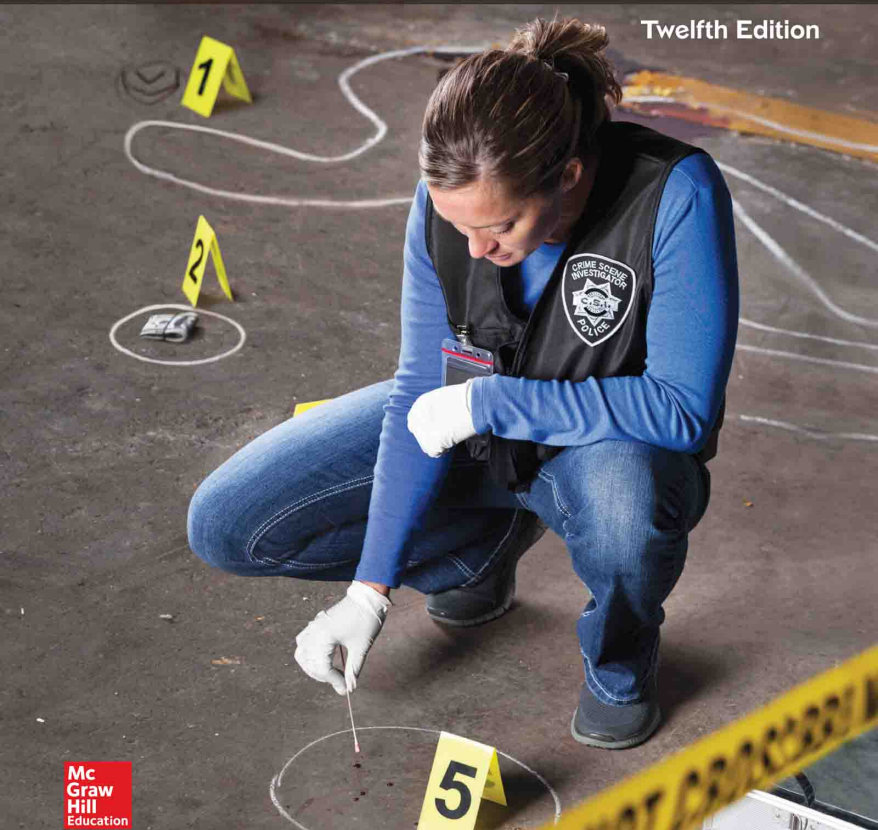


CRIMINAL INVESTIGATION

Twelfth Edition



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Swanson ◊ Chamelin ◊ Territo ◊ Taylor

12TH EDITION

CRIMINAL INVESTIGATION

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CRIMINAL INVESTIGATION, TWELFTH EDITION

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From Charles Mike R. Swanson: For my siblings, Chris, Randy, and the oldest, Pat, who has gone ahead. Thank you for a lifetime of love, friendship, laughter, and wise counsel.

From Neil C. Chamelin: For my wife, Vicki, sons, Chris and Todd, daughter-in-law, Heidi and granddaughters, Tally, Casey, Laney, and Jessy.

From Leonard Territo: For my wife, Elena, the kindest and sweetest woman I have ever known, and our children, Lorraine, Kseniya, and Ilia, and my grandchildren, Matthew, Branden, and Alexander.

From Robert W. Taylor: For my beautiful wife Mary and parents, Rosemary and Harvey Taylor, and Elizabeth and R.H. Perez.

| ABOUT THE AUTHORS

Charles R. “Mike” Swanson has extensive experience in designing promotional systems and tests for state, county, and municipal public safety agencies, including the Kentucky State Police, the Georgia Bureau of Investigation, the Alabama State Troopers, and the Georgia State Patrol. He has conducted over 60 job-analysis studies and written more than 125 promotional tests. He has designed and implemented at least 75 assessment centers, as well as written their exercises. Mike has trained assessors from 18 different states and has testified in federal court as an expert witness on police promotional matters.

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In addition to this book, Mike has coauthored four others, including *Police Administration: Structures, Processes, and Behavior* (9th edition 2017), and *Terrorism, Intelligence, and Homeland Security* (2nd edition, 2018). He has authored or coauthored a number of monographs, articles, and conference papers pertaining to policing. In 2003 he received the O. W. Wilson Award for Outstanding Police Scholarship. Mike has received multiple awards from the governors of three states and from the Georgia Association of Chiefs of Police, who recognized his 20 years of service to their association by making him the first Honorary Chief of Police. The University of Georgia twice recognized Mike for “extraordinary work with law enforcement agencies.” In 2017, he was selected as a Distinguished Alumnus of Florida State University.

Neil C. Chamelin retired as an assistant state attorney, Second Judicial Circuit, Leon County, Florida. Previously he served as the hearing officer for the Florida Division of Motor Vehicles, Department of Highway Safety and Motor Vehicles; director of Criminal Justice Programs for Troy State University, European Region; director of the Florida Police Standards and Training Commission; and division director for the Standards and Training Division, Florida Department of Law Enforcement. He also served as a police officer in Sarasota, Florida. Neil is a co-author of *Essentials of Criminal Law*, formerly, *Criminal Law for Police Officers*;

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His teaching awards include being selected by the Florida Criminal Justice Educators Association from among 200 Florida criminal justice educators as the Outstanding Criminal Justice Educator of the Year. He was also selected as the Outstanding Teacher of the Year by the College of Social and Behavioral Sciences at the University of South Florida. He has been given awards by both the Florida Police Chiefs Association

and the Tampa Police Academy for his years of teaching and meritorious services; he was given an award for Distinguished Scholarly Publications by Saint Leo University; he has been selected for inclusion in *Who's Who in American Law Enforcement*; and he has recently been given a Lifetime Achievement Award from the Department of Criminology at the University of South Florida.

