

5 EDITION

CRIMINAL INVESTIGATION

STEVEN G. BRANDL



CRIMINAL INVESTIGATION

Fifth Edition

For Justice

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Steven G. Brandl
University of Wisconsin–Milwaukee



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2455 Teller Road
Thousand Oaks, California 91320
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1 Oliver's Yard
55 City Road
London EC1Y 1SP
United Kingdom

SAGE Publications India Pvt. Ltd.
B 1/1 Mohan Cooperative Industrial Area
Mathura Road, New Delhi 110 044
India

SAGE Publications Asia-Pacific Pte. Ltd.
18 Cross Street #10-10/11/12
China Square Central
Singapore 048423

Acquisitions Editor: Jessica Miller
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Printed in Canada

Library of Congress Cataloging-in-Publication Data

Names: Brandl, Steven G. (Steven Gerard) author.

Title: Criminal investigation / Steven G. Brandl, University of Wisconsin—Milwaukee.

Description: Fifth edition. | Thousand Oaks, Calif.: SAGE, [2022] | Includes bibliographical references and index.

Identifiers: LCCN 2020031887 | ISBN 9781544395654 (paperback ; alk. paper) | ISBN 9781544395661 (alk. paper) | ISBN 9781544395678 (epub) | ISBN 9781544395685 (epub) | ISBN 9781544395692 (pdf)

Subjects: LCSH: Criminal investigation.

Classification: LCC HV8073 .B673 2022 | DDC 363.25—dc23
LC record available at <https://lccn.loc.gov/2020031887>

This book is printed on acid-free paper.

21 22 23 24 25 10 9 8 7 6 5 4 3 2 1

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PREFACE

Criminal investigation is arguably the most important stage in the entire criminal justice process. Only when a perpetrator is identified and apprehended can the process continue; only then can courts adjudicate and corrections reform. And it is only when the process continues that there is even a chance potential offenders will be deterred and actual offenders incapacitated. As discussed in this book, there are many factors that determine whether offenders are identified and apprehended, and well-executed criminal investigations are at the top of this list. As such, if we desire an effective criminal justice process, it is necessary that criminal investigators have the requisite knowledge, education, and training to conduct competent investigations.

Although it is not realistic to expect this knowledge can be obtained in a single course (or from a single textbook) on criminal investigations, such a course (and textbook) can play an extremely important role in developing it. *Criminal Investigation* provides a basis for competent investigations.

To achieve this, the text emphasizes the role of evidence in criminal investigations. Criminal investigation and criminal evidence go hand in hand; they are inseparable. Criminal investigations are conducted to collect criminal evidence, and it is evidence that is used to establish proof in an investigation. The investigative methods used to collect evidence largely determine the quality of that evidence. Thus, investigators must understand the role and function of evidence, the strengths and weaknesses of various forms of evidence, how different types of evidence can be used to establish proof, the legal issues that relate to the collection of evidence, and best practices for the collection of evidence. *Criminal Investigation* provides this knowledge.

Criminal Investigation also emphasizes the real world of investigations. A common and important method of learning and instruction in criminal investigation is the review and analysis of actual cases. Case examples are used as teaching tools in investigative seminars and in training. Investigators learn things from every investigation, and this text emphasizes this approach. Nearly 100 case examples are provided in the text to illustrate key points and provide a basis for discussion about the proper conduct of criminal investigations. These detailed cases, along with approximately 200 photos, bring the discussion to life and make it relevant and interesting.

An understanding of forensic science is also critically important in conducting competent criminal investigations. This discipline is examined in this book; however, *Criminal Investigation* is not a forensic science text. The most important and complex forensic science procedures and issues are discussed here, but not at the sacrifice of other material. *Criminal Investigation* is not an instruction manual. Detailed step-by-step instructions are most appropriately learned in investigative training courses after a foundation of understanding has been developed.

This text emphasizes research findings that relate to criminal investigations. Such findings are used to identify and recommend best practices (procedures) to follow in criminal investigations. Familiarity with research findings also allows one to develop a solid understanding of the issues under examination. One example of this can be found in the discussion on eyewitness identifications. This book devotes the better part of a chapter to eyewitness identifications. Along with instructions on how to conduct these identifications, *Criminal Investigation* also provides a discussion of the research supporting the recommended procedures. To accomplish this the discussion draws upon research on human memory as well as on eyewitness identifications. As such, *Criminal Investigation* not only provides details regarding the collection of eyewitness evidence, it also explains *why* these procedures are important. Issues such as this receive minimal, if any, coverage in other criminal investigation texts. These deeper, more probing questions are what lead to a greater understanding of criminal investigation procedures. By incorporating research findings into the discussion, *this book provides an education about criminal investigations.*

Just because *Criminal Investigation* emphasizes research findings and evidence, however, this does not mean the text is complicated or difficult to read. To the contrary, the text is very accessible to students. It is written in a straightforward manner and is engaging.

Criminal Investigation is of reasonable length for a one-semester course. Many instructors have had difficulties teaching from ever-expanding criminal investigation books, and students often have difficulties learning from them. This text includes the most important material for students. Using input from many criminal investigators, I made informed decisions about what topics were most important to address and where those topics were most appropriately incorporated in the text.

Criminal Investigation offers several features to help establish an understanding of the complexities of criminal investigations. These features are explained below.

Detailed case studies (“From the Case File”) at the beginning of each chapter describe actual investigations as they were conducted. These case studies can be used to analyze how evidence is (or could be) used to establish proof and to evaluate how criminal investigations were conducted—what was done correctly and/or what lessons should be learned as a result of the investigation. After each case study is a section titled “Case Considerations and Points for Discussion.”

Numerous other real-life investigative case examples (including “Case in Point” features) illustrate key points.

Sections titled “Myths and Misconceptions” address some of the false information that is provided by the media and through other representations of criminal investigations.

“A Question of Ethics” features are strategically placed throughout the book and require students to think about the importance of ethical conduct in criminal investigations.

Detailed discussions are provided about the role, strengths, and limitations of all major forms of evidence: DNA and biological evidence, other forms of forensic evidence, eyewitness identifications, confessions, geospatial crime analysis, evidence from electronic devices, video, social media, and behavioral evidence. Criminal profiling and the detection of deception are explored. Information on and evaluation of proper evidence collection procedures for all types of evidence is also included. Five chapters are devoted to the investigation of major types of crimes, including homicide, sexual assault, domestic violence, child abuse, robbery, burglary, vehicle theft, arson, identity theft, credit card fraud, scams, cyberbullying, child pornography, and terrorism.

CHANGES IN THE FIFTH EDITION

The fifth edition of *Criminal Investigation* has been substantially revised. Standard revisions to the fifth edition include updates to statistical information, research findings, investigative procedures, and legal cases.

Among the most notable other changes to the fifth edition are the following:

- A new chapter on evidence from electronic devices (Chapter 9).
- A new capstone case in the appendix. This case allows students to apply what they have learned throughout the book to an actual investigation.
- Seven new “From the Case File” chapter introductions and fourteen new in-chapter “Case in Point” investigative case examples.
- More than seventy-five new case photos from actual investigations.
- Many new discussions in the chapters. The most significant additions are listed here:
 - Chapter 1 includes a more detailed discussion of mental mistakes in investigations.
 - Chapter 4 features an expanded discussion of the law relating to electronic devices and a new discussion of the most recent U.S. Supreme Court cases. The chapter has been condensed without deleting important material.
 - Chapter 5 was reorganized and revised to provide a more complete discussion of forensic evidence in criminal investigations. Important new material on CODIS, familial DNA searching, DNA sweeps, DNA phenotyping, and Rapid DNA testing is provided.

- Chapter 6 provides new material on methods of eyewitness identification and the guidelines for collecting this evidence.
- Chapter 7 elaborates on methods of interrogation, false confessions, and the ethical issues associated with interrogation techniques.
- Chapter 8 is reorganized to provide a more straightforward discussion of criminal profiling and includes new material on the uses of criminal profiling in investigations.
- Chapter 10 features a new discussion on the important role of video as evidence in investigations and additional information about the role of social media in investigations.
- Chapters 11 through 15 now include information and case studies about the use of video and digital evidence in the investigation of specific types of crimes.
- Chapter 12 features an expanded discussion of drug-facilitated sexual assaults.
- Chapter 15 includes new discussions of telephone scams, the use of skimmers to commit credit card fraud, and cyberbullying.
- Chapter 16 provides an expanded discussion of reasons for miscarriages of justice, in particular false confessions from suspects and false or misleading forensic evidence.
- Chapter 17 offers an updated and expanded discussion of terrorism, the intelligence-led approach to criminal investigations, and new technologies that will affect how investigations are conducted in the future.

OVERVIEW OF THE ORGANIZATION

With regard to the organization of the text, the first two chapters provide a discussion of the basic issues of criminal investigation (e.g., organization, design, history). Chapters 3 and 4 discuss the role of evidence in criminal investigations and the law as it relates to the collection of evidence. Chapters 5, 6, and 7 discuss the “big three” types of evidence in criminal investigations: forensic evidence, witness statements and eyewitness identifications, and confessions. The next three chapters examine other sources of information in investigations: Chapter 8 looks at behavioral evidence and crime analysis, Chapter 9 describes the increasingly important role of digital evidence in investigations, and Chapter 10 examines the role of the public, social media, and electronic databases in investigations. Chapters 11, 12, 13, 14, and 15 focus on issues that are unique to the investigation of particular types of crimes. The book concludes with a discussion of the presentation of evidence (Chapter 16) and an examination of terrorism and the future of criminal investigations (Chapter 17). Some important topics, such as issues associated with drug investigations and gang involvement in crime, do not have their own chapters but are discussed throughout the text. The appendix provides a detailed case study of a double homicide/kidnapping investigation that occurred in 2018. This case can serve as a capstone discussion of how to conduct a major investigation and can illustrate the potential value of various forms of evidence in such an investigation.

Criminal Investigation provides the reader with a realistic and comprehensive understanding of criminal investigation.

ACKNOWLEDGMENTS

A lot of people did a lot of work to produce the fifth edition of this book, and I am extremely grateful for their contributions. My dream team at SAGE was amazing. Leading the way were Jessica Miller and Adeline Grout. They had nothing but good ideas and only made good decisions for this book. I am also grateful to the many others who worked backstage at SAGE, including editorial assistant Sam Diaz, marketing manager Jillian Ragusa, production editor Veronica Stapleton Hooper, and photo researcher Naomi Kornhauser. This edition also provides original video content thanks in large part to the work of producer Claire Williams and video editor Robert Berry. Nadine Rodriguez, Cassie White, and Theresa Hicks wrote the video and reading activities that accompany this book in SAGE Vantage. Shannon Kelly deserves special recognition as the copyeditor extraordinaire for the book. Her wordsmith skills are simply beyond compare and the book benefited greatly as a result.

Over the course of the five editions of this book, a long list of law enforcement professionals have contributed invaluable advice, information, and content. With regard to this fifth edition specifically, I'd like to acknowledge the expert assistance of Inspector Terrence Gordon, Captain Thomas Casper Jr., Detective James Hutchinson, Detective Nathan Butz, and Lieutenant Christopher Moews of the Milwaukee Police Department; Chief of Police Mark Ferguson, Captain Daniel Herlache (retired), Detective Scott Purtell, and Detective Bryan Bichler (retired) of the Glendale (WI) Police Department; Chief of Police Kenneth Meuler and Detective Bryan Goehring of the West Bend (WI) Police Department; Chief of Police Peter Hoell (retired) of the Germantown (WI) Police Department; Chief of Police Peter Nimmer of the Shorewood (WI) Police Department; and Chief of Police William Jessup of the South Milwaukee (WI) Police Department.

I would also like to thank graduate student Michaela Lawrence who did much of the research for this edition of the book.

