

# CRIMINAL INVESTIGATION

T W E L F T H  
E D I T I O N



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T W E L F T H  
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# Preface

Welcome to *Criminal Investigation*, Twelfth 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 Twelfth 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, 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 and the collection and analysis of digital evidence (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, extremism, and homeland security (Chapter 20); and the culmination of investigations: preparing for and presenting cases in court (Chapter 21).

## NEW TO THIS EDITION

The Twelfth Edition of *Criminal Investigation* has been completely updated with hundreds of new references.

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 in every chapter of a *Myth versus Fact* feature, which aims to dispel some of the common misperceptions surrounding the various topics discussed in the text, and a Technology Innovations feature to highlight some of the technological advances impacting the field of criminal investigation, the Twelfth Edition features the following chapter-by-chapter enhancements:

- **Chapter 1: Criminal Investigation: An Overview**—This chapter includes updated statistics throughout; a new discussion of the results of several studies involving recidivism, victimization numbers and rates, and forensic crime log backlogs; and a brief discussion of how the National Institute of Justice differentiates the different types of crime lab backlogs, as well as NIJ programs to reduce backlogs and increase efficiency.
- **Chapter 2: Documenting the Crime Scene: Note Taking, Photographing, and Sketching**—This chapter includes an updated Technology Innovation feature about 3-D crime scene mapping technology; new content from the FBI's Handbook of Forensic Services regarding aerial photography; and new content about technology used to produce electronic, computer-generated lineups. In addition, we converted a section of text discussing the different types of photographic equipment into a new table (Table 2.1).
- **Chapter 3: Writing Effective Reports**—This chapter was thoroughly reviewed to ensure the best-practices in report writing were presented.
- **Chapter 4: Searches**—The section on “Searches without a Warrant” was reorganized slightly to facilitate the flow of the discussion. The chapter includes two new terms (*attenuation doctrine*, *independent source doctrine*); many new cases—*Byrd v. U.S.*, 2018 (consent search), *U.S. v. Camou*, 2014 (warrantless search of cell phones), *U.S. v. Johnson*, 2019 (search incident to arrest: order is irrelevant), *U.S. v. Torres*, 2016 (inventory searches of vehicles), *U.S. v. Iwai*, 2019 (exigent circumstance searches), *Collins v. Virginia*, 2018 (warrantless searches of vehicles within the curtilage), *Arizona v. Evans*, 1995 (exclusionary rule exception involving clerical errors), *Bailey v. U.S.*, 2013 (detaining a person who has left the immediate vicinity where a search warrant is being executed), *U.S. v. Whitaker*, 2016 (dog sniffs), *Murray v. U.S.*, 1988 (independent source doctrine), *Utah v. Strieff*, 2016 (attenuation doctrine), *Carpenter v. U.S.*, 2018 (warrantless search and seizure of cell phone records), *In re Search of a Residence in Oakland, California*, 2019 (challenge of technology and privacy rights), *U.S. v. Williams*, 2015 (using LRP to justify a *Terry* stop)—and an expanded discussion of the exclusionary rule, adding two new B-level headings: independent source doctrine and attenuation doctrine.
- **Chapter 5: Forensics and Physical Evidence**—This chapter includes a new photo of documentary evidence; several new Technology Innovations (portable forensic light source [Crime-lite XL to replace TracER], mobile fingerprint readers, DNA phenotyping); added three new terms (*digital evidence*, *primary transfer* [concerning DNA evidence], *secondary transfer* [concerning DNA evidence]); new content about voiceprints; an expanded section on collection of DNA evidence; a new section on individual skin-associated chemical signature evidence; additional coverage of the new forensic footwear database; an expanded discussion of the “Bite Mark” section to include teeth and lip prints, as well as consideration of the current legal challenges facing forensic bite mark analysis; a new discussion of the new drug analyzing technology called TruNarc; and a brief mention of protecting against infection from COVID-19. Additionally, Table 17.1 has been moved to this chapter (now Table 5.4) in the discussion of digital evidence that may be found when investigating various crimes.
- **Chapter 6: Obtaining Information and Intelligence**—The chapter includes several new terms (*implicit bias*, *microaggression*); an expanded “Knock and Talk” section to include the cases of *Florida v. Jardines* (2013), *State v. Huddy* (2017), *Kentucky v. King* (2011), *Michigan v. Frederick* (2019); new content from the HIG (High-Value Detainee Interrogation Group) regarding cross-cultural communication with victims, witnesses, and suspects; new content on implicit bias as a barrier to communication; new content regarding several interview and interrogation techniques (Reid, PEACE); a new Technology Innovation (VALT police interview recording software); a discussion of the case of *People v. Thomas* (2014), dealing with police use of coercive deception to gain a confession; updated information on false confessions; new content on voice stress analysis technology to detect deception; and a