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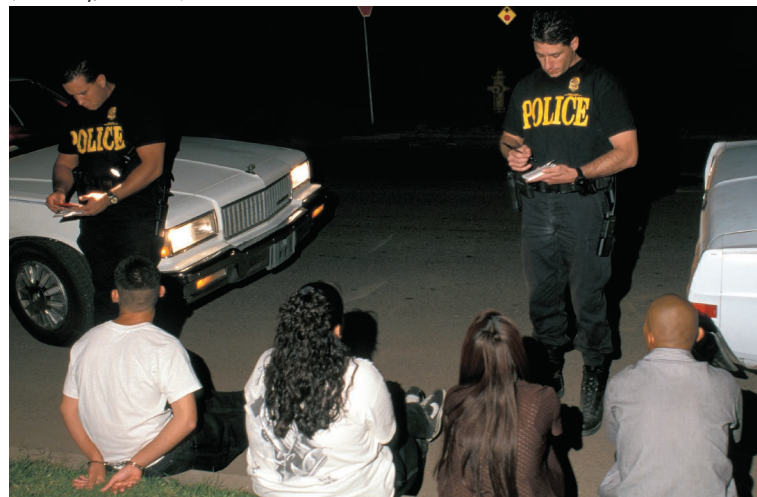
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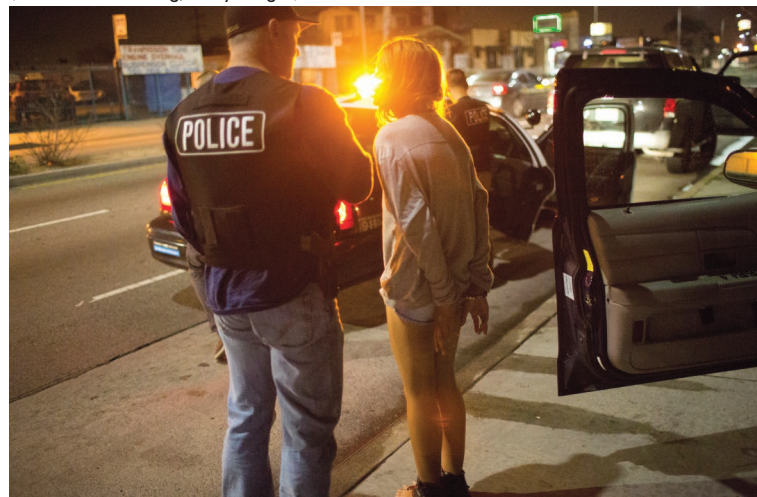
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As with the previous editions, the first purpose of this book is to provide a useful tool for those on law enforcement's front lines. Thus, *Criminal Investigation* is once again filled with practical "how to" information, case studies, and color photographs that illustrate important points and checklists that can be adapted to the needs of local agencies.

We have scrutinized all aspects of the book, downsizing and deleting some content while elsewhere adding new cutting-edge topics. Many portions of chapters have been substantially or totally rewritten. These and other changes are more fully identified shortly.

Criminal Investigation continues to differ from other texts, and the differences are again reflected throughout this edition. First, criminal investigation generally has been conceived of, and touted as, an art. This approach depreciates the precision required to conduct inquiries; it denies the existence of, and adherence to, rigorous methods; and it associates criminal investigation with unneeded mysticism. Criminal investigation is in large part a science. The fact that criminals are not always apprehended does not make it less so. The rational scientific method is, of necessity, supplemented by initiative and occasional fortuitous circumstances, but it is the application of the method rather than shrewd hunches that most frequently produces results. The most successful investigators are those who know how to apply the rational scientific method; therefore, it is this method that we consistently use in *Criminal Investigation*.

A second major difference between this text and others arises from our belief that writing about techniques takes on more substance if one understands something of the nature of the event being investigated. Thus we have discussed typologies—including offenses, offenders, and victims—in depth, so that our readers not only take away a more comprehensive understanding of criminal investigation than they would from another textbook but also have substantial information to use later as a reference.

Third, because crime-prevention technology has been a significant milestone for both the police and the public, we have inserted short sections on prevention in chapters where appropriate. The complexity of crime prevention dictates that it is a specialization within police departments. Yet at the scene of a crime, the investigator may be in a unique position to make a few helpful, if rudimentary, suggestions to a victim on how to avoid further loss. *Criminal Investigation's* crime-prevention sections give investigators the tools to accomplish this task.

Finally, most investigative books tend to blur the distinction between the roles of uniformed officers and detectives; we draw this line distinctly. Although everyone may not agree with our dichotomizing, the uniformed officer's role must be recognized for the contribution it makes to the ultimate success of an investigation.

THE TWELFTH EDITION

Criminal investigation is always evolving owing to scientific, legal, and social developments, as well as to changes in the behavior of criminals. Although many investigative techniques are fundamental and remain basically the same over time, significant changes also occur on a continuing basis. In addition to having updated photographs, tables, figures, and citations, we have added new case studies and two new features: box items and quick fact boxes, which contain short statements with information relevant to the content of the chapter, but may not have an exact relationship to the content being discussed.

- **Chapter 1, "The Evolution of Criminal Investigation and Forensic Science,"** a historically oriented chapter, has a revised introduction that provides a definition of the investigator and the investigation, as well as an emphasis on the fundamental purpose of investigation and forensic science and its role in discovering the truth. New information on biometrics and forensic phenotyping has been added to this chapter.
- **Chapter 2, "Legal Aspects of Investigation,"** addresses legal topics that uniformed officers and investigators encounter on a daily basis and that are essential for the successful resolution of every criminal case. New feature materials have been added on "Fundamental Fairness, Due Process and Brady Violations," and "Stop and Frisk in New York City." New content has been added on arrest warrant scams, traffic enforcement and racial profiling, and warrantless trunk vehicle searches. Plus new material has been added on stop-and-identify statutes in the U.S., as well as a new Internet Activity focusing on the search and seizure of digital evidence by police officers in the future.
- **Chapter 3, "Investigators, the Investigative Process, and the Crime Scene,"** includes updated information on the disease risks officers face from Hepatitis A, B, C, Ebola, Zika, and tuberculosis infections. The chapter continues to emphasize its strong crime scene and preliminary investigation focus.
- **Chapter 4, "Physical Evidence,"** has been thoroughly revised and streamlined and includes new material on "geoforensics," as well as updated sections on forensic palynology, impression evidence, glass, fingerprints, forensic odontology, hair, and blood.
- **Chapter 5, "Interviewing and Interrogation,"** includes a new section on the most efficient way to interview people with disabilities. This includes those who are blind or visually impaired, deaf or hard of hearing, mobility impaired, or have cognitive disabilities.

