

ELEVENTH EDITION

Criminal Investigation

KÄREN MATISON HESS
CHRISTINE HESS ORTHMANN
HENRY LIM CHO



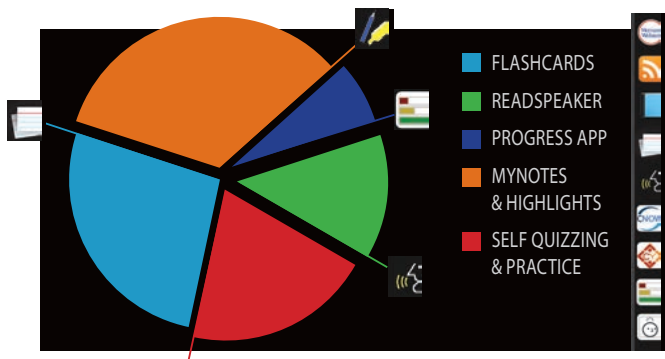
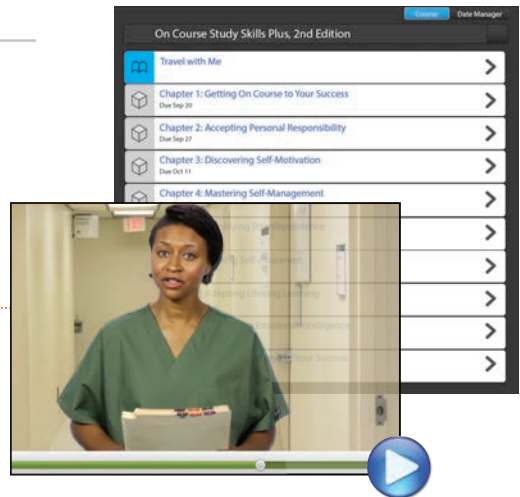
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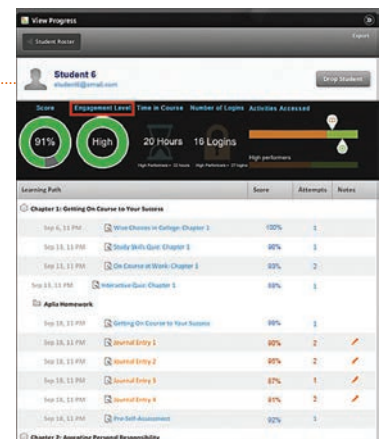
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ELEVENTH EDITION

Criminal Investigation

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PREFACE

Welcome to *Criminal Investigation*, Eleventh Edition. Designed to be one of the most practical, hands-on, reliable textbooks you will ever read, *Criminal Investigation* presents the procedures, techniques, and applications of private and public investigation. The book seamlessly integrates coverage of modern investigative tools alongside discussion of established investigation procedures and techniques. The Eleventh Edition features updated, enhanced coverage of such important topics as terrorism and homeland security, cybercrime, forensics and physical evidence, federal law enforcement investigations, report writing, crimes against children, investigative photography and sketching, preparing and presenting cases in court, identity theft, and white-collar crime.

Forensics and crime scene investigation are increasingly popular components of criminal investigation courses today and are correspondingly emphasized in this text, which features complete coverage of digital fingerprinting, DNA evidence and databases, ballistics, body-fluid collection and examination, contamination of evidence, new technologies, exhibiting evidence in court, and new technologies that are changing the way crime scenes are documented through photography, sketching, and so on.

Opportunities in investigations have altered since the terrorist attacks of September 11, 2001. New careers have opened up in federal law enforcement, and interest in working with federal agencies has grown among job seekers. This new edition increases its focus on federal investigations. It also delves more deeply into the fight against terrorism and the ways in which law enforcement—whether federal, state, or local—must be involved and must work collaboratively with other agencies to be effective.

Criminal Investigation can serve as an overview of the entire field or as a solid foundation for specialized coursework. Although the content of each chapter could easily be expanded into an entire book or course, this

text provides the basic concepts of each area of investigation and will prove to be an invaluable reference long after students move on from the classroom.

ORGANIZATION OF THE TEXT

In Section 1, the student is introduced to the broad field of criminal investigation; to the elements of an effective, efficient investigation; and to the equipment, technology, and procedures that facilitate investigation (Chapter 1). Important court cases and decisions are cited and explained throughout the text.