discussion of how NIEM is replacing GJXDM as platform to share information.

■ **Chapter 7: Identifying and Arresting Suspects**—

This chapter contains new information on show-up identification; an updated discussion of the FBI's National Center for the Analysis of Violent Crime (NCAVC); five new Technology Innovations (Integrated Biometrics Five-0 fingerprint biometric scanners, CrimeStat crime mapping software, TWS, ShotSpotter Flex, BolaWrap); new content on racial profiling and the use of gait analysis in developing and identifying suspects; a brief discussion of using single confirmatory photos in suspect identification; new content about photo arrays and DOJ procedures for conducting them; a discussion of the case of *United States v. Yang* (2020), which dealt with the constitutionality of using ALPR without a warrant to locate and identify suspects, and the use of social media in undercover investigations; a new mention that state laws vary regarding stop-and-identify; updated statistics and studies on police use of force; a new discussion of decision making models as options to replace use-of-force continuums; a discussion of the case of *Armstrong v. Village of Pinehurst* (2016), which set stricter guidelines in how police can deploy CEDs; and updated content regarding excited delirium.

- **Chapter 8: Death Investigations**—This chapter includes updated all UCR statistics; a new term (*cold case*); a new discussion of the differentiation between manner, cause, and mechanism of death; new content on excited delirium and sudden in-custody deaths; a new figure on Homicide Process Mapping and tasks to perform during the critical 48 hours after a homicide is reported to police; new content on forensic entomology and estimating time of death; a new case (*Mitchell v. Wisconsin*, 2019) that dealt with the legality of a warrantless blood draw from an unconscious individual suspected of drunk driving; updated the content on homicide clearances; and an updated section on cold cases.

- **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 content on investigating domestic violence, as well as discussion of the evidence shown to increase criminal convictions rates; expanded content regarding investigating stalking; a new term (*cybersuicide*); and a restructured section

with updated content on investigating elder abuse. We also converted text discussing the types of intimate partner violence (IPV) into a table (Table 9.1).

- **Chapter 10: Sex Offenses**—This chapter includes updated statistics and two new terms (*sextortion*, *trauma bond*); discussion of a new case (*Karsjens v. Piper*, 2018) dealing with the civil commitment of sex offenders; and an updated date rape drug section, including the addition of GHB and Ecstasy. We heavily revised the section on human trafficking, updating statistics and adding new subsections on indicators of trafficking, recognizing traffickers, overlap with other crimes, gaining victim and witness cooperation, and questioning survivors of trafficking. Much of the “trafficking vs. smuggling” text was converted into a table.
- **Chapter 11: Crimes against Children**—This chapter includes updated statistics on child abuse and neglect; new content regarding how best to use anatomical dolls during forensic interviews of child abuse victims; mention of the amendment of CAPTA by the Victims of Child Abuse Reauthorization Act of 2018; and a list of different protocols for interviewing child victims of sexual assault. The discussion of the commercial sexual exploitation of children (CSEC) was reorganized, with a section added on sextortion and the live-streaming of child sexual abuse. We added content about the AMBER Alert Secondary Distribution (AASD) Program and a new Technology Innovation (Bark).
- **Chapter 12: Robbery**—This chapter includes updated crime statistics on robbery.
- **Chapter 13: Burglary**—This chapter includes updated statistics on burglary and a small addition on using rational choice theory to prevent burglary.
- **Chapter 14: Larceny/Theft, Fraud, and White-Collar Crime**—All crime statistics have been updated, and the chapter includes new content regarding wildlife theft and trafficking; new content on how to differentiate identity theft from identity fraud; new examples of recently investigated identity theft cases; and updates of the cases pertaining to environmental crimes. Two terms related to telephone scams (*jamming*, *sliding*) were deleted as they are no longer major problems with cell phones and free long distance, and one term was added (*identity fraud*).
- **Chapter 15: Motor Vehicle Theft**—This chapter includes updated statistics on the most common stolen vehicles and the most commonly cloned vehicles.