- **Chapter 6, “Field Notes and Reporting,”** has been substantially re-written, including information about digital audio recorders and body worn cameras and the extent to which officers can use those recordings when writing reports. Also included are online public reporting systems, and a discussion of handling field contacts with different genders, races/ethnicities, and LGBT individuals.
- **Chapter 7, “The Follow-Up Investigation and Investigative Resources,”** has been thoroughly updated and includes a new section on Field Contacts and Field Interviews; a revised section on the Bureau of Alcohol, Tobacco, and Firearms; a completely updated section on surveillance; and an updated section on Guidelines for Conducting Show-ups, Photo Arrays/Lineups, and Live Lineups. Also you will find a new discussion on the Innocence Project and completely revised sections on Cold Case Investigation and Intelligence Analysis and Crime Analysis.
- **Chapter 8, “The Crime Laboratory,”** includes updated and expanded material on new technologies that have revolutionized the crime lab. As such, information on fingerprints and the law, and on CODIS (including new DNA quantitation, mitochondrial DNA, non-human DNA, sperm detection and separation, and Y-Chromosome analysis), is presented. A new section on “Biometrics and Next Generation Identification (NGI)” also highlights the chapter as well as added material on problems and scandals within crime laboratories (e.g., dissolution of the FBI’s Hair Analysis and Bite-Mark Analysis section, and reforming state and local crime labs).
- **Chapter 9, “Injury and Death Investigations,”** includes a new discussion of the differences between spree killings and mass murders. For example, the spree killer is an individual who embarks on a murder rampage and the killings take place over a given period of time. The mass murder typically involves the intentional killing of a group of people at one time and usually occurs in a public place.
- **Chapter 10, “Sex-Related Offenses,”** includes an updated section on best practices for sexual assault investigation with new material on rape and sexual assault investigation and preliminary victim interviews, minimal fact interviews, victim-centered responses and trauma-informed responses, and follow-up interviews by detectives and/or officers. The chapter also presents new presentations on contemporary issues facing sex-related offense investigations, such as police sexual violence, transgender victims of sexual assault, drug and alcohol-facilitated sexual assault, and date rape (sexual assault) on college and university campuses.
- **Chapter 11, “Crimes Against Children,”** contains new and updated material on the impact of social media on crimes against children, such as investigative tools using Facebook, Twitter, and Snapchat in cases involving cyberbullying, sexting, and sextortion. The chapter also has a new and updated analysis of school shootings that continue to plague the U.S.
- **Chapter 12, “Human Trafficking,”** has been extensively modified with many of the previous topics expanded and new ones added. This includes the discussion of sex trafficking of American children and their demographics. We also discuss the Stockholm syndrome; recruitment; pimp control; the role played by customers (johns); programs for demand reduction; and the role of the law enforcement Multi-Agency Task Force.
- **Chapter 13, “Robbery,”** includes a discussion of the dramatic increase in the robberies of smartphones in recent years and how best to investigate them as well as prevent them in the first place. We have also discussed efforts by police to set up “Safe Zones” to prevent robberies which involve sales generated by Craig’s List.
- **Chapter 14, “Burglary,”** was substantially rewritten, including new information on possession of burglary tools and lock picking’s emergence as a competitive sport, profiles of burglaries, burglar motivations, gender differences, and the acquisition of information about potential targets, including the use of drones.
- **Chapter 15, “Larceny”** includes an expanded discussion of shoplifting and crime prevention tips for employees. We have also added new information which addresses the problem of bicycle theft. This includes a discussion of the typical methods employed by bicycle thieves as well as developing a profile for both the thief and potential victims.
- **Chapter 16, “Vehicle Theft and Related Offenses,”** includes updated statistical information relating to auto, airplane, motorcycle, and “big rig” (18-wheeler) vehicle theft. There are also new informational items on auto component and accessory theft, cybercrime and cars, the use of stolen vehicles by terrorists, odometer fraud, the transport of stolen vehicles to Mexico, and preventing vehicle theft through the use of new technologies.
- **Chapter 17, “Cybercrime,”** addresses one of fastest growing areas of criminal investigation confronting the police. There is new section on the “The Evolution of Cybercrime: From Teen Hackers and Script Kiddies to Sophisticated Criminal Organizations, International Espionage, and Cyber Terrorism,” which provides detailed discussion of today’s major threats from criminal organizations to foreign espionage groups. There are also a number of informational items that focus on high-level cybercrime threats and attacks, including discussion on Stuxnet and Flame, and Advanced Persistent Threat 1 (APT-1). The chapters also has a major new section on digital forensics that includes common digital evidence found in traditional crimes as well as securing evidence on mobile devices.
- **Chapter 18, “Agricultural, Wildlife, and Environmental Crimes,”** includes a discussion of the causes of wildfires and how investigators can go about determining whether they are accidental, intentional, or natural. We have also added an entirely new section dealing with agroterrorism, which is defined as the deliberate introduction of animal or plant disease for the purpose of generating fear, causing economic losses, or creating social instability. We have also

added a discussion about the roles of outfitters, guides, and landowners in trophy poaching.

- **Chapter 19, “Arson and Explosives,”** includes an expanded discussion of the role played by the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) in the collection, storage, and analysis of explosives. New material also includes the consolidation of the FBI’s Automated Incident Reporting System with the ATF’s Bomb Arson Tracking System (BATS).
- **Chapter 20, “Recognition, Control, and Investigation of Drug Abuse,”** has new material on the major paradigm shift relating to the legalization and decriminalization of marijuana in the United States. There are also new informational items relating to the impact of the arrest, escape, and re-arrest of Joaquin “El Chapo” Guzman in Mexico, celebrity drug use focusing on the deadly effects of the heroin-cocaine mixture known as a “speedball,” police use of Naloxone (Narcan), and new drug mixtures such as “el diablito” containing heroin and fentanyl.
- **Chapter 21, “Terrorism,”** has received a number of updates to reflect the changes in terrorist organizations, structures, and threats confronting the police. As such, there is new material on the Islamic State and the importance of Abu Musab al-Zarqawi in the development of the Islamic State in Iraq and Syria (ISIS). There are also new discussions relating to Sheikh Anwar al-Awlaki and his impact on radical Islam, and the terrorist attacks in San Bernardino (CA) by Syed Rizwan Farook and Tashfeen Malik and the Orlando (FL) attack of the gay *Pulse* nightclub by Omar Mateen. The chapter also has new informational items on recent attacks in Burkina Faso conducted by al-Qaeda in the Islamic Maghreb-AQIM, and the Malheur National Wildlife Refuge occupation in Central Oregon in 2016. The chapter concludes with new material focusing on the future of terrorism in the United States.
- **Chapter 22, “The Trial Process and the Investigator as a Witness,”** has seen all statistical data updated. New features have been added on “Expert Opinion and the *Daubert Standard*”; “Lying and Officer Credibility as a Witness”; “Scientific Jury Selection”; “49 Wrongfully Convicted People Who Were Exonerated in 2015”; and “Prima Facie Cases and Evidence.” New Internet Activities added as well.


