had lodged in the neck of the victim has been reported. (WEK)

**Fire Fighting with Photography**—*Kodak Law Enforcement Photography Bulletin*, 2(3): 1-3 (1967). A discussion of the use of photography both at fire scenes and in the investigation of suspected arson. (OH)

**Scientific Evidence and the Law**—David N. Kramer, *American Bar Association Journal*, 53: 165-6 (February 1967). An article directed primarily to the legal profession pointing out the advantages of expert assistance in connection with scientific evidence. A case is cited showing the advantages of both litigants presenting the evidence to their independent experts. (OH)

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## POLICE SCIENCE BOOK REVIEWS

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Edited by

Rolland L. Soule\*

**CONVICTION: THE DETERMINATION OF GUILT OR INNOCENCE WITHOUT TRIAL.** By *Donald J. Newman*. Boston: Little, Brown and Company, 1966. Pp. xxvii, 259. \$8.50

"Most defendants who are convicted—as many as 90 percent in some jurisdictions—are not tried. They plead guilty, often as the result of negotiations about the charge or the sentence."

### The Challenge of Crime in a Free Society

Donald J. Newman could easily have been the author of the introductory remarks in his book which is specifically concerned with the prevalence, value, accuracy, and fairness of the guilty plea in criminal proceedings. So important is Mr. Newman's work to the entire broad field of the administration of criminal justice that it is extensively cited in the *Challenge of Crime in a Free Society* and in *Task Force Report: The Courts*, published by the President's Commission on Law Enforcement and the Administration of Justice.

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In approaching the subject the author has carefully and thoroughly researched his topic. His book is divided into six separate aspects of the guilty plea. Part I, comprising three chapters expresses some concern over the accuracy and fairness of guilty plea convictions. He discusses in detail the consent element in guilty pleas giving the attitudes and practices of appellate and trial courts relating to this aspect. Chapter 3 is a profound investigation into the practicality and theory regarding the fairness and nature of the entire guilty plea process. Because of the civil rights implications involved in the entire process, Mr. Newman has thoroughly annotated this chapter providing what the reviewer considers one of the outstanding contributions of the book. The author has painstakingly presented a step-by-step evaluation of the components necessary to establish fairness in guilty plea convictions; namely, the duty of the court to advise the defendant of the consequences of the guilty plea, to provide the defendant sufficient time to consider the action, and the duty of the court to honor prosecution-defendant agreements.

Part II is devoted to a review of disparities

in various jurisdictions regarding maximum convictions authorized under the guilty plea. Also covered are interesting observations relating the propriety of pleading guilty to reduced charges where there is little likelihood of conviction of a greater offense. The decision to reduce charges is examined when there is a lack of evidence and for other reasons.

Part III offers a detailed investigation of the negotiated plea. This particular part is a "must read" for those in law enforcement. The entire negotiated plea process is covered from variations in the plea to its limits and advantages. Plea bargaining is subject to many serious problems, such as the lack of information available at an early stage of the criminal process; the wide variations practiced by prosecutors and judges; and the formidable possibility that an innocent defendant may plead guilty because of fear of a harsh punishment if he decides to go to trial.

Part IV is devoted to the processes involved when the decision is made not to convict the guilty. According to the author the reasons for this would be generally (1) the exercise of judicial discretion; (2) extenuating circumstances surrounding the violation; (3) the existence of better alternatives; and (4) unwarranted stigmatization by a criminal record or incarceration.

Part V is concerned with the role that charge reduction and acquittal of the guilty play in the entire system of criminal justice. The two major areas are routine reduction of charges to avoid further legislative sanctions on sentencing discretion and to provide further controls over police behavior by judges who take issue with police enforcement methods. The function of defense counsel in non-trial adjudication is examined in detail in Part VI. The responsibility for assuring the accuracy of guilty pleas, fair and equitable plea convictions, and the presence of counsel at the initial stages of plea bargaining receives a detailed analysis.