- **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 most recent edition of *NFPA 921* (2021 Edition). It includes an expanded discussion regarding arsonist behavior; a restructured motivation section that better aligns with the current *NFPA 921* guidelines; a mention of the ATF’s Fire Research Lab (FRL); new content regarding responding to a fire scene; and three new terms (*mass arson*, *serial arson*, *spree arson*).
- **Chapter 17: Computer Crime and Digital Evidence**—The chapter title was modified to include “Digital Evidence.” In addition to updated statistics, new terminology (*dark web*, *deep web*, *ransomware*, *surface web*), and expanded content regarding IC3 and the types of complaints they handle, the chapter has a new section differentiating the layers of the web (surface, deep, and dark), new content regarding IPv6, a discussion of ransomware attacks, and content about the CLOUD Act. Two new tables are presented: 2019 Crime Types by Victim Count and Victim Loss (from the IC3 annual cybercrime report). Several new cases are discussed: *U.S. v. Microsoft*, 2018 (obtaining digital evidence from the cloud), *Van Buren v. U.S.*, 2020 (expansion of the CFAA), *U.S. v. Stanley*, 2014 (mooching another’s IP address to commit cybercrime). The chapter also includes a mention of the USA FREEDOM Act and a new Technology Innovation feature about new tools to expedite digital evidence acquisition and analysis.
- **Chapter 18: A Dual Threat: Drug-Related Crime and Organized Crime**—This chapter includes updated crime statistics and a new term (*transnational organized crime*). The section titled “Classification of Controlled Drugs” was completely reorganized to group specific drugs into the same class (e.g., narcotics, stimulants). The chapter also contains a new section on fentanyl; new content on designer drugs (bath salts, synthetic opioids); a discussion of the use of Naloxone, a new paragraph about “drug-induced homicide” or “death by distribution” laws; updated content on transnational organized crime (TOC) and the IOC-2, and a new Technology Innovation feature about ACE-ID spectrographic drug identification. Table 18.2 was modified to include fentanyl, GHB, Rohypnol, Khat, methamphetamine, MDMA, and ketamine.
- **Chapter 19: Criminal Gangs and Other Dangerous Groups**—This chapter includes updated statistics regarding gangs and hate crimes; a new term (*security threat group*); a new section on “Gangs and Technology”; and new content on gang violence and gang-related homicides. It also differentiates hate crime from terrorism and extremism, and introduces a new Technology Innovation—the Gang Graffiti Automatic Recognition and Interpretation (GARI) App.
- **Chapter 20: Terrorism, Extremism, 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. “Extremism” now forms part of the chapter title to emphasize how radical ideology fits into the broader discussion of terrorism. Content pertaining to two Islamist terror groups (HAMAS, Al-Aqsa Martyrs Brigades) has been deleted due to their relative insignificance as direct threats to the homeland but there is a new paragraph on the Taliban. The discussion of domestic extremism and terrorism has been restructured and expanded, as that is currently the biggest threat to the United States, and it includes the reorganization of ideological categories (e.g., far-right, far-left, religious) to better align with those used by CSIS, START, and other entities that track, study, and respond to terrorism. Within the Domestic Terrorism section, the chapter includes expanded content regarding far-right extremism, including the Oath Keepers, Three Percenters, Proud Boys, and QAnon, and new content about Antifa in the section discussing far-left extremism. In addition to a new section on the USA FREEDOM Act, which replaced the USA PATRIOT Act in 2015, and new content pertaining to planning and preparing for a terrorist attack, several terms were deleted (*Islamic State of Iraq and the Levant [ISIL]*, *technological terrorism*) and several terms were added (*boogaloo*, *extremism*, *targeted violence*, *terrorism*).
- **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 a new term was added (*deposition*).