Finally, on a personal note, I thank the three people who are most important in my life. My deepest appreciation goes to David, Katy, and Laurie. Every person needs to be part of a team to successfully navigate life. These three people are my team, and I'm grateful for the unique contributions of each of them. Laurie, in particular, this book exists because of your support and willingness to make sacrifices. I'm forever grateful. Thank you.

PUBLISHER'S ACKNOWLEDGMENTS

SAGE wishes to acknowledge the valuable contributions of the following reviewers.

Reviewers of the Fourth Edition

Scott Duncan, Bloomsburg University of Pennsylvania

Chris Haney, Jacksonville State University

Lisa Kara, Blue Ridge Community College

Shawn Morrow, Angelo State University

Elizabeth B. Perkins, Morehead State University

Jeff Schwartz, Rowan University

Reviewers of the Fifth Edition

Christopher Capsambelis, The University of Tampa

Matthew Cosby, The University of New Mexico

George Holcomb, Jr, University of Central Florida

Ivan Kaminsky, Mesa Community College

Michael Moreschi, University of Central Florida

Timothy Seguin, Cochise College

SAGE also wishes to acknowledge our criminal investigation digital media advisory board. Members of the advisory board played a valuable role in shaping the digital offerings that accompany this text. Their attention to detail and thorough script reviews helped us develop a video activity program that encourages student engagement and develops critical thinking.

Criminal Investigation Digital Media Advisory Board

Stacey Hervelly, University of Colorado, Colorado Springs and Metro State College

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Jason Redmond/AFP/Getty Images

1

THE INVESTIGATION OF CRIME

From the Case File

The Investigation of the Washington, D.C., Beltway Snipers

The manhunt began the night of October 2, 2002, when James Martin was shot dead in the parking lot of a store in Wheaton, Maryland. It ended twenty-one days and twelve more victims later with the arrest of John Allen Muhammad and Lee Boyd Malvo at a highway rest stop outside of Washington, D.C. In total, ten people were killed and three were seriously wounded.

For the first seven shootings, which occurred October 2 through October 4, the police had few clues. No one actually saw the shooter, but witnesses reported seeing a white van or white box truck in the area after several of the shootings. In one of the incidents, a witness told the police he saw a dark-colored Chevrolet Caprice driving away from the scene with its lights off. The importance of the Caprice, however, was drowned out by the continued sightings of the white van and white truck. By October 12 the police and Federal Bureau of Investigation (FBI) had obtained enough information from witnesses to produce pictures of the van and truck believed to be involved in the shootings, which they released to the media. The police checked and searched hundreds of white vans and trucks, looking for anything suspicious they could link to the shootings. They found nothing.

Objectives

After reading this chapter you will be able to:

- 1.1 Define the criminal investigation process, criminal evidence, and forensic science.
- 1.2 Identify two different types of criminal investigations (reactive, undercover).
- 1.3 Discuss a criminal investigation as a battle, as a game, as a puzzle, and as a maze.
- 1.4 Describe the various mental mistakes that could be made in criminal investigations and identify the important qualities and characteristics of investigators.
- 1.5 Explain the role of criminal investigations in the criminal justice process.

Although the hunt for the vehicle was hitting a dead end, the sniper's modus operandi (MO) had become clear: All the victims were shot with the same ammunition—a .223-caliber bullet, popular with hunters, competitive shooters, and the military. Given the distance from which many of the victims were shot, the police also suspected the sniper had some skill and training as a marksman. Most of the shootings were concentrated in the Montgomery County area of Maryland, suggesting that the killer lived in that area. There was also a strong possibility the killer was watching developments in the investigation on television and altering his activities based on this. For example, when Montgomery County police chief Charles Moose reassured parents that their children were safe, the sniper's next victim was a thirteen-year-old boy shot and critically wounded while arriving at school. After this shooting the police found a tarot "death" card and a spent shell casing in some matted grass near the school. On the back of the card was a message that read, "Dear Policeman, I am God." Along with the card was a note stating the police should not reveal the message to the media. Nevertheless, the media found out and publicized the message. The deadly drama was intensifying.

On October 14 a woman in the parking lot of a store in Falls Church, Virginia, was shot. Once again several witnesses told the police they had seen a white van driving away after the gunshots. One witness stated the shooter was driving a cream-colored Chevrolet Astro van with a burned-out left taillight and a chrome ladder rack on its roof. Better yet, the witness also told the police he had seen the shooter and his gun. The gun was described as an AK-47, and the witness said the shooter had dark skin. As in a previous incident, another witness reported seeing a dark-colored Chevy or Chrysler leaving the store parking lot after the shooting. Once again, the police focused on the more specific light-colored van. The police immediately shut down the nearby interstate and set up roadblocks and checkpoints in an attempt to catch the fleeing killer. Traffic around the Washington, D.C., area was backed up for miles as the police searched dozens upon dozens of white vans as they moved through the roadblocks. Again, the police found nothing. The roadblock tactic was used twice more, after two more shootings. None of these roadblocks were helpful in the investigation, and at the time the police reasoned the shooter was familiar enough with the area to evade them by using side roads. After additional questioning of the witness who provided the detailed information about the van, the shooter, and his gun, the police recovered security surveillance video that showed the witness was actually inside the store when the shooting occurred. He had just made up the information, and he was subsequently charged with providing false information to the police. More frustration for the police, and they were still not even close to identifying the killer.

On October 17 an operator at the police tip line created for the investigation received a telephone call from an individual who stated he was the sniper. He spoke broken English and had an unidentifiable accent. The caller was angry because he had been unable to get through to the police earlier and was hung up on even though he said he was God. The police tip line had received hundreds of apparently bogus calls during which the caller claimed to be God—a reference to the message on the tarot card found after the shooting at the school.

Now, in an effort to get the police to take him seriously, the sniper provided a clue, a big one, to the tip line operator. The caller told the operator that the police should "look to Montgomery" and they would then realize he was not joking. The operator reported the phone call to her supervisors. The police were initially unsure as to what the message meant, or even if it was valid.

The next day in Ashland, Virginia, at 8:00 p.m., a man was fatally shot in a restaurant parking lot. When searching the area after the shooting, the police found a handwritten note tacked to a tree in the nearby woods. In the letter the sniper railed about his previous attempts to communicate unsuccessfully with the police. It identified the phone numbers he had called and the names of the persons he had spoken to on the six previous calls to the police. It also made reference to a phone call he made to a "Priest in ashland." The sniper made a demand for \$10 million to

be deposited on a particular credit card and provided the card number. If the transaction was not completed, the sniper wrote, more people would be killed. The letter concluded with the statement “Word is Bond,” and five stars were drawn on the paper.¹

The note contained many clues. When police traced the credit card identified in the note, they discovered it had been reported stolen in Arizona months earlier. The victim first realized the card was stolen from her when the bank contacted her about a gasoline purchase in Tacoma, Washington. The purchase was fraudulent and the account was closed. The writing style of the note was also of significance. It appeared to match the speaking style of the individual who had made the earlier phone call to the police tip line. The reference to the call made to the “Priest in ashland” was also intriguing. Further investigation into this led investigators to a priest at St. Ann’s Church in Ashland, Virginia. When questioned by investigators, he told them that on October 18 he had received a phone call from someone who stated he was God and was the sniper. The caller said he was calling because he had not been able to get through to the police. The priest also told the police the caller made reference to a crime that had occurred recently in Montgomery, Alabama. The priest said he thought it was just a prank call and did not report it to authorities. With this information, and particularly the reference to the crime in Alabama, the earlier phone call reference to Montgomery now made sense. The FBI immediately contacted the police department in Montgomery and learned about a robbery/homicide that had occurred there just a few weeks previously, on September 21. The police in Montgomery explained that two clerks who worked at a liquor store were shot by a Black man approximately twenty years old. One of the clerks was killed; the other was injured. Although the killer had not been apprehended, a composite sketch of the suspect had been developed and a fingerprint recovered from a gun catalogue the suspect was looking at just prior to the robbery. The Montgomery police explained that when they ran the print through their fingerprint database, they did not get a hit.

On October 20 the fingerprint recovered from the crime scene in Montgomery was examined using the FBI’s fingerprint system. This time there was a hit: The fingerprint belonged to an individual by the name of Lee Boyd Malvo. His fingerprint was on file because he was a Jamaican citizen in the United States illegally. The pieces were beginning to come together. Investigators speculated that the five stars drawn on the cover page of the note left at the restaurant shooting scene were related to the Jamaican band Five Stars. “Word is Bond” were lyrics to a song sung by the band. The possible Jamaican connection also fit with the style of English noted in the previous phone call and letter to the police. Additional information on Malvo led investigators to Washington State, the same place where the stolen credit card identified in the note had been used to purchase gasoline. At about this same time, the police tip line received a call from a resident of Tacoma who reported that a man named Muhammad and another man with the nickname “Sniper” used to live in Tacoma and had, on occasion, used a tree stump in their backyard for shooting practice. Once investigators were in Tacoma, the link between Malvo and an individual by the name of John Muhammad was confirmed. They also learned Muhammad had previously served in the military.

On October 21 the sniper called the police to reiterate his demands. The police were ready . . . or so they thought. The call made by the suspect was traced to a public telephone at a gas station near Richmond, Virginia. Shortly after the call was received, the police converged on the telephone and found a white van parked next to it. Two Hispanic men were pulled from the van and arrested. Headlines immediately followed: “Two Men in Custody in Sniper Hunt.”² There was only one problem: The men were not Malvo and Muhammad. The two individuals in the van were simply in the wrong place at the wrong time and had nothing to do with the shootings. And, as coincidence would have it, they were driving a *white van*. If the sniper had used that phone, he got away before the police arrived. That afternoon Chief Moose provided a message to the sniper through the media: “The person you called could not hear everything you said. The audio was unclear and we want to get it right. Call us back so that we can clearly understand.”³



Photo 1.1

Witnesses to the early shootings in the D.C. sniper case told police they thought the shooter was driving a white van. The police alerted the public to this information, and witnesses at subsequent shootings also reported seeing a white van. As a result, the search was on for a white van. But the snipers never used such a vehicle. They were driving a blue four-door 1990 Chevrolet Caprice, pictured here.

On the morning of October 22, the snipers claimed their thirteenth victim when Conrad Johnson, a city bus driver in Silver Spring, Maryland, was shot and killed as he exited his bus. A note found in a nearby park reiterated the demand for \$10 million. As the police were handling this latest shooting, investigators were busy developing information in Washington State. They confirmed Malvo and Muhammad had used to live together in a house in Tacoma and had used a tree stump in the backyard for target practice with a high-powered rifle. Police conducted a search of the location and removed a large stump that contained bullet fragments. The search of the outside of the house and the removal of the stump by investigators were broadcast live on national television. Investigators obtained handwriting samples of Malvo from the high school he had attended in Tacoma.

Reasonably certain now that Malvo and Muhammad were responsible for the sniper shootings, investigators requested that police from area departments query their databases for any noted police contact with either suspect. It was discovered that the day after the boy was shot outside his school, Baltimore police had had contact with Muhammad when they found him asleep in his car in a parking lot outside a Subway sandwich shop. The police had woken him and told him to be on his way. It was noted in the



Photo 1.2

Notice how the trunk of the vehicle was configured so that a person could lie in it. Also observe the notch cut out of the trim to accommodate the barrel of a rifle.

police computer that Muhammad was driving a blue 1990 Chevrolet Caprice with a New Jersey license plate, number NDA21Z. After this license plate number was discovered, police from area departments were asked once again to query their databases for any recorded check of the plates. These checks revealed that between October 2 and October 23, the police had seen the Caprice and checked the license plate number at least twelve times. As the car was not stolen and the occupants were not wanted for any crimes, no additional investigations of the vehicle or its occupants had been conducted.