LEARNING AIDS

Working together, the authors and the editors have developed a format for the text that supports the goal of a readable, practical, user-friendly book. In addition to the changes already mentioned, we have added a host of new photographs, figures, and tables to reinforce and expand the text coverage. A visual presentation of the book’s many lists—which are so critical in a text that teaches professionals and future professionals “how to” investigate crime—makes this material easy to digest. The learning aids in the edition go beyond these visual elements, however:

- **Chapter-opening photographs, outlines, and learning objectives** draw readers in and serve as a road map to the chapter.
- **Chapter-opening overviews** provide readers with a snapshot of the entire chapter and are excellent review tools for readers who are preparing for exams.
- **Detailed captions accompany photographs**, clarifying precisely what readers should be looking for and learning when examining each piece of art.
- **End-of-chapter review sections featuring key-term lists, review questions, and Internet activities** make preparing for exams easier than ever.

As mentioned, we have retained our plentiful, widely acclaimed “cases” within every chapter, ensuring that the twelfth edition is not only the most current, definitive text on criminal investigation but also the most practical and relevant. And with the enhancements we have made to the learning aids, *Criminal Investigation* is, simply put, the most mastery-oriented text available for the course.

SUPPLEMENTS

 The 12th edition *Criminal Investigation* is now available online with Connect, McGraw-Hill Education’s integrated assignment and assessment platform. Connect also offers SmartBook for the new edition, which is the first adaptive reading experience proven to improve grades and help students study more effectively. All of the title’s ancillary content is available through Connect, including:

- A full Test Bank of multiple choice questions that tests students on central concepts and ideas in each chapter.
- An Instructor’s Manual for each chapter with full chapter outlines, sample test questions, and discussion topics.
- Lecture Slides for instructor use in class and downloadable RAP forms.

ACKNOWLEDGMENTS

Without the kindness of many people throughout the country—literally from Alaska to Maine—this book could not have been written. We are grateful for the support of our colleagues around the country who have contributed case histories, reviewed portions of the manuscript within their areas of expertise, written sections for inclusion in the book, contributed photographs, forms, and other illustrations, or otherwise gone out of their way to be helpful. Our continuing concern in writing these acknowledgments is that, inadvertently, we may have omitted someone. If this is so, let us know so that we may correct this oversight, and also please accept our apologies. Our acknowledgments include persons who have contributed to this edition and those who helped with earlier editions. Some of the people identified have retired or taken on new responsibilities since assisting

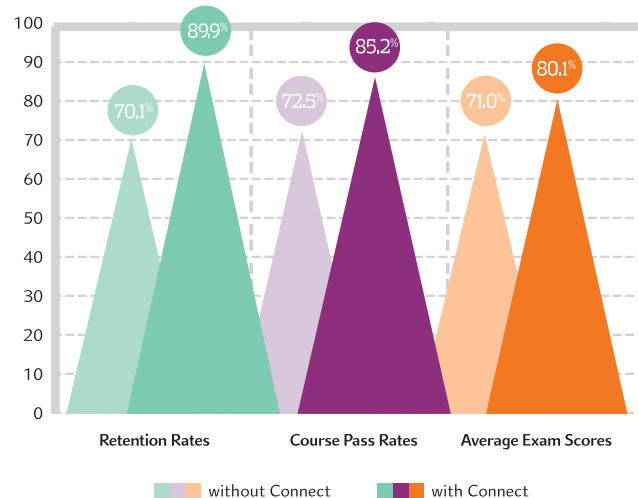
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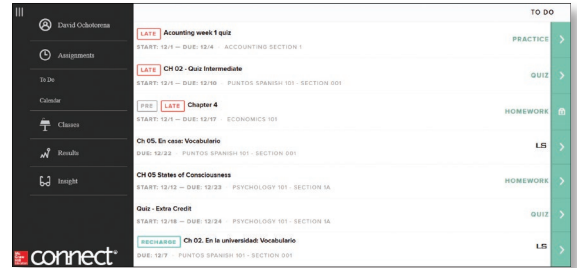


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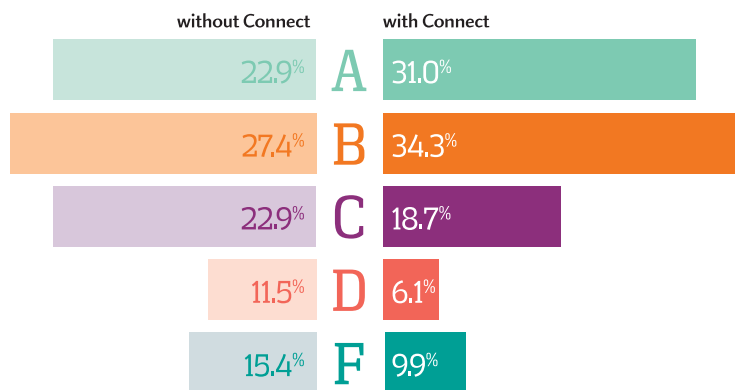
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us, but, unless otherwise requested, we include their organizational affiliation and status at the time of the original contribution, since we feel that the agencies then employing them are also deserving of continued recognition.

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U.S. Forest Service
U.S. Public Health Service
U.S. Secret Service

International Agencies

London Metropolitan Police
Royal Canadian Mounted Police
Turkish National Police

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◀ Sir Robert Peel (1788–1850), whose efforts led to the establishment of the London Metropolitan Police in 1829. English police officers are still referred to as “Bobbies,” a play on Peel’s first name.

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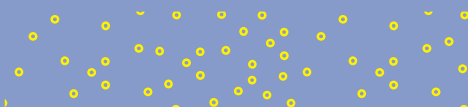
CRIME SCENE DO NOT CROSS

1

THE EVOLUTION OF CRIMINAL INVESTIGATION AND FORENSIC SCIENCE

CHAPTER OBJECTIVES

1. Define “investigator.”
2. Define the most fundamental purpose of investigation.
3. State four additional objectives of the investigative process.
4. Explain the importance of the Bow Street Runners.
5. Discuss the contribution of Sir Robert Peel’s reform to early policing in the United States.
6. Explain the history and contributions of the Pinkerton National Detective Agency.
7. Identify the first major federal investigative agencies and their responsibilities.
8. Explain the Supreme Court’s “due process revolution” and its impact on policing.
9. Discuss Bertillon’s method of anthropometry.
10. Summarize the historical development of fingerprint identification.
11. Explain touch DNA.
12. Describe DNA phenotyping.



| INTRODUCTION

An investigator is someone who systematically gathers, documents, and evaluates evidence and information. This is accomplished through the process of investigation. The most fundamental purpose of

criminal investigation and forensic science is to discover the truth. By making this purpose the cornerstone of their behavior, investigators can remain faithful to their oath of office and the accompanying ethical standards. Four additional objectives of the investigative process are to (1) establish that a crime was actually committed; (2) identify and apprehend the suspect(s); (3) recover stolen property; and (4) assist in the prosecution of the person(s) charged with the crime.