## 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 outlines, 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 website and can also be obtained by emailing 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, 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 website and can also be obtained by emailing 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 and feature some additional examples and real-world cases for application and discussion. Available for download on the password-protected instructor companion website, the presentations can also be obtained by emailing your local Cengage Learning representative.

## For the Student

**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 it includes 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.

You will stay engaged with MindTap’s video cases and career scenarios and remain motivated by information that shows where you stand at all times—both

individually and compared to the highest performers in class. MindTap eliminates the guesswork, focusing on what’s most important with a learning path designed specifically by your instructor and for your Criminal Investigation course. Master the most important information with built-in study tools such as visual chapter summaries and integrated learning objectives that will help you stay organized and use your time efficiently.



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# CRIMINAL INVESTIGATION

# 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, rookie Police Detective Asha Mohammed responded to a homicide call and found herself standing over the body of a high school student. The 15-year-old girl had been brutally raped and murdered. Mohammed's world perspective that night would change forever. The 26-year-old detective had entered the police academy directly after completing her four-year college degree, and had graduated from the academy at the top of her class. She had finished her initial field training period on patrol and had just rotated into the investigative unit, the final step in probation that she needed to complete before being released on her own with her new partner.

Naive and inexperienced, Mohammed played a primary role in the pursuit, arrest, and conviction of the murder suspect. During the next five years with a metropolitan police department, Mohammed was involved in a variety of cases, including several undercover assignments. Her youthful appearance and cultural background allowed her access into a secretive Somali gang drug ring, and it didn't take her long to gain the trust of high-level dealers. During one investigation, Mohammed found herself in a hotel room with her informant, two dealers, and several gang members passing around a meth pipe. The leader of the gang asked Mohammed why she wasn't participating, and for the first time, she found herself in a position of fear, nearly overcome with the urge to flee.

Without any weapons or backup and nowhere to go, Mohammed had little choice but to try the drug, as the risk of





blowing her cover would have been deadly. Shortly afterwards she had to report the usage to her immediate supervisor and attend a mandatory detox and rehabilitation before being cleared to return to work. Through these experiences the young detective learned to rely on not only her communication skills, her intuition, street smarts, and attention to detail but also her survival instincts.

Over time, Mohammed came to understand that conducting tedious research for cases and sifting through filthy drug house trash cans were far more common elements of investigation than the excitement or intrigue shown on *NCIS* or *New York Undercover*. For an investigator, the ability to interview and write reports is vastly more important than how accurately they can shoot at the range or how skilled they are at tactical driving.

After several more years, Mohammed was eventually promoted to sergeant, supervising the general Investigations Unit. That same year, Mohammed led the investigation of a fellow police officer killed in the line of duty. This was her most difficult case, as the murder victim was not only an academy classmate of hers but also a close, personal friend. This made the case especially traumatic.

Several more years passed, and 15 years into her career, Sergeant Mohammed was promoted to captain. After getting her bars pinned on, Mohammed was assigned to command the entire investigative division, which included general investigations, homicide, gangs, drugs, sex crimes, property crimes, and white-collar crimes. In her second year as a captain, Mohammed led a highly publicized case that stunned everyone

in the community. A young teenage boy was brutally beaten to death in an affluent neighborhood. There was overwhelming evidence against a neighbor who had a prior criminal history of violence, and no one in the community doubted his guilt, yet he remained un-charged, and the investigation stayed open. The community was outraged. Over the next three years, Mohammed and her team actively pursued and investigated the case, only to discover they had the wrong suspect.

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

### Chapter Outline

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

### Learning Objectives

- L01 Summarize the primary goals of the criminal investigation.
- L02 Describe the basic functions performed by investigators.
- L03 Understand the intellectual, psychological, and physical characteristics possessed by an effective investigator.
- L04 Describe the key aspects of the initial investigation.
- L05 Explain how investigators decide whether or not to pursue a criminal investigation and what information they consider in this process.
- L06 Identify the various individuals and entities with whom successful investigators interrelate.
- L07 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 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 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. A **criminal investigation** is the process of discovering, collecting, preparing, identifying, and presenting evidence to determine what happened, whether a crime was committed, 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.