At approximately 9:00 p.m. on Wednesday, October 23, Chief Moose revealed on national television that John Muhammad, forty-one, and Lee Boyd Malvo, seventeen, were wanted in connection with the sniper shootings. He stated these individuals had last been seen driving a blue 1990 Chevrolet Caprice and provided the license plate number. Four hours later the police received a telephone call from a truck driver who said he was currently at a rest stop off the interstate near Frederick, Maryland, and the car they were looking for was parked there. A police tactical unit arrived shortly thereafter and found Malvo and Muhammad asleep in the car.

They were arrested without incident. A Bushmaster XM15 rifle was found in the car, along with a pair of two-way radios, two handguns, a Sony laptop computer, a single .223-caliber cartridge, and fake IDs, among other items. Malvo and Muhammad appeared to have been living out of their vehicle. There was a notch cut in the back of the trunk of the car from which the shots were probably fired. The police had the snipers.

Further investigation revealed Malvo and Muhammad were responsible for at least seven other shootings in the Washington, D.C., area; Washington State; Arizona; and Louisiana. The two were tried and convicted of their crimes in Virginia and Maryland. Muhammad was sentenced to death, Malvo to multiple life sentences without parole. Muhammad was executed in Virginia by lethal injection in 2009.

Case Considerations and Points for Discussion

1. In this investigation one piece of evidence led to another until investigators identified and apprehended the killers. Explain why the information obtained from the priest in Ashland was so significant to the eventual identification of the perpetrators.
2. In just about any criminal investigation there are difficulties with the evidence, and this investigation was no different. What was the most significant lesson investigators learned in this case? Why?
3. What do you think was the most significant mistake the perpetrators made? Why?
4. Identify three dead ends in this investigation—instances where investigators collected information but it did not lead them any closer to identifying the perpetrators.

Also: Watch the four-part YouTube video “Final Report—the DC Sniper” (parts 1 through 4) for an excellent discussion of the investigation and the difficulties the investigators encountered.

CRIMINAL INVESTIGATION, CRIMINAL EVIDENCE, AND FORENSIC SCIENCE DEFINED

Criminal investigation is the process of collecting crime-related information to reach certain goals. This definition has three important components: (1) the process of collecting, (2) crime-related information, and (3) goals. These components are discussed in the following paragraphs.

The process of collecting refers to the activities performed by the patrol officers, detectives, or other investigators who are responsible for the investigation. As with most processes, certain activities are performed prior to others. The activities performed may be extensive or minimal depending on the nature and seriousness of the crime being investigated. The most common activities performed during investigations—even the most routine ones—are searching for and interviewing victims and witnesses and reading and writing reports. Investigative activities are performed in order to develop (and document) information. It is important to understand that the methods used to collect information can substantially affect the quality of the resulting evidence. Bad investigations result in bad evidence, which can result in bad outcomes.

Crime-related information is **criminal evidence**. Criminal evidence consists of supposed knowledge that relates to a particular crime or perpetrator. It is what is obtained as the result of investigative activities. Crime-related information may provide leads for investigators to pursue, which may result in more information. Eventually, investigators may collect enough evidence to conclude with some certainty that a crime occurred and that a particular person committed the crime. For example, in one case, investigators determined that a missing woman’s cell phone was last used near her boyfriend’s home. This information led the police to question the boyfriend. The inconsistencies in his story about when he last saw his girlfriend led to his arrest, albeit on an unrelated charge.

Criminal investigation:

Activities conducted to collect evidence in order to achieve certain goals.

Criminal evidence: Also known as crime-related information; criminal evidence is collected during criminal investigations.

Then a search of the Internet activity on his phone led to the discovery of information suggesting he may have committed a murder and buried the body. All of this information led to a search of his house, and blood was found there. This evidence led to another interview during which the man confessed to murdering his girlfriend (see the From the Case File section in Chapter 11 for a more detailed discussion of this case).

There are many different types of evidence in criminal investigations, such as DNA, eyewitness identifications, and confessions. Some types of evidence depend on scientific analysis in order to be made meaningful and useful. For example, blood may be analyzed in order to develop a DNA profile from it, bodies may be examined to determine cause of death, and bullets may be analyzed to determine the gun from which they were fired. These are issues that relate to the field of **forensic science**. Forensic science broadly refers to the field of science that addresses legal questions.

There are at least three potential problems with evidence in criminal investigations. The first is that at the time the information is collected, investigators may not know whether that evidence actually relates to the case at hand. Consider the numerous phone calls received by the police tip line in the sniper investigation from people who claimed to be God. None of these calls proved to be relevant or useful in the investigation.

A second potential problem with evidence in criminal investigations is that it may not be accurate. Consider the witness accounts of the white vans after each of the sniper shootings. Compounding this problem is that even inaccurate information can be quite influential in making a determination or in drawing a conclusion. Eyewitness identifications are perhaps the best example of this. Eyewitness identifications have been shown to be extremely influential in establishing that a particular person committed a particular crime; however, eyewitness identifications are often inaccurate. Unfortunately, as with the relevance of evidence, the accuracy of previously collected evidence can only be established after a perpetrator is identified.

The third potential problem with evidence is that in some investigations the police may be overwhelmed with information to document and follow up on, and in others there may be no or very little information to go on. Without question these problems can make criminal investigations difficult.

The final definitional component of a criminal investigation is that there are *goals* associated with the process. A goal is best considered a desired end or a future state. It is something that one wishes to achieve at some point in the future. Goals also assist in giving direction to activities to be performed. Various goals have been associated with the criminal investigation process, including solving the crime, providing evidence to support a conviction in court, and providing a level of service to

satisfy crime victims. Perhaps the most important goal of these three is to solve the crime. Generally speaking, to solve the crime, investigators must determine whether a crime has been committed and ascertain the true nature of the crime, identify the perpetrator, and apprehend the perpetrator (see Exhibit 1.1).

Although the task of determining whether a crime has been committed and ascertaining the true nature of the crime may seem straightforward, often it is not. Experienced investigators can provide many examples of crimes that were not really what they first appeared to be. In particular, investigators may question the truthfulness of “stories” told by certain victims and of incidents that involve certain circumstances. For instance, did a burglary really occur, or is this a phony report to defraud an insurance company? Did the “victim” spend money foolishly and then

Forensic science:

Forensic science refers to the field of science that addresses legal questions.



Photo 1.3

Investigators discovered this chess piece at a crime scene where a young woman was killed. At the time it was found, its relevance to the crime was unknown. Was it a clue from the killer? It turned out that it had nothing to do with the murder; it was just a chess piece in the road.

EXHIBIT 1.1

The Meaning of “Crime Solved”

The FBI does not use the word *solved* to describe crimes for which perpetrators have been identified and apprehended; instead it says that crimes are *cleared by arrest*. A crime is cleared by arrest when three specific conditions have been met: At least one person has been (1) arrested, (2) charged with the commission of the offense, and (3) turned over to the court for prosecution (whether following arrest, court summons, or police notice). However, an actual conviction in court of the person arrested is not necessary for a crime to be cleared.

In its clearance calculations, the FBI counts the number of offenses that are cleared, not the number of persons arrested (see Figure 1.3). As a result, one arrest can clear many crimes, or many arrests can clear just one crime.

In addition, some clearances that an agency records in a particular calendar year may be of crimes that occurred in previous years.

In certain situations, for reasons beyond the control of the police, it is not possible to arrest, charge, or refer cases for prosecution. When this occurs, crimes can be *exceptionally* cleared. Examples of exceptional clearances include the death of the offender, the victim’s refusal to cooperate with the prosecution after the offender has been identified, or the denial of extradition because the offender committed a crime in another jurisdiction and is being prosecuted for that offense. Sometimes the clearance of crimes through exceptional means is controversial.⁴

claim to have been robbed? In one notable case, an employee of a tire store stole cash from the store, buried the cash in a jar in his backyard, then returned to the store and hit himself over the head with a tire iron. Other employees discovered the man on the floor, lying unconscious in a pool of blood, and reported a robbery to the police. After the detectives asked some questions of the “victim,” the true nature of the crime became apparent. If investigators do not question the true nature or the circumstances of the crime, serious problems can result.

After verifying that a crime occurred, investigators must then identify who committed the crime and, finally, the perpetrator must be apprehended. To identify the perpetrator is to know with some degree of certainty who committed the crime. To apprehend the perpetrator is to arrest the perpetrator (based on probable cause; see Chapter 3). After the occurrence and nature of the crime have been verified and the individual believed to be responsible for committing the crime has been identified and apprehended, the crime can be said to be solved.

A second goal often associated with the criminal investigation process is obtaining a conviction in court. The police are responsible for collecting the evidence that establishes that a crime occurred and that the person who was arrested actually committed the crime. The prosecutor may then present the evidence collected by the police in court to prove beyond a reasonable doubt to a jury or judge that the defendant is guilty. In this sense the police and prosecutor are on the same team, working toward the same end. Solving the crime and convicting the defendant are separate but related outcomes. A crime can be solved without a conviction being obtained.

The third goal associated with criminal investigation is victim satisfaction. This outcome has taken on greater importance during the last few decades with the community policing philosophy. The idea is that citizen (victim) satisfaction is a good thing and something about which the police should be directly concerned. After all, citizens provide the resources (e.g., pay taxes, provide information) necessary for the police to operate.

The ultimate goal of the criminal investigation process is a reduction in crime through either deterrence or incapacitation. To *deter* an individual from engaging in crime, punishment must be administered either to that individual or to someone of whom he or she is aware. Before punishment can be administered to a person, that person must be identified and apprehended. Similarly, before an individual can be *incapacitated* (by placement in prison or otherwise) and therefore not able to commit future crimes, that individual must be identified and apprehended. Although deterrence and incapacitation are not within the complete control of the police, the police provide a critical ingredient in their achievement.

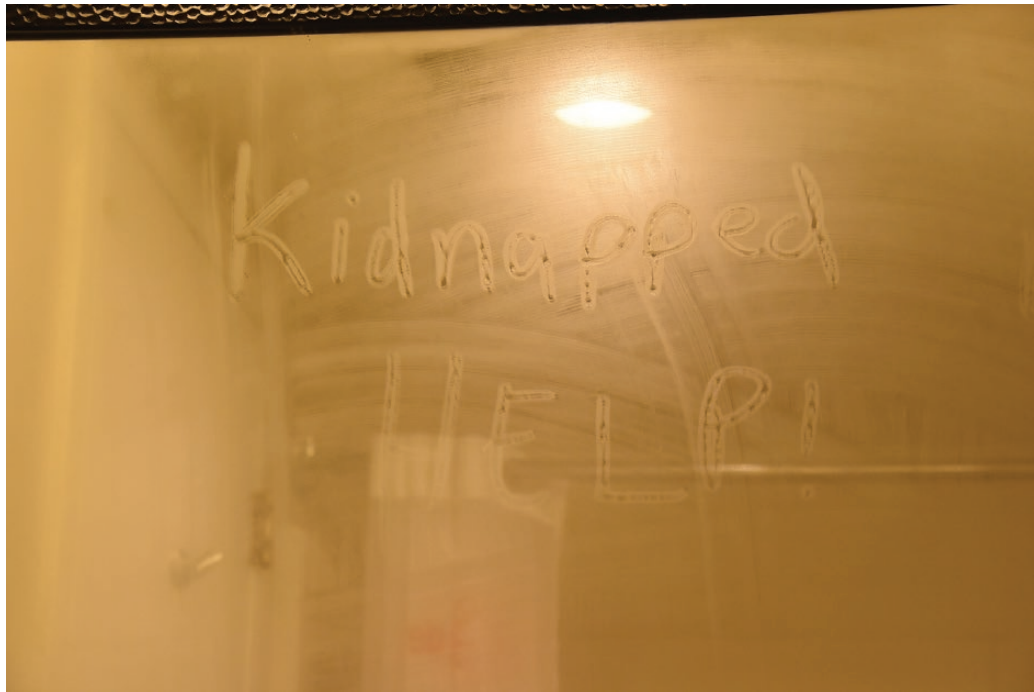


Photo 1.4

After taking a shower at a motel, a guest discovered this message written on the mirror and contacted the police. After locating and interviewing the previous guest who had stayed in that room and the cleaning personnel at the motel, the police determined it was a false claim and a crime had not occurred.



