CHAPTER 1

Criminal Investigation: An Overview
On April 19, 1995, Trooper Charlie Hanger of the Oklahoma Highway Patrol was traveling north on Interstate 35 when he saw a 1977 Mercury Marquis with no license plate. Hanger pulled the car over, and the only occupant, a white male, got out. While Hanger was questioning the driver about the license plate, the trooper noticed a bulge in the man’s clothing. When asked, the man admitted he had a gun and was arrested. The driver—Timothy McVeigh—was later found responsible for the bombing of a federal building in Oklahoma City that killed 168 people and left hundreds injured. Some would say that the arrest was just plain luck. However, experience and alertness often play important roles.
An observant police officer can initiate an important criminal investigation, sometimes without realizing it at first. Criminal investigation combines art and science and requires extraordinary preparation and training. And in today’s high-tech society, where information flows faster than ever and citizens expect results more quickly, investigators need to step up their technology and teamwork skills—they need an edge.

The International Association of Chiefs of Police (IACP) declares,

It’s a new world and the role of the detective has changed dramatically. In the old world, shoe leather was the detective’s primary tool. Luck and persistence were cornerstones of success. The key to managing a detective bureau was motivating the investigators.

Now, in the information age, where technology advances daily, shoe leather is still important—as are luck and persistence—but aggressive detectives and their supervisors are constantly looking for a new edge. That edge might be a new method or approach to criminal investigations, or it may be the result of taking advantage of new developments in the forensic and management sciences. (“Recognizing Innovation,” 2003, p. 140)

Because no two crimes are identical, even if committed by the same person, each investigation is unique. The great range of variables in individual crimes makes it impossible to establish fixed rules for conducting an investigation. Nevertheless, some general guidelines help to ensure a thorough, effective investigation. Investigators modify and adapt these guidelines to fit each case.

Investigators need not have superhuman reasoning ability. They must, however, proceed in an orderly, systematic way, gathering facts to analyze and evaluate. This chapter introduces decisions to be made and the actions to be taken. Subsequent chapters explain each step of the preliminary investigation more fully.

A BRIEF HISTORY OF CRIMINAL INVESTIGATION

Contemporary criminal investigation owes its genesis to several notable individuals and events, the first significant one being the 1748 appointment of Henry Fielding as Magistrate of England’s Bow Street. In 1750, as a response to widespread crime and disorder throughout his jurisdiction, Fielding formed the Bow Street Runners, which became the first paid detective unit.

Another noteworthy individual in the evolution of criminal investigation was Eugène François Vidocq, a former criminal turned crime fighter who is considered the father of modern criminology. In 1811 Vidocq organized a plain-clothed civilian detective unit called the Brigade de la Sûreté (Security Brigade), and in 1812, when the police realized the value of this unit, it was officially converted to the National Police Force, with Vidocq appointed head of the unit.

In 1833 Vidocq created Le Bureau des Renseignements (Office of Information), which combined private police and private investigation into what is considered the first private detective agency. Interestingly, most of the agents were ex-criminals. As head of the unit, Vidocq is often recognized as the first private detective in history. Vidocq is credited with introducing undercover
work, ballistics and criminology. He made the first plaster shoe cast impressions and created indelible ink and unalterable bond paper. The exclusive Vidocq Society—a fraternal organization whose members are both law enforcement professionals and nonprofessionals and meet monthly in a social setting to evaluate and discuss unsolved crimes, often homicides, officially brought to them by other law enforcement agencies—is named after him.

Also around this time, in 1842, England’s Scotland Yard created an investigative branch.

Meanwhile, in the United States, the first municipal detective divisions were beginning to take shape. Allan Pinkerton, who immigrated from Scotland to the United States in 1842, played a significant historical role in modern police investigations. He was appointed the first detective in Chicago in 1849 and was a cofounder of the Northwestern police agency, which later became the Pinkerton National Detective Agency, whose symbol was a watchful eye and whose motto was, “We never sleep.” Pinkerton’s agents were the forerunners for the U.S. Secret Service, and his agency was employed at the federal level for many famous cases including protecting Abraham Lincoln in his presidency. Pinkerton developed several investigative techniques still used today in law enforcement that include stings and undercover work, as well as the surveillance methods of shadowing and following targets or suspects. He was also known for working on a centralized database of criminal identification records that is now maintained by the Federal Bureau of Investigation (FBI).

Investigative units also began cropping up in other police agencies after Chicago’s lead, with Detroit establishing a detective bureau in 1866, followed by New York in 1882 and Cincinnati in 1886.

The use of biometrics and identification systems in criminal investigation began in 1882, when French police officer Alphonse Bertillon, now considered the father of personal identification, unveiled a system known as anthropometry, in which offenders were identified by their unique physical measurements, as well as personality characteristics and individual markings, such as tattoos and scars. In 1884, Bertillon used his technique to identify 241 multiple offenders, demonstrating that the Bertillon system could successfully distinguish first-time offenders from recidivists. The system was quickly adopted by American and British police forces.

Bertillon also standardized the criminal mug shot, advocated that crime scene pictures be taken before the scene was disturbed in any way and developed “metric photography” to reconstruct the dimensions of a particular space and the placement of objects in it. Other forensics techniques credited to Bertillon include forensic document examination, ballistics, the use of molding compounds to
These early developments, as shown in Table 1.1, set the stage for a rapidly evolving field of criminal investigation in the United States. But what, exactly, is criminal investigation?

**CRIMINAL INVESTIGATION DEFINITIONS**

An investigation is a patient, step-by-step inquiry or observation, a careful examination, a recording of evidence or a legal inquiry. The word *investigate* is derived from the Latin word *vestigare*, meaning to track or trace, a derivation easily related to police investigation.

**A criminal investigation** is the process of discovering, collecting, preparing, identifying and presenting evidence to determine what happened and who is responsible.

Criminal investigation is a reconstructive process that uses **deductive reasoning**, a logical process in which a conclusion follows from specific facts. Based on specific pieces of evidence, investigators establish proof that a suspect is guilty of an offense. For example, finding the suspect’s watch at the scene of a burglary is one piece of evidence that supports the premise that the suspect was at the scene. An issue that might arise is whether the watch could have been planted there. Investigators need to anticipate what issues might arise and what evidence is needed to support the prosecutor’s case. All issues in dispute must be supported by evidence. The more evidence an investigation yields, the stronger the proof of guilt. Equally important, however, is evidence establishing innocence.

**OTHER TERMS DEFINED**

**Criminalistics** refers to specialists trained in recording, identifying and interpreting the *minutiae* (minute details) of physical evidence. A **criminalist** (aka crime scene technician, examiner or investigator) searches for, collects and preserves physical evidence in investigations of crime and suspected criminals. Criminalistics is a branch of **forensic science**, which is a broader field encompassing the application of science to the law: “Forensic science involves applying scientific processes to solve legal problems, most notably within the context of the criminal justice system” (Fantino, 2007, p.26). Thus, forensic science covers a wide array of disciplines, including pathology, entomology, odontology, anthropology, photography, serology, toxicology and on and on.
<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1750</td>
<td>First paid detective unit forms in England—Fielding's Bow Street Runners.</td>
</tr>
<tr>
<td>1833</td>
<td>First private detective agency formed in France by Vidocq.</td>
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<td>1849</td>
<td>Pinkerton becomes first American detective (in Chicago). Other municipalities across the country soon establish detective positions.</td>
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<tr>
<td>1868</td>
<td>DNA discovered.</td>
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<tr>
<td>1882</td>
<td>Alphonse Bertillon uses anthropometrics as a means of identification.</td>
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<tr>
<td>1896</td>
<td>Edward Henry developed a fingerprinting system, which was adopted throughout England in 1900.</td>
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<tr>
<td>1909</td>
<td>Dr. Karl Landsteiner discovered the different human blood types and classified them into the A, B, AB and O groups.</td>
</tr>
<tr>
<td>1910</td>
<td>Dr. Edmond Locard set forth his “exchange principle.”</td>
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<tr>
<td>1913</td>
<td>Professor Victor Balthazard published his classic article on firearms identification.</td>
</tr>
<tr>
<td>1920s</td>
<td>Professor Victor Balthazard published his classic article on firearms identification.</td>
</tr>
<tr>
<td>1923</td>
<td>August Vollmer established the first full forensic laboratory, in Los Angeles.</td>
</tr>
<tr>
<td>Early 1950s</td>
<td>James Watson and Francis Crick identified the structure of DNA.</td>
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<tr>
<td>1967</td>
<td>FBI creates the National Crime Information Center (NCIC), which has been called the lifeline of law enforcement. A collective database that includes stolen items, identity of terrorists, missing persons and so forth, the system runs 24 hours a day, 365 days a year and is a resource used by all American as well as international law enforcement.</td>
</tr>
<tr>
<td>1970s</td>
<td>FBI implements the Behavioral Science Unit, more commonly known as “criminal profiling.” This criminal investigation technique seeks to understand the psychological characteristics of an individual as a way to predict future crimes as well as narrow down a profile of a likely suspect in a case.</td>
</tr>
<tr>
<td>1979</td>
<td>Herman Goldstein’s <em>Problem-Oriented Policing</em> published.</td>
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<tr>
<td>1985</td>
<td>Alec Jeffreys discovered the parts of the DNA structure that were unique in each person, making positive identification possible.</td>
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<td>1986</td>
<td>First use of DNA typing in a criminal case, in England: DNA was used to clear a suspect in a murder. A detective in the East Midlands read of the case and sought Jeffreys’s help in solving the vicious murder and rape of two British schoolgirls. The police held a prime suspect in the case, a kitchen porter at an insane asylum who had confessed to one of the murders. They brought Jeffreys semen samples from the murder scenes and a blood sample from the suspect. Jeffreys confirmed that the same person committed both crimes, but it was not the suspect the police held. On November 21, 1986, the kitchen porter became the first person in the world to have his innocence proven by DNA testing.)</td>
</tr>
<tr>
<td>1988</td>
<td>First use of DNA typing in a criminal case, in the United States, in which a criminal was identified by DNA (<em>Florida v. Tommy Lee Andrews</em>, 1988). Lifecodes Corporation (Stamford, CT) performed the tests in the first case in the United States in which a criminal was identified by DNA. The trial of accused rapist Tommy Lee Andrews began in Orlando, Florida, on November 3, 1987. A scientist from Lifecodes and an MIT biologist testified that semen from the victim matched Andrews’s DNA and that Andrews’s print would be found in only 1 in 10 billion individuals. On November 6, 1987, the jury returned a guilty verdict, and Andrews was subsequently sentenced to 22 years in prison.)</td>
</tr>
<tr>
<td>1994</td>
<td>CompStat developed in New York.</td>
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<tr>
<td>1998</td>
<td>FBI launches the Combined DNA Index System (CODIS), a database that stores DNA profiles submitted by law enforcement and private laboratories and is used to identify criminal suspects.</td>
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<tr>
<td>1999</td>
<td>FBI launches the Integrated Automated Fingerprint Identification System (IAFIS), a database that retains fingerprints taken from law enforcement and is used to identify suspects.</td>
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<tr>
<td>2011</td>
<td>FBI launches Next Generation Identification (NGI), a system upgrade to replace IAFIS that integrates a fingerprint database and incorporates other biometric identification methods, such as voice, facial recognition, iris recognition, fingerprint, palm print and more.</td>
</tr>
</tbody>
</table>
The first determination in a criminal investigation is whether a crime has, in fact, been committed. Does the evidence support a specific offense? A legal arrest cannot be made for an act that is not defined by statute or ordinance as a crime. Although everyone has a notion of what crime is, investigators must have a very precise understanding of what it means. Specific definitions of such terms as crime, felony, misdemeanor, criminal statute and ordinance are found in case law:

- A **crime** is an act in violation of penal law and an offense against the state. The broader use of the term includes both felonies and misdemeanors. A crime is a violation of a public right or law. It is an act or omission forbidden by law and punishable by a fine, imprisonment or even death. This contrasts with torts, or private harms.