**Criminalistics** refers to specialists trained in recording, identifying, and interpreting the minutiae (minute details) of physical evidence. A **criminalist** (aka crime scene technician, examiner, or investigator) searches for, collects, and preserves physical evidence in investigations of crime and suspected criminals. Criminalistics is a branch of **forensic science**, a broader field that encompasses the application of myriad scientific processes to the law, including legal inquiries conducted within the context of the criminal justice system (Fantino, 2007). The U.S. Department of Justice lists the following as the most common forensic science laboratory disciplines (2019):

- Molecular biology
- Chemistry
- Trace evidence examination (hairs and fibers, paints and polymers, glass, soil, etc.)
- Latent fingerprint examination
- Firearms and toolmarks examination
- Handwriting analysis
- Fire and explosives examination
- Toxicology
- Digital evidence

Other disciplines that may have a forensic applications include odontology, anthropology, serology, and photography. Practitioners involved in the disciplines of forensic pathology, forensic nursing, forensic psychology, forensic entomology, and forensic engineering are most often found in medical examiner or coroner offices, in universities, or in private practices (USDOJ, 2019).

The first determination in a criminal investigation is whether a crime has, in fact, been committed. Although everyone has a notion of what crime is, investigators must have a very precise understanding of what it means. Specific definitions of such terms as *crime*, *felony*, *misdemeanor*, *criminal statute*, and *ordinance* are found in case law.

A **crime** is an act or omission (of an act) that is forbidden by law and considered an offense against the state. In contrast to a tort, which is a private harm, a crime is a violation of a public right to which a government-sanctioned penalty is attached. The broader use of the term *crime* includes both felonies and misdemeanors, two general categories whose parameters are set based on the severity of an act and its recommended punishment. The more serious society considers a crime, the more severe the penalty. A **felony** is a serious crime, graver than a misdemeanor; it is generally punishable by death or imprisonment of more than one year in a penitentiary. A **misdemeanor** is a crime or offense that is less serious than a felony and is punishable by a fine or imprisonment of as long as one year in an institution other than a penitentiary. Misdemeanors are sometimes further subdivided into gross and petty misdemeanors, based on the value of the property involved and/or the severity of the offense.

A crime can be defined at the state or federal level through a **criminal statute**, a legislative act relating to prohibited conduct and attaching a penalty or punishment to that conduct. A crime can also be defined by an **ordinance**, an act of the legislative body of a municipality or county relating to all the rules governing the municipality or county, including misdemeanors. Statutes and ordinances list specific conditions, called the **elements of the crime**, that must occur for an act to be called a specific kind of crime. For example, a state statute might define burglary as occurring when (1) an accused enters a building (2) without the consent of the rightful owner (3) with the intent to commit a crime. An investigation must prove each element, even if the suspect has confessed. Sections 3 and 4 of this text discuss the elements of major crimes. Knowing these specific elements is essential to gathering evidence to prove a crime has been committed. Definitions of crimes and their penalties vary considerably depending on whether they occur at the municipal, county, state, or federal level. Consequently, investigators must be familiar with their area's criminal statutes and ordinances. For example, in some states, shoplifting is a felony regardless of the value of the property taken. In other states, however, the value of the shoplifted property determines whether the crime is a misdemeanor or a felony.

Because crimes and their penalties are established and defined by state and federal statutes and local ordinances, an act that is not declared a crime by statute or ordinance is not a chargeable offense, no matter how wrong it may seem. Designated crimes and their punishments change as society's attitudes change. In the past, for example, behavior associated with alcoholism was considered criminal, but



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 identify 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 that DNA can be taken from persons under arrest. No conviction is required.
2017	Rapid DNA Act passes allowing DNA testing to be implemented when booking a suspect into jail.
2018	Clarifying Lawful Overseas Use of Data (CLOUD) Act established to speed access to electronic information held by U.S.-based global providers that is critical to our foreign partners’ investigations of serious crime.