SECTION I

The Foundation and Principles of Criminal Investigation

This section on criminal investigation comprises three parts: the first emphasizes the uses that can be made of the basic sources of information; the second is concerned with the problems associated with obtaining information; and the third focuses on the kinds of follow-through activities necessary for capitalizing on the efforts described in the first two parts. Considered together, these three parts are the foundation and principles of criminal investigation.

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PART A

Sources and Uses of Information

Part A begins with a discussion of the detective's responsibilities and the personal attributes that are required for success. A brief history of criminal investigation follows (touching on a sometimes less-than-honorable past). Part A concludes with a look at the trends and future developments that are likely to occur.

The three principal sources of information in criminal investigation (physical evidence, people, and records) are studied first from the standpoint of what information may be obtained and why it can be of help. Then, because understanding physical evidence—its development, interpretation, and investigative use—is fundamental, some familiarity with criminalistics is recommended. The crime scene—its limits, the purpose for a search, legal constraints on the discovery of physical evidence—are presented next. Finally, the other appropriate sources of information are considered: people (criminals, victims, witnesses, friends) and records (public and private).

Given the impact of a rapidly changing society in such areas as transportation, communication, and globalization, the task of the criminal investigator has become more complex. In addition to terrorism, there has been a greater focus on corporate crime, serial murder, and technological crime. The result has been a greater need for investigators who are not only familiar with basics but who have the ability to "think outside the box."

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CHAPTER 1

The Investigator

Responsibilities and Attributes; Origins and Trends

The role and responsibilities of the criminal investigator have changed dramatically over the past 10 years, largely as a result of changes in technology, the law, the media, and new forms of communication—such as the Internet, cellular telephones, and imaging. Perhaps most important has been the changing role of the investigator as a specialist, educated and trained to be knowledgeable about complex systems, societal differences, and organizational theory.

This chapter addresses the general framework associated with being a criminal investigator: the functional aspects of the job, necessary skills, tools of the trade, and the criteria necessary for success in what can be a challenging and rewarding career. Like most professional occupations, criminal investigation encompasses a historical framework that continues to evolve through new techniques and technology, as well as research. Thus, a brief description of the history of investigating crime is included in this chapter. The one thing that has not changed radically over time has been the definition of criminal investigation.

Criminal Investigation Defined

The investigation of crime encompasses "the collection of information and evidence for identifying, apprehending, and convicting suspected offenders," or in the words of Professor Ralph Turner, a pioneer in the field, "the reconstruction of a past event."[1,2] In essence, the responsibilities of the investigator include the following:

1. Determine whether a crime has been committed.
2. Decide if the crime was committed within the investigator's jurisdiction.
3. Discover all facts pertaining to the complaint.
   a. Gather and preserve physical evidence.
   b. Develop and follow up all clues.
4. Recover stolen property.
5. Identify the perpetrator or eliminate a suspect as the perpetrator.

6. Locate and apprehend the perpetrator.
7. Aid in the prosecution of the offender by providing evidence of guilt that is admissible in court.
8. Testify effectively as a witness in court.

The date and time when each responsibility was carried out should be recorded. Being unable to answer confidently "when" a task was carried out affords defense counsel the opportunity to cast doubt on the investigator's capability. If a witness repeatedly responds to the question "At what time did you do_____?" with "I don't remember" or "as best as I can recall," defense counsel will use this technique to impugn a witness's competence.

Determine if a Crime Has Been Committed

Determining whether a crime has been committed necessitates an understanding of the criminal law and the elements of each criminal act. For this reason the investigator should have in his or her possession copies of the penal and case law of the state or jurisdiction. The jurisdiction of federal investigators may be broader in some cases, but it is limited by legislation, and state and local investigators should be familiar with the crimes over which federal statutes may apply.

Ideally, an investigator should have digital copies of the various legal texts on a personal computer, making it easy to identify and answer questions. In more complex cases, such as cybercrime or fraud, the investigator may contact the state prosecutor, district attorney, or U.S. Attorney. In rare cases in which it is determined that a crime has not been committed, or the issue is one for a civil court, law enforcement personnel do not have responsibility.

Verify Jurisdiction

If a crime is not within the investigator's jurisdiction, there is no responsibility for its investigation, but the complainant may need to be referred to the proper authority. Occasionally a crime is committed on the border line of two jurisdictions or involves more than one jurisdiction. Depending on whether it has the potential for publicity (especially a high-profile case), it affords the chance to make a "good arrest," or it is inherently interesting or important, an investigator will seek to retain authority over the case, remain involved in it; otherwise, talk the other jurisdiction into accepting it.