JURISDICTION

The authority of law enforcement officers is limited by such factors as the Constitution, court decisions, federal and state laws, departmental policies, and jurisdiction, which can be thought of as both a *geographic area* and the laws for which an agency has *enforcement responsibility*.

The general rule is that the *geographic jurisdiction* of police officers is limited to the area governed by their employer. Officers employed by states, counties, cities, and consolidated police agencies, follow this general pattern. Depending on the state, sheriffs' deputies and county police departments usually patrol the unincorporated portions of a county, although by contract they may also provide law enforcement services to municipalities. There is some variation across states whether Sheriff's deputies have jurisdiction outside of their home counties.

Investigations beyond the geographic boundary of an officer's employer, sometimes called the primary jurisdiction, are ordinarily conducted with the assistance of the appropriate law enforcement agency. However, some states have statutorily extended the primary jurisdiction of officers to a wider area with the authority to (1) continue investigating serious crimes originating in their primary jurisdiction, (2) make warrantless arrests, and (3) provide assistance to another law enforcement officer.

The Federal Bureau of Investigation (FBI) provides a good illustration of *enforcement responsibility*. It has primary enforcement responsibility for all federal criminal laws, except cases for which responsibility is by statute or otherwise assigned specifically to another agency. As a practical matter the enforcement responsibility of the FBI is limited to roughly 200 laws.

CRIMINAL INVESTIGATION AND FORENSIC SCIENCE

For present purposes, the roots of criminal investigation can be traced back to England in the eighteenth century, a period marked by significant social, political, and economic changes. These changes were important to the development of the first modern detective force, the **Bow Street Runners**. In addition, London was the home of the first police reformer, Robert Peel. Both of these factors contributed to the subsequent development of police organizations and criminal investigation in the United States.

Forensic science draws from diverse disciplines, such as geology, physics, chemistry, biology, and mathematics, to study physical evidence related to crime. If it is suspected that a person has died from poisoning, for example, a toxicologist, who specializes in identifying poisons and their physiological effects on humans and animals, can assist in the investigation. Experts in other areas, such as botany, forensic pathology, entomology, and archaeology, may also provide helpful information to criminal investigators.

Over hundreds of years many people have made contributions to the fields of criminal investigation and forensic science. To recognize all of them is beyond the scope of this chapter and requires setting some limits. This chapter presents a brief history of criminal investigation and forensic science. Many volumes have been written about these entwined topics, but the space that can be devoted to them here is limited. However, sufficient broad perspectives and supporting details are provided in this chapter to enable readers intrigued by these subjects to independently pursue their interests.

CHAPTER OUTLINE

Introduction

Jurisdiction

Criminal Investigation and Forensic Science

The Evolution of Criminal Investigation

Historical Milestones of Forensic Science

The Continuing Evolution of Criminal Investigation and Forensic Science

THE EVOLUTION OF CRIMINAL INVESTIGATION

THE IMPACT OF THE AGRICULTURAL AND INDUSTRIAL REVOLUTIONS

During the eighteenth century, two events—an agricultural revolution and an industrial revolution—began a process of change that profoundly affected how police services were delivered and investigations were conducted. Improved agricultural methods, such as the introduction in 1730 of Charles Townshend’s crop rotation system and Jethro Tull’s four-bladed plow, gave England increased agricultural productivity in the first half of the eighteenth century.¹ Improvements in agriculture were essential preconditions to the Industrial Revolution in the second half of the eighteenth century, because they freed people from farm work for city jobs. As the population of England’s cities grew, slums also expanded, crime increased, and disorders became more frequent. Consequently, public demands for government to control crime grew louder.

THE FIELDINGS: CRIME INFORMATION AND THE BOW STREET RUNNERS

In 1748, **Henry Fielding** (Figure 1-1) became chief magistrate of Bow Street and set out to improve the administration of justice. In 1750, he established a small group of volunteer, non-uniformed home owners to “take thieves.” Known as the “**Bow Street Runners**,” these Londoners hurried to the scenes of reported crimes and began investigations, thus becoming the first modern detective force.

QUICK FACTS

Henry Fielding

Although Fielding began professional life as a playwright, *The History of Tom Jones, A Foundling* earned him recognition as the “father of the English novel.” In later life he suffered greatly from gout and traveled to Portugal hoping the sunshine would give him some relief. However, Fielding died 9 days after he arrived and is buried in the British section of the Lisbon cemetery.



▲ **FIGURE 1-1 Henry Fielding**

Educated at Eton College and later a barrister, Henry Fielding became the innovative magistrate at Bow Street. In a time when magistrates were not paid and made their living from fines and bribes, Fielding conducted his affairs in an exemplary manner.

(©Chronicle/Alamy)

By 1752, Fielding began publishing *The Covent Garden Journal* as a means of circulating the descriptions of wanted persons. On his death in 1754, Henry Fielding was succeeded by his blind half-brother, **John Fielding**, who carried on Henry’s ideas for another 25 years.² Under John Fielding, Bow Street became a clearinghouse for information on crime, and by 1785 at least four of the Bow Street Runners were no longer volunteers but paid government detectives.³

THE METROPOLITAN POLICE ACT OF 1829

In 1816, 1818, and again in 1822, England’s Parliament rejected proposals for a centralized professional police force for London as different political philosophies clashed. One group argued that such a force was a direct threat to personal liberty. The other group—composed of reformers such as Jeremy Bentham and Patrick Colquhoun—argued that the absence, rather than the presence, of social control was the greater danger to personal liberty. Finally, in 1829, owing in large measure to the efforts of **Sir Robert Peel**, Parliament passed the **Metropolitan Police Act**,

which created a metropolitan police force for London. Police headquarters became known as “Scotland Yard,” because the building formerly had housed Scottish royalty. Police constables were referred to as “**Bobbies**,” a play on Peel’s first name.⁴

Because French citizens had experienced oppression under centralized police, the British public was suspicious of, and at times even hostile to, the new force. In response to the high standards set for the police force, there were 5,000 dismissals and 6,000 forced resignations from the force during the first three years of operations.⁵ This record was a clear indication to the public that police administrators were requiring officers to maintain high standards of conduct. Within a few years, the London Metropolitan Police had won a reputation for fairness, and it became the international model of professional policing (Figure 1-2).

Despite the growing popularity of the uniformed **Bobbies**, however, there was fear that the use of “**police spies**”—detectives in plain clothes—would reduce civil liberties.