MYTHS AND MISCONCEPTIONS 1.1

“Crime Time” Television

There is something compelling about the drama of criminal investigation. Over the years a multitude of television shows have cast light on detectives and criminal investigations. Some of the most popular shows have included *Starsky and Hutch*, *Miami Vice*, *Hawaii 5-0*, *Dragnet*, *Police Squad*, *Streets of San Francisco*, *Columbo*, and *Kojack*. Recent shows have included *Bosch*, *Blue Bloods*, *Chicago PD*, *Cold Case*, the various iterations of *CSI* and *Law and Order*, and, of course, *NCIS* and *Criminal Minds*. Although “crime time” television is entertaining, it is not real. The following are five things about such television shows that distort the true nature of criminal investigations:

- The perpetrators are smart, but the investigators are even smarter. No matter how complex the crime on many of these shows, it is solved and often solved quickly. All evidence is relevant to the investigation, and all evidence proves the suspect’s guilt. There are usually no dead ends in television investigations.
- The characters on the shows are often responsible for all facets of criminal investigations. The people who interrogate suspects also process crime scenes and analyze the evidence collected from crime scenes. Sometimes they even assist with autopsies. Interestingly though, patrol officers seldom have any investigative responsibilities.
- Forensic evidence always plays a role—and usually the most important role—in identifying the perpetrator and solving the crime. The most valuable of clues come from the most unusual evidence, from dandruff to bird eggshells.
- Crime solving depends mostly on futuristic equipment and technology. The results of scientific tests on forensic evidence are obtained within minutes of when the evidence was first collected, and the results are always clear.
- The police buildings, offices, and other equipment are state of the art. All the investigators are attractive and engaging. The perpetrators and victims are often equally attractive and sexy.

TYPES OF CRIMINAL INVESTIGATIONS

Criminal investigations can be either reactive or proactive. Reactive investigations are the traditional manner in which police become involved in the investigation of crime. The crime occurs and then police respond or react to the crime. The police are typically in reactive mode when investigating crimes such as homicide, robbery, rape, and so forth.

REACTIVE INVESTIGATIONS

There are four stages to reactive investigations: (1) the discovery of the crime and the police response, (2) the preliminary or initial investigation, (3) the follow-up investigation, and (4) closure. With regard to the first stage, in the vast majority of cases the victim contacts the police and a patrol officer is dispatched to the crime scene. In the more serious cases, such as bank robberies or homicides, detectives and/or crime scene technicians may also respond to the scene and conduct investigative activities.

Second, the preliminary investigation is conducted. This investigation consists of the immediate activities of the investigators who arrive at the crime scene. The specific activities investigators perform are largely a function of the particular case at hand. All the information collected as the result of a preliminary investigation is recorded in an initial investigative report and other related reports.

If a perpetrator is not arrested during the initial investigation, the case may be selected for a follow-up investigation through a process of **case screening**. The screening decision is usually made by a supervisor and is based on two major elements: (1) the seriousness of the crime (based on factors such as the amount of property loss or the extent of victim injury) and (2) the evidence available as documented in the initial investigation report. Evidence is sometimes referred to as **solvability factors**.

Solvability factors are key pieces of crime-related information that, if present, increase the probability the crime will be solved. They are leads that could be followed. If a case is selected for a follow-up investigation, then the investigators assigned to the case must decide what activities to perform. Depending on the particular case, the follow-up investigation may involve searching for more information and/or following up on information already developed. The victim may be contacted again and asked additional questions, surveillance video of the crime may be searched for and reviewed, vehicle records may be checked, forensic evidence may be submitted to the laboratory, or suspects may be questioned, among many other possible activities. The information collected as a result of these activities is recorded in follow-up investigative reports.

Finally, at any time during the investigative process the case may be closed and investigative activities terminated. For instance, the case could be closed because of a lack of leads or because the perpetrator has been identified and apprehended. In the latter situation, the crime would be considered cleared by arrest (solved) and primary responsibility for the case would shift from

Case screening:

The process of selecting cases for a follow-up investigation; usually based on seriousness of the crime and solvability factors.

Solvability

factors: Key pieces of evidence that enhance the likelihood a crime will be solved.



MYTHS AND MISCONCEPTIONS 1.2

The Role of Patrol Officers in Solving Crimes

Often much is made of detectives being the ones responsible for solving crimes and patrol officers being responsible for the countless other tasks of policing—everything from dealing with barking dogs to domestic violence incidents. However, it would be a serious error to minimize the importance and contribution of patrol officers in solving crimes. The activities of patrol officers during an initial investigation are critical to the overall

likelihood of the crime being solved. Studies have shown that (1) about 20 percent of crimes that are solved are the result of an arrest made during the initial investigation and (2) the overwhelming majority of other crimes that are solved are solved because of information discovered by patrol officers during initial investigations. Patrol officers are definitely not just report takers; they play an important role in criminal investigations.

the police department to the prosecutor's office. However, the detectives assigned to the case could still have the responsibility of assisting the prosecutor in preparing the case for prosecution.

UNDERCOVER INVESTIGATIONS

Proactive strategies, which are often covert or undercover, usually involve the police initiating investigative activities prior to the occurrence of a crime. Undercover strategies may be controversial, but they are necessary to effectively combat certain crimes, especially prostitution, drug dealing, and drug trafficking. Covert strategies include stings, decoys, undercover fencing operations, stakeouts, and surveillance. Briefly, a **sting operation** usually involves an investigator posing as someone who wishes to buy or sell some illicit goods (such as drugs or sex) or to execute some other sort of illicit transaction. Once a seller or buyer is identified and the particulars of the illicit transaction are determined, police officers waiting nearby can make an arrest. Undercover drug stings are sometimes referred to as buy-bust operations, in which an arrest is made after drugs are bought or sold. In a variation of this strategy, in one instance U.S. Immigration and Customs Enforcement (ICE) agents set up and advertised a fake university in Michigan to draw in foreign nationals who wished to fraudulently stay in the United States as full-time students. Enrollment in the university allowed the "students" to obtain student visas and continue to live and work in the country. As a result of the operation, dozens of people were arrested on immigration violations and deported.⁵

In a **decoy operation**, an undercover police officer attempts to attract crime by presenting the opportunity to an offender to commit it (e.g., by leaving a bait car running while parked on the street). Once the crime has been attempted, officers who are standing by can make an arrest of the would-be perpetrator. The investigation into the Internet solicitation of minors for illicit sexual encounters is an example of this strategy. In this case an investigator poses as a minor on the Internet or via a social media site. If a sexually oriented conversation develops and arrangements are made by the offender to meet with the "minor" for purposes of sexual relations, an arrest can be made when that meeting occurs.

An **undercover fencing operation** is another type of undercover investigative strategy. A fence is an illegal business that buys and sells property that is known to be stolen. When the police go undercover and establish a fencing operation, word gets out that there is someone who is willing to buy stolen goods. The police make purchases, track the origins of the merchandise, and then make arrests. Other covert methods include **surveillance** and **stakeouts**. Surveillance usually involves watching a person to monitor his or her activities. Stakeouts most often involve watching a place and monitoring activities at that place.

When discussing undercover strategies, it is necessary to mention the issue of **entrapment**. Entrapment occurs "when a law enforcement officer induces an otherwise innocent person to commit a crime."⁶ Entrapment is a defense to a crime. In essence, the police can provide an opportunity for a person to commit a crime but cannot compel or induce a person to commit a crime if he or she is not previously predisposed to doing so. The offender's predisposition to committing the crime is critical. For example, in an undercover drug buy-bust operation, the undercover officer will usually make several buys from the dealer before making an arrest. Multiple buys help establish predisposition.

Sting operation:

A police strategy in which undercover police attempt to buy or sell illicit goods.

Decoy operation:

A police strategy in which undercover police attempt to attract criminal behavior.

Undercover fencing operation:

A police strategy in which undercover police buy or sell stolen property.

Surveillance:

An operation that involves the police monitoring the activities of a person.

Stakeouts:

Operations that involve the police watching a particular place.

Entrapment:

Occurs when the police induce or compel a person to commit a crime when that person is not predisposed to committing the crime.



MYTHS AND MISCONCEPTIONS 1.3

"Are You a Police Officer?"

"Are you a police officer?" and "You're not a police officer, are you?" are probably the two most common questions asked of undercover officers by would-be offenders—or at least by *inexperienced* would-be

offenders. This is not an effective way to identify a police officer. The police can legally lie and state that they are not police officers when in fact they are.

PERSPECTIVES ON THE CRIMINAL INVESTIGATION PROCESS

The criminal investigation process can be thought of as a battle, as a puzzle, as a game, or as a maze. Each perspective is briefly discussed here.

CRIMINAL INVESTIGATION AS A BATTLE

A criminal investigation can be thought of as a battle between the police and perpetrator over crime-related information (evidence). This perspective relates to **information theory**.⁷

According to information theory, the source of all evidence is the perpetrator. In committing a crime, the perpetrator creates information that the police discover and collect through investigative activities. For example, the perpetrator may leave fingerprints at the crime scene, or the perpetrator may be seen by a witness committing the crime. If the perpetrator is able to minimize the amount of information available for the police to collect, or if the police do not find the evidence, then the perpetrator will not be identified or apprehended. In this case the perpetrator wins the battle. On the other hand, if the police are able to collect enough “signals” from the perpetrator, then the perpetrator will be identified and apprehended and the police win.

Consider information theory in relation to the sniper case discussed in the introduction to this chapter. During and after the shootings, the perpetrators created information: the witness description of the vehicle they used, the phone call to the priest referring to their previous crime in Alabama, and the note left at the crime scene that identified the stolen credit card. Some of this information eventually helped lead to their identification and apprehension.

The case of the BTK killer (bind, torture, kill) provides another example of how the actions of the perpetrator can lead to information being produced and to his or her apprehension (see Case in Point 1.1).

CRIMINAL INVESTIGATION AS A GAME

Another way of thinking about a criminal investigation is that it resembles a game—albeit a very serious one. In a criminal investigation, as in a game, offense and defense are important. The police are usually in reactive (defensive) mode, trying to “catch” the perpetrator, but strategic actions (offense), such as conducting well-executed interrogations, are critical as well. As in a game, mistakes are important. Evidence often comes to light because the culprit made a mistake. The police must capitalize on these mistakes and collect the corresponding evidence. On the other hand, sometimes evidence is missed because the *police* make mistakes. One could question whether the Beltway snipers would have been identified sooner if the police had not mistakenly focused so heavily on the white van, or if the snipers would have been identified at all if not for the communications they made to the police.

Information theory: The idea that the criminal investigation process is a battle between the police and the perpetrator over evidence of the crime.



CASE IN POINT 1.1

BTK and the Computer Disk

Between 1974 and 1991, a serial killer murdered ten people in Wichita, Kansas. The police had few good leads; the killer was careful and did not leave much evidence at the crime scenes. However, over the years the perpetrator sent a series of anonymous letters to the police and media outlets taunting the police about his crimes. Some of the letters contained jewelry taken from the victims. To make it more difficult to trace the source of the letters, the killer sent copies of copies. However, the last letter the killer sent was on a computer disk,

which turned out to be his big mistake. Through forensic computer analysis, investigators were able to trace the disk to a computer purchased by a church in Wichita. Investigators visited the church and found that a man by the name of Dennis Rader, the church council president, used that computer. Upon searching Rader’s church office, investigators found the original letters that were sent to the police and media. Rader was arrested on February 25, 2005. He pled guilty to ten homicides and was sentenced to life in prison.