Section 2 is designed to acquaint readers with various investigative responsibilities: documenting the scene by note taking, photographing, and sketching (Chapter 2); writing reports (Chapter 3); searching crime scenes and suspects (Chapter 4); identifying and collecting physical evidence for forensic examination (Chapter 5); obtaining information and intelligence (Chapter 6); and identifying and arresting suspects (Chapter 7).

Sections 3, 4, and 5 illustrate how these responsibilities are carried out in specific types of investigations. Section 3 discusses the basics in investigating violent crimes: death investigations (Chapter 8); assault, domestic violence, stalking, and elder abuse (Chapter 9); sex offenses (Chapter 10); crimes against children (Chapter 11); and robbery (Chapter 12). Section 4 discusses investigation of crimes against property: burglary (Chapter 13); larceny/theft, fraud, and white-collar crime (Chapter 14); motor vehicle theft (Chapter 15); and arson, bombs, and explosives (Chapter 16). Section 5 discusses other investigative challenges: computer crimes and their evolution into cybercrimes (Chapter 17); the dual threats of drug-related crime and organized crime (Chapter 18); the illegal activities of gangs and other dangerous groups, such as hate groups and cults (Chapter 19); terrorism and homeland security (Chapter 20); and the culmination

of investigations: preparing for and presenting cases in court (Chapter 21).

NEW TO THIS EDITION

The Eleventh Edition of *Criminal Investigation* has been completely updated with more than 200 new references, many of which were published between 2009 and 2015. We've also converted the Do You Know questions into more concrete learning objectives for each chapter. These statements will help instructors and students alike understand the outcomes they can expect from the chapter. Through the use of color, we capture the details of technical photographs and other instructional images, facilitating a more complete student understanding of the material. In addition to the inclusion of a new *Myth versus Fact* feature to every chapter, which aims to dispel some of the common misperceptions surrounding the various topics discussed in the text, the Eleventh Edition features the following chapter-by-chapter enhancements:

- **Chapter 1: Criminal Investigation: An Overview**—In this chapter we updated some items in Table 1.1 (Major Advances in Criminal Investigation); modified the definitions of *crime* and *criminal statute*; added environmental hazards to the list of emergencies that take priority when responding to a scene; added a section called “Incident Review and Solvability Factors: A Critical Step in Managing Criminal Investigations,” to improve the transition between preliminary investigation and follow-up investigation and address the fact that not all cases continue for investigation; added a Technology Innovations: Case Management Software; updated statistics regarding repeat offenders and the importance of liaisons between investigators and probation/parole officers; updated data on forensic crime labs, annual number of requests for service, and status of backlogged cases; updated data on victimization rates; added a section on “Clearing a Case and the Remainder of the Investigative Process”; and expanded the section on “Avoiding Civil Liability” to include reasons why failures occur in criminal investigations.
- **Chapter 2: Documenting the Crime Scene: Note Taking, Photographing, and Sketching**—We added body cameras as a type of equipment becoming popular among agencies; added Technology Innovation about 3-D scanners for mapping crime scenes; and updated the FBI’s Scientific Working Group on Imaging Technologies (SWGIT) guidelines for manipulation of digital photos for forensic purposes.
- **Chapter 3: Writing Effective Reports**—In this chapter we added a discussion of *Brady/Giglio* (*Brady v. Maryland*, 1963, and *Giglio v. United States*, 1972) as it relates to officer reputation and whether their reports can be deemed credible by prosecution.
- **Chapter 4: Searches**—This chapter underwent considerable reorganization to improve readability. We expanded the discussion of the Fourth Amendment, its clauses, and the legal concepts of reasonableness and probable cause; created a new figure to illustrate the increasing standards of proof required for stop versus search/arrest versus conviction; expanded the discussion of justifications for legal searches; provided a new search warrant example; added a brief discussion on implied consent to section on “Search with Consent”; added content about electronic data searches needing warrants (*Riley v. California*, 2014); moved the discussion of *Arizona v. Gant* case forward to the section on “Search Incident to Arrest”; clarified what is involved in pretext stops; and added a brief section on Point-of-Entry (Border) Searches. Many cases were added to this chapter, including *Arizona v. Johnson*, 2009 (passenger frisks); *Brinegar v. United States*, 1949; *Cass v. State*, 1933; *City of Ontario v. Quon*, 2010; *Fernandez v. California*, 2014 (consent); *Florida v. Harris*, 2013 (drug dogs and cars); *Florida v. Jardines*, 2013 (drug dogs and homes); *Hester v. United States*, 1924; *Kentucky v. King*, 2011 (exigent circumstances); *Locke v. United States*, 1813; *Missouri v. McNeely*, 2013 (blood draw for suspected DUI); *Public Service Comm’n v. Havemeyer*, 1936; *Riley v. California*, 2014 (cell phone search); *Smith v. United States*, 1949; *Sussex Land & Live Stock Co. v. Midwest Refining Co.*, 1923; *United States v. Jones*, 2012 (GPS devices on cars); and *United States v. Ramsey*, 1977.
- **Chapter 5: Forensics/Physical Evidence**—We moved the section about Crime Scene Investigators (CSIs) from Chapter 1 to this chapter; added several terms (*bloodstain pattern analysis*, *CSI effect*, *tech effect*); expanded the discussion of contamination and cross-contamination; and included several new Technology Innovations related to forensic evidence.
- **Chapter 6: Obtaining Information and Intelligence**—This chapter contains several new terms (*confidential [reliable] informant*, *statement analysis*); a new discussion about statement analysis; a new Technology Innovations (Statement Analysis); and expanded content regarding fusion centers.
- **Chapter 7: Identifying and Arresting Suspects**—This chapter includes several new terms (*concealment*,

