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## Police Science Book Reviews

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## POLICE SCIENCE BOOK REVIEWS

Edited by  
Melvin Gutterman\*

It is with regret that we announce the resignation of Rolland L. Soule as editor of the Police Science Book Review section of our Journal. This action was necessitated by the pressure of his many other responsibilities as Associate Director of the Southern Police Institute of the University of Louisville.

As many of our readers can attest, Mr. Soule was an excellent book review editor. He leaves with our deepest gratitude for all of his efforts, and for his friendly cooperation.

Mr. Soule's successor is Associate Professor Melvin Gutterman of the College of Human Development of Pennsylvania State University. Prior to joining the Penn State faculty Mr. Gutterman was Director of the Criminal Law Project of Michigan State University's Institute for Community Development. He received his Master of Laws degree from Northwestern University in 1966. The thesis he wrote for that degree, entitled "The Informer Privilege", was published in the March, 1967 issue of this Journal.

CONFESIONS AND STATEMENTS. By *William J. Schafer, III*. Springfield, Ill.: Charles C Thomas, 1968. Pp. xi, 91. \$5.75.

*Confessions and Statements* is the work of an Arizona county attorney, a distillation, apparently, of both his experiences as a prosecutor and his efforts to advise local officers of the rules affecting interrogation. The primary difficulty with Mr. Schafer's work is that, judging from internal evidence, his manuscript was put into final shape fairly shortly after the *Miranda* case<sup>1</sup> was decided in 1966. Though the book bears a January, 1968 imprint, it does not reflect the important post-*Miranda* decision in *Garrity v. New Jersey*,<sup>2</sup> which casts light on the concept of voluntariness after *Miranda*, or the very important *Gault* ruling<sup>3</sup> with its strictures on the interrogation of juveniles. As

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<sup>1</sup> *Miranda v. Arizona*, 384 U.S. 436 (1966).

<sup>2</sup> *Garrity v. New Jersey*, 385 U.S. 493 (1967).

<sup>3</sup> *In re Gault*, 387 U.S. 1 (1967).

a result, the book is useful as a legal reference work chiefly on the basis of its summaries of pre-*Miranda* voluntariness doctrine and of its topical arrangement of the *Miranda* decision itself. Though involuntariness can still be a major factor in judging the admissibility of some confessions,<sup>4</sup> the failure to reflect the cases interpreting and distinguishing *Miranda* during the first year of its existence seriously impairs the utility of the monograph as a reference work. The rapid accumulation of the interpretive case law, including decisions of the Supreme Court itself on the concept of custody<sup>5</sup> and the existence of a derivative rule of evidence,<sup>6</sup> will have rendered the book of almost completely historical interest by mid-1969.

Certain parts of the book, particularly chapters 4 through 7, have practical suggestions about the conduct of interrogations and testimony about them in court that are helpful despite the evolution of judicial doctrine. There are also several summaries of judicial decisions, though the system of citation used does not include their dates, and thus makes it difficult to judge how much weight they might have today. Inclusion of an index would also have made the monograph more useful.

In short, the topic is important and the basic approach helpful, particularly to law enforcement officers, but delays in publication and the failure to amend the text even as late as the galley stage have very greatly diminished its worth as a daily reference work.

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LAWS OF ARREST. By *Edward C. Fisher*. Evanston, Illinois: The Traffic Institute of Northwestern University, 1967. Pp. 432. \$12.50.

The Preface to Judge Fisher's book says that the members of The Traffic Institute have "long held

<sup>4</sup> *E.g.*, *Brooks v. Florida*, 389 U.S. 413 (1967); *Sims v. Georgia*, 389 U.S. 404 (1967); *Beecher v. Alabama*, 389 U.S. 35 (1967).

<sup>5</sup> *Mathis v. United States*, 391 U.S. 1 (1968).

<sup>6</sup> *Harrison v. United States*, 392 U.S. 219 (1968).

the conviction that law enforcement officers must be well grounded in the law." No one should quarrel seriously with this proposition. Nor is it likely that many people after reading the book, would deny that it "will provide a valuable tool for every officer in law enforcement." For it is a book that does make an important contribution to the literature on an area of the law that needs to be understood more, yet is understood less than any other.

Information that is available in *Laws of Arrest* can go a long way to help any person who will take the time to try to master the book's contents to become well informed on an area of the law that affects personal liberties immediately and very directly. Modern law enforcement officers, more than any other group of people, should make a real effort to understand and follow arrest laws, as this body of law is as basic a tool to them as rifles are to infantrymen. No law enforcement officer can enforce the law effectively and intelligently unless he has at his command the kind of information that is made available to him in this book.