When two investigators have concurrent jurisdiction, the issue of who will handle the case becomes complicated. Cases such as terrorism, cross-border fraud or Internet crime, illegal immigration, drug trafficking, and other multiple-jurisdiction criminal activity may involve joint investigative activities, and may require clarification by legal authority (such as a U.S. Attorney or local prosecuting authority—district, city, or county attorney). In other cases, such as serial murder in multiple jurisdictions, the place where the suspect is apprehended (for the crime in that jurisdiction will usually have the right to prosecute). In those cases in which there may be federal as well as state jurisdiction (such as bank robbery), the U.S. Attorney has the first right of refusal, and relatively minor cases may be prosecuted at a local level.

Discover All Facts and Collect Physical Evidence

The facts available to the first officer to arrive at a crime scene are provided by the victim or complainant and any eyewitness(es). Except in departments with programs in place for managing criminal investigations (see Chapter 12), they will be communicated to the detective dispatched to investigate the crime. He or she may decide to verify and pursue all of them, or to home in on specific details. At the outset, the investigator should develop a preliminary record that addresses the following points:

- When?
- Where?
- Who?
- What?
- How?
- Why?

In addition, the detective will collect any physical evidence, or arrange for its collection (preferably by an evidence technician) and examination in the appropriate crime laboratory. Depending on the kind of information provided, immediate follow-up might be required or the investigator may have to await laboratory results. In either event, it is essential at this point to follow through on any clue that holds promise for the identification of the perpetrator, and promptly exploit it.

Keeping in mind that information and records may be called into question during a later court case, the investigator must take care to prepare a comprehensive record of the crime scene, using notes, photographs, sketches, and in some cases video and voice recording. Care must be taken not to rely on memory, which has shown to be notoriously unreliable in many cases. Statements of victims, witnesses, and suspects should be recorded accurately and verbatim where possible.

In longer investigations, the use of records is more likely to contribute to the solution. If the victim furnishes the suspect's name to the detective, the case may be solved promptly. Then the chief problem is proving that the particular individual did in fact commit the crime. If the identity of the perpetrator must be developed, the effort required is much greater and, for certain crimes, often not successful. When it is, there comes a point not unlike that reached in solving a jigsaw puzzle: when the crucial piece is found, those remaining quickly fall into place.

Recover Stolen Property

The description and identification of stolen property is an important aspect of an investigation, and may later be critical in establishing ownership. Stolen property may turn up at a pawn shop, in the hands of secondhand dealers, or for sale on the Internet. The ability to establish makes and models, serial numbers, or other distinguishing characteristics of an item can contribute to a successful investigation. Pawn shops are common locations for stolen property to turn up, and the investigator should be familiar with record keeping and reports of these locations.

Identify the Perpetrator

Identifying the perpetrator is, of course, the primary goal of a criminal investigation, but the ability to bring a suspect to justice also depends on the evidence necessary for conviction. This may take many forms, including physical evidence linking the suspect to the scene (fingerprints, blood, DNA, toolmarks); possession of evidence from the scene (property, fibers, hair); physical identification (tattoos, deformities, physical descriptors); and eyewitness descriptions, which, incidentally, have proven to be highly unreliable when the suspect is not known to victims or witnesses. *Modus operandi*, or method of operation, is also an important consideration.

In addition to the identification of the perpetrator from records, physical evidence, and eyewitnesses, the value of motive must be examined. Certain crimes, such as burglary, robbery, and rape, seem to have a universal motive; others, such as homicide, arson, and assault, have what might be called "particularized motives," because they often relate victim to criminal. Once established, it would be practical to develop a short list of persons who might have a particularized motive; then, if the investigator considers who had the opportunity and the temperament to carry out the crime, one or perhaps a few suspects may remain on the list. When physical evidence is available, as it often is in these crimes, this extends the possibility of a solution beyond what can be accomplished by interrogation alone.

Locate and Apprehend the Perpetrator

When people who know the perpetrator are unwilling or unable to provide an address or a clue to his or her whereabouts (should the suspect be elusive or have escaped), records may provide the information. (See Chapters 5 and 7, which discuss the value and utilization of records.) When the suspect is located, apprehension seldom presents difficulties; if it does, a raid may be called for. Planning and staging a raid require coordination, but this is essentially a police function rather than an investigative one. Owing, however, to several raids that received worldwide attention and, to some extent, had a deleterious impact on all law enforcement agencies, it is important to consider these events.