photo lineup); the SCOTUS ruling on using GPS in surveillance (*United States v. Jones*, 2012); an expanded discussion about off-duty arrests; new content regarding “force options” models as trending alternatives to force continuums; updated content on mental illness; and updated data, statistics, and research pertaining to the TASER and other electronic control weapons. We also added text to clarify when *Miranda* is required.

- **Chapter 8: Death Investigations**—In this chapter, we have updated all crime statistics to the most recently available (2013 FBI UCR data); added a new term (*victimology*); added a section on “Undetermined” as a classification of death; added brief content to describe dry drowning; included new statistics about drug overdose deaths; updated the content and research on homicide clearance rates; added content on cold cases; and added two court rulings regarding toxicology evidence in drunk-driving investigations (*Missouri v. McNeely*, 2013; *State v. Brooks*, 2013).
- **Chapter 9: Assault, Domestic Violence, Stalking, and Elder Abuse**—This chapter, with crucial information for future law enforcement professionals who continue to be called on to respond to domestic and family violence calls, includes updated statistics throughout and new research on batterer treatment/intervention; expanded content regarding link between animal abuse and domestic violence; new research findings on mandatory arrest and exceptional clearance of domestic violence cases; expanded content on stalking versus harassment; two new figures related to stalking; a screening questionnaire for stalking behavior and a stalking documentation log for victims; and an added discussion about cyberbullying. We also added seven new terms (*cocooning, cyberbullying, cycle of violence, intimate partner violence [IPV], proximity informant, restraining order [RO], silver alert*) and a discussion of the *Castle Rock v. Gonzalez* (2005) ruling as it pertains to police liability. Finally, this chapter references a new appendix containing a Domestic Violence Checklist for Law Enforcement Officers, courtesy of the New Jersey Division of Criminal Justice.
- **Chapter 10: Sex Offenses**—This chapter includes new statistics and content on sex trafficking victims and suspects; updated rape statistics; new terms (*human trafficking, sexting*); and the revised UCR definition of rape, with a rewritten section on the elements of the crime of sexual assault to reflect the revised definition.
- **Chapter 11: Crimes Against Children**—This chapter includes updated statistics on child abuse and neglect; new content regarding how parental refusal of medical treatment for their child can constitute “neglect”; expanded content on interviewing abused children; reference to the CDC’s Sudden Unexplained Infant Death Investigation Reporting Form (SUIDIRF), which provides a protocol for the investigation of all sudden, unexplained infant deaths; a new discussion on child/peer abuse suspects; expanded discussion about juvenile sex offenders; and three new terms (*bullying, corporal punishment, female genital mutilation*). The section discussing ritualistic abuse by cults was scaled back slightly.
- **Chapter 12: Robbery**—This chapter includes updated crime statistics on robbery; clarification on what separates aggravated robbery from simple robbery; a new section on robbery versus burglary versus larceny/theft, to clarify the distinction between the three offenses; six new terms (*apple picking, closing robbery, fence, home invasion, morning glory robbery, takeover robbery*); and additional discussion about motives for filing false robbery reports.
- **Chapter 13: Burglary**—This chapter includes updated statistics on burglary, new terms (*bump key, lock bumping*); content about burglaries at pharmacies and vet clinics; added mention of enhanced severity of burglary charges if the premises are occupied by sleeping tenants; and a reference to a study about using DNA to solve property crimes.
- **Chapter 14: Larceny/Theft, Fraud, and White-Collar Crime**—All crime statistics have been updated. New content was added regarding cell phone theft and kill switches; the sections on organized retail crime and identity theft reports were enhanced; and five terms were added (*boosters, bustout, car shopping, organized retail crime [ORC], skimming*).
- **Chapter 15: Motor Vehicle Theft**—This chapter includes updated statistics on the most common stolen vehicles and the most commonly cloned vehicles. We clarified the elements of motor vehicle theft; added content about preventing boat theft; and added five new terms (*bait car, cloning, hot sheet, immobilizer, joyriding*).
- **Chapter 16: Arson, Bombs, and Explosives**—The chapter contains updated statistics on arson and has been completely revised to reflect evolving fire science, including the updated NFPA 921. Sections discussing debunked fire science (e.g., alligatoring, burn patterns) have been removed. We reorganized the discussion on arson classification and added content