In the final analysis Mr. Newman lists several areas which deserve continuing attention in the vastly complex field of guilty pleas and convictions. One significant question posed concerns whether or not plea bargaining has any place in a system of criminal justice. More and more the appellate courts are devoting attention to the propriety of this process.

Mr. Newman's enlightening book adds immeasurably to the appalling lack of information available on the subject. Written not in formal

legal jargon, the book to some extent invites reading for pleasure and offers a deep understanding of one aspect of the administration of criminal justice. It deserves a prominent niche on the book shelves of those interested in law and police science.

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DRUGS AND POISONS: Police Evidence Library.  
By *William W. Turner*, Consulting Editor and the Editorial Staff of the Bancroft-Whitney Company, Aqueduct Books, Rochester, New York, Pp. vii, 295. \$9.50.

This short volume is a collection of articles dealing with drugs and poisons encountered in police cases. The narrative discussion encompasses drug addiction, definitions and distinctions of drugs, physiological effects, evidence of drug use, laboratory tests, and the qualifications of personnel. In addition, for each article discussed there is presented one or more "proofs" consisting of hypothetical courtroom questions and answers. The ultimate aim of an investigation is the effectiveness of the evidence in the courtroom and from this point of view the "proofs" presented are appropriate.

While much of the general material covered in the volume is of interest and quite useful to those in the field of law enforcement, the reader should be aware of numerous errors which appear in the drug listings and laboratory tests. For example, under the barbiturate preparations are listed "Chloral hydrate capsules" and "Somnos capsules", both these being, of course, chloral hydrate preparations rather than barbiturates.

Many of the laboratory tests described in the text are not only archaic but leave out essential steps or give inaccurate instructions. In any event, if one does wish to run these tests it would probably be better to refer to the original reference.

The chapter on arsenic poisoning is really comprehensive. There is no area of arsenic poisoning in this monumental chapter which is not adequately discussed. In point of fact, this chapter represents over thirty percent of the entire volume. How unfortunate it is that the incidence and importance of arsenic poisoning in comparison to other drugs is not as prevalent today as this chapter would imply by its extensive coverage on the subject. Had this same effort gone into the

discussion of the more commonly found drugs and poisons, then this volume would have been thorough and practical.

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TRAFFIC INVESTIGATION PART I: Police Evidence Library. By *William W. Turner*, Consulting Editor and the Editorial Staff of the Bancroft-Whitney Company, Aqueduct Books, Rochester, New York, 1965, Pp. vi, 290. \$9.50.

TRAFFIC INVESTIGATION PART II: Police Evidence Library. By *William W. Turner*, Consulting Editor and the Editorial Staff of the Bancroft-Whitney Company, Aqueduct Books, Rochester, New York, 1965, Pp. vii, 336. \$9.50

Both volumes share a common purpose, i.e., to acquaint the traffic investigator, and other interested parties, with the problems originating from traffic accident investigations. In order to receive the maximum benefit in acquiring advanced knowledge and training in the field of traffic investigation, the investigator should read and attempt to master the material presented in both publications.

Great masses of highways and arterial roadways are being constructed each year. Safety features are being built into motor vehicles; however, the alarming rate of motor vehicle accidents, coupled with traffic deaths and serious injuries, is constantly climbing. As a result of the increase in traffic accidents, it has become increasingly necessary for the police traffic investigator to testify in criminal and civil court from liability arising out of alleged negligence. It has also become imperative that the traffic investigator possess sufficient technical knowledge in the scientific field of accident investigation.

There has been a definite lack of qualified material available to accident investigators in the field of traffic investigation, and accident causation. Both volumes will assist the investigator, as a reference and guide, in obtaining the basic information required to investigate traffic accidents, and testify intelligently in the respective courts.

Both volumes are presented in part, as hypothetical court room cases, in terms of questions and answers, as though the investigating officer, and witnesses were actually testifying. The

comments covering the specific phases pertaining to the subject matter under discussion are readily explained and interpreted in a factual, concise, and understandable manner.