Photo 1.5

In criminal investigations the source of all evidence is the perpetrator and the basic task of investigators is to find that evidence. Here, investigators working a burglary located the perpetrator's fingerprints on a piggy bank.

cases at the same time are working on many such puzzles. Investigators have a lot to keep track of and remember.

CRIMINAL INVESTIGATION AS A MAZE

A criminal investigation can be thought of as a maze. At the beginning of the maze is often a crime scene; at the end is the perpetrator. Some mazes are relatively easy to navigate; some are much more difficult or even impossible. Some can be figured out quickly; others may take weeks, months, or years, or may never be completed. Because investigators are responsible for working on many investigation mazes, those that remain unsolved may have to be put aside so that others can be worked and hopefully solved.



Photo 1.6

Criminal investigations can be thought of as puzzles in which evidence makes up the pieces.

CRIMINAL INVESTIGATION AS A PUZZLE

Sometimes a criminal investigation resembles a picture puzzle. Sometimes this puzzle has just a few pieces; other times it has many pieces. But criminal investigation puzzles are unique in several ways: (1) The final picture to be created is unknown, (2) some pieces of the puzzle are missing, (3) the puzzle pieces have to be located, and (4) some pieces are not really part of the puzzle. The puzzle pieces are information; some are relevant and some are not. If enough of the puzzle pieces are put together, the perpetrator will be identified and apprehended. In most criminal investigation puzzles, some pieces are never found, leaving questions about exactly what happened and how. Complicating matters further is that investigators dealing with numerous

In some crimes most or all of the information collected in the investigation “leads” investigators through the maze directly to a particular suspect. In this type of investigation there are few dead ends encountered in the maze. The identification and apprehension of Timothy McVeigh is a good example of such a case (see Case in Point 1.2). In other instances, such as in the Beltway sniper case, investigators encounter numerous dead ends but are still able to eventually identify the perpetrator(s). And in yet another type of investigation, investigators may have no leads or the leads they have *all* result in dead ends. These mazes usually remain unsolved unless something extraordinary occurs that allows the perpetrator to be identified.

A large majority of the cases discussed in this book are ones that have been solved, simply because police departments are often not willing or able to divulge details about



CASE IN POINT 1.2

The Role of Luck and Discovery in Investigations: The Identification and Apprehension of Timothy McVeigh

It is common to hear discussions about the role of luck and good fortune in solving crimes, and comments are sometimes made that imply good luck somehow diminishes the efforts of investigators in solving crimes (e.g., “Detectives got lucky in solving that case”). The fact of the matter is that good luck should not diminish the work of investigators or the quality of effort put forth during an investigation. Happy accidents and good fortune are natural ingredients not only in many solved crimes but also in many other discoveries and breakthroughs. As discussed here, a combination of good luck and thorough investigation led to the identification of Timothy McVeigh, the man responsible for bombing the Murrah Federal Building in Oklahoma City in 1995.

On April 19, 1995, at 9:02 a.m., a bomb made of nearly 5,000 pounds of fertilizer and diesel fuel exploded in front of the Alfred P. Murrah Federal Building in Oklahoma City. The explosion killed 168 people and injured 700. The bomb was so powerful that it completely destroyed or damaged more than 300 buildings and eighty cars in a sixteen-block area. The blast could be felt and heard fifty-five miles away. Three hours after the explosion, investigators from the FBI located a Ryder truck axle approximately 575 feet from the scene of the blast. It was assumed that for this 250-pound mangled piece of steel to be blown such a distance, it had to have been at the center, or close to the center, of the explosion. Indeed, seconds before the explosion, a nearby security camera had filmed a Ryder truck in front of the Murrah building.

Upon examination of the axle, a vehicle identification number (VIN) was discovered. Through a check of a vehicle registration database, the truck to which the axle belonged was traced to Elliot’s Body Shop in Junction City, Kansas. Wasting no time, investigators went to Elliot’s and learned that the truck was currently rented to an individual named Robert Kling. They got



Photo 1.7

In reviewing surveillance video after the Oklahoma City bombing, investigators observed a Ryder truck that appeared in front of the building shortly before the explosion. This discovery ultimately led to the identification of Timothy McVeigh as the perpetrator.

a description and composite sketch of Kling from the people who worked at the shop. When investigators showed the sketch to people in Junction City, several individuals recognized the man, but the only person with further useful information about him was the manager of a local motel, who recognized him as a former guest. His name was not Robert Kling, she told investigators, it was Timothy McVeigh—or at least that was the name he used to register at the motel. With this name in hand, investigators checked a national criminal records database and learned that McVeigh had been arrested two days earlier by a Oklahoma state trooper for driving without a license plate on his vehicle and for carrying a loaded handgun. The news got even better: McVeigh was still in jail awaiting a bail hearing for these offenses. A federal agent called the sheriff with an order to hold McVeigh for suspicion of bombing the federal building. Authorities had their culprit just forty-nine hours after the bomb exploded. If the agent had waited another hour, McVeigh would have been free on bail and no longer in police custody.⁸

unsolved cases. However, the reality is that most crimes are not solved, in spite of investigators' best efforts (see Figure 1.3). Just as being unable to solve a maze may be frustrating, so too is being unable to solve a crime. This book discusses a few cases where investigators worked hard to develop information but to no avail. The case presented in the appendix is an example of such a case. Fortunately, due to an extraordinary event, the perpetrator of the crime was still identified and apprehended.

MENTAL MISTAKES IN CRIMINAL INVESTIGATIONS

Because many decisions and judgments need to be made in investigations, many opportunities exist for investigators to make mental mistakes.⁹ These mistakes usually relate to how investigators consider information and how conclusions are drawn from the information. One mistake can lead to another and they can “snowball,” or increase in strength and consequence, throughout an investigation. The consequences of mental mistakes can be serious—an unsolved crime, a wrongful arrest, or even a wrongful conviction.

One mental mistake investigators may fall prey to is **probability error**,¹⁰ which involves the improper attribution of coincidences as actual evidence. Coincidences are random occurrences or events that are not connected to each other. It must be recognized that, even if unlikely, coincidences *do* happen. Sometimes coincidences actually relate to the crime and thus constitute evidence, but often they do not. For examples of coincidence, consider again the Beltway sniper case. Recall that two subjects driving a white van were apprehended by the police near the pay phone used by the perpetrators, but these two subjects did not turn out to be the snipers. Also, white box trucks were frequently seen by witnesses at the crime scenes, which turned out to be a coincidence as well. This information was treated by investigators as evidence that the perpetrators were operating such a truck when in fact they were not.

In another case, a white female victim reported to the police that she had been sexually assaulted and described the assailant as an African American male. She told the police that one of the things he said during the attack was that he “had a white woman at home.” Police discovered that in the victim’s apartment complex there was a Black man who lived with his white girlfriend; this individual immediately became the prime (and only) suspect in the case. The victim subsequently identified this man as the attacker in a photo array and then again in a live lineup. Only one big problem: DNA later proved that he was not the rapist. That this person lived in the same apartment complex as the victim and had a white girlfriend were simply meaningless coincidences. Clearly, falsely treating coincidence as evidence can cause major problems in investigations.

Another mental error is **tunnel vision**, or a narrow focus on a particular person or range of alternatives. Most often tunnel vision occurs when investigators focus solely on a particular person as the suspect and fail to consider other possibilities or suspects as a result. Clearly this was the case with the rape investigation and the investigative focus on the African American neighbor. Arguably, in this case, as soon as the police learned there was a Black man who lived with a white woman in the victim’s apartment complex and all attention focused on this man, the investigation was doomed to fail. Tunnel vision was also clearly present in the sniper investigation with the investigative focus on the white box truck.

Confirmation bias is another serious mental error that can occur in criminal investigations and is similar to tunnel vision.¹¹ Confirmation bias refers to the tendency of people to pay the most attention to information that confirms what they already believe to be true and ignore other evidence and possibilities.¹² As has been stated, “Man prefers to believe what he prefers to be true.”¹³ In the rape case discussed above, early in the investigation detectives learned of another African American male in the community who had just been released from prison for the attempted sexual assault of a white female. Witnesses also reported to the police that they had seen this person in the area at about the time the assault took place. The police ignored this evidence, however, because they thought they already had the culprit. In the sniper case, investigators received information about the perpetrators getting away in a dark-colored Chevy Caprice but ignored it due to their belief that the perpetrators were using a white box truck. Confirmation bias can also affect the activities that investigators perform. It may help account for why evidence that would tend to prove a suspect innocent would be ignored, deemed irrelevant, not searched for in the first place, and/or not documented.

Another mental mistake relates to the difficulty in changing one’s theory about a crime and who committed it, even in the face of mounting contradictory evidence. This is called an

Probability error:

The possibility that coincidences are considered to be actual evidence.

Tunnel vision:

When an investigator exclusively focuses on a particular person or range of alternatives and excludes other possibilities.

Confirmation bias: The tendency to pay attention only to evidence that supports already-existing beliefs.

Immovable mindset:

The difficulty in changing one’s theory about a crime and who committed it, even in the face of mounting contradictory evidence.



Photo 1.8

When investigators conducted a search of a suspect's home in a murder investigation, they located a collection of murder novels.



Photo 1.9

During the same search, investigators also found bleach.



Photo 1.10

Investigators also located a knife under the suspect's bed. As it turned out, the man had nothing to do with the murder. That the suspect had these items was simply a coincidence; these items were not evidence.

immovable mindset. Once a crime is “understood,” it is very difficult to consider other possibilities—to change the line of reasoning and the course of action. As seen in the rape investigation example, once the police believed they had the rapist, almost nothing was going to change their minds. Changing their minds would have required admitting mistakes and starting over. Investigators have to protect against involving their egos in theories about a case and understand that the time and effort devoted to a case can lead to a mindset that is difficult to change.

Overconfidence bias is another mental mistake.¹⁴ Overconfidence bias refers to the tendency of people to overestimate their abilities, knowledge, and talents. Clearly in the rape case discussed here, investigators were (over)confident that they had identified the actual perpetrator.

A final mental mistake is **groupthink**.¹⁵ Groupthink can worsen the effects of each of the previously discussed errors. Groupthink is a phenomenon whereby people in a group tend to interpret ideas and theories similarly and draw similar conclusions. In general, people in a cohesive group, especially when under time pressure, do not like to challenge the prevailing thought at the risk of being viewed as wrong or as not a team player. When everyone investigating a case avoids challenging or thinking critically about the dominant theory, especially early on in an investigation, bad outcomes may result.

Although not a mental error per se, another common potential pitfall involves investigators putting too much trust in potentially unreliable evidence. In the rape investigation, this evidence was the victim's identification of the wrong person. In the sniper case, it was witness sightings of white vans or box trucks after the shootings. There are countless examples of investigations gone astray as a result of inaccurate eyewitness identifications. Indeed, while eyewitness identifications are among the most persuasive forms of evidence, they are often inaccurate, especially when improper procedures are used to collect the evidence.

To avoid these errors and pitfalls, investigators must first realize that these phenomena exist. They must keep an open mind about the possibilities of the crime and who committed it, avoid getting personally invested in a particular theory about the crime, and be receptive to competing ideas and evidence.

QUALITIES AND CHARACTERISTICS OF INVESTIGATORS

Not only is it important for investigators to avoid mental mistakes in investigations, it is also necessary that investigators have certain qualities. The qualities that have been identified as most important include good judgment, stability, stamina, persistence, intelligence, initiative, ability to work on a team, involvement, dedication, and creativity.¹⁶ Investigators should have common sense and be able to think through a problem to its solution. In addition, motivation is widely perceived as one of the most crucial traits for effective investigators. This is in part because of the autonomy, or freedom, investigators often enjoy in performing their work. Investigators are usually not closely supervised. Integrity is also a critical quality. Cases can be lost when defense attorneys attack the honesty and integrity of investigators. Identifying the desirable qualities of investigators is a first step—the easy step. The challenge is to develop valid and reliable measures of these qualities in order to make appropriate and well-justified job selection decisions.