about Model Penal Code, Section 220; added information about a juvenile firesetter prevention and intervention program; and added new terms (*arc mapping*, *fireplay*, *firesetting*, *incendiary*, *rainbow effect*, *torch*).

- **Chapter 17: Computer Crime**—The latest techniques for investigating cybercrime are addressed in this chapter, along with key information on new crimes and criminal strategies online. In addition to updated statistics, new terminology (*bitcoins*, *click-jacking*, *doxing*) and results from the most recent electronic crime surveys, the chapter has new content about securing and transporting wireless devices, including cell phones, to protect against remote wiping; expanded content regarding virtual child pornography (*United States v. Hilton*, 2004); and an updated discussion on the Computer Fraud and Abuse Act (CFAA) and current attempts at reform (e.g., Aaron’s Law).
- **Chapter 18: A Dual Threat: Drug-Related Crime and Organized Crime**—This chapter includes updated crime statistics; updated material on the harmful cutting agent used in cocaine production; expanded content on K2/spice, including new legislation and scheduling, and Project Synergy; new discussion about Molly (MDMA); and a new term (*pill mills*).
- **Chapter 19: Criminal Activities of Gangs and Other Dangerous Groups**—This chapter has incorporated new statistics regarding gangs and hate crimes; added the term *tagging*; tightened up the section on “Types of Gangs”; and updated strategies used to address gangs and the gang problem.
- **Chapter 20: Terrorism and Homeland Security**—Terrorism and homeland security are increasingly hot topics for law enforcement, and this chapter has been thoroughly updated, including the most recently available statistics and survey results regarding terrorism. There is also an expanded discussion about homegrown violent extremists as an increasing threat; new content about AQAP and ISIL/ISIS; added content about ecoterrorism/economic sabotage; discussion of the renewal of and changes to PATRIOT Act provisions; coverage of the updated *NIPP 2013*; and addition of several new terms (*domestic terrorism*, *homegrown violent extremists [HVEs]*, *Islamic State of Iraq and the Levant [ISIL]*, *narcoterrorism*).
- **Chapter 21: Preparing for and Presenting Cases in Court**—This key chapter has been reviewed to be sure it helps prepare future investigators to defend their cases in a court of law, and two terms were added (*hearsay*, *sequestering*).

HOW TO USE THIS TEXT

Criminal Investigation is a carefully structured learning experience. The more actively you participate in it, the more you will learn. You will learn and remember more if you first familiarize yourself with the total scope of the subject. Read and think about the table of contents, which provides an outline of the many facets of criminal investigation.

Then follow these steps for *quadruple-strength learning* as you study each chapter.

1. Read the learning objectives (LOs) at the beginning of the chapter. These are designed to help you anticipate the key content of the chapter and to prompt a self-assessment of your current knowledge of the subject. Also, look at the key terms listed and watch for them when they are used.
2. Read the chapter while underlining, highlighting, or taking notes—whatever is your preferred study method. Pay special attention to information in the blue boxes or words that appear in boldface type. The former represent the chapter-opening LOs, and the latter comprise the key terms identified at the beginning of the chapter.
3. When you have finished reading the chapter, read the Summary—your third exposure to the chapter’s key information. Then return to the beginning of the chapter and quiz yourself. Can you respond knowledgeably to the learning objectives? Can you define the key terms?
4. Finally, in Sections 3, 4, and 5, complete the Application exercises at the end of each chapter. These exercises ask you to apply the chapter concepts in actual or hypothetical cases.

By following these steps, you will learn more information, understand it more fully, and remember it longer.