Its 28 chapters are organized in a way that develops the laws of arrest in good sequence and in logical fashion. The first five chapters, for example, set the stage for the technical rules by centering on definitions, history, and ideas that should be understood. Each of these chapters helps to lay a foundation for what follows. For example, the material in chapter five distinguishes an arrest from other situations that take on some of the characteristics of an arrest yet lack essential elements that make up a "technical" arrest.

These are concepts that do not make for bedtime reading as, in general, arrest laws are made up of rather dry stuff. However, the author's use of historical data and his generous use of factual situations for illustrative purposes not only go a long way to promote a better understanding of the rules that regulate arrest practices, but this approach also makes the material more readable from an interest standpoint.

The book is excellent, overall, so that it is difficult to center on any one or two chapters as being more significant than others. Parts of the book that deal with civil liabilities are presented in sufficient detail to enable a reader to appreciate the pitfalls that may be encountered when a person is deprived of his liberty. The availability of civil remedies tends to show why "It is repeatedly stated in the court decisions that 'the liberty of the citizen is as important as the interest of society.'"

An attribute of a good textbook is the ease with which information can be located in it. In this respect, the book rates a high mark. A reader can find information on about any topic that may come to his mind in relation to arrest through either the index or the table of contents, or both.

The scholar who looks for documentation will find that the book meets this norm as footnotes are used to sustain most statements, especially those of a conclusory nature, that are made in the text. This is done, moreover, without impinging on the continuity and smooth flow of the text material. It can stand on its own without recourse to footnotes.

*Laws of Arrest* is a book that can be ranked as the best publication of its kind to come off the press. It belongs in every law enforcement agencies' library, and can be used to great advantage in any law enforcement training program. Any law enforcement officer who reads this book and understands its contents should have a greater appreciation of what Lord Coke meant when he said: "The liberty of man's person is more precious to him than all the rest that follow."

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#### MODERN LAW ENFORCEMENT AND POLICE SCIENCE.

By *E. W. Williams*. Charles C Thomas, Publisher, Springfield, Illinois. 1967. Pp. 392. \$15.50

The scope of this book is extremely broad. It attempts to present the fundamentals of patrol technique, criminal investigation, substantive and procedural criminal law, and a vast array of other law enforcement subjects. Portions of the book deal with very basic subjects such as reading and comprehension, spelling, the use of the dictionary, memory improvement, report writing and map reading. Other segments treat such relatively sophisticated subjects as electronic eavesdropping, the American legal system, police leadership, and industrial plant protection.

The result of this encyclopedic approach is that the reader receives an extremely superficial exposure. At times the subject matter is so oversimplified that it approaches inaccuracy. The sections on legal procedure are so generalized that an officer depending on this source of information would be very poorly equipped to perform his task. The presentations relating to interrogation, statements,

confessions, and rules of evidence are partially obsolete because of recent United States Supreme Court decisions.

There are few, if any, new ideas contained in the book. It is rather a compilation and summarization of existing literature. Although dozens of authoritative works have been published in the many areas the book discusses, not a single footnote is contained therein. The book has no bibliography.

Generally, the book is poorly organized. For instance, a section entitled "Fundamentals of Map Reading" is contained in a chapter concerned with "Taking the Criminal Into Custody". Such disorganization tends to destroy the book's value as a text.

When its many shortcomings are considered, the book cannot be recommended as a text for academic or vocational study, as a reference book, nor even as a desirable acquisition for a personal library.

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THE YOUNG OFFENDER. By *D. J. West*. Baltimore: Penguin Books, 1967. Pp. 333. \$1.45.

Donald J. West, assistant director of research at Cambridge University's Institute of Criminology and an able writer, has produced a careful and insightful study of an enigma not new to modern society. Contrary to generally accepted opinion of youthful crime as an ever-increasing social malady, Dr. West paints a less dismal but more complicated picture. Delinquency, he believes, "is typically a youthful characteristic which may be expected to clear up in later years." In both the United Kingdom and the United States follow-up studies have shown that only a minority of youthful offenders go on to become persistent adult criminals.

Most juvenile crimes are offenses against property, and says the author, simple explanations—such as an increase in unlocked cars and property, as well as increased leisure and freedom which allow adolescents to wander about and get into mischief—may have to do with the increase in delinquency statistics than the traditionally cited rationale, such as maternal deprivation or personal maladjustment.