- A **felony** is a serious crime, graver than a misdemeanor; it is generally punishable by death or imprisonment of more than one year in a penitentiary.

- A **misdemeanor** is a crime or offense that is less serious than a felony and is punishable by a fine or imprisonment of as long as one year in an institution other than a penitentiary.

- A **criminal statute** is a legislative act relating to a crime and its punishment.

- An **ordinance** is an act of the legislative body of a municipality or county relating to all the rules governing the municipality or county, including misdemeanors.

Crimes and their penalties are established and defined by state and federal statutes and local ordinances. An act that is not declared a crime by statute or ordinance is not a chargeable offense, no matter how wrong it may seem. Designated crimes and their punishments change as society’s attitudes change. In the past, for example, behavior associated with alcoholism was considered criminal, but today many states regard alcoholism as an illness. However, driving while intoxicated is now considered a much more serious offense than it was previously. Conversely, our society has designated as crimes certain acts, such as computer fraud, that were unknown in earlier times.

Crimes fall into two general categories—felonies and misdemeanors—depending on the severity of an act and its recommended punishment. The more serious society considers a crime, the more severe the penalty. Investigations involve both types of crimes. Misdemeanors are sometimes further subdivided into gross and petty misdemeanors, based on the value of the property involved.

Because definitions of crimes and their penalties vary considerably depending on whether they occur at the municipal, county, state or federal level, investigators must be familiar with their area’s criminal statutes and ordinances. For example, in some states, such as Michigan, shoplifting is a felony. Otherwise, in most states, the value of the shoplifted property determines whether the crime is a misdemeanor or a felony.

Statutes and ordinances list specific conditions, called the **elements of the crime**, that must occur for an act to be called a specific kind of crime. For example, a state statute might define burglary as occurring when (1) an accused enters a building (2) without the consent of the rightful owner (3) with the intent to commit a crime. An investigation must prove each element, even if the suspect has confessed. Many crimes have as an element **criminal intent**, that is, purposely performing an unlawful act or knowing an act to be illegal. Sections 3 and 4 of this text discuss the elements of major crimes. Knowing these elements is essential to gathering evidence to prove a crime has been committed.

In addition to proving a crime has been committed, investigators must determine who committed it. Investigation is often aided by knowing how criminals usually operate, that is, their **modus operandi**, or MO. For example, it was relatively easy to recognize the “work” of Jack the Ripper or the Washington DC–area snipers. The peculiarities of each crime scene may be entered into an MO file and matched with characteristics of known perpetrators of previous crimes. However, investigators must always be vigilant for the potential for “copycat” offenders.

MO information can provide clues in numerous cases. For example, if several burglaries are committed between 11 A.M. and 1 P.M. in one area of a community and all involve broken glass in a door, one may infer that the same individual committed the crimes. The probability of the burglaries being unrelated is low. One may further assume that the burglar would not commit armed robbery or other crimes unless surprised while committing a burglary.

Such assumptions are **not certainties**, however. Some criminals commit several types of crimes and may change the type according to need, opportunity, inability to repeat certain types of crimes or greater sophistication. For example, a narcotics user may commit larceny, burglary or robbery to obtain money for drugs. A burglar may switch from targeting residences to engaging in shoplifting or may first steal checks and a check writer and then turn to forgery to cash the checks. Suspects should never be eliminated simply because their known MO does not fit the crime being investigated.
GOALS OF CRIMINAL INVESTIGATIONS

The goal of criminal investigation would seem to be to solve cases, to discover “whodunit.” In reality, the goals of criminal investigation are not quite so simple. To discover the truth and hold offenders to account, criminal investigation has several important goals.

The goals of criminal investigation are to
■ Determine whether a crime has been committed.
■ Legally obtain information and evidence to identify the responsible person.
■ Arrest the suspect.
■ Recover stolen property.
■ Present the best possible case to the prosecutor.

While committing crimes, people may make mistakes. They almost always leave some type of evidence. They may overlook tangible evidence such as a jacket, pen, purse, piece of paper or card that connects them with a crime scene. Such evidence may be left for any number of reasons: carelessness, panic, underestimation of police capabilities, emotional or mental instability or the influence of drugs or alcohol. More often, however, criminals leave trace evidence, less visible evidence such as fingerprints, small particles of glass or dirt, a faint footprint, body hairs or clothing fibers.

Investigators search for evidence using methods discussed fully in Chapter 4. Sometimes, however, little or no evidence exists. Thus, not all crimes are solvable. For example, a theft committed by a transient who enters a house through an open door, takes food (larceny), eats it and then leaves the area unseen is a crime not likely to be solved. A burglary committed by a person wearing gloves and whose footprints are washed away by a hard rain before police arrive will be more difficult to solve than if it had not rained. Often fingerprints are found but cannot be matched with any prints on file. Many cases have insufficient evidence, no witnesses and no informants to provide leads.

Investigators learn to recognize when a case is unsolvable, but only after all leads (avenues bearing clues or potential sources of information relevant to solving the crime) have been exhausted. An FBI agent once remarked, “Any average person with training can pursue ‘hot’ leads. It is the investigator who can develop leads when the trail grows cold who is the superior investigator.” A successful investigation is one in which
■ A logical sequence is followed.
■ All physical evidence is legally obtained.
■ All witnesses are effectively interviewed.
■ All suspects are legally and effectively interrogated.
■ All leads are thoroughly developed.
■ All details of the case are accurately and completely recorded and reported.

Investigators systematically seek evidence to identify the individual who committed a crime, locate the individual and obtain sufficient evidence to prove in court that the suspect is guilty beyond a reasonable doubt. Procedures to accomplish these goals are the focus of the remainder of this text. However, determining the truth is more important than obtaining a conviction or closing a case.

BASIC FUNCTIONS OF INVESTIGATORS

Successful investigation involves a balance between scientific knowledge acquired by study and experience and the skills acquired by the artful application of learned techniques. Police portrayals in mystery stories and on radio and television seldom depict police investigations accurately.

Police investigations involve great attention to detail, an exceptionally suspicious nature at the appropriate time, considerable training in the classroom and the field, an unusual ability to obtain information from diverse types of personalities under adverse circumstances and endless patience and perseverance.

Investigators perform the following functions:
■ Provide emergency assistance
■ Secure the crime scene
■ Photograph, videotape and sketch
■ Take notes and write reports
■ Search for, obtain and process physical evidence
■ Obtain information from witnesses and suspects
■ Identify suspects
■ Conduct raids, surveillances, stakeouts and undercover assignments
■ Testify in court
Most of these basic functions are discussed in Section 2. What is important at this point is to realize the complexity of and interrelationships among the various functions performed by investigators and the skills they must develop.

Although criminal investigation has become increasingly scientific over the past two centuries, investigators are frequently required to practice the “art” of investigation, that is, to rely on skill acquired by experience, study and observation rather than on scientific principles. Investigators must develop the ability to see relationships between and among apparently unrelated facts and to question the apparently unquestionable.

CHARACTERISTICS OF AN EFFECTIVE INVESTIGATOR

A good investigator is knowledgeable, creative, patient and persistent. Regardless of title, pay or rank, investigative officers are more effective when they possess specific intellectual, psychological and physical characteristics.

**Intellectual Characteristics**

Investigators must absorb training and apply it to their work. They must know the elements of the crime, understand and be able to apply investigative techniques and be able to work with many different types of people. Exceptional intelligence is not a requisite trait of an effective investigator; objectivity, logic and common sense are more important.

Effective investigators obtain and retain information, apply technical knowledge, and remain open-minded, objective and logical. They are also **culturally adroit**, that is, skilled in interacting across gender, ethnic, generational, social and political group lines.

Investigators meet and talk with people from all walks of life—blue-collar workers and professionals, males and females, adults and juveniles—and must adjust their approach to each. In addition, each crime scene must be absorbed and recalled, sometimes months or years later. Thus, accurate, complete and well-organized reports and records are essential.

Investigators also develop knowledge of and skill in investigative techniques such as interviewing and interrogating, photographing and sketching, searching, note taking and numerous other areas discussed in Section 2. Such knowledge and skill is acquired through continuous training and experience, including academic classroom experiences, personal experiences, street learning and learning from others in the field.

The abilities to obtain and retain information and to use investigative techniques effectively are worth little without the ability to reason through a case. The mental process involved in investigation is extremely complex.
Logic is indispensable and often involves reverse thinking, that is, working the case backward. Why did an event happen? When? How? Who is culpable? Investigators must examine all possible cause-and-effect relations, find links and draw conclusions—but only after they thoroughly explore all alternatives.

Decision making is continual and, to be effective, must be based on facts. When investigators review information and evidence, they concentrate on what is known (facts), rather than on what is only probable (inferences), and they eliminate personal opinions as much as possible. With sufficient facts, investigators can make valid inferences, from which they can logically draw definite conclusions.

A fact is an action, an event, a circumstance or an actual thing done. In contrast, an inference is a process of reasoning by which a fact may be deduced (deductive reasoning). An opinion is a personal belief. For example, an investigator called to the scene of a shooting finds a dead man with a revolver in his hand (fact) and a suicide note on the table (fact). The officer might infer that the man committed suicide. He or she might also hold the opinion that people who commit suicide are cowards. This opinion is irrelevant to the investigation. The inference, however, is critical. If the officer formulates a theory about the death based on suicide and sets out to prove the theory correct, much information and evidence may be ignored. This is known as inductive reasoning, going from the generalization and establishing it by gathering specific facts. (Recall that criminal investigation is a reconstructive process that uses deductive reasoning.) Often both types of reasoning are required in an investigation.

Although investigators must draw inferences and form theories, they must also remain open-minded and willing to consider alternatives. Effective investigators guard against the tendency to become sold on a suspect or theory early in an investigation because such a mindset creates an investigative myopia or shortsightedness, fostering the subconscious shaping of evidence or interpreting information to support their premature theory. Preconceived ideas hinder good investigation; objectivity is essential. Whenever an inference is drawn, its validity should be tested by examining the facts on which it is based.

The investigator seeks the truth, not simply proof of the suspect’s guilt. Article 10 of the Canons of Police Ethics (International Association of Chiefs of Police) states,

> The law enforcement officer shall be concerned equally in the prosecution of the wrongdoer and the defense of the innocent. He shall ascertain what constitutes evidence and shall present such evidence impartially and without malice. In so doing, he will ignore social, political and all other distinctions among the persons involved, strengthening the tradition of the reliability and integrity of an officer’s word.

The law enforcement officer shall take special pains to increase his perception and skill of observation, mindful that in many situations his is the sole impartial testimony to the facts of a case. (IACP, 1957)

### Psychological Characteristics

Certain psychological characteristics are indispensable to effective investigation.

Effective investigators are emotionally well balanced, detached, inquisitive, suspecting, discerning, self-disciplined and persevering.

