

BOOK REVIEW

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A Review of "Evidence Law for the Police"

REFERENCE: Inbau, F. E., Aspen, M. E., and Carington, F., *Evidence Law For The Police*, Chilton Book Company, Philadelphia, Pa., 1972, 111 pages, price not listed.

Evidence Law for the Police states that it is for the "Non-Technical, Non-Lawyer Police Officer." The purpose of the book is to give the police officer a better appreciation of the role of evidence law in a case. To accomplish their purpose the authors give the general rule of law first, in simple non-technical language. This is followed with case examples to illustrate the point. It is noted early in the text that the rules may be applied differently in some jurisdictions. This point could have been stressed more fully throughout the text.

In Section 2 the authors discuss the classification of evidence into two types: real and testimonial. Real evidence is physical in nature such as fingerprints, documents, etc. Testimonial evidence, on the other hand, is that which is given by an eyewitness to a crime. One of the differences between these types is that real evidence must be authenticated. That is, the purpose for which it is being offered must be shown before it will be admitted into evidence. The terms relevance, materiality, and foundation should have been more fully explained in this section. These terms are covered more fully in a later chapter, but would have been much clearer if they had been covered in this section.

In another section the exclusion rule is clearly set forth along with the various extensions of this rule. The rationale of stopping illegal police conduct and its rather unsatisfactory result through application of the exclusion rule is discussed. This result of allowing a factually guilty person to go free has caused substantial opposition to the exclusion rule. The authors state that any change to the rule must come through legislative action and not the courts.

The Miranda rule is completely set forth along with its application in custodial interrogations. Because of the 1968 Omnibus Crime Control and Safe Streets Act, by which Congress attempted to overrule Miranda, the authors sound a clear note of caution. They point out that Miranda was based on Constitutional Law and may well remain binding on the states, in spite of the fact that Miranda could well cease to be binding on Federal jurisdictions by act of Congress!

There are a number of other sections, on such areas as eyewitness and voice identification, privileged communication, and scientific evidence, which are covered by giving the rules involved with case examples.

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The section on the investigator's role is a disappointment. It states that an investigator must secure enough evidence to convince the ordinary layman "beyond a reasonable doubt." There is no real effort to interrelate the preceding sections to the investigator's role. Another comment made by this section is that information favorable to the defendant must be turned over to the prosecuting attorney. More emphasis should have been placed on the investigator's role in proving innocence. This may well not have been within the scope of the book but it is part of the investigator's role.

The section on the police officer as a witness is good. It deals with major deficiencies such as appearance, answers to "trick" questions, and making oneself clear in non-technical language.

The book, in general, accomplishes its objective, explaining the rules of evidence in non-technical terms. It could be effectively used in the training of police officers in the classroom.