Note: The material selected to highlight using the quadruple-strength learning instructional design includes only the chapter’s key concepts. Although this information is certainly important in that it provides a structural foundation for understanding the topic(s) discussed, you cannot simply glance over the highlighted boxes that correspond to each learning objective and summary and expect to master the chapter. You are also responsible for reading and understanding the material that surrounds these boxed features.

ANCILLARIES

For The Instructor

Online Instructor's Manual — The manual includes learning objectives, key terms, a detailed chapter outline, student activities, and media tools. The learning objectives are correlated with the discussion topics, student activities, and media tools. The manual is available for download on the password-protected Web site and can also be obtained by e-mailing your local Cengage Learning representative.

Online Test Bank — Each chapter of the test bank contains questions in multiple-choice, true/false, completion, and essay formats, with a full answer key. The test bank is coded to the learning objectives that appear in the main text, references to the section in the main text where the answers can be found, and Bloom's taxonomy. Finally, each question in the test bank has been carefully reviewed by experienced criminal justice instructors for quality, accuracy, and content coverage. The test bank is available for download on the password-protected Web site and can also be obtained by e-mailing your local Cengage Learning representative.

Cengage Learning Testing, Powered by Cognero

— This assessment software is a flexible online system that allows you to import, edit, and manipulate test bank content from the *Criminal Investigation* test bank or elsewhere, including your own favorite test questions; create multiple test versions in an instant; and deliver tests from your LMS, your classroom, or wherever you want.

Online PowerPoint Lectures — Helping you make your lectures more engaging while effectively reaching your visually oriented students, these handy Microsoft

PowerPoint® slides outline the chapters of the main text in a classroom-ready presentation. The PowerPoint slides are updated to reflect the content and organization of the new edition of the text. Available for download on the password-protected instructor companion Web site, the presentations can also be obtained by e-mailing your local Cengage Learning representative.

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MindTap for Criminal Investigation — With MindTap™ Criminal Justice for *Criminal Investigation*, you have the tools you need to better manage your limited time, with the ability to complete assignments whenever and wherever you are ready to learn. Course material that is specially customized for you by your instructor in a proven, easy-to-use interface keeps you engaged and active in the course. MindTap helps you achieve better grades today by cultivating a true understanding of course concepts, and with a mobile app to keep you on track. With a wide array of course-specific tools and apps—from note taking to flashcards—you can feel confident that MindTap is a worthwhile and valuable investment in your education.

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Dr. Hess was a member of the Academy of Criminal Justice Sciences (ACJS), the American Association of University Women (AAUW), the American Society for Industrial Security (ASIS), the International Association of Chiefs of Police (IACP), the International Law Enforcement Educators and Trainers Association (ILEETA), the Justice Research and Statistics Association (JRSA), the National Council of Teachers of English (NCTE), the Police Executive Research Forum (PERF), and the Textbook and Academic Authors Association (TAA), of which she was a fellow and also a member of the TAA Foundation Board of Directors.

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Police and Peace Officers Association, International Association of Identification—Minnesota Chapter, Minnesota Sex Crimes Investigator Association, High Technology Crime Investigation Association, and National White Collar Crime Center and Fraternal Order of Police. Sgt. Cho has published in the *Minnesota Police Journal*, appeared as a profile contributor in *Introduction to Law Enforcement and Criminal Justice* (9th edition), and is a contributor to *Police Operations* (5th edition) and *Introduction to Law Enforcement and Criminal Justice* (10th edition).



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Criminal Investigation



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SECTION 1

Introduction

1 | Criminal Investigation: An Overview

Welcome to criminal investigation. What are you in for? Here's a glimpse ...

New to law enforcement, Officer Richard Gautsch found himself standing over the bullet-ridden corpse of a 15-year-old gas station attendant. The boy had been robbed, kidnapped, and brutally executed, all for the 48 bucks in his pocket, and Gautsch's view of the world was forever changed. The 24-year-old detective (the youngest in Minnesota) had had little time to transition from life as a college jock to the violent world of murder investigations. And although naïve and inexperienced, he played a lead role in the pursuit, arrest, and conviction of the two murder suspects.