Investigation is highly stressful and involves many decisions. Therefore, it requires emotional stability. Overly defensive or overly sensitive officers may fall victim to stress. Investigators must also absorb abuse and at the same time show kindness and empathy. Further, they must remain detached and uninvolved; otherwise, the problems of those with whom they are in contact will decrease their objectivity. Personal involvement with individuals associated with an investigation hinders the investigation and poses a direct threat to the investigator’s emotional well-being.

Although remaining detached and objective, effective investigators are intimately involved with every aspect of the case. They do not accept things at face value; rather, they question what they hear and see. They use their knowledge of human nature to determine the truth of what is said. People often lie or tell half-truths, but this does not necessarily mean they are criminals. With experience, investigators develop a sense for who is telling the truth, who has important information and who is acting suspiciously. The ability to distinguish the ordinary from the extraordinary and the normal from the suspicious is a hallmark of an effective investigator.

In addition, investigators must be self-disciplined and able to organize their time. Closely related to self-discipline is the willingness to persevere, to “stick with it” as long as is reasonable. Investigation often involves hours, days or months of waiting and watching, of performing tedious, boring assignments that may or may not yield information or evidence helpful to the case. Thus, patience and perseverance are often the key to successful investigation. And although perseverance is desirable, it should not be confused with a stubborn refusal to admit a case is not likely to be solved.
Investigators often experience cases in which facts, reason and logic seem to lead nowhere. Yet, just when the case is about to be closed, an obscure newspaper item, an anonymous phone tip, an overheard remark at a social function or even a series of events having no apparent connection with the case may provide leads for further investigation. Many cases are solved when investigators develop leads and pursue both relevant and seemingly irrelevant information. This is where the art of investigation supersedes the science of investigation.

Perseverance, coupled with inquisitiveness and intuition, is indispensable in difficult cases. Scores of experienced investigators attest to the value of intuition, a “sudden knowing” without conscious reasoning or apparent logic. Based on knowledge and experience, intuition is commonly referred to as street sense. It is the urge to proceed with no apparent valid reason, a “gut feeling” developed through experience.

Physical Characteristics
Age, height and weight, unless they are extreme, are not important characteristics for investigators. However, some physical characteristics are important.

Effective investigators are physically fit and have good vision and hearing.

Good health and a high energy level are beneficial because the hours spent performing investigative duties can be long and demanding. In addition to being physically fit, investigators are aided by keen vision and hearing. Investigators may have to listen to words during sobbing, moans and hysteria; hear a very weak voice from a seriously wounded or dying person; listen to more than one person talking at a time; or conduct an interview while a plane is flying overhead, machinery is operating or heavy traffic is passing by.

AN OVERVIEW OF THE INVESTIGATIVE PROCESS
A criminal investigation is usually initiated following either the personal observation of a crime by a police officer or the receipt of information from a citizen. Such information is received at police headquarters or central dispatch by telephone, fax, e-mail, radio or direct report when a person steps up to make a complaint or report a crime. A police dispatcher relays the information to a patrol officer by radio, phone or mobile computer in the officer’s squad car, and the officer responds. However the incident becomes known to police, this awareness of or reporting of a crime sets the investigative wheels in motion and is the first stage in a criminal investigation. The various stages of the investigative process, as well as the personnel involved; the official reports generated; and the victim’s, complainant’s and suspect’s roles, are described in Table 1.2.

THE PRELIMINARY INVESTIGATION: BASIC CONSIDERATIONS
Most preliminary investigations begin the same way, and the same basic procedures are followed regardless of whether the first officer at the scene is a patrol officer, an investigator or the chief of police.

The Initial Response
The first officer who responds, also known as the primary officer, is in charge until relieved by another officer. Department policy defines who is to respond as well as the duties of these individuals.

The initial response is usually by a patrol officer assigned to the area where a crime has occurred.

The initial response is crucial to the success of an investigation. Although it is popularly believed that cases are won or lost in court, more cases actually are lost during the first hour of an investigation—the initial response period—than in court.

After notification, either through direct observation or departmental communications, the officer goes to the scene as rapidly and safely as circumstances permit. A crime-response survey conducted by the Law Enforcement Assistance Administration (LEAA) revealed that a response time of one minute or less is necessary to increase the probability of arrest at the scene. Most police departments, however, cannot assure their citizens of such a short response time, even for emergencies. To provide a one minute response time, police agencies would need much smaller patrol areas, much larger staffs, computer-dispatched vehicles and personnel and, thus, much larger budgets.
### TABLE 1.2 A Brief Summary of the Investigative Process

<table>
<thead>
<tr>
<th>Stage of Investigation</th>
<th>Police Role</th>
<th>Stage of Reports</th>
<th>Victim’s/ Complainant’s Role</th>
<th>Suspect’s Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial Report</td>
<td>Dispatched to call for service</td>
<td>Recording of initial call/report</td>
<td>Reports the incident, requests police response</td>
<td>Sometimes interferes with the call</td>
</tr>
<tr>
<td>Initial Investigation/ Police Contact</td>
<td>Arrive on scene and acquire information; may collect evidence</td>
<td>Incident reports and all applicable forms</td>
<td>Provides interviews and information about the incident and suspect; may provide evidence</td>
<td>Provides interviews and information about the incident; may provide evidence</td>
</tr>
<tr>
<td>Incident Review</td>
<td>Determine if further investigation is required after a review of the case</td>
<td>Police supervisor reviews the case for approval</td>
<td>Sometimes informed of case status</td>
<td>None</td>
</tr>
<tr>
<td>Follow-Up Investigations</td>
<td>Gather remaining information and evidence required for the case</td>
<td>Additional reports, additional interviews and evidence</td>
<td>Verifies and confirms information</td>
<td>Additional interviews and interrogations if cooperative and warranted</td>
</tr>
<tr>
<td>Case Preparation and Approval</td>
<td>Review the reports, coordinate the case with prosecution</td>
<td>Ready to submit for formal charging or court processing</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Prosecution and Charging of Crime</td>
<td>Be available for court and testimony</td>
<td>Prosecution and court reports</td>
<td>Be available for court and testimony</td>
<td>In custody or present for court; if not present, have legal representation</td>
</tr>
<tr>
<td>Conclusion</td>
<td>Clear reports, release or purge evidence; close case with a disposition</td>
<td>File all complete reports into records</td>
<td>Retrieve any property used as evidence in the case</td>
<td>None</td>
</tr>
</tbody>
</table>


The initial response is a crucial stage in an investigation. The responding officer should obtain as much information from dispatch as possible before arriving on the scene. © Henry Cho
It is important to arrive at a crime scene rapidly because
- The suspect may still be at or near the scene.
- Injured persons may need emergency care.
- Witnesses may still be at the scene.
- A dying person may have a confession or other pertinent information to give.
- Weather conditions may change or destroy evidence.
- The integrity of the crime scene and evidence must be preserved.

The responding officers proceed to the scene as quickly as safety allows. Officers who injure themselves or someone else on the way to a call may create more serious problems than exist at the crime scene. They may, in fact, open themselves, their department and even their city to civil and criminal liability.

The seriousness of a crime and whether it is in progress are important factors in driving speed and the rapidity of response. The use of emergency lights and siren may depend on the information furnished or may be dictated by department policy. A siren speeds arrival, but it also prompts the criminal to flee the scene. On the other hand, in a violent crime against a person, a siren alerts the offender but may prevent further violence. Sometimes the victim, to avoid attracting attention, requests that no sirens and red lights be used. Some agencies and states, however, have policies or laws that require a responding officer to use both lights and siren together. Officers must know the specific laws governing their jurisdiction and whether they are allowed discretion in using lights and siren.

The route taken is also an important consideration. Officers should know which streets are under construction in their areas and avoid them. They must also choose between the fastest route and the route the suspect might use to leave the scene. When approaching a scene, officers should observe people leaving the scene and make mental notes of their descriptions. If two officers are in the patrol vehicle, one may write descriptions of people and vehicles observed leaving the scene. Many officers use in-squad video or digital recorders for such observations, permitting a single officer to record information while proceeding to the scene.

While driving to the scene, officers formulate a plan of action based on the type of crime and its location. An immediate response may be crucial because, even if no immediate arrest is made, the amount of information that can be obtained is directly related to the speed of response.

Initial information is often the most important and accurate. Many departments are developing necessary guidelines for rapid responses, replacing the assumption that all calls for service should be responded to as rapidly as possible.

Many departments have found that sending several vehicles to a crime scene may not be the most effective approach. Instead, they implement a “bull’s-eye,” or target, approach, dispatching only a few vehicles directly to the crime scene (the bull’s-eye). Other units are sent to observe traffic at major intersections radiating away from the crime scene in an attempt to intercept fleeing suspects. Success depends on broadcasting the suspects’ descriptions rapidly and getting to the major intersections quickly. In many cases, such a response is more effective in catching the suspects than focusing all resources directly on the crime scene itself.

The Point of Arrival

When the first officers arrive, the scene may be either utter chaos or deserted. Regardless of the situation, the officers must take charge immediately and form a plan for proceeding based on the information they have at hand, which might not be much. The actions the first responders take at a crime scene can determine the value of the evidence for investigators and prosecutors.

People at a crime scene may be excited, apprehensive or perplexed. They may be cooperative or uncooperative, confused or lucid. Therefore, officers must be flexible and understanding. Discretion and good judgment are essential because the greatest potential for solving the case lies with those present at the scene, even though many details of the crime may not be known at this stage. More decisions are made in less time at the point of arrival than at any other stage in the investigation, and this is when officers obtain most leads for subsequent action.

Setting Priorities

Circumstances at the scene often dictate what is done first.

The priorities are
- Handle emergencies first.
- Secure the scene.
- Investigate.

The following guidelines can be adapted to fit specific circumstances.

Handling Emergency Situations

Sometimes emergencies dictate procedure. An emergency may include a dangerous suspect at or near the scene or a gravely injured person. For example, if you arrive at a crime scene and the suspect begins to shoot at you, apprehending the suspect obviously becomes your first priority.
In other instances, a person may be so seriously injured that without immediate aid, death is probable. Such an emergency takes precedence over all other procedures, unless officer safety or other public safety concerns preclude it. Then the scene must be secured before an officer administers aid.

Good judgment and the number of available officers dictate what should occur first if more than one emergency exists. Sometimes the decision is difficult. For example, if a victim is drowning, a suspect is running away and only one officer is at the scene, the officer must make a split-second decision. Usually, saving life takes precedence. However, if the officer can do nothing to save the victim, the best alternative is to pursue the suspect.Apprehending the suspect may save other victims.

Responding to emergency situations causes the adrenaline to flow. At the same time, officers must plan their approach and remain extremely vigilant regarding the inherent danger associated with in-progress crimes. Officers should also attempt to think like the suspect. They should decide which escape routes are probable and block them. Available information about the situation helps officers decide whether using lights and sirens is advantageous to them or to the suspect. Officers should think about what they would do if they were the suspect and were cornered at the crime scene. If it is daytime, officers may be visible and the suspect not. If it is nighttime, officers may be able to take advantage of a darker area for their approach.

Flexibility is essential. The situation must be carefully assessed because each incident is different and requires different approaches and techniques. Officers should be cognizant that more than one suspect may be present. They should check their equipment on the way to the scene and provide the dispatcher with all pertinent information. Maintaining some physical distance can facilitate observation and give officers time to make decisions that will enhance their safety.

