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THE DISTRICT ATTORNEY AS CRIMINOLOGIST ¹

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THE successful detection and solution of a crime problem depends upon several intrinsic factors.

First of all, one has to be well versed in the study and familiar with the type of criminal act committed. Then one will readily and correctly understand what happened; the technique which the delinquent employed and the motive, the underlying reason, for his criminal action will be more apparent. You will be conscious at once of what you should look for and preserve, what you must not omit investigating, and, chiefly, you will not disturb the situation at the scene of the crime by your awkward presence.

The scientific investigation, the scrutinizing expert analysis of the premises of crime, is of paramount importance. The systematic search for criminal evidence, the securing of the delinquent's traces and marks, gathering of all essential clues, lead usually to a correct interpretation of the facts and to a final solution of the problem encountered.

The investigation of the scene of crime can be rendered completely futile when official lay-people who have no comprehensive knowledge of nor experience in criminology arrive at the premises and unknowingly destroy and obliterate all the traces and clues left by the criminal. It is amusing to see them entering upon the premises of crime with an air of importance and self-confidence, advancing theories and opinions, making far-reaching deductions and conclusions, but finally reluctantly admitting that they do not know what it's all about.

To systematically proceed in a criminal investigation, one has to methodically develop and then logically follow up his own thoughts, without being influenced and deceived by a trace or mark or by a statement which, at first sight or impression, might appear interesting or important. One should never think too complicatedly nor should one ever neglect a seemingly insignificant finding, as, later on, an obviously negligible clue may prove to be the only link in a case unexplainable and intricate at the outset.

¹ Address delivered at the Annual Meeting of the District Attorneys' Association of Wisconsin, on June 23, 1930, at Waukesha, Wisconsin.

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Every criminal act possesses its own peculiarities, since no two crimes of the same character, even if committed by the same delinquent, are absolutely identical in the technic employed.

SCENE OF CRIME

Findings at a scene of crime depend very much also upon the peculiarities of the place where a delinquent act was perpetrated. Two of the same kind of criminal acts, committed at two different places, may appear as two different types of crime.

You must, therefore, get thorough information about the premises, about the people who inhabit them, their manner of living, their private, intimate life and social relationships, and about their relatives and friends. Direct your attention to the vicinage and delve into any casual observations made by the neighbors at the time of the crime, but particularly during the few days preceding the crime, since the delinquent very rarely attacks his victim or deprives him of his property without having his plans of approach well devised and prepared beforehand.

The old saying, "There is no perfect crime," is practically true in the great majority of instances. At the scene of every crime, the criminal leaves some of his own traces, some marks which will betray his presence, some evidence of deeds which characterize his method of procedure. The psychologic status of the delinquent's mind is clearly expressed in his work and act. You must, therefore, be versed in the principles of psychopathology of criminals in order to distinctly understand their tendencies, motives and reactions. In other words, you have to put yourself in the criminal's place and follow, as in his mind, the entire criminal affair enacted by him. You will then start to notice and find the details, and the apparent perplexities will evolve themselves into simple, logical matters.

Let us now take an example and shortly outline what is going on in the mind of an investigating criminologist, approaching a scene of crime. Assume that a farmer was found killed in the kitchen of a farmhouse by blows to his head, directed with an axe, as briefly reported to us by a neighbor.

The following thoughts will instinctively arise and form the basis for your analysis of blood traces.

ANALYSIS OF BLOOD TRACES

There must be or should be blood on the axe, blood on the body and clothing of the victim, blood on the floor and surrounding objects, blood probably also on the attacker. See, therefore, if the blood on the

axe is human blood, if the various blood stains are of the same type (blood group), from the same source. Send the articles with the blood stains to a laboratory criminologist for typing. Have in mind that some of the stains might be of animal origin or may prove to be so-often-deceiving spots of rust or paint. Observe whether hair matted with blood is present on the axe. If more than one blow had been dealt, investigate the ceiling, the walls, the surrounding objects for blood spots or for minute parts of torn tissues with hair attached, which might be liberated from the swung axe; those traces will inform you as to the direction in which the axe was used and will establish the position of the attacker.