Aid the Prosecution by Providing Evidence of Guilt Admissible in Court

Largely as a result of plea bargaining, only a few cases that are investigated and solved eventually go to trial, but the detective must operate on the assumption that each will be tried. This necessitates that the investigator follow correct procedures in conducting the investigation, and not assume that the perpetrator will plead guilty and plea bargain, or assume that other evidence will carry the case.

Because such a large number of cases are plea bargained, the number of times an investigator may actually testify in a trial may be quite low. Problems concerning physical evidence can arise needlessly when it is presumed that a case will involve plea bargaining. One example is of a major city detective who had handled 75 burglary cases and none had gone to trial (each defendant having pleaded guilty to a reduced charge). Based on this experience, and because the suspect had confessed verbally, the detective believed that it was but a needless exercise to submit the physical evidence to the laboratory. Unfortunately, the prisoner was allowed to be placed in a police station cell wearing the incriminating evidence; once there, he ripped incriminating crepe shoe soles into pieces and flushed them down the toilet. He then repudiated the confession and demanded a trial.

Testify Effectively as a Witness in Court

Although few people are comfortable when called to the witness stand, the experienced investigator who has testified often can appear jaded. Yet testimony is effective only when it is credible. When sincerity, knowledge of the facts, and impartiality are projected, credibility is established. In all events, it is helpful that the investigator be familiar with the rules of evidence and the pitfalls of cross-examination (see Chapter 15).

Attributes Desirable in an Investigator

Abilities and Skills

The attributes that enable a person to be an accomplished investigator are many, including three important areas:

1. the ability, both physical and mental, to conduct an inquiry
2. the knowledge and training necessary to handle complex investigations
3. those skills necessary to reach the intended objectives.

ABILITIES	RELATED SKILLS
Conduct a proper crime scene search for physical evidence.	Know how to recognize, collect, and preserve physical evidence. Know the varieties of *modus operandi*. Be familiar with contemporary collection and recording techniques.
Question complainants, witnesses, and suspects.	Know how to use interviewing techniques. Know interrogation methods. Have a knowledge of local street jargon, and if pertinent, any foreign language spoken in the community. Be sensitive to the constitutional and civil rights of all: rich or poor, witness or suspect. Have a developed sense of mind-set.
Develop and follow up clues.	Know sources of records and how to check them. Know how to cultivate and use informants. Know how to conduct surveillances. Know how to check pawn shops, secondhand dealers, Internet sites, and the like.
Prepare written reports of case activity as it develops.	Have knowledge and skill in English, and a second language when possible.
Obtain legal search warrants based on evidence of probable cause.	Know how to use departmental and court forms to secure a search warrant.

ABILITIES	RELATED SKILLS
Conduct raids, possibly under adverse conditions.	Know the techniques of cover and concealment.
Act with initiative, as the fluidity of the (raid) situation demands.	Acquire skill in silent communication. Use teamwork—within and between agencies.
Apprehend violators in a lawful manner.	Acquire a working knowledge of applicable laws, departmental rules, and regulations. Know about the use of handcuffs and the various types of firearms and other weapons that may be used, especially with regard to legal restrictions. Know proper search and seizure techniques and electronic intercept procedures used for suspects, houses, and automobiles.
Assist prosecuting attorney in presentation to the grand jury or trial court.	Know how to prepare clear, comprehensive reports. Know how to serve subpoenas, when necessary. Know how to have witnesses available or willing to appear on notice.
Appear as a witness in court.	Testify effectively in court. Know how to serve subpoenas, when necessary. Know how to have witnesses available or willing to appear on notice.

Qualifications of Mind, Personality, Attitude, and Knowledge

The following list of traits, which are desirable and help to qualify an individual for investigative work, was developed through classroom discussions (including many detectives who were students) and by conferring with police administrators interested in the topic of qualifications.

1. Intelligence and reasoning ability.
   - An above-average score on an accepted intelligence test.
   - Ability to analyze and interrelate a large number of facts.
   - Ability to use advanced computer programs related to investigation.
2. Curiosity and imagination.
   - Taking nothing for granted.
   - Skepticism of the obvious.

A sense of the unusual: anything out of place or not in keeping with the norm.

An inquisitive mind.

A suspicious nature with respect to the behavior of people.

A sense of awareness.

Insight.

A flair for detective work.