A Suspect at or near the Scene. If a call is made rapidly enough and officers can respond quickly, they may observe the crime in progress and arrest the suspect at the scene.

Any suspect at the scene should be detained, questioned and then released or arrested, depending on circumstances.

Departmental policy determines whether the first officer at the scene thoroughly interrogates a suspect. Before any in-custody interrogation, an officer must read the Miranda warning to the suspect (a legality discussed in Chapter 6). Even if the policy is that officers do not interrogate suspects, officers often use discretion. For example, they may have to take a dying declaration or a suspect’s spontaneous confession. If this occurs, a statement is taken immediately because the suspect may refuse, or be unable, to cooperate later. A more formal interrogation and written confession can be obtained later at the police department.

The suspect is removed from the scene as soon as possible to minimize the destruction of evidence and to facilitate questioning. The sooner suspects are removed, the less they can observe of the crime scene and possible evidence against them.

If the Suspect Has Recently Fled. If the suspect has just left the scene, immediate action is required. If the information is provided early enough, other units en route to the scene may make an arrest.

As soon as practical, officers obtain more detailed information about the suspect’s possible whereabouts, friends, descriptions of stolen items and other relevant information regarding past criminal records and MOs.

If a Person Is Seriously Injured. Emergency first aid to victims, witnesses and suspects is often a top priority of arriving officers. Officers should call for medical assistance and then do whatever possible until help arrives. They should observe and record the injured person’s condition. When medical help arrives, officers should assist and instruct medical personnel during the care and removal of those injured to diminish the risk of contaminating the scene and losing evidence.

If a person is injured so severely that he or she must be removed from the scene, attending medical personnel should be instructed to listen to any statements or utterances the victim makes and to save all clothing for evidence. If the injured person is a suspect, a police officer almost always accompanies the suspect to the hospital. The humanitarian priority of administering first aid may have to become second priority if a dangerous suspect is still at or near the scene because others may be injured or killed.

If a Dead Body Is at the Scene. A body at the crime scene may immediately become the center of attention, and even a suspect may be overlooked. If the
victim is obviously dead, the body should be left just as it was found but it and its surroundings protected. Identifying the body is not an immediate concern. Preserving the scene is more important because it may later yield clues about the dead person’s identity, the cause of death and the individual responsible, as discussed in Chapter 8.

Protecting the Crime Scene

Securing the crime scene is a major responsibility of the first officers to arrive. Everything of a nonemergency nature is delayed until the scene is protected. The critical importance of securing the crime scene is better understood when one considers Locard’s principle of exchange, a basic forensic theory that objects that come in contact with each other always transfer material, however minute, to each other. This evidence can easily be lost if the crime scene goes unprotected. At outdoor scenes, weather conditions such as heat, wind, rain, snow or sleet can alter or destroy physical evidence. In addition, people may accidentally or intentionally disturb the scene. Additions to the scene can be as disconcerting to later investigation as the removal of evidence is.

Officers should explain to bystanders that protecting the crime scene is critical and that the public must be excluded. Bystanders should be treated courteously but firmly. A delicate part of public relations is dealing with the family of someone who has been killed. Officers should explain what they are doing and why and help family members understand that certain steps must be taken to discover what happened and who is responsible.

Crime scene protection can be as simple as locking a door to a room or building, or it can involve roping off a large area outdoors. Within a room, chairs or boxes can be used to cordon off an area. Many officers carry rope in their vehicle for this purpose and attach a sign that says, “CRIME SCENE—DO NOT ENTER.”

Officers setting up a crime scene perimeter should allow a wide enough area where they are confident most of the evidence will be, keeping in mind that a crime scene can always be made smaller; however, expanding it often proves more difficult. Only those officers directly involved in processing the crime scene should be allowed inside the crime scene perimeter. A buffer area should then be established around the crime scene area, where other officers and administrators, or other public officials, can be. Outside of that the buffer area is where the public and media may be allowed.

Sometimes other officers arriving at the scene can cause problems by ignoring posted warnings and barriers. Ironically, police officers with no assigned responsibilities at a scene are often the worst offenders. Arriving officers and everyone present at the scene should be told what has happened and what they need to do. Other officers can be asked to help preserve the scene, interview witnesses or search for evidence. Officers not involved in processing the scene must be made aware that if they enter the actual crime scene they must complete a full report, a step that serves the dual purposes of maintaining the integrity of the scene and deterring unnecessary intruders.

A guard should be stationed to maintain security. If all officers are busy with emergency matters, a citizen may be asked to help protect the area temporarily. In such cases, the citizen’s name, address and phone number should be recorded. The citizen should be given specific instructions and minimal duties. The citizen’s main duty is to protect the crime scene by barring entrance and to keep passersby moving along. He or she should not let any person into the area except police who identify themselves with a badge. The citizen should be relieved from guard duty as soon as possible and thanked for the assistance.

Evidence should be protected from destruction or alteration from the elements by being covered until photographing and measuring can be done. Sometimes investigators must move evidence before they can examine it. For example, a vehicle covered with snow, dust or other materials can be moved into a garage. In one case, a car used in a kidnapping was found four days later in a parking lot. Snow that had fallen since the kidnapping covered the car. To process the car’s exterior for fingerprints, investigators took the car to a garage to let the snow melt and the surface dry. Evidence is discussed in depth in Chapter 5.

Conducting the Preliminary Investigation

After all emergency matters have been handled and the crime scene has been secured, the actual preliminary investigation can begin. This includes several steps whose order depends on the specific crime and the types of evidence and witnesses available. Appendix A contains a
detailed checklist of steps to be taken by first responders at a crime scene.

Responsibilities during the preliminary investigation include:
- Questioning victims, witnesses, and suspects.
- Conducting a neighborhood canvass.
- Measuring, photographing, videotaping, and sketching the scene.
- Searching for evidence.
- Identifying, collecting, examining, and processing physical evidence.
- Recording all statements and observations in notes.

Each of these procedures is explained in Section 2. At this point, what is important is the total picture, the overview. In simple cases, one officer may perform all these procedures; in complex cases, responsibilities may be divided among several officers. Everything that occurs at a crime scene is recorded with photographs, videotape, sketches and complete, accurate notes. This record is the basis of future reports and for future investigation and prosecution of the case.

Information may be volunteered by victims, witnesses, or suspects at or very near to the time of the criminal actions. Unplanned statements about what happened by people present are called res gestae (“things done”) statements.

Res gestae statements are spontaneous statements made at the time of a crime concerning and closely related to actions involved in the crime. They are often considered more truthful than later, planned responses.

Res gestae statements are generally an exception to the hearsay rule because they are usually very closely related to facts and are therefore admissible in court. Res gestae statements should be recorded in the field notes, and the person making the statements should sign or initial them so there is no question of misunderstanding or of the person later denying having made the statement.

In addition to receiving and recording voluntary statements by victims and witnesses, investigators must go looking for information by conducting a neighborhood canvass as discussed in Chapter 6.

Determining Whether a Crime Has Been Committed and When. As soon as possible during the preliminary investigation, it is necessary to determine whether a crime has, in fact, been committed.

Determining whether a crime has been committed involves knowing the elements of each major offense and the evidence that supports the offenses and ascertaining whether that evidence is present. Officers also try to determine when the event occurred.

Individual elements of various offenses are discussed in Sections 3 and 4.

Officers should observe the condition of the scene and talk to the complainant as soon as possible. After discussing the offense with the victim or complainant, the officers should determine whether a specific crime has been committed. It is common for crime victims to misclassify what has occurred. For example, they may report a burglary as a robbery. In addition, state statutes differ in their definitions of the elements of certain crimes. For example, in some states, entering a motor vehicle with intent to steal is larceny. In other states, it is burglary. Determining when the event occurred is critical for checking alibis and reconstructing the MO.

If no crime has been committed—for example, the matter is a civil rather than a criminal situation—the victim should be told how to obtain assistance.

Field Tests. Investigators often want to know whether evidence discovered is what they think it is—for example, a bloodstain or an illegal substance. Field-test kits help in this determination. Field tests save investigators’ time by identifying evidence that may have little chance of yielding positive results in the laboratory, and field tests are less expensive than full lab examinations. However, they are used on only a small number of specific items of evidence located at crime scenes. If a field test is affirmative, the evidence is submitted to a laboratory for a more detailed, expert examination whose results can then be presented in court.

Investigators can use field tests to develop and lift fingerprints; discover flammable substances through vapor and fluid examination; detect drugs, explosive substances on hands or clothing, imprints of firearms on hands or bullet-hole residue; and conduct many other tests. Local, state and federal police laboratories can furnish information on currently available field-test kits and may provide training in their use.
Establishing a Command Center. In complex cases involving many officers, a command center may be set up where information about the crime is gathered and reviewed. This center receives summaries of communications, police reports, autopsy results, laboratory reports, results of interviews, updates on discovered evidence and tips. Personnel at the center keep files of news releases and news articles and prepare an orderly, chronological progress report of the case for police command, staff and field personnel. If the investigation becomes lengthy, the command center can be moved to police headquarters.

Dealing with the News Media. A close, almost symbiotic relationship exists between the police and the news media. They depend upon each other. Thus, it is important that the media and the police understand and respect each other’s roles and responsibilities.

At any major crime scene or during any major criminal investigation, the media will be seeking all the human interest stories they can find. The media serve the public’s right to know within legal and reasonable standards, a right protected by the First Amendment. The public is always hungry for news about crime. The police, on the other hand, are responsible for upholding the Sixth and Fourteenth Amendment guarantees of the right to a fair trial, the protection of a suspect’s rights and an individual’s right to privacy. This often necessitates confidentiality. Further, making some information public could impair or even destroy many investigations. On the other hand, the police rely on the media to disseminate news about wanted suspects or to seek witnesses from the community. Many cases are solved because of information from citizens.

In their quest for information, the media may target victims and witnesses. In some instances, victims are taken by surprise when the media shows up and safeguards have not yet been put in place to protect the victims’ identities. And in some cases, victims or witnesses inadvertently reveal information that is being withheld from the media by law enforcement, as the police attempt to preserve the integrity of an investigation. A tool used by some police departments to protect both the privacy of victims and witnesses and the integrity of an investigation is a card telling these citizens how to deal with the media (Figure 1.1). The back of the card lists telephone numbers for the public information office and the victim services section.

Some departments use public information officers (PIOs) to interface with the media. Other departments assign the highest-ranking officer at the time of an incident or use written information releases. Still others allow virtually any officer involved in a case to address the media.

Media access to police information is neither comprehensive nor absolute. In general, the media have no right to enter any area to which the public does not have access, and all rules at cordoned-off crime scenes are as applicable to the media as they are to the general public. On the other hand, police may not construct a “cocoon” of secrecy. Neither should regard the other as the enemy.

Despite the need for cooperation, complaints from both sides are prevalent. Reporters complain that police withhold information and are uncooperative. The police
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easy exit; give a brief initial statement (5–10 seconds) with no questions answered and indicate police concern for the safety of those involved; establish your intent to return with additional information and set the time for the return (Paris, 2007).

Additional advice for dealing with television reporters involves presenting a positive image, including marked patrol cars in the background and uniformed personnel actively engaged in the crime scene. Negative views to be avoided include body bags, yellow crime scene tape, hysterical victims and relatives, identifying or referencing items such as addresses, evidence that needs to be kept confidential and officers just standing around (Donlon-Cotton, 2007).