Many aspects of accident investigation, including operation and control of vehicles, identification of drivers, accident reconstruction, skid mark evidence, photography, speed estimates, weather phenomena, etc., are covered in detail in simulated court room presentations in *Part I, Traffic Investigation*.

*Part II, Traffic Investigation*, is presented in basically the same manner as *Part I*. However, the material is more comprehensive, and presented in a broader interpretation. The text includes a discussion of skid marks, stopping distances, left turns, passing, headlight flare, and mechanical brake failure.

A conscientious study of both volumes, combined with experience, should enable the officer to enhance his knowledge of investigative procedures, and technical skills. In addition, it should aid the traffic investigator to conduct himself in a professional manner while introducing evidence in to court.

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CASE INVESTIGATION PART I: Police Evidence Library. By *William W. Turner*, Consulting Editor and the Editorial Staff of the Bancroft-Whitney Company, Aqueduct Books, Rochester, New York, 1965, Pp. ix, 283. \$9.50.

Volume I is suitably adapted for use by law enforcement personnel. The material is comprehensive in the search for physical evidence, interviews and interrogation, files and records, surveillance, and undercover agents and informants.

It extensively covers the investigation of specific crimes; Arson, Burglary, Larceny, Forgery, Robbery, Rape, Homicide, Narcotics, Vehicular Homicide, and miscellaneous crimes, which gives the reader a definite base to start understanding the crimes, the intricacies involved and their legal application to the courts for proper investigation and successful prosecution in the courts.

Although Volume I is an excellent guide for

officers, and assists them greatly by the easy reading and readily understandable writing style, notwithstanding the comprehensive coverage in the specifics covered a caution flag must be waved. This caution is *not* to accept the quoted law—as in Page 32, Paragraph 32 “Advising Suspect of Rights”. This, and other areas have been expanded by recent U.S. Supreme Court decisions such as U.S. Supreme Court, *Miranda vs. Arizona et al.*

The publication is extremely informative. It will give conscientious officers a well rounded insight into the identification, investigation, and effective court presentation of crimes.

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CASE INVESTIGATION PART II. Police Evidence Library. By *William W. Turner*, Consulting Editor and the Editorial Staff of the Bancroft-Whitney Company, Aqueduct Books, Rochester, New York, 1965, Pp. vii, 414. \$9.50.

A practical exploration of selected investigative and forensic science subjects of interest to law enforcement officers and lawyers. This is a collection of articles compiled from the series *American Jurisprudence Proof of Facts*. Each article contains a narrative discussion of the subject matter and one or more “proofs” consisting of hypothetical courtroom questions and answers composed from a study of actual cases and trial records.

Suicide, Mental Disorder and Incapacity, Photographic Evidence, Assault and Battery, and Restoration of Markings on Metal are covered in this volume. These articles may have ancillary application to a subject covered in another volume.

As an example, a thorough investigation of a traffic death may indicate the possibility of suicide or mental disorder.

Suicide is covered in 149 pages. Is the death disguised as suicide? Could it have been a natural death, accidental, or murder? Is the death classification being considered as a legal or medical definition of the death? This article delves into the historical and legal aspects of suicide, in addition to providing a comprehensive guide for the police officer conducting the investigation into the death.

Mental Disorder and Incapacity as a defense to crime is of great interest to the criminal investigator. If he is acquainted with the various traits exhibited by mental defectives, the investigator is better able to sense feined insanity and gather facts to rebut the claim. Use of photographs as evidence, both still and motion pictures, is given liberal coverage in 79 pages. The elements necessary to establish relevancy and authentication for admission as evidence in the courts is well covered. Surveillance equipment and techniques (frequently illegal) are frankly discussed in relation to private detective agencies hired to obtain evidence in personal injury and workmen’s compensation cases.

Assault and Battery cases are routinely brought to the attention of the police and on occasion civil litigation follows on criminal prosecution. Since the facts developed are basically the same, the guidelines set forth in this article will be of particular interest to the police officer as he may be a witness or plaintiff.

Homicide investigators will find this volume a useful reference book for their libraries.

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