3. Observation and memory.

   All five senses are intact and functioning.

   The investigator is alert and attentive.

4. Knowledge of life and people.

   Includes all strata of society; especially necessary to deal with the heterogeneous population of large cities. Also helpful: common sense, an outgoing personality, a spirit of cooperativeness, emotional stability, and some acting ability for role-playing.

5. Possession of technical "know-how."

   Implies training and knowledge of statutory and case law, as well as in the recognition, collection, preservation, and investigative value of physical evidence. It is important to be widely read and willing to keep up with current research and writing in the field.

6. Perseverance, "stick-to-itiveness," and energy.

   Many who wish to become detectives believe the job involves a glamorous life style, but the ability to be indefatigable, survive boredom, and keep energy in reserve to carry on, is more realistic.

7. Ability to recognize and control bias and prejudice in one's self and on the job.

   Owing to bias and prejudice, for example, there may be a preconceived idea as to the perpetrator. Other truths may be ignored, such as: a chronic complainant can have a legitimate grievance; a prostitute can be raped; etc.

8. Sensitivity to people's feelings; acts with discretion and tact; respects a confidence.

9. The honesty and courage to withstand temptation and corruption.

10. When testifying, is not overzealous and does not commit perjury.

11. Miscellaneous characteristics:

    Physically fit appearance, report-writing skills, awareness of good public relations as a future source of cooperation and information.

Some police administrators believe that the traditional means of selecting detectives—written and oral examinations—have proved to be unsatisfactory:

> Prepared written examinations have not proved predictive in the selection of outstanding candidates for the position of investigator. . . . No theoretical foundation exists for the oral board portion of the current testing process, other than a belief in its content validity.[3]

It is suggested that future performance can be gauged by an individual's "past work product." Further, good prospects must be recruited—not merely a fallout of the hiring process. Selection should include such considerations as: computer literacy, superior analytical capability, and good communication and reading skills.[4] Another prerequisite is education.

> . . . [The] most important requirement is education. Study after study produces the same conclusions: that college educated people make better law enforcement officers.[5]

The National Institute of Justice published the results of a more comprehensive study of the detective selection process. In the Foreword, James K. Stewart wrote:

> . . . managers and line personnel alike could identify some officers who were much better investigators than others. Studies bear out their observation: a small proportion of officers in any department is responsible for the majority of cases that successfully result in convictions.[6]

The concept of "past work product" is again endorsed as a predictor of success, yet criminal justice researchers have paid scant attention to the problem of detective selection, despite the impact of crime on the quality of life in communities across the nation.

ORIGINS OF CRIMINAL INVESTIGATION

The concept of criminal investigation can be traced back thousands of years, to early times in China and Asia, as well as the Middle East, where agents of government used a great many legal, as well as illegal approaches (most notably torture) as a means of identifying transgressors of public order.

From a Western perspective, the Industrial Revolution in Europe drew many from the peasant classes in the countryside to larger towns and cities, resulting in burgeoning crime waves, forcing governments to move beyond the traditional night watches and use of the military to maintain order.[7] In England, the so-called "thief catchers" were frequently drawn from elements of the underworld. The rank and file of the recruits constituted a distinct breed, but two clear-cut differences in motivation set some apart from others. One kind were hirelings; with mercenary motives, they would play both sides of the street. The other kind were social climbers who, in order to move into respectable society, would incriminate their confederates.

Metropolitan Police, New Scotland Yard, London

Figure 1.1
Jonathan Wild.

An example of the former may be found in eighteenth-century England where Jonathan Wild personified the old saying, "Set a thief to catch a thief" (see Figure 1.1). Wild was well-acquainted with London's riffraff, having operated a brothel that served as headquarters for the gang of thieves and cut-throats under his tight control. Simultaneously, he was the public servant doing undercover

work for the authorities. A rogue on the grand scale, Wild was both law enforcer and law breaker. He soon realized, however, that there was more profit to be made arranging for the return of stolen goods than for its disposal at the stiff discounts taken by the fence. Therefore, throughout the period he worked for the authorities, he was actually a receiver of stolen goods posing as the recoverer of lost property—the middle man exacting his cut while protecting the criminals in his employ. Even today, there are resemblances between his fictitious "Lost Property Office" and the "no questions asked" practices of individuals (even of some insurance companies) when stolen property, such as valuable jewelry and priceless paintings, is ransomed.

Metropolitan Police, New Scotland Yard, London

Figure 1.2
Henry Fielding.