Officers who are not identified or trained as media liaisons should defer questions to a supervisor or speak with their supervisor prior to providing any information to the media. There might be facts or circumstances an officer is unaware of that may compromise the investigation or violate the data privacy act.

A Final Consideration about Initiating Investigations

Although an investigations section may handle complex cases and those extending beyond the ability of patrol, patrol officers should handle a case from beginning to end whenever possible, including presenting it to the prosecutor, even if it means taking a case beyond the end of the shift (Stockton, 2006, p.12). Important benefits of this follow-through include:

1. Patrol officers’ effectiveness and expertise increase significantly.
2. Initial effort increases because officers know who’s working on the follow-up.
3. Follow-up is timelier, resulting in more reliable witness interviews.
4. Job satisfaction increases.
5. When patrol officers know how to conduct an investigation, a department has investigators working around the clock.

Whether patrol officers or detectives investigate a case, crime scene investigators become involved in many instances.

CRIME SCENE INVESTIGATORS

A crime scene investigator (CSI) is a specialist in organized scientific collection and processing of evidence. A CSI develops, processes and packages all physical evidence found at the crime scene and transports it to the lab for forensic

complain that reporters interfere with cases and often sensationalize.

Most members of the media understand the restrictions at a crime scene and cooperate. It is necessary to exercise firmness with those who do not follow instructions and even to exclude them if they jeopardize the investigation. Only facts—not opinions—should be given to reporters. The name of someone who has been killed should be given only after a careful identity check and notification of relatives. No information on the cause of death should be released; the medical examiner determines this. Likewise, no legal opinions about the specific crime or the perpetrator should be released. If officers do not know certain information, they can simply state that they do not know. The phrase “no comment” should be avoided because it implies you are hiding something. The benefit of a healthy relationship with the media is clear: “A good rapport with the media fosters a positive relationship with the general public. If you have a good partnership with the media, you generally have a good relationship with the public, because that’s how the public gets information” (Garrett, 2007, p.24).

Suggestions for dealing with the media include these: confirm the situation and verify information before giving any statement; position yourself with a provision for an
Photographers watch as investigators collect evidence at a mass gravesite. The media have no right to enter any area to which the public does not have access. However, the police may not construct a cocoon of secrecy around a case either. © AP Images/Staton R. Winter

evaluation; attends and documents autopsies; and writes reports and testifies in court about the evidence.

Although some law enforcement agencies hire civilians to handle crime scene processing and forensics and to work closely with investigators, it is more common that the CSI is a licensed peace officer with specialized training who is part of an investigative unit.

The public has become familiar with how CSIs operate through the popular television series CSI: Crime Scene Investigation, which first aired on CBS in October 2000 and has attracted millions of viewers. Hollywood's depiction of CSI, however, has created a glamorized, impractical image of this field in the public's mind: "In today's world of TV and movie drama, every case is solved, a conclusion always reached and the 'smoking gun' consistently found, most times with very little effort... The 'CSI' culture also includes costumes, sets and vehicles the real CSI teams don't even dream of" (Mertens, 2006, p.52). Fantino (2007, p.26) calls this the CSI effect, where "unrealistic portrayals of the science have translated to equally unrealistic expectations from not only the public but also other professions that operate within the justice system who now apparently believe in magic."

The challenges of the CSI effect for investigators and forensic experts alike are being brought to life in America's courtrooms: "Popular forensic drama television shows have resulted in a phenomenon which is impacting criminal investigations and driving jury verdicts across America. People who end up on a jury know, or think that they know, a great deal about forensic science and the kind of science necessary to solve crimes. Prosecutors say juries expect scientific evidence in every case, even though the majority of criminal cases do not call for such evidence" (Dutelle, 2006, p.113).

This blurring of reality and fiction (the CSI effect) was the topic of a study published in the National Institute of Justice Journal (Shelton, 2008), in which 1,000 jurors were surveyed about their expectations regarding forensic evidence before their participation in the trial process:

- 46 percent expected to see some kind of scientific evidence in every criminal case.
- 22 percent expected to see DNA evidence in every criminal case.
- 36 percent expected to see fingerprint evidence in every criminal case.
- 32 percent expected to see ballistic or other firearms laboratory evidence in every criminal case (Shelton, 2008, p.3).

The survey found that for all categories of evidence, CSI viewers had higher expectations for scientific evidence than did nonviewers. However, "Potential jurors' increased expectations of scientific evidence did not translate into a demand for this type of evidence as a prerequisite for finding someone guilty." Says Shelton (2008, p.5), "There was scant evidence in our survey results that CSI viewers were either more or less likely to acquit defendants without scientific evidence."

**THE FOLLOW-UP INVESTIGATION**

Preliminary investigations that satisfy all the investigative criteria do not necessarily yield enough information to prosecute a case. Despite a thorough preliminary investigation, many cases require a follow-up investigation. A need for a follow-up investigation does not necessarily reflect poorly on those who conducted the preliminary investigation. Often factors exist that are beyond the officers' control. For example, weather can destroy evidence before officers arrive at a scene, witnesses can be uncooperative and evidence may be weak or nonexistent, even after a very thorough preliminary investigation. Other times, new information or evidence may come to light at a later time and require some follow up.
The follow-up phase builds on what was learned during the preliminary investigation and can be conducted by the officers who responded to the original call or, most often, by detectives or investigators, depending on the seriousness and complexity of the crime and the size of the department. If investigators take over a case begun by patrol officers, coordination is essential.

Investigative leads that may need to be pursued include checking the victim’s background, talking to informants, determining who would benefit from the crime and who had sufficient knowledge to plan the crime, tracing weapons and stolen property and searching MO, mug shot and fingerprint files. Figure 1.2 provides an example of an investigative lead sheet that might be used in the

<table>
<thead>
<tr>
<th>Investigative Lead Sheet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case number</td>
</tr>
<tr>
<td>Priority level:</td>
</tr>
<tr>
<td>☐ Low</td>
</tr>
<tr>
<td>Subject</td>
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<td>Name</td>
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<td>Address</td>
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<td>Race DOB Sex</td>
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<td>Height Weight Eyes Hair</td>
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<tr>
<td>Identifying features</td>
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<tr>
<td>Employed Occupation</td>
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<tr>
<td>Telephone numbers</td>
</tr>
<tr>
<td>Vehicle make Year Model Color Condition Tag</td>
</tr>
<tr>
<td>Associates</td>
</tr>
<tr>
<td>ID confirmed</td>
</tr>
<tr>
<td>Details of lead</td>
</tr>
<tr>
<td>Lead received by Date/Time</td>
</tr>
<tr>
<td>Lead # assigned</td>
</tr>
<tr>
<td>Lead status</td>
</tr>
<tr>
<td>Lead assigned to Date/Time</td>
</tr>
<tr>
<td>Findings</td>
</tr>
<tr>
<td>☐ Open lead ☐ Additional investigation required ☐ Subject has weak alibi</td>
</tr>
<tr>
<td>☐ Closed lead ☐ Unfounded ☐ Subject has alibi ☐ Cleared by evidence ☐ Other</td>
</tr>
<tr>
<td>☐ Could not locate subject ☐ Other</td>
</tr>
<tr>
<td>Other lead number references</td>
</tr>
<tr>
<td>Report completed</td>
</tr>
<tr>
<td>Investigative supervisor Date</td>
</tr>
<tr>
<td>Lead-room supervisor Date/</td>
</tr>
</tbody>
</table>

**FIGURE 1.2**
Investigative Lead Sheet.
follow up. Specific follow-up procedures for the major offenses are discussed in Sections 3, 4 and 5.

**COMPUTER-AIDED INVESTIGATION**

Computers have significantly affected police operations. The role of computers in law enforcement and criminal investigation has evolved from being a useful aid (a nice thing to have) to being an essential tool (a must have) (Chapter 17 discusses Computer Crime Investigations).

One of the biggest advances in using computer technology came in 1994 when William Bratton implemented the CompStat (Computerized Statistics, aka Compare Statistics) program in New York. From the beginning CompStat was hailed as an innovative managerial paradigm in policing, an information-driven strategy that stressed accountability at all levels of the police hierarchy. To achieve the goal of enhancing quality of life through reduced levels of crime, CompStat was built around four basic principles: (1) accurate and timely intelligence, (2) rapid deployment of resources, (3) effective tactics, and (4) relentless follow-up and assessment (Jang et al., 2010).

Computers also can help investigators efficiently access existing information such as fingerprint records and DNA tests, record new information and store it compactly for instant transmission anywhere, analyze the information for patterns (mapping), link crimes and criminals, manipulate digital representations to enhance the images and re-create and visually track a series of events. Computers are also increasingly being used for electronic document management, allowing investigators to scan evidence captured from paper and attach audio and video clips to the case file. Furthermore, software is available to help investigators develop an analytical time line and manage the scheduling of tasks related to the investigation, such as follow-up interviews and evidence handling and analysis.

The ability to share data across jurisdictional lines is one of the most valuable benefits computers provide to investigators. In addition, the Internet has become an invaluable tool to criminal investigators. And although some agencies have yet to realize the full potential of Internet access, many others are already capitalizing on the multiple benefits of being online. The Internet offers hundreds of thousands of Web sites to aid informed investigators.

**Crime Analysis, Mapping and Geographical Information Systems**

Using crime mapping, spreadsheet software and advanced data analysis, crime analysis units have become integral partners in today’s policing. Before the computer revolution, the traditional crime map consisted of a large representation of a jurisdiction glued onto a bulletin board with colored pins stuck into it. These maps suffered many limitations—they lost previous crime patterns when they were updated, could not be manipulated or queried and were difficult to read when several types of crimes represented by different colored pins were mixed together.

In addition to pushpin maps, investigators routinely use link charts to keep track of the people and places involved in a case, connecting index cards and photos with a maze of strings as relationships became established and details of an investigation emerged. The cumbersome pin maps and link charts have since given way to computerized crime maps and crime analysis programs. **Crime mapping** changes the focus from the criminal to the location of crimes—the hot spots where most crimes occur (Figure 1.3).

According to the National Institute of Justice (“NIJ Crime Mapping Resources,” 2007), “The ability to visualize how crime is distributed across the landscape (i.e., crime mapping) gives analysts and policymakers a graphic representation of crime and its related issues. Simple maps help law enforcement leaders direct patrols to areas where they are most needed. Complex maps help policymakers and investigators observe trends and respond more intelligently to changing issues. For example, detectives may use maps to understand the hunting patterns of serial criminals, determine where these offenders might live and identify their next likely target.”

Geographic information systems (GIS) and geographic profiling are other powerful tools for investigators: “Today the majority of law enforcement agencies use some degree of Geographic Information Systems/mapping technology to locate callers and provide first responders with critical information before arriving on the scene. . . . In recent years GIS has evolved to provide significantly more information to improve safety and answer important questions during an emergency” (Wandrei, 2007, p.61).

GIS has moved beyond its traditional uses into the next trend in mapping technology—location intelligence: “Location intelligence solutions consist of a combination of software, data and expert services that help organizations leverage spatial capabilities without the need for a GIS expert” (Donahue, 2007, p.32). Location intelligence includes automatic vehicle location (AVL) and global positioning systems (GPS). Three ways to implement AVL/GPS technology are (1) to place a unit inside or on a police vehicle, (2) to install a unit into a laptop computer or (3) to equip the officer’s portable radio with a built-in GPS receiver (Brewer, 2007). Any of these applications enhance officer safety and increase the efficiency of frontline police.