Never omit the typing of the victim's blood as such a determination can be of valuable help to you. If, for instance, blood spots are found on the clothing of a suspect, and expert laboratory examination, after determining the suspect's blood group, proves that, according to the type, the spots are not of his own blood but are of the blood group of the murdered individual, this fact might form a significant link in your investigation.

ANALYSIS OF THE WOUNDS

Your analysis of the wounds inflicted might disclose if the victim was attacked unawares, from in front or from behind. If the victim moved, the direction and positions of the wounds will vary. If the first blow rendered the attacked, while standing or walking, unconscious, he will probably fall forward and you may detect bruise marks on the forehead, face, or in the temple region; if, however, the victim suddenly became aware of the unexpected deadly attack, he would, in all likelihood, in trying to evade it, fall backwards, bruising the back of his head. The position in which the body is found depends upon the state of balance of the body at the critical moment and its sudden change due to reactions of fear or self-defense. As a rule, standing or walking people fall forward, since the body weight is projected anteriorly.

ANALYSIS OF THE POSITION OF THE BODY

Your examination and critical analysis of the position of the body will show if the victim collapsed at exactly the place where he was struck or if he was able to attempt defense, to move and to react. Your thoughtful inspection will consider the eventuality if the injured individual was moved after he was rendered unconscious or after he had died; if the dead body was carried onto the premises or was transferred from one room to another. The expert criminal pathologist will be able to determine if the position of the body was changed some time after death, and thus confirm or dispel your doubts. But do not change

the position of the dead body before your expert criminologist arrives, and see to it that nobody, neither the coroner nor police nor sheriff's forces, in any way changes the original scene, as important facts might be completely obliterated. The unnecessary and thoughtless rush to remove the body, to search the victim's pockets, to inspect the wounds, and hasty attempts to identify the victim have always done harm to the case, but have *never* rendered any help whatsoever.

It is a fatal mistake to disturb the victim's clothing and catastrophic to remove it, happenings so common with people who are entrusted with an official position or duty to investigate criminal acts, but who do not know the fundamental facts about crime investigations and are not aware of how detrimental is their behavior.

Should you be forced by unavoidable circumstances to allow or order the removal of the body or to change certain material facts at the scene of the crime, first make exact descriptions of every, yea, even the most minute, detail as to the position, location and character of all the objects and of the premises as a whole. Measure the distances, the sizes, note the forms of the objects and, if you please, never omit to take photographs, from various angles, of everything you have found, observed and described. The photographic enlargements will recall to your memory all the details and might later on disclose to you some point you may have primarily overlooked. But remember that a photographic reproduction of several objects in space never illustrates plastically the various distances between one and the others; therefore, accurately measure the distance from each object in its relation to its surroundings. One can never do too much; no work done is ever in vain. As a rule, one often later regrets that he omitted doing this or overlooked that; that he does not precisely remember the location of a particular object or the position of some essential article, which afterwards proved to be of paramount importance.

ANALYSIS OF BLOOD STAINS

The analysis of blood stains as to their location and appearance will disclose to you if the wounded individual was able to move, the direction in which he walked, whether he moved slowly or ran swiftly, etc. The correct interpretation of irregularly scattered blood spots might betray to you the futile struggle of the assailed in his attempt at self-defense.

A blood trail leading to a door or window may suggest the last efforts of the victim to escape in that direction. The size, shape and physical character of a blood mark or blood area may indicate the rapidity with which the blood escaped or the length of time the victim remained in that spot, the distance from which the blood fell and the

direction wherefrom it came, and the time interval between when it was deposited and discovered. All these significant facts must be precisely interpreted and answered by your expert criminologist.