QUICK FACTS

Sir Robert Peel

Peel was a major figure of his time. Twice, he served as England’s Prime Minister and also championed limitations on how many hours per day that women and children could be required to work. Peel died from injuries caused by the horse he was riding falling on him.

In the years immediately following 1829, some Metropolitan Police constables were temporarily relieved from patrolling in uniform to investigate crimes on their beats.⁶ As the distinction between the use of uniformed constables to prevent crime and the use of plainclothes detectives for investigation and surveillance became clear, the public became uneasy. Illustratively, in 1833, a **Sergeant Popay** was dismissed following a parliamentary investigation that revealed that he had infiltrated a radical group, acquired a leadership position, and argued for the use of violence. In 1842, a regular detective branch was opened at **Scotland Yard** (Figure 1-3), superseding the Bow Street force.⁷ Initially, the detective force was limited to no more than



▲ **FIGURE 1-3 New Scotland Yard in 2016**

Concerns about annual operating costs and the security of their current building, along with the desire to more easily use technologies, caused the London Metropolitan Police to seek a new facility. The Curtis Green Building was selected. Although completed in 1940, it was redesigned for “Metro” and occupied in 2016. It will continue to be known as New Scotland Yard.

(Courtesy of Allford Hall Monaghan Morris LLC)

16 investigators, and its operations were restricted because of a distrust of “clandestine methods.”⁸

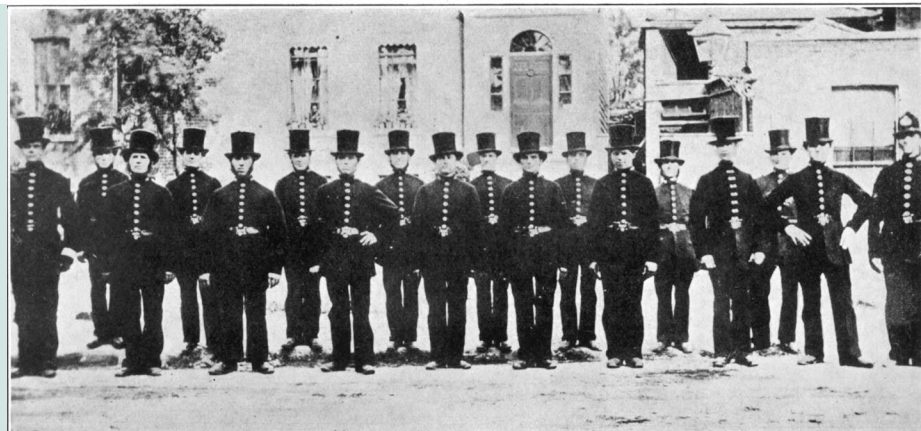
AMERICAN INITIATIVES

The success of Peel’s reform in England did not go unnoticed in the United States. **Stephen Girard (1750–1831)** bequeathed \$33,190 to Philadelphia to develop a competent police force. In 1833, Philadelphia passed an ordinance creating America’s first paid, daylight police force. Although the ordinance was repealed just three years later, the concept of a paid police force would reappear as American cities staggered under the burdens of tremendous population growth, poverty, and massive crime. In 1836 New York City rejected the notion of a police force organized along the lines advocated by Peel. The committee studying the idea concluded it was better in emergencies to rely on citizens than “despotic governments.”⁹

► **FIGURE 1-2 London Metropolitan Police Officers, C. 1850**

London Metropolitan Police officers standing outside of Catford Police Station in Southeast London. Their “stovepipe” hats with flat crowns were popular in that era. Their uniforms are trimmed with brightly polished buttons and belt buckles, giving them a disciplined and confident appearance.

(©Chronicle/Alamy)





▲ **FIGURE 1-4**

An 1887 New York Police Department Patrol Wagon.

It is unclear whether officers are (1) being dropped off at the beginning of a shift or picked up at its end, (2) patrolling an area in the manner depicted, or (3) responding to a large event. (©Bettmann/Getty Images)

Thus, before the mid-1800s, few American cities had police service, and those that existed were inadequate. Many cities had paid police departments only at night or treated day and night police services as entirely separate organizations. In 1844 the New York state legislature created the first unified police force in the country, although New York City did not actually implement the measure until a year later. Other cities rapidly followed New York's lead: Chicago in 1851, New Orleans and Cincinnati in 1852, and Baltimore and Newark in 1857. By 1880 virtually every major American city had a police force based on England's Peelian reforms of 1829 and pioneered in this country by New York City (Figure 1-4).

QUICK FACTS

Stephen Girard as Patriot

In 1776, Frenchman Stephen Girard couldn't get past the British blockage of New York City's harbor. Instead, he sailed up the Delaware River to Philadelphia, just as Thomas Jefferson was putting the finishing touches on the Declaration of Independence. Nearly immediately, Girard supported the revolution and became an American citizen two years later. During the War of 1812 with Great Britain he personally loaned the new cash-poor government \$8 million to keep it functioning.

If one of the problems of the London Metropolitan Police had been getting the public to accept some constables' working out of uniform as detectives, in the United States the problem was getting the police to wear uniforms in the first place. American officers believed that a uniform made them easy targets for public harassment and made them look like servants. Only after the Civil War did the wearing of a uniform—invariably Union blue—become widely accepted by American police officers.

PINKERTON'S NATIONAL DETECTIVE AGENCY

America needed reliable detectives for several reasons: (1) graft and corruption were common among America's big-city police officers; (2) the jurisdiction of sheriffs' offices and municipal officers was limited; and (3) there was little information sharing by law enforcement agencies. Thus, offenders often fled from one jurisdiction to another with impunity. Information sharing has vastly improved in the last 150 years but is an area that still requires further development.

In 1846, seeing the need for reliable investigators, two former St. Louis police officers formed the first recorded private detective agency.¹⁰ However, the major private detective agency of the nineteenth century was formed by **Allan Pinkerton** (1819–1884, Figure 1-5). In 1850, after working as a Chicago detective and a U.S. mail agent,¹¹ Pinkerton formed a private detective agency with attorney Edward Rucker.¹²

The Pinkertons enjoyed such enormous success in the United States and throughout the world that some people thought "Pinkerton" was a nickname for any American government detective.¹³

The list of achievements by Pinkerton is impressive. Pinkerton reportedly discovered and foiled an assassination attempt on President elect Lincoln in Baltimore.¹⁴

At the outbreak of the Civil War in 1861, Pinkerton organized a Secret Service Division within the army (not to be confused with the U.S. Secret Service) and worked closely with General McClellan (Figure 1-6).¹⁵ He infiltrated Confederate lines in disguise on several occasions and usually functioned as a military analyst.¹⁶ Following the Civil War, the Pinkertons were primarily



We never sleep

▲ **FIGURE 1-5**

The Pinkerton National Detective Agency Logo

Pinkerton's trademark was an open eye above the slogan "We never sleep."¹⁷ The trademark gave rise to the use of the term "private eye" in reference to any private investigator.¹⁸ ("We Never Sleep", "Pinkerton National Detective Agency" and the "open eye" logo are trademarks of Pinkerton Consulting and Investigations, Inc. and are used by permission. All other rights are reserved.)