Geographic profiling is yet another advancement in mapping and is based on the theory that all people,
spatial analysis techniques and have proved more difficult to develop and implement thus far. The improvement of technology and the corresponding expansion of information now accessible to investigators have created a new set of challenges.

Data Mining

Although information is, indeed, the cornerstone of investigation, the plethora of information being generated can easily overwhelm an investigator. To be effective, investigators must know how to sift through the mountains of available information to find the data that pertain to their case, a process known as data mining. For example, data mining applied in a homicide case might allow investigators to more quickly develop a possible motive and thus expedite the identification of a suspect or help narrow the field of possible suspects.

**PROBLEM-ORIENTED POLICING**

Problem-oriented policing (POP) can be defined as “a departmental-wide strategy aimed at solving persistent community problems. Police identify, analyze and respond to the underlying circumstances that create incidents” (Eck and Spelman, 1987). Goldstein (2001) explains problem-oriented policing as,

an approach to policing in which discrete pieces of police business (each consisting of a cluster of similar incidents, whether crime or acts of disorder, that the police are expected to handle) are subject to microscopic examination (drawing on the especially honed skills of crime analysts and the accumulated experience of operating field personnel) in hopes that what is freshly learned about each problem will lead to discovering a new and more effective strategy for dealing with it. Problem-oriented policing places a high value on new responses that are preventive in nature, that are not dependent on the use of the criminal justice system and that engage other public agencies, the community and the private sector when their involvement has the potential for significantly contributing to the reduction of the problem. Problem-oriented policing carries a commitment to implementing the new strategy, rigorously evaluating its effectiveness and, subsequently, reporting the results in ways that will benefit other police agencies and that will ultimately contribute to building a body of knowledge that supports the further professionalization of the police.

Data collected during criminal investigations can be extremely valuable to the problem-oriented policing including criminals, have a pattern to their lives. This pattern involves, among other things, a limited geographical area that encompasses the bulk of a person’s daily activities. According to the “least effort” principle of human behavior, people travel only as far as necessary to accomplish their goals, so the most likely area for a crime is where an offender’s desire for anonymity intersects with the offender’s desire to stay within his or her comfort zone.

In addition to location, computer programs can help investigators uncover patterns in the timing of criminal events. Unfortunately, time analysis methods have lagged behind
that many departments are adopting. Investigators can analyze data to determine groups of problems rather than isolated incidents. Once specific underlying problems are identified, departments can seek alternative approaches to reduce or eliminate the incidence of particular crimes.

The subject of problem-solving policing is beyond the scope of this text, but problem-oriented strategies can be used in criminal investigations in many ways. One way is to expand collaborations by having investigators work more effectively with patrol officers and with other law enforcement agencies. Another way is to improve the quality of information in existing data systems, especially MO files. The likelihood that an offender in a new case has been arrested previously (and should be in the MO file) is greater than often thought. Although criminal investigations are, by nature, reactive, combining problem-oriented strategies with traditional investigative techniques can help investigators improve their ability to solve crimes and help them be proactive in preventing crime.

**INVESTIGATIVE PRODUCTIVITY**

Productivity has been of interest in the police field for some time. Major opposition to a focus on productivity in police work may arise because of alleged "quota systems" in issuing traffic citations. Productivity involves considerably more than issuing citations, however. Nearly all jobs have some standard of productivity, even though the job may not involve a production line.

A screening process to eliminate criminal investigations with low potential for being solved can often increase productivity. Many police departments screen investigations with a form that asks specific questions. If the answers to these questions are negative, the department either gives the case low priority for assignment or does not assign it at all.

Criminal investigation personnel have traditionally been evaluated by the number and type of cases assigned to them, the number of cases they bring to a successful conclusion and the number of arrests they make and the amount of property they recover. The evaluations should also assess how well the officers use investigative resources and how well they perform overall within the department and in the community.

An advantage of continuous evaluation of productivity is that updating case status is possible at any time. Such information is useful for investigating and for developing budgets, making additional case assignments, identifying MO similarities among cases and responding to public inquiries.

**THE INVESTIGATIVE FUNCTION: THE RESPONSIBILITY OF ALL POLICE PERSONNEL**

Early police organizations were one-unit/one-purpose departments with everyone performing generalized functions. However, over time, departments perceived a need for specialization because of:

- The need to know about criminals and their MOs.
- The amount of training necessary for learning and developing investigative techniques.
- The frequency with which investigators had to leave their assigned shifts and areas during an investigation.
- Patrol forces’ heavy workloads.
- A general administrative philosophy that supported specialization as a means of increasing efficiency and therefore solving more crimes.

In larger police departments, specialization developed first in investigative functions before it did in other areas such as traffic, crime prevention, juveniles and community relations. In departments with specialized investigative units, the investigative and patrol functions often experienced difficulty separating their respective duties. Duties often overlapped, decreasing efficient coordination.

Many of these difficulties have been overcome, but many others remain. Regardless of whether departments have specialists or generalists, their goal is the same: solving crimes.

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The ultimate responsibility for solving crimes lies with all police personnel. It must be a cooperative, coordinated departmental effort.

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All levels of police administration and operations contribute to successful investigations. Administrative decisions affect the selection and assignment of personnel as well as the policies regulating their performance.

In most larger departments, the investigative division remains a separate unit under its own command and supervisory personnel. The officer in charge reports directly to the chief of police or a chief of operations. Department policy specifies the roles of and the relationships among...
the administrative, uniformed patrol and investigative divisions. When these roles are clearly defined, the department can better achieve its common goals, with the investigative division fulfilling its assigned responsibilities in coordination with all other departments.

Today, however, researchers are studying the extent to which specialization should remain, its effectiveness, the number of personnel that should be assigned to specialized investigative functions and the selection and training required for such specialization. Several specific factors appear to support the training of all officers to perform investigative duties:

- Increasing competition for tax monies
- Possession of highly sophisticated equipment by some criminals
- More criminals using multiple MOs
- “Withdrawal syndrome” within the general public (i.e., the desire to remain uninvolved necessitates specialized training in interviewing techniques)
- Overwhelming workload of cases assigned to investigative personnel
- More intelligent, better-educated police recruits
- More police training available

In addition, most police officers’ daily activities are investigative, even though the matters they investigate may not involve crimes. Therefore, the trend is for a few specialists to direct an investigation and for all officers to assume a more active role in investigating crimes. This role gives patrol officers more responsibility when responding to a call to proceed to a crime scene. It also enables them to conduct as much of the follow-up investigation as their shift and assigned areas of patrol permit. The importance of the patrol officer’s investigative role cannot be overemphasized.

Traditionally, uniformed patrol has been considered the backbone of the police department and has been responsible for the initial response to a crime. Because they are the first to arrive, patrol officers are in an ideal position to do more than conduct the preliminary investigation. Experiments have shown that initial investigations by patrol officers can be as effective as those conducted by specialists. This is partly because the officers deal with the entire case.

This new challenge for patrol officers—involvement in the entire investigative process—creates interest in crime prevention as well as investigation. In addition, giving patrol officers increased responsibility for investigating crimes frees detectives to concentrate on offenses that require detailed investigations as well as on cases that require them to leave the community to conduct special interviews or to pursue leads. The result is better investigation by the patrol officer of the more frequent, less severe crimes.

INTERRELATIONSHIPS WITH OTHERS—COMMUNITY POLICING

Investigators do not work in a vacuum but rely heavily on assistance from numerous other individuals and agencies. Investigators can benefit greatly from the trend

Successful investigations often depend on information provided by victims and witnesses. These statements are typically taken by the officer first responding to the crime scene. © Michael Newman/PhotoEdit
toward departments adopting a **community policing** philosophy. In 1829 in England, Sir Robert Peel stated, “The police are the public and the public are the police.” Scholars have pointed to this philosophy as the modern-day roots of community policing. Miller et al. (2011, p. xix) note, “Community policing . . . is a philosophy, a belief that working together, the police and the community can accomplish what neither can accomplish alone. The synergy that results from community policing can be powerful. It is like the power of a finely tuned athletic team, with each member contributing to the total effort.” According to the Community Oriented Policing Services (COPS) Office,

Community policing is a philosophy that promotes organizational strategies, which support the systematic use of partnerships and problem solving techniques, to proactively address the immediate conditions that give rise to public safety issues, such as crime, social disorder and fear of crime. . . . Community policing is often misunderstood as a program or set of programs. . . . Although programs may be incorporated as part of a broader strategic community policing plan, these programs are not community policing. Rather, community policing is an overarching philosophy that informs all aspects of police business. ("Community Policing Defined," 2008, p.1)

**Using a community policing orientation, investigators interrelate with uniformed patrol officers; dispatchers; the prosecutor’s staff; the defense counsel; community corrections personnel; social services; physicians, the coroner or medical examiner; laboratories; and citizens, including witnesses and victims.**

**Uniformed Patrol**

Patrol officers are a vital part of the investigative process because they are usually the first to arrive at a crime scene. What patrol officers do or fail to do at the scene greatly influences the outcome of an investigation. The patrol officer, as the person daily in the field, is closest to potential crime and has probably developed contacts who can provide information.

A potential pitfall is lack of direct, personal communication between uniformed and investigative personnel, which can result in attitudinal differences and divisiveness. Communication problems can be substantially reduced by using a simple checklist describing the current investigative status of any cases jointly involving patrol and investigators.

Patrol officers want to know what happens to the cases they begin. Officers who have been informed of the status of “their” cases report a feeling of work satisfaction not previously realized, increased rapport with investigative personnel and a greater desire to make good initial reports on future cases.

**Dispatchers**

In most cases, a police dispatcher is the initial contact between a citizen and a police agency. Most citizens call a police agency only a few times during their lives, and their permanent impression of the police may hinge on this contact and the citizens’ perceptions of the police agency’s subsequent actions.

In addition, the information obtained by the dispatcher is often critical to the officer, the victim, other citizens and the success of the investigation. The accuracy of the information dispatched to the field officer or investigator may determine the success or failure of the case. The responding officer needs to know the exact nature and location of the incident. A direct radio, computer or phone line should be cleared until the officer arrives at the scene. All pertinent descriptions and information should be dispatched directly to the responding officer.

As with working relationships with the media, the relationship between the police and dispatchers is not always positive: “There is no better example of a 'love-hate relationship' than the daily interaction between street cops and dispatchers. When things are going well, we love each other; when they're not, tempers flare, attitudes take a nosedive and we temporarily hate each other” (Brantner Smith, 2007). One reason for the discord is that dispatchers spend their shifts responding to crisis after crisis and rarely get to hear the outcome. Officers should be sensitive to this situation (Brantner Smith, 2007). Dispatchers constantly deal with rage, fear and helplessness but must diffuse these elevated emotions while enhancing the caller’s functionality and ability to answer questions or receive instructions (Bumpas, 2006, p.20). Dispatchers are sometimes the lifeline for victims requiring assistance and the officers responding to a crime. Good working relationships with these individuals can go a long way in effectively responding to a crime scene.