During the next five years with a suburban metro police department, Gautsch worked a variety of major cases throughout the metropolitan area, including numerous undercover assignments. His youthful appearance quickly landed him in the middle of a major angel dust investigation, and it didn't take long for him to realize that the glitz and glamor of *Miami Vice* were pure fiction. Detective Gautsch unexpectedly found himself in a car with two dealers, his informant, and a lit pipe full of the pungent chemical. As the pipe was being passed around,

the dealers demanded to know why Gautsch wasn't inhaling. The informant (who was inhaling deeply) asked the same question. With no weapon or backup, Gautsch suddenly felt a sensation he'd never seen portrayed by the heroes of those one-hour cop shows—fear and the urge to flee. After a sprint to safety, Gautsch wondered if he'd chosen the right career.

As the young detective gained experience, he learned that successful investigations rely on communication skills and attention to tedious tasks. Searching filthy attics and sifting through the rotting contents of a dumpster are more common than are excitement and intrigue. Investigators' abilities to interview and to write reports are far more important than how accurately they shoot or how fast they can drive.

Gautsch was promoted to detective supervisor and placed in charge of the Investigation Unit. That same year, he investigated the murder of a young police officer who was answering a burglary call. The case was his most difficult—the officer was one of his best friends.

Five years later, Gautsch pinned on his captain's bars, his command expanding to include the Investigative Unit and a special multijurisdictional undercover task force. In 1988, he led a highly publicized murder investigation that stunned the entire community. After an argument with her boyfriend, a young mother was brutally stabbed to death in her apartment. The evidence against the boyfriend was so overwhelming that no one doubted his guilt, yet he remained uncharged. The community was outraged. Gautsch and his detectives doggedly pursued the suspect for three years, only to learn they had the wrong guy.

This thumbnail sketch of one detective's career offers a glimpse into the world of the criminal investigator. Criminal investigation is a complex, sophisticated field, each aspect of which could constitute a book. This

text includes the most basic aspects of criminal investigation. Section 1 presents an overview of criminal investigation and general guidelines to follow or adapt in specific circumstances, as well as basic considerations in the preliminary investigation, the most critical phase in the majority of investigations.

Investigators must be thoroughly familiar with crimes and their elements, modus operandi information, the major goals of investigation, the basic functions of investigating officers, and the investigators' relationships with other individuals and agencies.

Investigators do not operate in a vacuum but must relate to constitutional safeguards. They must also understand how case law determines the parameters within which they perform the investigative process. How these constitutional safeguards and case law specifically affect investigations is emphasized throughout the text.



CHAPTER 1

Criminal Investigation: An Overview



Outline

A Brief History of Criminal Investigation	An Overview of the Investigative Process	A Brief Word About Problem-Oriented Policing
Definitions Pertinent to Criminal Investigation	The Initial Investigation and Police Contact	Investigative Liaisons Within a Community Policing Paradigm
Primary Goals of Criminal Investigations	Incident Review and Solvability Factors: A Critical Step in Managing Criminal Investigations	Major-Case Task Forces
Basic Investigative Functions: The Responsibility of All Police Personnel	The Follow-Up Investigation	Law Enforcement Resources
Characteristics of an Effective Investigator	Computer-Aided Investigation	Clearing a Case and the Remainder of the Investigative Process
		A Word About Investigative Productivity
		Avoiding Civil Liability

Can You Define?

civil liability	criminal statute	forensic science	misdemeanor
community policing	culturally adroit	hot spots	modus operandi (MO)
crime	data mining	inductive reasoning	ordinance
crime mapping	deductive reasoning	intuition	<i>res gestae</i> statements
criminal investigation	elements of the crime	investigate	solvability factors
criminalist	exculpatory evidence	leads	
criminalistics	felony	Locard's principle of exchange	

Learning Objectives

- L01** Define criminal investigation.
- L02** Summarize the primary goals of the criminal investigation.
- L03** List and describe the basic functions performed by investigators.
- L04** Understand the intellectual, psychological, and physical characteristics possessed by an effective investigator.
- L05** Describe the key aspects of the initial investigation.
- L06** Explain how investigators decide whether or not to pursue a criminal investigation and what information they consider in this process.
- L07** Identify the various individuals and entities with whom successful investigators interrelate.
- L08** Describe some of the ways investigators can protect against civil lawsuits.



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INTRODUCTION

On a cold January day in 2010, Livonia, Louisiana, police officer John Thibodeaux was patrolling the roads of Pointe Coupee Parish when he saw a car swerving between lanes. Officer Thibodeaux stopped the car and arrested the driver, 45-year-old Kevin Edison Smith, for drug possession. Under Louisiana law, police are authorized to take DNA samples during drug arrests, and Smith's DNA was entered into the national database. Little did Thibodeaux realize at the time that his stop would provide the missing piece to a murder mystery that had dodged Texas police for nearly 15 years.