▲ FIGURE 1-6 Pinkerton at work

Allan Pinkerton, President Lincoln, and General McClellan at Antietam, Maryland, about October 3, 1862. Born in Scotland, Allan Pinkerton was the son of a police sergeant. He found employment as a barrel maker and advanced to supervisor. At the same time, this red-headed, strong-willed man advocated more voice in government for ordinary people, a position that resulted in him becoming a wanted man. Narrowly avoiding arrest on his wedding day, Pinkerton and his wife fled to America, surviving a shipwreck while en route. He started a successful barrel-making company. While owner of that business, his initiative led to the arrest of counterfeiters. This gave him an appetite for police work, his father's profession, and changed his life and American policing forever. (Source: Prints & Photographs Division, Library of Congress, LC-B8171-7949)

engaged in two broad areas: (1) controlling a discontented working class, which was pushing for better wages and working conditions, and (2) pursuing bank and railroad robbers.¹⁹

Unrestricted by jurisdictional limits, Pinkerton agents roamed far and wide pursuing lawbreakers. In a violent time, they sometimes used harsh and unwise methods. As an illustration, suspecting that they had found the hideout of Jesse James's gang, Pinkerton agents lobbed in a 32-pound bomb, killing a boy and injuring a woman.²⁰

No. P.N.D.A. - 15-97.
 Name Geo Cassidy alias Butch Cassidy alias
 Alias Ingerfield, right name, Robt. Parker
 Age 37 Height 5ft 9" Weight 165
 Complexion Light Hair Flaxen
 Eyes Blue Beard _____ Teeth _____
 Nationality American
 Marks and Scars 2 cuts scars - back head
Small red scar under left eye.
eyes deep set. Small brown
mole call of leg.
 Arrested for Grd. Larc. Fremont Co. Wyo.
 Remarks July 15-94. Pardoned Jan 19-
by Gov. Richards
Home is in Circle Valley, Utah
Sandy beard & Mustache if any.

▲ FIGURE 1-7 Butch Cassidy's Pinkerton record

Note the "P.N.D.A." initials on the first line, which stand for Pinkerton National Detective Agency. Pinkerton agents were highly successful in combating the bank and train robbers of the Old West, such as the Hole in the Wall gang, so named because of the small opening through rocky walls that led to the valley in Johnson County, Wyoming, used as their hideout. As many as 40 bandits may have lived there in six cabins. Butch Cassidy and the Sun Dance Kid were both members of the Hole in the Wall gang at various times. ("We Never Sleep", "Pinkerton National Detective Agency" and the "open eye" logo are trademarks of Pinkerton Consulting and Investigations, Inc. and are used by permission. All other rights are reserved.)

Pinkerton understood the importance of information, records, and publicity and made good use of all of them (Figure 1-7). For example, in 1868, Pinkerton agent Dick Winscott took on the Reno gang. Winscott located Fred and John Reno and, after a drinking bout, persuaded them to let him photograph them.²¹ He sent the photographs to Pinkerton files, and within a year the Reno gang was smashed.²² Pinkerton also collected photographs of jewel thieves and other types of criminals and photographed horses to prevent illegal substitutions before races.²³ The Pinkertons also pushed Butch Cassidy (Robert Parker) and the Sun Dance Kid (Harry Longabaugh) into leaving the United States for South America, where they were

reportedly killed by Bolivian soldiers at San Vicente in 1909 (Figure 1-7.) Because of their better-known antilabor activities, the Pinkertons' other work often is overlooked. But they were the only consistently competent detectives available in this country for over 50 years²⁴ and provided a good model for government detectives.

THE EMERGENCE OF MUNICIPAL DETECTIVES

As early as 1845 New York City had 800 plainclothes officers,²⁵ although not until 1857 were the police authorized to designate 20 patrol officers as detectives.²⁶ In November 1857 the New York City Police Department set up a **rogues' gallery** (Figure 1-8)—photographs of known offenders arranged by criminal specialty and height—and by June 1858, it had over 700 photographs for detectives to study so that they might recognize criminals on the street.²⁷

Photographs from rogues' galleries of that era reveal that some offenders grimaced, puffed their cheeks, rolled their eyes, and otherwise tried to distort their appearance to lessen the chance of later recognition.

To assist detectives, in 1884 Chicago established this country's first municipal Criminal Identification Bureau.²⁸ The Atlanta Police Department's Detective Bureau was organized in 1885 with a staff of one captain, one sergeant, and eight detectives.²⁹ In 1886 Thomas Byrnes, the dynamic chief detective of New York City, published *Professional Criminals in America*, which included pictures, descriptions, and the methods of all criminals known to him.³⁰ Byrnes thereby contributed to information sharing among police departments. To supplement the rogues' gallery, Byrnes instituted the **Mulberry Street Morning Parade**. At 9 o'clock every morning, all criminals arrested in the past 24 hours were marched before his detectives, who were expected to make notes and to recognize the criminals later.³¹

BOX 1-1 | THOMAS BYRNES, THE "THE THIRD DEGREE," WEALTH, AND RESIGNATION

Byrnes was very successful and heavy handed. He allegedly coined the term "the third degree" to describe his harsh methods when questioning suspects. Byrnes became Chief of the New York City Police Department (NYPD) and was later forced

from office by future president "Teddy" Roosevelt, a reformer police commissioner, amid whispers of corruption. Although nothing was ever proved, Byrnes did become a wealthy man while serving on the NYPD.