**Prosecutor’s Staff**

Another group of individuals with whom good working relationships are a necessity are prosecutors. Cooperation between investigators and the prosecutor’s staff depends on the personalities involved, the time available, a recognition that it is in everyone’s best interest to work together and an acceptance of everyone’s investigative
roles and responsibilities. Given sufficient time and a willingness to work together, better investigations and prosecutions result. When investigators have concluded an investigation, they should seek the advice of the prosecutor’s office. At this point, the case may be prosecuted, new leads may be developed or the case may be dropped, with both the investigator and the prosecutor’s office agreeing that it would be inefficient to pursue it further.

The prosecutor’s staff can give legal advice on statements, confessions, evidence, the search and necessary legal papers and may provide new perspectives on the facts in the case. The prosecutor’s office can review investigative reports and evidence that relates to the elements of the offense, advise whether the proof is sufficient to proceed and assist in further case preparation. The role of the prosecutor in investigations is discussed further in Chapter 21.

Defense Counsel

Our legal system is based on the adversary system: the accuser against the accused. Although both sides seek the same goal—determining truth and obtaining justice—the adversarial nature of the system requires that contacts between the defense counsel and investigators occur only on the advice of the prosecutor’s office. Inquiries from the defense counsel should be referred to the prosecutor’s office. If the court orders specific documents to be provided to the defense counsel, investigators must surrender the material, but they should seek the advice of the prosecution staff before releasing any documents or information. The role of the defense counsel is also discussed in greater depth in Chapter 21.

Community Corrections Personnel

Investigators may find it beneficial to have good working rapport with community corrections personnel because, often, people who are suspected of crimes have had prior run-ins with the law and may be on parole or probation for a previous crime. Actually, “The number of times a prisoner has been arrested in the past is a good predictor of whether that prisoner will continue to commit crimes after being released” (Langan and Levin, 2002, p.10). According to the most current data available, of the nearly 300,000 prisoners released from 15 states during 1994, more than two thirds (67.5%) were rearrested for a new offense (almost exclusively a felony or serious misdemeanor) within three years of their release (Langan and Levin, 2002). Nearly half of those released (46.9%) were reconvicted for a new crime. In 2009, nine percent of parolees were re-incarcerated for a new criminal offense (Glaze and Bonczar, 2010). Probation and parole officers may be good sources of information for officers who suspect a repeat offender may be involved in their case.

Social Services

Social services, especially for investigators who specialize or work on family, domestic and children crimes, can be valuable partners in helping elicit relevant information from suspects and victims. Investigators will often conduct child-victim interviews in tandem with trained social service personnel.

Physicians, Coroners and Medical Examiners

If a victim at a crime scene is obviously injured and a doctor is called to the scene, saving lives takes precedence over all aspects of the investigation. However, the physician is there for emergency treatment, not to protect the crime scene, so investigators must take every possible precaution to protect the scene during the treatment of the victim.

Physicians and medical personnel should be directed to the victim by the route through the crime scene that is least destructive of evidence. They should be asked to listen carefully to anything the victim says and to hold all clothing as evidence for the police.

The coroner or medical examiner is called if the victim has died. Coroners and medical examiners have the authority to investigate deaths to determine whether they were natural, accidental or the result of a criminal act. They can also provide information about the time of death and the type of weapon that might have caused it.

About 2,000 medical examiners and coroners’ (ME/C) offices provided death investigation services across the United States in 2004 (Hickman et al., 2007, p.1). These officers are responsible for the medicolegal investigation of deaths. They may conduct death scene investigations, perform autopsies and determine the cause and manner of death when a person has died as a result of violence, under suspicious circumstances, without a physician in attendance or for other reasons. In a typical year, ME/C offices handle about 4,400 unidentified human decedents, of which about 1,000 remain unidentified longer than one year. Nearly one million human death cases were referred to ME/C offices in 2004, of which about 500,000 were accepted. Depending on the individual case, investigators and the ME/C may work as a team, with an investigator present at the autopsy. The ME/C may obtain samples of hair, clothing, fibers, blood and body organs or fluids as needed for later laboratory examination.

Forensic Crime Laboratories

Many criminal investigations involve the processing of physical evidence through a forensic crime lab. All law enforcement agencies now have access to highly
sophisticated criminalistic examinations through local, state, federal and private laboratories.

The state crime laboratory is usually located either in the state’s largest city or in the state capital and can be used by all police agencies of the state. The FBI Laboratory in Washington, DC, is also available to all federal, state and local law enforcement agencies, with personnel available to provide forensic examinations, technical support, expert witness testimony and training.

The National Institute of Justice (Increasing Efficiency in Crime Laboratories, 2008, p.1) reports, “Television has given forensic science great public visibility, but provides viewers with the mistaken notion that crime laboratories provide results quickly. In truth, most crime laboratories have large case backlogs.” A census of publicly funded crime laboratories revealed that, in 2005, the nation’s forensic crime labs received evidence from an estimated 2.7 million criminal investigations, with requests for services including DNA analysis, latent fingerprint examination, fiber and hair examination, firearms and toolmark analysis and controlled substance identification (Durose, 2008). Any evidence not processed within 30 days was classified as “backlogged,” and approximately 359,000 cases nationwide were backlogged at year-end 2005, a 24 percent increase from the backlogged caseload of 287,000 at year-end 2002 (Durose, 2008).

Citizens

Investigators are only as good as their sources of information. They seldom solve crimes without citizen assistance. In fact, citizens frequently provide the most important information in a case. Witnesses to a crime should be contacted immediately to minimize their time involved and inconvenience. Information about the general progress of the case should be relayed to those who have assisted. This will maintain their interest and increase their desire to cooperate at another time.

Citizens can help or hinder an investigation. Frequently, citizens who have been arrested in the past have information about crimes and the people who commit them. The manner and attitude with which such citizens are contacted will increase or decrease their desire to cooperate with the police, as discussed in Chapter 6.

Witnesses

Witnesses are often the key to solving crimes. They can provide eyewitness accounts, or they can provide leads that would be otherwise unavailable. However, such testimony is often unreliable, with the results of one study estimating that as many as 75 percent of the defendants eventually exonerated through the use of DNA evidence were wrongly convicted in the first place because of erroneous eyewitness testimony (Sonenshein and Nilon, 2010). Several states have passed legislation to create tougher standards for identifying suspects by witnesses, which is often considered one of the most problematic aspects of an investigation. Despite criticism and controversy regarding the value of eyewitness testimony, judges and juries accord significant weight to eyewitness evidence.

Key witnesses should be kept informed of the progress of the case and of their role in the prosecution, if any. If they are to be called to testify in court, their testimony should be reviewed with them, and they should be given assurances that their participation is important in achieving justice. Police officers must be aware of the problem of witness intimidation, which can also be directed at victims of crime.

Victims

Almost every crime has a victim. According to the National Crime Victimization Survey (NCVS), U.S. residents age 12 or older experienced an estimated 20 million violent and property victimizations in 2009, the lowest overall victimization levels recorded since the NCVS began in 1973 (Truman and Rand, 2010). Jordan et al. (2007, p.44) contend, “The law enforcement community has historically focused on the apprehension and prosecution of perpetrators, and although state laws define the rights and redress of victims of crime—such as the right to be treated with fairness, dignity and respect; to be informed and present throughout the entire criminal justice process; to be reasonably protected from the accused; and to be entitled to seek restitution—these individuals are very often neglected in the criminal justice system.”

Even so-called victimless crimes often have innocent victims who are not directly involved in a specific incident. The victim is often the reporting person (complainant) and often has the most valuable information. Yet, in many instances, the victim receives the least attention and assistance.

Police should keep victims informed of investigative progress unless releasing the information would jeopardize prosecuting the case or unless the information is confidential. The federal Victimization Bill provides matching-fund assistance to states for victims of some crimes. Numerous states also have victimization funds that can be used for funeral or other expenses according to predetermined criteria. Police agencies should maintain a list of federal, state and local agencies; foundations; and support groups that provide assistance to victims. Police should tell victims how to contact community support
groups. For example, most communities have support groups for victims of sexual offenses—if not locally, then at the county or state level.

In larger departments, psychological response teams are available. In smaller agencies, a chaplains’ corps or clergy from the community may assist with death notifications and the immediate needs of victims.

Investigating officers should also give victims information on future crime prevention techniques and temporary safety precautions. They should help victims understand any court procedures that involve them. Officers should tell victims whether local counseling services are available and whether there is a safe place they can stay if this is an immediate concern.

Unfortunately, although millions of people in the United States are victimized every year, only a small percentage of these victims and family members obtain the services they need to manage the stress that develops when falling victim to crime (Oetinger, 2007, p.40).

MAJOR-CASE TASK FORCES

Shrinking police budgets and the complications of modern-day crime have resulted in task forces becoming necessary for many crimes involving drugs, gangs and terrorism. Combined federal, state and local task forces now exist for these and other crimes. In addition, “Task forces are critical when addressing multi-jurisdictional needs, investigating major cases impacting several agencies or when combating regional crime problems” (Boetig and Mattocks, 2007, p.51).

A multidisciplinary approach to case investigation uses specialists in various fields from within a particular jurisdiction. A multijurisdictional investigation, in contrast, uses personnel from different police agencies. Many metropolitan areas consist of 20 or more municipalities surrounding a core city. In a number of metropolitan areas, multijurisdictional major-case squads or metro crime teams have been formed, drawing the most talented investigative personnel from all jurisdictions. In addition, the services of federal, state or county police agency personnel may be used.

Many agencies are developing special investigation units, focusing resources and training efforts on specific local crime problems. Other areas commonly investigated by special units include drug trafficking and gaming enforcement. In some major cases—for example, homicides involving multijurisdictional problems, serial killers, police officer killings or multiple sex offenses—it is advisable to form a major-case task force from the jurisdictions that have vested interests in the case. All evidence from the joint case is normally sent to the same laboratory to maintain continuity and consistency. Murphy et al. (2004, p.13) observe, “Local law enforcement have long been scrutinized for how they handle large-scale, complex criminal investigations—often those involving serial, spree or mass murderers or violence against national leaders or celebrities. Many of these notorious crimes were investigated within a task force structure, involving multiple agencies, jurisdiction or levels of government. These crimes shared a number of characteristics that called for complicated, demanding investigations that challenged the agencies tasked with solving them in unprecedented ways.”

In examining the lessons learned from the Washington, DC sniper investigation, Murphy et al. (2004) were able to identify some critical aspects of a successful investigation, including thorough planning and preparation, advanced role definition and delineation of responsibilities, efficient information management and a focus on effective communication.

On the federal level, the Violent Criminal Apprehension Program (VICAP) has been created within the FBI to study and coordinate investigation of crimes of interstate and national interest: “VICAP’s mission is to facilitate cooperation, communication and coordination among law enforcement agencies and provide support in their efforts to investigate, identify, track, apprehend and prosecute violent serial offenders” (Murphy et al., 2004, p.41).

LAW ENFORCEMENT RESOURCES

Investigators also have available several resources at the federal level as well as at the global level.