On March 5, 1996, 13-year-old Krystal Jean Baker was last seen leaving a convenience store in Texas City, Texas. Krystal, who incidentally was the great-niece of Norma Jean Baker, aka Marilyn Monroe, was reportedly walking to a friend's house

after a family spat at her grandmother's home. Her body was found later that day under a bridge in Chambers County. She had been sexually assaulted and strangled. DNA swabs were taken but led nowhere.

Several months after Smith's arrest in Louisiana, police in Texas City discovered the needle in the haystack they had been searching for—a DNA hit to match the sample gathered from the child victim. According to authorities, had Smith been pulled over in Texas for his offense, the case may never have been solved, because under Texas law, DNA can be taken only after an individual is convicted of certain sex offenses. In Louisiana, however, state law allowed DNA samples to be collected from suspects, not just convicted felons.

Some would say that the traffic stop and subsequent arrest were just plain luck. However, experience and alertness often play significant roles in investigation, and an observant police officer can initiate an important criminal investigation, sometimes without realizing it at first. Criminal investigation combines art

and science and requires extraordinary preparation and training. And in today's high-tech society, where information flows faster than ever and citizens expect results more quickly, investigators need to step up their technology and teamwork skills—they need an edge.

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

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

A BRIEF HISTORY OF CRIMINAL INVESTIGATION

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

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

In 1833, Vidocq created Le Bureau des Renseignements (Office of Information), which combined private police and private investigation into what is considered the first private detective agency. Interestingly, most of the agents were ex-criminals. As head of the unit, Vidocq is often recognized as the first private detective in history. Vidocq is credited with introducing undercover work, ballistics, and criminology. He made the first plaster casts of shoe impressions and created indelible ink and unalterable bond paper. The exclusive Vidocq Society—a fraternal organization founded in 1990 whose members are both law enforcement professionals and nonprofessionals and meet monthly in a social setting to evaluate and discuss unsolved crimes, often homicides, officially brought to them by other law enforcement agencies—is named after him. Admission into this elite society is very selective, with just over 150 individuals currently allowed to wear the distinctive red, white, and blue Vidocq rosette representing membership.

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

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

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

The use of biometrics and identification systems in criminal investigation began in 1882, when French police officer Alphonse Bertillon, now considered the father of personal identification, unveiled a system known as anthropometry, in which offenders were



Henry Fielding (1707–1754)

Henry Fielding (1707–1754) engraved by Samuel Freeman (1773–1857) (engraving) (b&w photo), Hogarth, William (1697–1764) (after)/Private Collection/Bridgeman Images



François Eugène Vidocq (1775–1857)

François Eugène Vidocq (1775–1857) (litho) (b&w photo), French School (19th century)/Bibliothèque Nationale, Paris, France/Bridgeman Images



An FBI agent photographs a heel print at a crime scene (circa 1960).

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identified by their unique physical measurements, as well as personality characteristics, and individual markings, such as tattoos and scars. In 1884, Bertillon used his technique to identify 241 multiple offenders, demonstrating that the Bertillon system could successfully distinguish first-time offenders from recidivists. The system was quickly adopted by American and British police forces and remained a primary method of identifying suspects for more than three decades, when fingerprint analysis replaced it as more accurate means of identification.

Bertillon also standardized the criminal mug shot, advocated that crime scene pictures be taken before the scene was disturbed in any way, and developed “metric photography” to reconstruct the dimensions of a particular space and the placement of objects in it. Other forensic techniques credited to Bertillon include forensic document examination, ballistics, the use of molding compounds to preserve footprints, and the use of the dynamometer to determine the degree of force used in breaking and entering.

The field of criminalistics and forensics began taking shape in 1910, when Edmond Locard, a French criminologist, set forth his “exchange principle” stating that a criminal always removes something from a crime scene or leaves incriminating evidence behind. Under police leaders such as August Vollmer and J. Edgar Hoover, who

is credited with molding the FBI into a credible national law enforcement entity, law enforcement and investigators in the United States began adopting Locard’s exchange principle in 1932.

August “Gus” Vollmer, known as the father of modern policing, pioneered the movement to professionalize police by starting the first school in which officers could learn the laws of evidence. In 1905 he was elected town marshal of Berkeley, California, and in 1909 he became its first police chief. However, before officially becoming the chief, Vollmer was bringing innovation to criminal investigation. In 1907 he became the first American officer to implement the use of blood, fiber, and soil analysis in criminal investigations. In 1920 he was the first chief to have his department use the lie detector, an instrument developed by the University of California during a criminal investigation.