In addition to these personal qualities and traits, investigators should have a wide range of previous experience in law enforcement, solid street knowledge (i.e., knowledge of real-life criminal behavior), knowledge of the law, and excellent oral and written communication skills and reading comprehension skills.¹⁷ The ability to read and write effectively is critical given the importance of reports in the investigative process (see Chapter 3).

Similarly, much of investigators' time is spent interviewing victims, witnesses, and suspects, all of whom are important sources of information about a crime and who committed it. Consequently, effective oral communication and human relations skills are important in being able to obtain information from people. Training may be used to develop or refine these skills among investigators. Training in these and other areas, such as forensic procedures, courtroom testimony, and legal updates, may be beneficial in conducting competent investigations.

Overconfidence bias: The tendency to overestimate one's abilities, knowledge, and talents.

Groupthink: A phenomenon whereby people in a group tend to interpret ideas and theories similarly and draw similar conclusions.

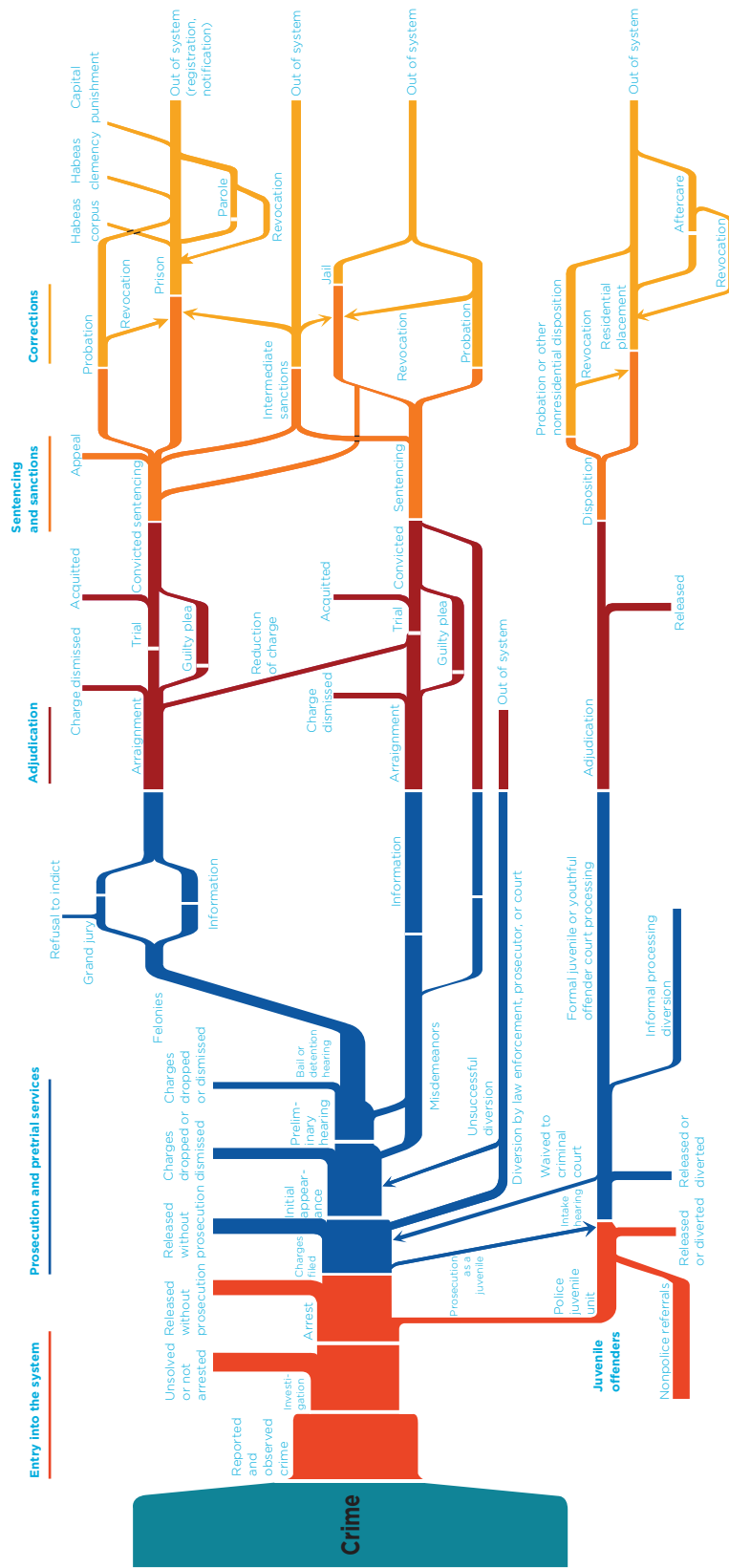
CRIMINAL INVESTIGATION AND THE CRIMINAL JUSTICE SYSTEM

The criminal justice system consists of three components: police, courts, and corrections. By most accounts, the primary goal of the criminal justice system is to reduce crime, and this is accomplished through the deterrence or incapacitation of offenders. To reach this goal, each component of the criminal justice system has a specialized function: The corrections component is supposed to maintain custody and control over offenders and to punish or reform them, courts adjudicate the accused, and the police are supposed to identify and apprehend the criminals. Sound familiar? Sounds like criminal investigation.

It is also important to take note of where the criminal investigation process falls within the criminal justice process. As seen in Figure 1.1, investigation is the second stage of the overall process.

FIGURE 1.1
Sequence of Events in the Criminal Justice Process

What is the sequence of events in the criminal justice system?



SOURCE: Adapted from The challenge of crime in a free society. Presidents Commission on Law Enforcement and Administration of Justice 1967. This revision, a result of the Symposium on the 30th Anniversary of the President's Commission, was prepared by the Bureau of Justice Statistics in 1997.

NOTE: This chart gives a simplified view of case flow through the criminal justice system. Procedures vary among jurisdictions. The weights of the lines are not intended to show actual size of caseloads.

This is significant. If a criminal investigation is not successful (in this instance, if the perpetrator is not identified and apprehended), the rest of the criminal justice process is completely irrelevant. If the police are not able to identify and apprehend perpetrators, then the courts cannot adjudicate, nor can corrections punish. Criminals will not be deterred or incapacitated, and the amount of crime will not be reduced. Criminal investigation plays an essential and central role in the operation of the criminal justice process.

The criminal justice system can also be described as a filter or a funnel from which offenders (or cases) drop out as they progress through the system. Most relevant here are the cases that drop out because (1) they are not reported to the police and (2) they are not solved by the police.

As seen in Figure 1.2, the percentage of crimes reported to the police ranges from 29 percent for theft to 69 percent for motor vehicle thefts.

So why are many crimes not reported to the police? There are many possible reasons, including fear of reprisal, not wanting to get the offender in trouble, believing that police would not or could not do anything to help, or believing the crime to be too personal or too trivial to report.¹⁸

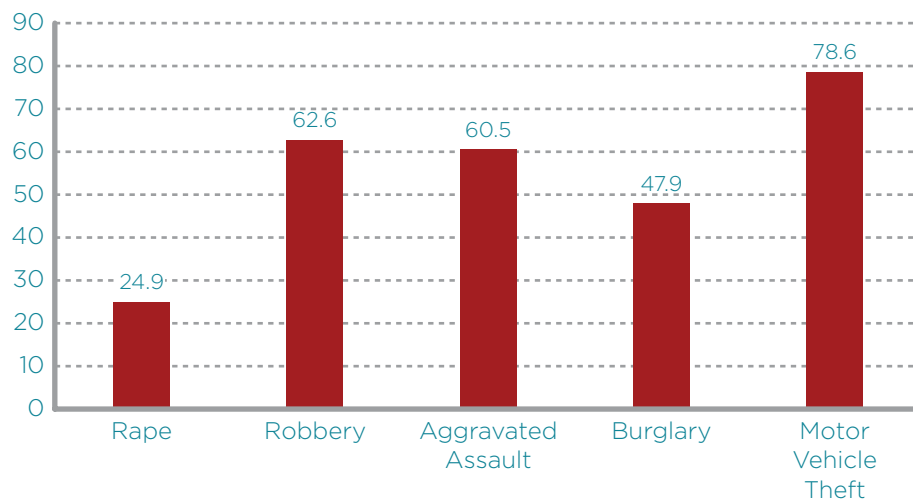
Many crimes, once reported, are not solved or cleared by arrest. Significant variation exists in the success of the police in solving crimes. On the high end are murders, with approximately 62 percent solved; on the low end are burglaries, with less than 14 percent solved (see Figure 1.3).

So why do law enforcement agencies not solve a greater proportion of crimes? This is a fundamental and important question explored throughout this book. There are likely a multitude of factors that explain police success (or lack thereof) in this regard. First and foremost may simply be the nature and structure of the crimes and how the police typically respond to them. The police are primarily reactive. Usually it is only after a crime is committed that the police take action, and, as such, the police are always trying to catch up to the culprit. In addition, given the structure of crimes, the necessary evidence to solve the crime may simply not exist. For example, given the way burglaries are typically committed and the fact that there is usually no significant evidence associated with them, it is difficult to solve such crimes. On the other hand, in crimes such as homicide or assault there are often witnesses. Furthermore, the perpetrator is usually someone known to the victim. These characteristics of the crime lead to a higher rate of solvability.

Another factor that may help explain the limited success of the police in solving crimes is that the police have to follow laws when collecting evidence. Perhaps the police would be more effective in solving crimes if the law did not prohibit them from arresting and interrogating citizens without reason or without limitations. As a society, we value our individual freedoms from government intrusion, but we must realize that this has costs.

FIGURE 1.2

Percentage of Crimes Reported to the Police, 2018

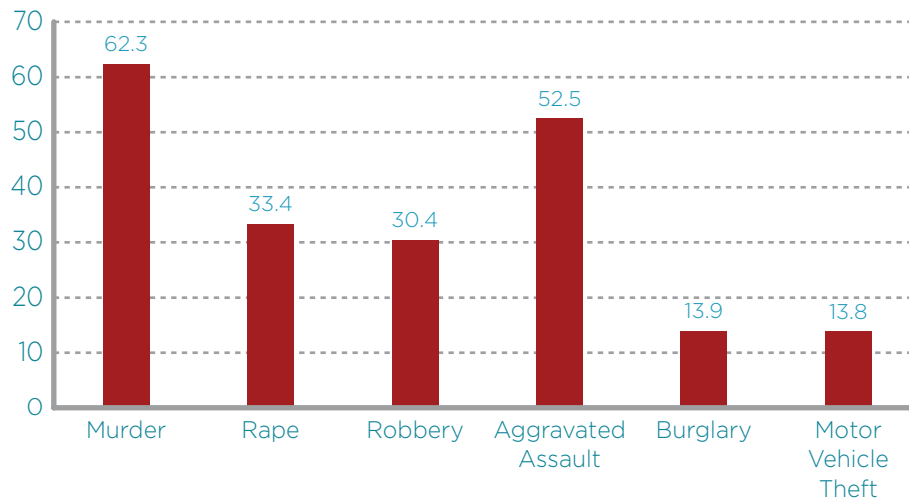


SOURCE: Rachel E. Morgan and Barbara Oudekerk, "Criminal Victimization, 2018," Bureau of Justice Statistics, 2019, <https://www.bjs.gov/content/pub/pdf/cv18.pdf>.

NOTE: Most recent data available at the time of publication.

FIGURE 1.3

Percentage of Crimes Cleared by Arrest, 2018



SOURCE: Federal Bureau of Investigation, “2018 Crime in the United States: Clearances,” <https://ucr.fbi.gov/crime-in-the-u.s/2018/crime-in-the-u.s.-2018/topic-pages/clearances>.

