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Raymond W. Russell

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Book Review

THE CRIME LABORATORY: CASE STUDIES OF SCIENTIFIC CRIMINAL INVESTIGATION. By James W. Osterburg. Bloomington: Indiana University Press, 1968. Pp. xx, 330. Cloth: \$12.00; paper: \$5.95.

The Crime Laboratory is an exercise manual designed to acquaint its reader with both the methods of gathering physical evidence and the uses to which such evidence can be put. The author includes in the second half of the book comparison sets of photographs which are keyed to the general principles of criminal investigation set out in the first half. The reader is to apply these principles to determine whether there is an evidentiary connection between items depicted in the various sets of photographs. Unfortunately, and somewhat annoyingly, comparison photographs are often not arranged on facing pages thereby requiring the reader to remove pages if he wishes to make a close comparison between various sets.

The author, James W. Osterburg, is a professor of police administration at Indiana University who, prior to his academic career, spent twenty years with the Detective Division of the New York City Police Department. Osterburg's message in this manual is that people leave traces of their presence in hundreds of different ways, traces which can be gathered and utilized as evidence by following the principles which he outlines. Fingerprints, hairs, and fibers are among the most obvious and best known types of traces. Glove impressions, teeth marks (left on objects such as pencils and food), and ear prints are gathered by the more sophisticated. According to Osterburg, this book is directed to policemen, college students, lawyers, legislators, and civic-minded citizens.¹ However, the superficial and cursory treatment of criminal investigation found in *The Crime Laboratory* will prove informative only to those readers who are totally unacquainted with the subject.

Osterburg touches on a variety of topics (such as the causes of crime and the tactical use of the lie detector to induce confessions), but spends significant time on topics only remotely related to criminal investigation. The major disappointment of the work is the author's failure to even mention the serious ethical questions which arise in police criminal investigation. Law enforcement personnel involved in criminal investigation possess a great deal of power as a result of their expertise and the peculiar circumstances of their work. In most cases when evidence is gathered and analyzed no one is present but the investigator and police colleagues. In many cases these factors render the testimony given by the investigator unim-

1. J. OSTERBURG, *THE CRIME LABORATORY* xvi (1968).

peachable. Serious injury may be done to individuals through the legal process if the testimony given by an investigator or expert is incorrect or inaccurate due to mistake, exaggeration, or fabrication. In this respect it is natural that police experts might not render wholly objective opinions when extrinsic information comes to their attention linking a suspect with a crime, as where a handwriting expert is informed prior to making a handwriting analysis that the suspect has confessed to forgery.

One of the ways to attack the possibility of loose ethical standards in criminal investigations would be the development of a professional approach to law enforcement through collective and individual self-analysis and self-criticism on the part of personnel concerned with such investigations. Professional responsibility and integrity is not encouraged, however, when law enforcement authorities attack the courts (especially the Supreme Court) for "coddling" criminals and blame judicial decisions for the increase in crime. Far from generating a professional attitude among those in law enforcement, attacks on the courts increase the temptation for law enforcement personnel to resort to fighting "fire" (court decisions and defense tactics) with "fire" (employing exaggeration or even false testimony to strengthen cases). Thus, where the only expert witness is a prosecution witness,² and where there is thereby no fear of contradiction, the temptation may be to give false or misleading testimony to fit the prosecution theory of the case.³

Temptations exist in crime laboratories, and even in an introductory

2. It has been reported that the prosecution has the only expert in 22 percent of cases whereas the defense has the only expert in only three percent of cases. H. KALVEN & H. ZEISEL, *THE AMERICAN JURY* 139 (1966), reviewed, Russell, 36 GEO. WASH. L. REV. 261 (1967).

3. For an example of the problems which may develop from the gathering and use of physical evidence see *Miller v. Pate*, 386 U.S. 1 (1967), where the prosecution in a murder case contended that a pair of shorts found a mile from the body of the victim had been discarded by the defendant after he had committed the murder. Critical evidence offered in support of the prosecution's theory of the crime was given by a chemist from the Illinois State Bureau of Crime Identification who testified that he had examined the shorts in question and found them to be stained with blood of the same type as that of the deceased. In a habeas corpus hearing held years later, the defendant was able to establish that at the time the state chemist testified concerning the blood on the shorts, the prosecutor was aware that there was paint on the shorts.

Upon these facts coming to light, the Grievance Committee of the Illinois State Bar Association commenced an investigation into the prosecutor's conduct. In its report the Committee stated that there was no basis for the view held by the Supreme Court that there was misrepresentation by the prosecutor concerning the presence of blood. The Committee felt that the prosecutor's failure to disclose the presence of paint on the shorts, if in fact this was known, was the only ethical issue in the case. It then determined that such disclosure was unnecessary since the presence or absence of paint was not a material question in the case. See F. INBAU, J. THOMPSON & C. SOWLE, *CRIMINAL JUSTICE* 1184 (3d ed. 1968).

manual such as *The Crime Laboratory* the reader should be made aware of these facts of life.

RAYMOND W. RUSSELL*

* B.A. 1960; LL.B. 1966, University of North Carolina. Member: District of Columbia, Florida, and Maryland Bars.