The subject of youthful crime is burgeoning with unanswerable questions. Juvenile delinquency, like

illness, is a vast conglomeration of varying phenomenon which renders itself immune to single explanations. Dr. West states:

Nobody expects any one explanation or treatment to solve all health problems. Advocates of a single cure-all for delinquency, whether it be harsher punishment or more child guidance, are equally unrealistic. An unremitting attack on a wide front, using different methods for different problems, holds out the best hope for progress.

While the treatment and goal for each delinquent child is unique, it is not perfection in behavior and performance which is sought, but rather improvement along the lines which will give him a solid base on which to grow and mature.

*The Youthful Offender* presents a wealth of material as is indicated by chapter headings: "The True Extent of Youthful Crime," "The Social Background of Offenders," "Girls, Sex, Drugs and Violence," "The Penal System," and "Delinquency Control and Prevention." There is an interesting section on treatment in which such typically British institutions as the approved school, the borstal, and the attendance center are described.

In another chapter, Dr. West describes the police juvenile liaison scheme in Liverpool whereby young offenders (with the consent of their parents) are visited in their homes by plainclothes policemen "who talk to their parents, inquire after their welfare, and issue authoritative advice and warnings, after the manner of some probation officers." Despite criticism by professional social workers, the system seems to have had a good effect judging by low reconviction rates of juveniles who have been dealt with by the liaison officers. "The important issue," reasons the author, "is whether it really works, not whether a few sensitive toes may be stepped upon in the process."

In summary, *The Youthful Offender* emerges as a most creditable addition to the literature of criminology and juvenile delinquency from a British perspective. Within the framework of historical criminology and modern psychiatric practice, Dr. West has presented a tightly reasoned and sharply focused treatment of a much-discussed subject. It is a worthy book for serious consideration by the professional and layman alike.

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BIN ICH EIN MENSCH FUER DEN ZOO? By *Friedhelm Werremeier*. Wiesbaden, Germany. Limes Verlag. 1968. Pp. 414. DM 24,-.

The title is taken from a question, which the mass murderer, Juergen Bartsch, asked himself over and over again: "Am I a human being for a zoo?" The present report is written by a journalist who has interviewed hundreds of individuals, parents of the disappeared children, police and detective officers, and "witnesses." The investigation leading to the arrest of the murderer was carried over a period of six years, and covers only the murder of four children while other children who have disappeared without any trace are still "at large."

The report can be divided into two major parts: the detective work of many individuals—and not only the work of the police (which receives a good deal of criticism from the writer and the population of a district covering approximately 6 millions), leading to the arrest of the youthful homosexual murderer of four pre-adolescent boys. The other, second part constitutes the anamnesis of the offender, his trial, and his sentence. Of the trial, it is with interest the defender's and the court's attitude toward psychiatrists: although the offender received several mental examinations, the reader never really "feels" what is going on in the offender's mind. And here it seems lies the main weakness of the presentation with its high handedness and pomposity: why really did the 20 year old Juergen Bartsch kill four children? Moreover, what was in the murderer's development that can be accounted for sociologically, psychologically? There are speculations (the lay and professional) which are cited. But apparently no clear idea is brought to mind to tell the reader why these murders happened. On the other hand, police scientists and lay readers alike get their money's worth out of a book that is eminently readable and

leaves nothing out (except the dynamic principles, which will keep the psychologist guessing).

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DIE FALSCHGELDDIELIETE (A CONTRIBUTION TO POLICE SCIENCE). By *Dieter Schmiedl-Neuburg*. Luebeck, Germany: Schmidt-Roemhild. 1968. Pp. 208. DM 24.—.

This study is doubly welcome as, apparently, criminological studies with regard to counterfeiting are quite rare (in this or other countries). The first part presents a good survey about the historical development of counterfeiting and its legal application of foreign law (for the German reader). Therefore, the German (and the non-German) reader will appreciate to find a reprint of penal codices of various countries in one of the appendices.

In the first section of the second part, the author attempts to delineate a "criminology" of counterfeiting, and, since the author is a jurist, this criminology consists entirely of a legal treatise. In this endeavor, he has utilized 483 trial-files, comprising the years between 1951 and 1964.

Criminologically, the second section of the second part contains the presentation of the methodology of counterfeiters and the up-to-date results of police science as well as organization in the prevention of this type of crime.

The third part is devoted primarily to the legal implications regarding a systematic treatment of crimes relating to counterfeit. By evaluating criminological experiences, the author feels enabled to suggest additional preventive measures. The bibliography appears to be a gold-mine for researchers even though it is confined to exclusive German sources.

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