NOTE: Most recent data available at the time of publication.

A third important factor may be that the police operate with limited resources, such as time and money. With limited person power, many crimes simply cannot be investigated as thoroughly as they could be. With increased funding for more investigators and equipment, a greater number of crimes might be solved.

Finally, investigator mistakes may lead to offenders not being arrested. Investigators may overlook critical evidence, succumb to mental errors, or engage in questionable procedures in collecting evidence, such as conducting unlawful searches or mishandling forensic evidence. Although all of these factors may help explain why more crimes are not solved, probably the most significant explanation lies in the structure of most crimes. The police simply are at a disadvantage because of the manner in which they typically become involved in investigations.

Main Points

1. Criminal investigation is the process of collecting crime-related information to reach certain goals: identifying the perpetrator, apprehending the perpetrator, providing evidence to support a conviction in court, and satisfying crime victims.
2. Criminal evidence is crime-related information. It is what is obtained as a result of investigative activities. It is used to establish that a crime occurred and that a particular person committed the crime.
3. Three problems associated with evidence in investigations are that (1) it may be unknown whether the evidence collected is relevant to the investigation, (2) the evidence may not be accurate, and (3) there may be a lot of evidence to consider.
4. Forensic science broadly refers to the field of science that addresses legal questions.
5. Criminal investigations can be either reactive or proactive.
6. The reactive criminal investigation process can be defined in terms of four stages: (1) initial discovery of the crime, (2) the preliminary or initial investigation, (3) the follow-up investigation, and (4) closure. The case screening process determines which cases receive a follow-up investigation.
7. Undercover investigations involve the use of various strategies, including stings, decoys, fencing operations, stakeouts, and surveillance. The use of undercover strategies is sometimes controversial because of the possibility of entrapment.

8. A criminal investigation can be thought of as a battle over crime-related information, as a game, as a puzzle, or as a maze.
9. Chance, accident, and luck can play an important role in criminal investigations, just as they do in other discoveries.
10. Investigators must be aware of and protect against mental errors or pitfalls when conducting investigations.
11. Criminal investigation plays a critical role in the criminal justice process. If a criminal investigation is not successful—that is, if the perpetrator is not identified and apprehended—the rest of the criminal justice process is irrelevant.
12. Many crimes, once reported, are not solved by the police. There is significant variation in the success of the police in solving specific types of crimes. On the high end of solved crimes are murders; on the low end are motor vehicle thefts and burglaries.
13. There are many reasons why more crimes are not solved by the police, including the nature and structure of crimes, that the police are typically acting in a reactive fashion, that the police have to follow legal rules, that police have limited resources, and that police may make mistakes.

Important Terms

Case screening (p. 9)
 Confirmation bias (p. 14)
 Criminal evidence (p. 5)
 Criminal investigation (p. 5)
 Decoy operation (p. 10)
 Entrapment (p. 10)
 Forensic science (p. 6)
 Groupthink (p. 16)
 Immovable mindset (p. 14)

Information theory (p. 11)
 Overconfidence bias (p. 16)
 Probability error (p. 14)
 Solvability factors (p. 9)
 Stakeouts (p. 10)
 Sting operation (p. 10)
 Surveillance (p. 10)
 Tunnel vision (p. 14)
 Undercover fencing operation (p. 10)

Questions for Discussion and Review

1. What is a criminal investigation? What are the goals of a criminal investigation?
2. What is criminal evidence? Why are criminal investigations and criminal evidence inseparable?
3. What are the three major problems with evidence in criminal investigations? How were these problems reflected in the sniper investigation discussed in the introduction to the chapter?
4. Explain the difference between reactive and proactive investigations.
5. What are the four stages of the reactive criminal investigation process?
6. What are the major types of undercover strategies?
7. What is information theory? How does it relate to the criminal investigation process?
8. What is the role of luck and discovery in criminal investigations? Explain the role of luck in solving the bombing of the Alfred P. Murrah Federal Building in Oklahoma City.
9. What are the mental errors that may occur in criminal investigations? Were any of these errors evident in the sniper investigation discussed in the introduction to the chapter? Explain.
10. To what extent are crimes solved? Why are more crimes not solved by the police?



Keystone-France/Getty Images

2

THE HISTORY OF CRIMINAL INVESTIGATION

From the Case File

The Fingerprints of Thomas Jennings¹

Just after 2:00 a.m. on September 19, 1910, Clarence Hiller, along with his wife and daughter, were asleep in their home at 1837 West 104th Street in Chicago when they awoke to sounds of what Mr. Hiller thought might be an intruder. Mr. Hiller got out of bed and confronted a stranger in the house. The two men struggled and proceeded to fall down a staircase. Several gunshots rang out. As the assailant got up and ran out of the house, Mr. Hiller lay at the bottom of the stairs, dying from gunshot wounds.

A few minutes later, and about a mile from the Hiller home, four off-duty policemen were waiting for a streetcar when they noticed a person who seemed suspicious. Upon questioning the man, they discovered that he was carrying a loaded pistol and had fresh bloodstains on his clothes. The officers arrested the man, who identified himself as Thomas Jennings. While at the police station, the officers were alerted to the murder of Clarence Hiller. Upon investigating the scene, police discovered that the cartridges found next to Hiller's body were the same type as those from Jennings' revolver. But the most incriminating evidence was the fingerprints left in wet paint on the staircase railing in the Hiller house—fingerprints that matched those of Jennings.

Objectives

After reading this chapter you will be able to:

- 2.1 Explain the role of informers, thief-takers, and thief-makers in England in the 1700s and 1800s and discuss how the problems associated with these individuals were addressed when designing the position of the detective.
- 2.2 Identify the tools and strategies of criminal investigations during the political era of American policing.
- 2.3 Explain the role of detectives during the reform era of American policing.
- 2.4 Discuss how community support and science has shaped criminal investigations during the community-problem solving era of American policing.

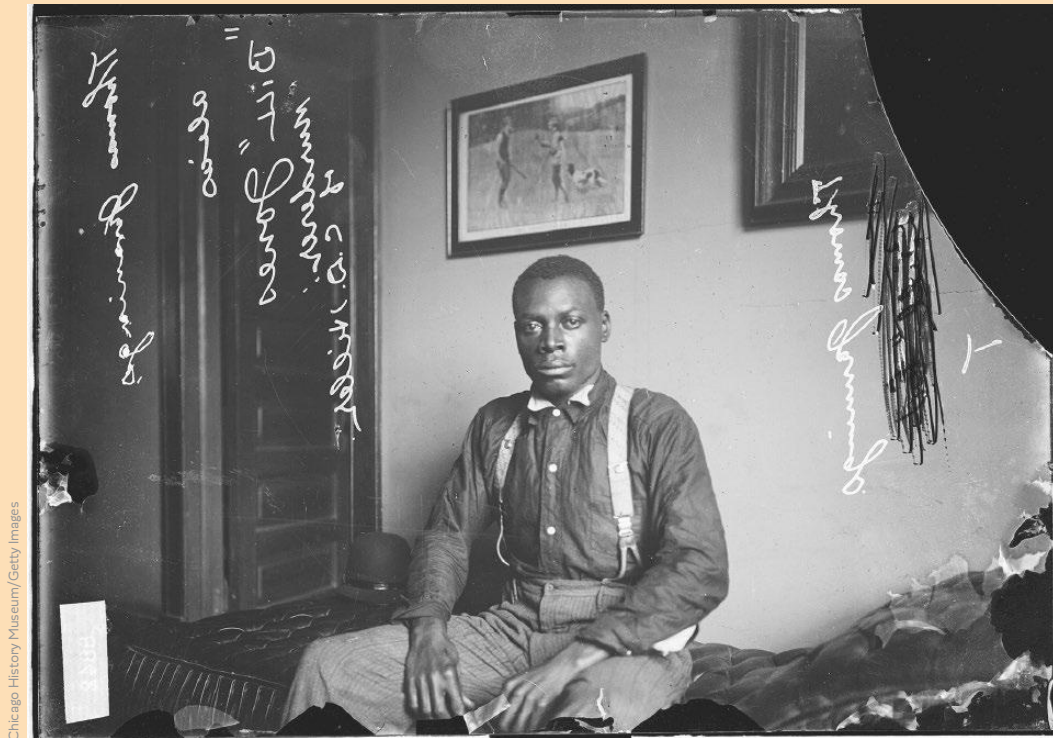


Photo 2.1

Thomas Jennings, accused of murdering Clarence Hiller, Chicago, Illinois, 1910.

On the basis of this evidence, on February 1, 1911, Thomas Jennings was convicted by a jury of the murder of Clarence Hiller and sentenced to death.

Little did Jennings know at the time that he would live on in infamy as being the first person in the United States to be convicted at trial on the basis of fingerprint evidence. Most likely he did not even realize that fingerprints were an emerging science at the time. He probably did not know that as far back as 1860, several British scientists, including Sir William James Herschel, had discovered that fingerprints were unique and did not change over time. Jennings also probably was not aware that in 1892 Sir Francis Galton wrote a book titled *Finger Prints* that proposed fingerprints as a basis for identification, and it was doubtful Jennings knew fingerprints were a much more effective method of identification than Bertillonage, the other system used at the time (and which we will discuss in this chapter). Finally, Jennings had probably never heard of Edward Henry, who wrote the book *Classification and Uses of Finger Prints* in 1900. Henry's work made the collection, classification, and identification of fingerprints relevant and useful in criminal investigations. It also led to the conviction of Thomas Jennings for murder.

Case Considerations and Points for Discussion

1. Today the characteristics and value of fingerprint evidence are commonly known and accepted. In the early 1900s they were not. Can you think of any other modern scientific advances in criminal investigations that can be compared to fingerprints in the early 1900s? Explain your answer.
2. Compare and contrast the benefits and limitations of fingerprints as a method of identification in the early 1900s with Bertillonage as it was used during the same period.

An understanding of history, and of the history of criminal investigations in particular, is important for at least four reasons. First, an understanding of history allows for an appreciation of how much or how little things have changed over time. Second, the present is a product of the past. To understand why things are the way they are today, we have to understand the past. Third, as the adage goes, those who do not remember the past are condemned to repeat it. To move forward, one must understand from where one has come. And finally, if history is cyclical, if it repeats itself, then we may be able to predict the future and prepare for it. It is with this knowledge that we turn to the history of criminal investigations.

THE EVOLUTION OF THE INVESTIGATIVE TASK: ENGLISH DEVELOPMENTS

Formal police departments were formed in the early 1800s in England. Soon after, the modern police detective was created. As discussed below, in designing the job of the police detective, the problems associated with the predecessors to the detective had to be addressed and public resistance to the idea had to be overcome.² The designers of the detective position took these issues into account when structuring the job.

INFORMERS AND PARLIAMENTARY REWARD

Parliamentary reward operated during the 1700s and early 1800s in England. With this system a reward was offered by the government to anyone who brought criminals to justice or provided information that led to the apprehension of criminals; the more serious the crime, the larger the reward. Although this system may sound like the historical equivalent of a modern-day tip line, there were major differences, one of which was the laws of the time. During the time of parliamentary reward, more than 200 offenses were punishable by death, including theft, vagrancy, forgery, and even cutting down a tree without permission. The methods of execution included hanging, burning, and drawing and quartering. Many referred to the laws of the time as the bloody code. Most people did not support the legal system or believe the legal code was just, so victims were often unlikely to pursue charges, witnesses frequently refused to testify, and juries were often not willing to convict. The public was sympathetic towards petty criminals who faced the possibility of execution.³ And by benefiting from providing information that led to the apprehension of petty criminals, informers were viewed with the same contempt as the legal system. **Informers** were not the answer—they were part of the problem.