These early developments, as shown in Table 1.1, set the stage for a rapidly evolving field of criminal investigation in the United States. But what, exactly, *is* criminal investigation?

DEFINITIONS PERTINENT TO CRIMINAL INVESTIGATION

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

L01 A **criminal investigation** is the process of discovering, collecting, preparing, identifying, and presenting evidence to determine what happened and who is responsible.

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

TABLE 1.1 Major Advances in Criminal Investigation

1750	First paid detective unit is formed in England—Fielding's Bow Street Runners.
1833	First private detective agency is formed in France by Vidocq.
1849	Pinkerton becomes the first American detective (in Chicago). Other municipalities across the country soon establish detective positions.
1868	DNA discovered.
1882	Alphonse Bertillon uses anthropometrics as a means of identification.
1893	First major book on investigation, <i>Criminal Investigation</i> by Austrian Hans Gross, is published.
1896	Edward Henry develops a fingerprinting system, which is adopted throughout England in 1900.
1908	Federal Bureau of Investigation (FBI) is established.
1909	Dr. Karl Landsteiner discovers the different human blood types and classifies them into A, B, AB, and O groups.
1910	Dr. Edmond Locard sets forth his "exchange principle."
1913	Professor Victor Balthazard publishes his classic article on firearms identification.
1920s	Calvin Goddard raises firearms identification to a science and perfects the bullet comparison microscope.
1923	August Vollmer establishes the first full forensic laboratory, in Los Angeles.
Early 1950s	James Watson and Francis Crick identifies the structure of DNA.
1967	FBI creates the National Crime Information Center (NCIC), which has been called the lifeline of law enforcement. NCIC is a collective database that includes stolen items, identity of terrorists, and missing persons; runs 24 hours a day, 365 days a year; and is available to all American as well as international law enforcement.
1970s	FBI implements the Behavioral Science Unit, more commonly known as "criminal profiling." This criminal investigation technique seeks to understand the psychological characteristics of an individual as a way to predict future crimes as well as narrow down a profile of a likely suspect in a case.
1979	Herman Goldstein's Problem-Oriented Policing is published.
1985	Alec Jeffreys discovers the parts of the DNA structure that are unique in each person, making positive identification possible.
1986	First use of DNA typing in a criminal case, in England: DNA is used to clear a suspect in a murder. (A detective in the East Midlands read of the case and sought Jeffreys's help in solving the vicious murder and rape of two British schoolgirls. The police held a prime suspect in the case, a kitchen porter at an insane asylum who had confessed to one of the murders. They brought to Jeffreys semen samples from the murder scenes and a blood sample from the suspect. Jeffreys confirmed that the same person committed both crimes, but it was not the suspect the police held. On November 21, 1986, the kitchen porter became the first person in the world to have his innocence proven by DNA testing.)
1988	First use of DNA typing in a criminal case, in the United States, in which a criminal is identified by DNA (<i>Andrews v. State</i> , 1988). (Lifecodes Corporation [Stamford, Connecticut] performed the tests in the first case in the United States in which a criminal was identified by DNA. The trial of accused rapist Tommie Lee Andrews began in Orlando, Florida, on November 3, 1987. A scientist from Lifecodes and an MIT biologist testified that semen from the victim matched Andrews's DNA and that Andrews's print would be found in only 1 in 10 billion individuals. On November 6, 1987, the jury returned a guilty verdict, and Andrews was subsequently sentenced to 22 years in prison.)
1991	FBI forms CART (Computer Analysis and Response Teams) to investigate suspects' computers.
1994	CompStat (COMPUter STATistics) is developed in New York to reduce crime and manage personnel.
1997	Idea of "Touch DNA" is developed.
1998	FBI launches the Combined DNA Index System (CODIS), a database that stores DNA profiles submitted by law enforcement and private laboratories and is used to identify criminal suspects.
1999	FBI launches the Integrated Automated Fingerprint Identification System (IAFIS), a database that retains fingerprints taken from law enforcement and is used to identify suspects.
2011	FBI launches Next Generation Identification (NGI), a system upgrade to replace IAFIS that integrates a fingerprint database and incorporates other biometric identification methods, such as voice, facial recognition, iris recognition, fingerprint, and palm print.
2013	U.S. Supreme Court rules the DNA can be taken from persons under arrest. No conviction is required.