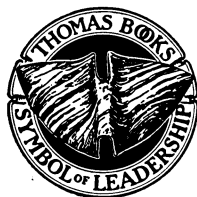


HOMICIDE INVESTIGATION



HOMICIDE

Third Edition



CHARLES C

Springfield • Illinois • U.S.A

PRACTICAL INFORMATION
FOR CORONERS, POLICE OFFICERS,
AND OTHER INVESTIGATORS

INVESTIGATION

By

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To

*Those unknown and uncounted persons,
prematurely deprived of life by malicious assault,
and whose assassins have gone unpunished—
this book is respectfully dedicated.*

What's It All About?

FACT AND TRUTH

IF ONE WERE TO CONDUCT a survey by propounding the question, "Are *fact* and *truth* the same and if not what is the difference?" the great majority of the replies to this question would be, "Of course they are the same—anything that is a fact is true and if anything isn't true it can't be a fact." In the investigation of criminal activity we are continually involved in a search for facts on which our court system is based.

To the investigator whose duty it is to examine the cause of a death by violence it is helpful and important to realize that fact and truth are not necessarily the same. A fact is a circumstance, event, or conclusion which presumably is based on truth. Before a witness begins his testimony he swears to tell the truth, the whole truth, and nothing but the truth. It is the duty of the jury to evaluate the testimony of all the witnesses and from its observations the members of the jury determine the facts. In a criminal trial the judge conducts and controls the proceedings and interprets the law to the jury. However the jury is the sole finder of the facts.

A higher court, like the Supreme Court, to which a conviction may be appealed is known as an appellate court. Such courts review only questions of law on an appeal and do not review the facts as determined by the jury. Consequently a finding of fact by the jury is permanent. It can only be erased by an appellate court ordering a new trial due to a defect in the conduct of the trial by the judge or a finding of new evidence which was unknown at the time of the trial.

Consequently when a jury returns to the courtroom from its deliberations and announces that it finds John Doe guilty of murder, from that moment on it is a fact that John Doe committed that murder. The truth may be that it was John Smith who committed the murder but that does not alter the situation and it is still a fact that John Doe is the guilty person.

If the verdict is appealed to an appellate court, when its opinion is rendered the first sentence is apt to be: "on such and such a night John Doe murdered Richard Roe." It doesn't say that John Doe is alleged or accused of committing this crime. It simply states the fact that John Doe murdered Richard Roe. Consequently, it is apparent that there may be a very wide discrepancy between fact and truth.

The whole purpose in writing a book of this kind is to try as hard as is humanly possible to make fact and truth one and the same, because when they are not identical there is always a miscarriage of justice. Either a guilty person is set free or an innocent person convicted. When a *fact* can be laid on top of a *truth* and the borders exactly coincide we have established justice and the administration of justice is the chief rock in the foundation of our civilization.

Preface

MORE THAN THREE DECADES have elapsed since the first printing of *Homicide Investigation* appeared. Prior to that time there were few if any books, journals, or other publications dealing with this subject which were of any value or even comprehensible to the coroner or police investigator. Only one or two colleges were offering courses designed to be helpful to investigators in this field. The founding of the American Academy of Forensic Sciences was still several years in the future.

Charles C Thomas, a leading publisher of medical books, discerned the need that books dealing with public protection and criminal justice could fulfill. When I approached him to ask advice about the publication I was preparing on the subject of homicide investigation, he enthusiastically assured me he would like to publish it himself. The result was that this book was the first of hundreds that his firm produced in this important field. It is a source of deep satisfaction that *Homicide Investigation* blazed the trail through unexplored territory.

During the intervening years, the law has adopted new concepts which parallel the great advance in scientific methods employed in the investigation of violent death. Recent decisions by our appellate courts prescribe in detail the treatment and the concern for the constitutional rights of a suspect under arrest. Evidence obtained by such measures as wire tapping, which is in violation of the right of privacy, is inadmissible. Procedures for discovery are in effect in many states, which amount to forcing the prosecution to reveal all its evidence to the defendant's counsel before the case goes to trial.

These vast changes in both science and the law substantially increase the demand for better and more knowledgeable procedures. Investigators have to be more intelligent, better trained, more meticulous, and more persevering than ever before. Solving cases by quickly extracting confessions from suspects is rapidly on its way out. Heretofore, too few guilty and too many innocent per-

sons have been convicted of murder or other serious crimes. In the future, a successful investigation will necessitate all of the combined abilities of the police, physicians, scientists, and investigators to bring about a just and fair solution.