◀ **FIGURE 1-8**
NYPD rogues' gallery

Uniformed officers of the New York City Police Department maintaining a rogues' gallery in the detective bureau, circa 1896. Police departments have used rogues' galleries since the late 1850s. (Source: George Grantham Bain Collection, Prints & Photographs Division, Library of Congress, LC-USZ62-90825)

FEDERAL AND STATE DEVELOPMENTS

From its earliest days, the federal government employed investigators to detect revenue violations, but their responsibilities were narrow and their numbers few.³² In 1865 Congress created the U.S. Secret Service to combat counterfeiting. In 1903—two years after President McKinley was assassinated by Leon Czolgosz in Buffalo—the previously informal arrangement of guarding the president was made a permanent Secret Service responsibility.³³

In 1905 the California Bureau of Criminal Identification was set up to share information about criminal activity, and Pennsylvania governor Samuel Pennypacker signed legislation creating a state police force. Widely regarded then by labor as “strikebusters on management’s side,” (Figure 1-9), the Pennsylvania State Police nevertheless was the prototype for modern state police organizations. New York and Michigan in 1917 and Delaware in 1919 adopted the state police concept. Since then, state police forces have assumed the function of providing local police with help in investigations.

Although Virginia, Kentucky, and Arkansas have a State Police, there are none in the deep South. To a large degree, their use in that area has been foiled by politically potent sheriffs seeking to maintain autonomy.

Where State Police agencies do not exist, a common arrangement is to have a department that focuses primarily on traffic enforcement and another for criminal investigation—for example, in Alabama, Florida, Georgia, Mississippi, and North Carolina there are both state highway patrol and non-uniformed state investigation agencies. In such arrangements the crime laboratory may be a separate department or part of the state investigative agency. Similarly, casino gaming enforcement may be a function of a state police agency or a state gaming commission.



▲ **FIGURE 1-9 Arrest of a striking union man**

In Pittsburgh on September 22, 1919, Pennsylvania State Police arrest a striking union man. The Pinkertons and State Police earned the enduring anger of unionists, who saw them as willing tools of the owners. By January 1920, the strike was over.

(Source: George Grantham Bain Collection, Prints & Photographs Division, Library of Congress, LC-USZ62-23690)

After Prohibition was adopted nationally in 1920, the Bureau of Internal Revenue was responsible for its enforcement. Eventually the ranks of the bureau’s agents swelled to a massive 4,000.³⁴ Because the Bureau of Internal Revenue was lodged in the Department of the Treasury, these federal agents were referred to as T-men.

In 1908 U.S. Attorney General Charles Bonaparte created the embryo of what was later to become the Federal Bureau of Investigation (FBI) when he ordered that investigations were to be handled by a special group. In 1924 J. Edgar Hoover (1895–1972) assumed leadership of the Bureau of Investigation; 11 years later Congress passed a measure giving the FBI its present designation. Hoover served as its director until his death in 1972.

When Prohibition was repealed by the Eighteenth Amendment to the U.S. Constitution in 1933, many former bootleggers and other criminals turned to bank robbery and kidnapping.³⁵ During the Depression, some people saw John Dillinger, “Pretty Boy” Floyd, and Bonnie and Clyde (Figures 1-10 and 1-11) “as plain folks” and did not grieve over a bank robbery or the kidnapping of a millionaire.³⁶ Given the restricted roles of other federal investigative agencies, it became the FBI’s role to deal with these criminals.



▲ **FIGURE 1-10 Bonnie Parker**

Texas-born Bonnie Parker (1910–1934) was part of the murderous Barrow gang, which robbed and murdered its way across Oklahoma, Missouri, Texas, and New Mexico. In 1930, she smuggled a gun into the Waco (Texas) County Jail, helping Clyde Barrow and a companion to escape. From 1932 until 1934, Bonnie and Clyde left a deadly trail before they were stopped. (Source: Federal Bureau of Investigation)



▲ **FIGURE 1-11 Clyde Barrow**

Clyde Barrow (1909–1934) was captured after his escape from the Waco County Jail and served two years in prison. Upon his release, he and Bonnie began their rampage. Outside of Black Lake, Louisiana, they were killed by law enforcement officers who had pursued them tirelessly. (Source: Federal Bureau of Investigation)

Under Hoover, who understood the importance and uses of information, records, and publicity as well as Allan Pinkerton had, the FBI became known for investigative efficiency. In 1932, the FBI established a crime laboratory and made its services available free to state and local police (Figure 1-12). In 1935 it started the **National Academy**, a training course for state and local police. In 1967 the **National Crime Information Center (NCIC)** was made operational by the FBI, providing data on wanted persons and property stolen from all 50 states. Altogether, these developments gave the FBI considerable influence over law enforcement throughout the country. Although some people argue that such federal influence is undesirable, others point out that Hoover and the FBI strengthened police practices in this country, from keeping crime statistics to improving investigation.

The Harrison Act (1914) made the distribution of non-medical drugs a federal crime. Enforcement responsibility was initially given to the Internal Revenue Service, although by 1930 a separate Federal Bureau of Narcotics (FBN) was established in the Treasury Department. In 1949 a federal commission noted that federal narcotics enforcement was fragmented among several agencies, including the Border Patrol and Customs, resulting in duplication of effort and other ills. In 1968 some consolidation of effort was achieved with the creation of the Bureau of Narcotics and Dangerous Drugs (BNDD) in the Department of Justice, and in 1973, with the creation of its successor, the **Drug Enforcement Administration (DEA)**.

Today the DEA devotes many of its resources to fighting international drug traffic. Like the FBI, the DEA trains state and local police in investigative work. The training focuses on recognition of illegal drugs, control of drug purchases, surveillance methods, and handling of informants.

In 2002 several federal agencies were consolidated to form Immigration and Customs Enforcement (ICE) in the Department of Homeland Security (DHS).

THE POLICE AND THE U.S. SUPREME COURT

As the highest court in this country, the Supreme Court is obligated to review cases and to make decisions that often have considerable impact. From 1961 to 1966, a period known as the “due process revolution,” the Supreme Court became unusually active in hearing cases involving the rights of criminal suspects and defendants. Its decisions focused on two vital areas: (1) search and seizure and (2) the right to legal representation. Among those cases was *Miranda v. Arizona* (1966), which established the well-known “Miranda rights.” *Miranda* and other decisions infuriated the police, who felt that the Supreme Court had “tied their hands.”

So what did the due process revolution and subsequent Supreme Court decisions really change? Questionable and improper police procedures and tactics were greatly reduced. In turn, this created the need to develop new procedures and

BOX 1-2 | NEW BUILDING FOR FBI HEADQUARTERS

The current FBI Headquarters in Washington, D.C., was completed in 1974 at a cost of \$126,108,000. In 2016, the location for a new headquarters was narrowed to three sites, all outside of the District. Whichever site is selected would cause traffic problems.

The federal General Services Administration (GSA) proposed to trade the existing headquarters for construction of the

new one or payment of up to \$1.8 billion. The current headquarters is inadequate for current staff, the use of advanced technologies, and it has security problems.

In the end, the project was killed because of the proposed cost. It appears that a FBI new headquarters building is not on the near horizon.