Federal Law Enforcement Resources

Federal law enforcement agencies can provide numerous resources to aid local and state agencies involved in high-profile investigations. Federal agencies may have forensic experts that a local or state law enforcement agency does not employ in-house. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), FBI and Secret Service are available for such forensic expertise. Specialized response units, such as the FBI’s Critical Incident Response Group (CIRG), the Rapid Deployment Logistics Unit (RDLU) and the Hostage Rescue Team (HRT) are also accessible to local and state law enforcement. In addition, the National Center for the Analysis of Violent Crime (NCAVC) Behavioral Analysis Unit (BAU) provides behavioral-based investigative and operational
support: “BAU . . . provides assistance to law enforcement through ‘criminal investigative analysis,’ a process of reviewing crimes from behavioral and investigative perspectives. BAU staff—commonly called profilers—assess the criminal act, interpret offender behavior and/or interact with the victim for the purposes of providing crime analysis, investigative suggestions, profiles of unknown offenders, threat analysis, critical incident analysis, interview strategies, major case management, search warrant assistance, prosecution and trial strategies and expert testimony” (Murphy et al., 2004, p.41). Other federal resources available to investigators will be discussed throughout the remainder of the text.

Interpol

INTERPOL, whose correct full name is the International Criminal Police Organization (ICPO), has participated in disseminating information related to stolen or seized property since 1947. Information maintained in the INTERPOL computerized database is available to law enforcement agencies worldwide.

AVOIDING CIVIL LIABILITY

Before concluding this overview of criminal investigation, it is worth briefly considering what can happen if investigators step outside their legal boundaries during an investigation. Some might think the worst-case scenario is that the suspect walks, but that would be only part of the bad news. The other part: The investigator finds that the shoe is on the other foot, as he or she has now become the defendant in a civil liability suit.

Civil liability refers to a person’s degree of risk of being sued. Officers must face the unfortunate reality that being sued goes with wearing the uniform: “In the past few years, police litigation has skyrocketed in terms of both the number of lawsuits and the amount of money needed to defend these lawsuits (and to pay out large verdicts when they occur)” (Ramirez, 2006, p.52). Many aspects of police work (e.g., use of force, high-speed pursuits) leave officers and their departments vulnerable to possible lawsuits. Searches and arrests have the potential for lawsuits, as do failures to investigate or arrest.

Most civil lawsuits brought against law enforcement officers are based on Statute 42 of the U.S. Code, Section 1983, also called the Civil Rights Act. This act, passed in 1871, was designed to prevent the abuse of constitutional rights by officers who “under color of state law” denied defendants those rights and states. “Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.”

Basically, Section 1983 states that anyone who acts under the authority of law and who violates another person’s constitutional rights can be sued. Of particular relevance to criminal investigations are those constitutional protections involving searches and seizures, interrogations and custody situations.

Operations manuals and training are critically important in protecting departments against lawsuits (Cotton and Donlan-Cotton, 2007). Such manuals provide guidelines within which officers and investigators should operate. Manuals should be updated as case law changes and as new technologies become available.

Hess and Orthmann (2012, p.449) observe, “Investigative procedure is [one] area of police work commonly brought up in lawsuits. Almost every investigation gives officers discretion to decide what evidence should be included in prosecutor reports and warrant applications, and what evidence should be omitted.” If investigators withhold exculpatory evidence, which is evidence favorable to the accused, the courts have deemed this to be a violation of a defendant’s due process rights: “Leaving out exculpatory evidence may lead to liability for false arrest, malicious prosecution and illegal search and seizure claims. To support such liability claims, a plaintiff must show that the affiant knowingly and deliberately, or with reckless disregard for the truth, omitted facts that are material or necessary to a finding of probable cause [Franks v. Delaware, 1978].”

One of the best ways to avoid lawsuits or to defend yourself if sued is to keep complete, accurate records of all official actions you take. Hess and Orthmann (2011, p.510) offer suggestions to avoid lawsuits.

Protection against lawsuits includes

- Effective policies and procedures clearly communicated to all.
- Thorough and continuous training.
- Proper supervision and discipline.
- Accurate, thorough police reports.

Means (2007, p.33) offers another suggestion for avoiding lawsuits: “Nothing whatsoever reduces legal problems and liability risks in law enforcement like
good interpersonal communication skills. We all know officers who can go in a biker bar, make an arrest and leave with a friend. Other officers could start a fight in a Quaker Friends meeting.” Means notes, “Dealing with people can be complex and demanding, especially in law enforcement. But there are straightforward, guiding principles that, when applied, sharply improve odds of success and reduce both physical and legal risks.” These interpersonal communication techniques are discussed in Chapter 6.

Summary

A criminal investigation is the process of discovering, collecting, preparing, identifying and presenting evidence to determine what happened and who is responsible. The goals of police investigation vary from department to department, but most investigations aim to:

- Determine whether a crime has been committed.
- Legally obtain sufficient information and evidence to identify the responsible person.
- Arrest the suspect.
- Recover stolen property.
- Present the best possible case to the prosecutor.

Among the numerous functions performed by investigators are those of providing emergency assistance; securing the crime scene; photographing, videotaping and sketching; taking notes and writing reports; searching for, obtaining and processing physical evidence; obtaining information from witnesses and suspects; identifying suspects; conducting raids, surveillances, stakeouts and undercover assignments; and testifying in court.

All investigators—whether patrol officers or detectives—are more effective when they possess certain intellectual, psychological and physical characteristics. Effective investigators obtain and retain information, apply technical knowledge and remain open-minded, objective and logical. They are also culturally adroit, that is, skilled in interacting across gender, ethnic, generational, social and political group lines. They are emotionally well balanced, detached, inquisitive, suspecting, discerning, self-disciplined and persevering. Further, they are physically fit and have good vision and hearing.

The first officer to arrive at a crime scene is usually a patrol officer assigned to the area. In any preliminary investigation, it is critical to establish priorities. Emergencies are handled first, next the crime scene is secured and finally the investigation can begin. Any suspect at the scene should be detained, questioned and then either released or arrested, depending on circumstances. If a suspect has recently left the scene, officers obtain descriptions of the suspect, any vehicles, direction of travel and any items taken. The information is dispatched to headquarters immediately.

After emergencies are dealt with, the first and most important function is to protect the crime scene and evidence. All necessary measures to secure the crime scene should be taken—including locking, roping, barricading and guarding—until the preliminary investigation is completed.

Once the scene is secured, the preliminary investigation is conducted, which includes questioning victims, witnesses and suspects; conducting a neighborhood canvass; measuring, photographing, videotaping and sketching the scene; searching for evidence; identifying, collecting, examining and processing physical evidence; and recording all statements and observations in notes. Res gestae statements are spontaneous statements made at the time of a crime, concerning and closely related to actions involved in the crime. They are often considered more truthful than later, planned responses.

As soon as possible, officers should determine whether a crime has been committed by knowing the elements of each major offense and the evidence that supports the offenses and then ascertaining whether that evidence is present. Officers should also try to determine when the event occurred.

Even in police departments that have highly specialized investigation departments, the ultimate responsibility for solving crimes lies with all police personnel. It must be a cooperative, coordinated departmental effort. Cooperation and coordination of efforts are also required outside the police department. Investigators must interrelate with uniformed patrol officers; dispatchers; the prosecutor’s staff; the defense counsel; community corrections personnel; social services; physicians, the coroner or medical examiner; laboratories; and citizens, including witnesses and victims. Criminal investigation is, indeed, a mutual effort.

Protection against lawsuits includes (1) effective policies and procedures clearly communicated to all, (2) thorough and continuous training, (3) proper supervision and discipline and (4) accurate, thorough police reports.
Checklist

Preliminary Investigation

- Was a log kept of all actions taken by officers?
- Were all emergencies attended to first? (First aid, detaining suspects, broadcasting information regarding suspects)
- Was the crime scene secured and the evidence protected?
- Were photographs or videotapes taken?
- Were measurements and sketches made?
- Was all evidence preserved?
- Were witnesses interviewed as soon as possible and statements taken?
- How was the complaint received?
- What were the date and time it was received?
- What was the initial message received? (State the offense and location.)
- Where was the message received?
- Who was present at the time?
- Were any suspicious persons or vehicles observed while en route to the scene?
- What time did officers arrive at the scene?
- How light or dark was it?
- What were the weather conditions? Temperature?
- Were there other notable crime-scene conditions?
- How did officers first enter the scene? Describe in detail the exact position of doors or windows—open, closed, locked, glass broken, ajar, pried or smashed. Were the lights on or off? Shades up or down?
- Was the heating or air conditioning on or off? Was a television, radio or stereo on?
- Were dead or injured persons at the scene?
- What injuries to persons were observed? Was first aid administered?
- What type of crime was committed?
- Was the time the crime occurred estimated?
- Who was the first contact at the scene? (Name, address, telephone number)
- Who was the victim? (Name, address, telephone number) Was the victim able to give an account of the crime?
- What witnesses were at the scene? (Names, addresses, telephone numbers)
- Were unusual noises heard—shots, cars, screams, loud language, prying or breaking noises?
- Had clocks stopped?
- Were animals at the scene?
- Was an exact description of the suspect obtained? (Physical description, jewelry worn, unusual voice or body odors; unusual marks, wounds, scratches, scars; nicknames used; clothing; cigarettes or cigars smoked; weapon used or carried; direction of leaving the scene)
- Was a vehicle involved? Make, model, color, direction, unusual marks?
- Were items taken from the scene? Exact description?
- What was done to protect the crime scene physically?
- What officers were present during the preliminary investigation?
- Were specialists called to assist? Who?
- Was the coroner or medical examiner notified?
- What evidence was discovered at the scene? How was it collected, identified, preserved? Were field tests used?

Discussion Questions

1. What are the benefits of having police investigators who specialize in a certain area? What are the drawbacks? Do you support specialization or generalization?
2. Of all the suggested characteristics required for an effective investigator, which three are the most critical? Are these qualifications more stringent than those required for a patrol officer?
3. What is the role of the victim in investigating crime?
4. What misconceptions regarding investigation are conveyed by television shows and movies?
5. What do you believe is the most important goal of a criminal investigation?
6. What major factors must responding officers consider while proceeding to a crime scene?
7. How important is response time to the investigation of a crime? How is the importance affected by the type of crime?
8. What determines who is in charge at a crime scene? What authority does this officer have?
9. Controversy exists over which emergency takes precedence: an armed suspect at or near the scene or a severely injured person. Which do you think should take priority? Why?
10. What balance should be maintained between freedom of the media to obtain information during a crime investigation and the right to privacy of the individuals involved?
Media Explorations

Complete one of the following assignments and be prepared to share your findings with the class.
- Go to the Web site of the National Institute of Justice (NIJ) and find “Mapping Crime: Principle and Practice.” Outline the chapters in this research guide. Then select one chapter and outline it in detail.
- Go to the Web site of the Bureau of Justice Statistics and summarize what the site says about crimes reported and not reported to the police.
- Go to the Mapping and Analysis for Public Safety Web site at U.S. Department of Justice’s main site or to the National Center for Geographic Information and Analysis (NCGIA) and summarize the information you feel is important and informative for you and the rest of the class.

Gale Criminal Justice Database Assignments

The following assignments require access to Gale’s Custom Journals Database for Emergency Services and Criminal Justice. Check with your instructor if you have questions about this.
- Find the article, “Crime Analysis Reporting & Mapping for Small Agencies: A Low Cost and Simplified Approach,” on the Gale Emergency Services Database. Read and outline the article. Be prepared to discuss your outline with the class.
- Find the article, “Preserving Police History: Benefits for the Present and the Future,” on the Gale Emergency Services Database. Read the article and summarize what it says about police history.
- Find the article, “Preliminary Crime Statistics for 2009,” on the Gale Emergency Services Database. Summarize what the article says about crime statistics for 2009. Do any of the trends surprise you? Be prepared to discuss your thoughts with the class.

References


Cases Cited