L.M.S.

Acknowledgments

TO NAME INDIVIDUALLY all the persons who have contributed ideas, pictures, and information to help make this book is an impossible task. From the Atlantic to the Pacific, material has come from a host of friends and experts in this field. From London to Vienna likewise has come information, new ideas, and solid facts which have been incorporated in this new edition. All have been most generous in helping in every possible way, and to all of them my sincere thanks.

Among those who are still active and who have made important contributions to this book are Alex Gregory and V. A. Leonard. But it would be a serious omission not to mention the contributions made by some who have passed on. Charles M. Wilson, Clarence Muehlberger, and Harold Mulbar contributed important materials. August Vollmer, the father of scientific police organization in this country, was a valued contributor.

In the beginning Charles C Thomas took a tremendous personal interest in this book and his varied and unusual talents proved invaluable. His successor, Payne Thomas, has been most helpful in extending the tradition established by his father.

And, finally, to Louise Drew Snyder, who has spent uncounted hours on this task—thanks and more thanks!

L.M.S.

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HOMICIDE INVESTIGATION

1

General Considerations of Homicide Investigation

RESPONSIBILITY OF THE INVESTIGATING OFFICER

APPROXIMATELY 20 per cent of all persons die under circumstances that require an official inquiry into the cause of death. Therefore, the coroner or police officer carries a heavy responsibility when called upon to investigate a sudden or violent death, *for he stands in the dead man's shoes to protect his interests against those of everyone else in the world.* The zeal and intelligence which he brings to bear on the problems confronting him may make the difference between a murderer being convicted or a homicide not even being suspected. If he interprets an accidental death as due to natural causes, a widow and family may be deprived of benefits and other property which the deceased may have gone to great pains to provide. If he interprets a death due to natural causes as a homicide, an innocent person may be placed in jeopardy and put to extreme discomfort and expense to defend himself. Consequently, the investigating officer must proceed with extreme caution and with a full realization of the disaster which may result from a mistake on his part.

Approximately 10 per cent of all deaths are caused by violence. Of these the great majority are accidental—leaving about one half of one per cent due to murder, and from two to three times this many caused by suicide.

There is another 10 per cent of deaths occurring under unusual or suspicious circumstances, such as a body found dead in an alley or in a hotel bedroom, which requires a competent investigation as to the actual cause. Unfortunately, in many parts of the United States the examination of such deaths is in the hands of persons unqualified by training or experience to be entrusted with this important duty. As a consequence, too often it is left to a judge and jury to make a determination as to the cause of death months or

years later when the actual facts could and should have been determined at the time death occurred.

The cause of all other deaths falls into a classification loosely termed *natural causes*. This term covers everything from a still-birth to the degenerative processes of advanced age. It is not surprising that there is a confusion and an illogical interpretation of the cause in many deaths classified as due to natural causes. For example, a person who died of a snake bite would be presumed to have died an accidental death, while a child who died of diphtheria would be classified under the heading of death due to natural causes. Yet the only difference between the two is that one died from poison injected by a rattlesnake, while the other died from poison manufactured by a diphtheria bacillus.

Likewise, a death caused by typhoid fever is classified as a death due to natural causes, but as far as the victim is concerned it was purely an accident that the restaurant in which he ate his lunch employed a waitress who was a typhoid carrier. However, the term *natural causes*, as poor as it is, has been accepted and used for such a long time that it will probably continue to be employed for years to come.

IMPORTANCE OF ACCURATE DETERMINATION OF CAUSE OF DEATH

If the ordinary citizen were to give any thought to the fact that the chances are one in five that his death would occur under circumstances requiring an official investigation as to the cause, he would become vitally concerned that every scientific facility coupled with the services of a highly trained and experienced examiner would be employed in that investigation. An enormous proportion of those who are the head of a family carry insurance against accidental death or an ordinary life insurance policy which pays a double indemnity for accidental death. Most life insurance policies contain a provision that in the event of suicide within a specified time there will be only a return of the premium paid. If the victim happens to be found dead in an automobile due to carbon monoxide poisoning, it may make a vital difference to his family, simply from the standpoint of dollars and cents, whether it is classified as an accident or a suicide.