Let me again emphasize that you insist that the blood group of each blood spot found at the premises be individually determined, paying particular attention to those blood marks which apparently do not fit in with the reconstruction of the scene of crime, stray blood spots; they might be the murderer's blood and you may logically conclude that the attacker sustained some kind of injury.

ANALYSIS OF THE ENVIRONMENT

The detailed study and analysis of the environment in which the criminal act was perpetrated might disclose whether a struggle preceded or accompanied the attack, if the owner of the premises surprised the murderer in his act of burglary, robbery, etc. The blood stains on various objects (pieces of furniture, doors, wall, window, etc.) will tell in what vicinity the attacked individual was present and struggled.

The close inspection of the doors and windows might indicate the route the criminal used to enter the premises and the methods he employed. The condition of the door and nearby objects might suggest to you the meeting point of the attacker and the victim.

Do not forget the fact that very commonly imprints of the criminal's fingers can be found where he entered or left the premises or anywhere therein.

Observe whether any shoe imprints are evident on the floor and study their size, shape and direction. Do not complicate the situation by your own presence; therefore, watch your steps. By considering this point alone, you can readily realize how any such examination—analysis of footwear imprints—which is always of momentous importance is rendered totally useless and worthless if several individuals thoughtlessly and aimlessly, or out of curiosity, trampled upon the grounds.

Your instructions usually arrive too late if given after the report reaches your office. You should, in advance, advise and educate the officers in your district or county on how to proceed in a given criminal case; impress upon their minds that they should not enter the scene of crime nor go in there, but should guard and protect the place from everybody, especially from those whose morbid curiosity drives them there just to see what happened. They eventually destroy the significant traces and marks and render any further investigation useless and to no avail. Often the only clue left on the premises by the

criminal is obliterated completely by amateurs and other ignorant, inconsiderate people.

ANALYSIS OF THE WEAPON

Your inspection and analysis of the weapon, or the instrument used by the criminal (in our assumed case, an axe) is guided by the following spontaneously developing thoughts: First and foremost, did the hand which held this instrument of death leave imprints of one or more fingers thereon. Therefore, handle any such weapon with gloves and with painstaking care. See that your own fingerprint is not on the object which the killer used!

Your mind will be stirred by questions: Does the instrument, here an axe, belong to the owner of the premises, was it stolen from some other place, is it the criminal's property, did he pick it up at the exact spot where the crime was enacted or did he take it from an adjoining room, from a distant corner, yard, barn, etc., belonging to the owner of the premises? Could the assailant know where the instrument was kept or did he incidentally notice it?

Not uncommonly, from the weapon used, you may suspect or occasionally quite positively deduct the occupation, character, or type of the criminal. Keep in mind that the favorite instrument of a sexual killer is the knife.

The physical condition of the weapon found and its origin (if newly purchased; if recently stolen from some other place or person, if borrowed, etc.) might allow the conclusion that the murder was well-planned and premeditated.

CRIMINOLOGICAL PROPAEDEUTICS

The foregoing discussion of merely one specifically assumed case is intended only as a propaedeutical sketch of elementary facts in practical criminology. Other special phases of the criminologist's work and behavior at the scene of crime will be discussed at some future time.

Your reconstruction of a crime affair should never be based upon vague personal theories, but upon positive and unmistakable facts discovered in your investigation. Your foremost endeavor must be *to observe and to preserve* every, even the most minute, mark or clue detected.

Every thought, reaction and act of a human results, consciously or subconsciously, from his inborn, intrinsic impulses originating from the instinct of sex or of self-preservation. Search, therefore, for the motive of the crime.

Picture yourself in the delinquent's stead, logically use your imagination to the utmost and you will be able to correctly reconstruct *what* happened, *how* it was done, and *why* it was committed.

In *conclusion*, let me emphasize two commonly made mistakes in the investigation of a crime problem:

1. It often happens that important criminal evidence, which is always present at the scene of crime, is overlooked and neglected;
2. Criminal evidence, so clearly apparent, is wrongly interpreted.