THIEF-TAKERS

In the early 1800s, a **thief-taker** was a private citizen who was hired by a victim to recover stolen property or to apprehend the thief. The fee that the thief-taker charged was most often based on the value of the property recovered, and the thief-taker only received compensation when the property was returned. As such, thief-takers were not interested in spending time on crimes for which the property was not likely to be recovered or on thefts that involved small amounts of property.⁴ As a result, the thief-takers most often worked on behalf of the rich, not the poor. But there was an even more serious problem: Thief-takers often worked in cooperation with thieves. Some thief-takers even employed thieves.⁵ The thief would steal from the victim, the victim would hire a thief-taker, the thief would sell the property to the thief-taker, and the thief-taker would then “sell” the property back to the victim. Everyone prospered at the victim’s expense. The thief-taker arrangement was often a corrupt one.

THIEF-MAKERS

A **thief-maker** was an individual who tricked another person into committing a crime and then turned that person in for the parliamentary reward. Thief-makers were often thief-takers who resorted to deception, seduction, trickery, and entrapment to apprehend criminals and receive the monetary rewards.⁶ These people essentially created criminals for their personal benefit. Not surprisingly, the methods these individuals used were frequently viewed by citizens as outrageous and unacceptable.

Parliamentary reward: A system whereby a reward was offered by the government to anyone who brought criminals to justice or provided information that led to the apprehension of criminals.

Informers: People who provided information about criminals in exchange for parliamentary reward (money).

Thief-taker: A person hired by the victim of a crime to recover stolen property and/or to bring a thief to justice.

Thief-maker: A person who tricked people into committing crimes and then turned those people in for parliamentary reward.



Photo 2.2

Sherlock Holmes was the historical (and fictional) equivalent of today's crime scene investigator. He solved complicated murders mostly by using logic, his keen observational skills, and clues from forensic evidence, such as bullets and fingerprints.

LONDON METROPOLITAN POLICE DEPARTMENT

With the 1800s came the Industrial Revolution and the dramatic and rapid increase in the populations of cities. People lived in cities in order to be in close proximity to where they worked. Factory production was the basis of the new economy. With the Industrial Revolution also came an increase in wealth among some people, and poverty among others. "Urban" problems were born: sanitation and health issues, ethnic conflict, and crime. With all these changes came political pressure on the government to institute a more formal, more sophisticated, and more effective system of property protection. In 1829 the London Metropolitan Police Department was established.

Introduced early in the London Metropolitan Police Department was the concept of the plain-clothes police officer—a detective to some, a police spy to others. In designing the job of detective, much public resistance had to be overcome. The resistance was caused, in large part, because of the problems associated with parliamentary reward, thief-takers, and thief-makers. To overcome these obstacles, and to allow detectives to be accepted by the public, certain features were incorporated into the design of the detective position.⁷

First, to address the problems of parliamentary reward, such as when petty criminals faced unjust punishment because of the actions of informers, detectives were—in image, at least—linked

to the crime of murder. There was no public sympathy for murderers. The people who designed the detective position capitalized on stories of murder and offered detectives as a way to combat this horrible crime. In addition, detectives were to play a dual role: Not only were they to help bring punishment to the worst of criminals, they were also supposed to save the innocent from the worst of punishments.⁸ Early detective fiction (e.g., Edgar Allan Poe's *Murder in the Rue Morgue*, Arthur Conan Doyle's *A Study in Scarlet*) linked detectives to the investigation of murder, and this likely helped sell the idea of the police detective to a skeptical public.

Second, to address the problems associated with thief-takers, the most significant of which was that thief-takers often only worked on the behalf of the rich, detectives were to be given a salary.⁹ If detectives were given a salary, it was argued, they could work on behalf of the rich and the poor alike. Ideally, they could investigate crimes for which the property loss was small. In addition, detectives were paid more than patrol officers to offset the fees they would receive if working as thief-takers.

Third, to address the problems associated with thief-makers, particularly the practice of thief-makers tricking people into committing crimes for the thief-maker's benefit, detectives were



MYTHS AND MISCONCEPTIONS 2.1

The Original CSI

As noted in Chapter 1, *CSI* and related "crime time" television shows are very popular but tend to distort our views about how crimes are investigated and solved. Curiously, history has a way of repeating itself. In the late 1800s, Sherlock Holmes was the historical equivalent of *CSI*. Sherlock Holmes was a fictional detective created by author Sir Arthur Conan Doyle. He was featured in four

books and fifty-six short stories. The first Holmes book, *A Study in Scarlet*, was published in 1887. Sherlock Holmes was legendary for solving the most difficult and complex murders. His most important crime-solving tools were his brilliant use of logic, his magnifying glass, and his uncanny ability to interpret clues from shoeprints, fingerprints, bullets, and handwriting. Sound familiar?

made reactive.¹⁰ Only after crimes occurred did detectives get involved, so opportunity for thief-maker trickery was limited. Detectives were to be evaluated in terms of their success in solving crimes and thus were given more control over how to spend their working time and more discretion in determining how to investigate the cases they were assigned. These features—being responsible for the most serious of crimes, receiving a salary, and being reactive—eventually neutralized public resentment toward detectives and paved the way for their incorporation into police operations.

AMERICAN DEVELOPMENTS: THE FIRST POLICE DEPARTMENTS AND DETECTIVES

It was not until the mid-1800s that formal municipal police departments were created in the United States. The first police departments were located in the large and rapidly growing cities of the eastern part of the country, such as Boston, Philadelphia, and New York City. The Industrial Revolution created similar problems in America as in England. The mid-1800s to the early 1900s has been characterized as the political era of policing.¹¹ Politicians, particularly mayors and ward politicians, controlled virtually every aspect of policing, including who got hired, what work officers performed, and who got fired. Besides political connections, there were few selection standards. Corruption was rampant. Police supervisors were few, and, not surprisingly, supervision of beat cops was minimal. It was difficult for citizens to summon the police when needed because there was no means of communication. Officers patrolled on foot. The police made few arrests, and most were for public drunkenness.¹² This was an offense that beat cops could easily discover, and no investigation was necessary. The police simply did not have the capability to respond to and investigate crimes. When an arrest was made, it was usually as a last resort. Making an arrest in the late 1800s usually involved a lot of work; officers would literally have to “run ’em in” to the police station. “Curbside justice” with a baton was often seen as an easier and more effective alternative by officers.

The political era of policing did not provide a large role for police detectives. Like the beat cops, detectives had limited capabilities in investigating crimes. During the late 1800s, Boston’s politicians actually



Photo 2.3

Police officers in the United States during the 1800s patrolled on foot and made few arrests for offenses other than public drunkenness.

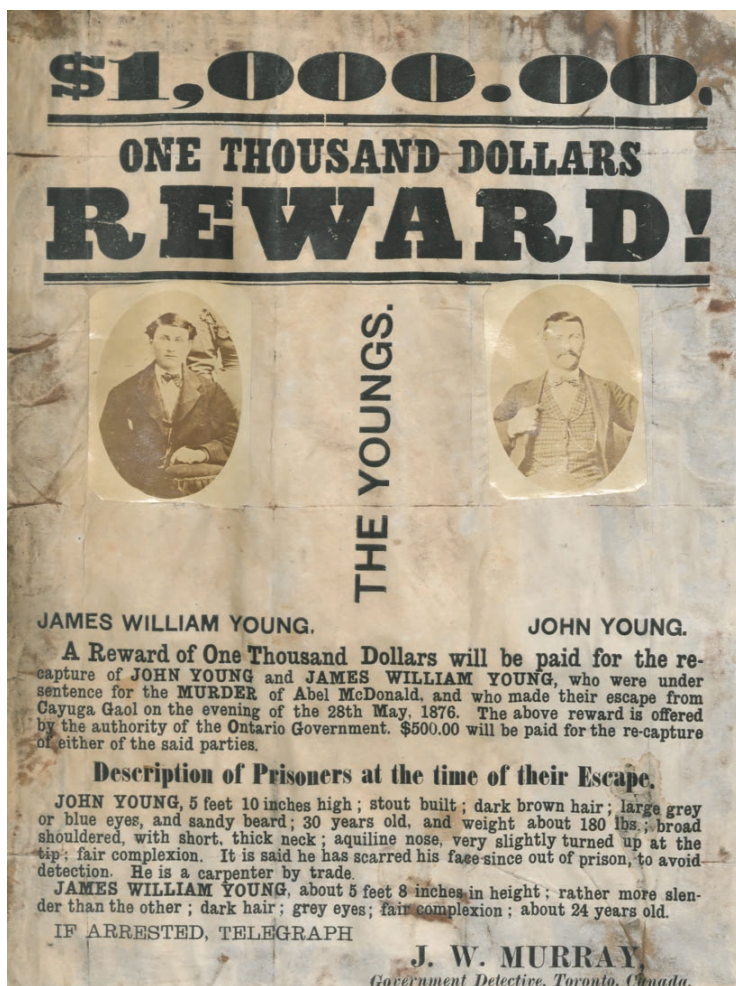


Photo 2.4

Wanted posters and photographs were among the criminal investigation technologies of the late 1800s.

Rogues gallery:

A collection of photographs of known criminals.

Bertillonage:

A historical method of identification based on a series of body measurements.

Dragnet:

A method of investigation in which the police would bring in for questioning all the suspects who could have committed that crime.

disbanded the police department's detective bureau because its contributions were so minimal.¹³ Although important qualities for beat cops were size and fighting ability, the most important quality for detectives was a familiarity with criminals and their tactics. Many detectives were selected from the ranks of prison guards, and some were even reformed criminals.¹⁴ Due to their specialized knowledge, detectives received more pay than beat cops. Detectives also received extra compensation through witness fees, which were compensation for providing testimony in court. Detective work was often a clandestine activity, and detectives were sometimes considered to be members of a secret service.¹⁵ They depended heavily on criminals for information to solve crimes and often worked in an undercover capacity to collect this information. Detectives never wore uniforms. Rather, they often wore disguises, even in court, to protect their identities. Sometimes detectives submitted their court testimony in writing so as not to reveal their identity.¹⁶

It was at about this time that identification systems began to be developed and applied to criminal investigations. The first technology used for this was photography. By 1858 the New York City Police Department had on file photographs of known criminals—what was known as a **rogues gallery**.¹⁷ Although photographs were commonly used in wanted posters and sometimes assisted in the apprehension of criminals, they were limited in their usefulness because the appearance of criminals could be altered either deliberately or simply due to aging over time. Of course, to be useful, authorities also first needed to know the identity of the wanted person and have a photograph of him or her.

The most famous identification system of the time was the one developed by Alphonse Bertillon, a French criminologist who lived from 1853 to 1914. His system was known as **Bertillonage**, and it was considered a major improvement over the use of photographs. The premise of the system was that the bone structure of an adult did not change over the course of a lifetime. Bertillon identified eleven measurements (e.g., length and width of the head, length of the left foot, the length of the left middle and little fingers) that it was suggested could be used to identify people and to differentiate one person from another.¹⁸ Bertillon estimated that the probability of two persons having the same eleven measurements was greater than four million to one.¹⁹ Instruments and instructions were developed by Bertillon to make the process of measuring a person as precise as possible. In addition, an elaborate filing system was developed to classify individuals from whom measurements were taken. Because it was difficult for the police to take measurements of criminals on the street, Bertillon also developed a scaled-down version of his system. Although the technique enjoyed initial success in confirming the identity of people and was used by police departments in many countries, by the early 1900s its limitations were obvious. It was cumbersome, prone to error, and worthless when trying to figure out who actually committed a crime.

Along with these identification methods, detectives at the time also used various other investigative tactics. One common strategy was the **dragnet** roundup of suspects. When informed of a crime, the police would find and arrest all suspicious persons and would keep these people in custody until it could be determined they did not commit the crime. In essence, the police would often resort to “rounding up the usual suspects.”

The dragnet was often paired with the **third degree**.²⁰ The origin of the expression “the third degree” is not clear, although some have speculated that the first degree was the arrest, the second degree was