The earliest police in England worked only at night. First known as the "Watch of London," and later as the "Old Charleys," they were paid by the inhabitants in the vicinity of the watchman's box from which they regularly made the rounds of their beat. These parish constables had been appointed in 1253; they lasted until 1829 in London. About 20 years after Jonathan Wild was hanged, novelist Henry Fielding (who wrote about Wild's exploits in a genial, tolerant vein) accepted an appointment as a London Magistrate. Taking his call to the bar seriously, Fielding was promptly embroiled in the sorry state of England's penal codes and its administration of justice (see Figure 1.2). The new magistrate tried to deal with the rising crime rate by enlarging the scope of the government's crime-fighting methods and assigning to his court a few parish constables, who had been accustomed to night watchman duties, to perform some criminal investigative functions. They came to be successful "thief-takers," owing to the use of informants and their close ties with the underworld. First called "Mr. Fielding's People," they later came to be known as the "Bow Street Runners" (see Figure 1.3). Unofficial and unpaid, the constables wore no uniforms and were ranked directly under the magistrate, who had to fight for their fair share of the reward moneys for apprehending criminals.

Metropolitan Police, New Scotland Yard, London

Figure 1.3
One of "Mr. Fielding's People," who came after the "Old Charleys," and were later known as the "Bow Street Runners." They covered all of London, yet were never greater than 10 in number.

When the public finally became aware of their goings-on, the Bow Street Runners were perceived as thief-takers of the Jonathan Wild mold. Inevitably, abuses followed hard upon their close ties with the underworld, resulting in widespread criticism and loss of public trust. Then, around 1790, a staff of trained detectives was established, known as the "Runners." Officially recognized and paid, they were plainclothesmen who wore no uniforms and coexisted with the constables until the passage of the Metropolitan Police Act in 1829. The constables were replaced by a professional police force of 1,000 men, the "Runners" lasting another 10 years until the passage of the Metropolitan Police Act and Metropolitan Police Courts Act of 1839.[8] The members of this first professional force, organized by Sir Robert Peel (Britain's Home Secretary), were called the "Peelers" (see Figure 1.4); later and up until the present, they became known as the "Bobbies."

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Figure 1.4
A member of the professional police force organized by Sir Robert Peel. Initially referred to as "Peelers," they later came to be known as "Bobbies."

About a decade later, a small number of full-time plainclothes officers had become an integral part of the new force. Because it was quartered in the Scotland Yard, an ancient structure that once protected Scottish kings and royal visitors, the police force in general and the detective force in particular were dubbed with that name.

In the early nineteenth century, French authorities also sought out convicted criminals to do undercover work. A notorious example of the thief-turned-informer, Francois Eugene Vidocq quickly set an enviable arrest and conviction record for the Paris police (see Figure 1.5). Throughout 1812 the high crime rate in Paris continued and Vidocq's suggestion to establish a plainclothes bureau was finally adopted. The Brigade de la Sûreté, created by the Ministry of Police, would function in all of the city's districts and report directly to the Prefect (the head of the Paris police force). Then Vidocq, the thief-turned-informer-turned-detective, became chief of this cohort of ex-convicts.

Meanwhile, in the United States, Thomas Byrnes was appointed detective bureau chief for the New York Police Department. His stewardship in 1880 exemplifies this gradual shift in direction—from one who consorted with criminals to one who was first and foremost a policeman. But just as the Bow Street Runners' close ties with the underworld were unethical, so were Byrnes's. With his coterie of informers, and his system of singling out which criminals to prosecute and which to tolerate—a system almost as corrupt as that of Jonathan Wild (who actually set up, or framed, his own confederates)—this chief of detectives, like Wild, gave the impression that crime was under control. One of Theodore Roosevelt's first acts upon assuming the post of President of the Board of Police Commissioners in 1895 was to force Byrnes out.

Metropolitan Police, New Scotland Yard, London

Figure 1.5
Francoise Eugene Vidocq.

Because federal laws also needed to be enforced, the Department of Justice was created by Congress in 1870. The investigative forces of the federal government consisted largely of the Treasury Department's Secret Service and Bureau of Customs, together with the U.S. Postal Inspection Service. All were essentially ad hoc agencies with restricted jurisdictions. The next year, limited funds were appropriated for the newly formed Department of Justice; its mandate, the detection and prosecution of federal crimes. As investigators it employed part-time outsiders, some Pinkerton detectives, paid informers, political patronage workers, and occasionally agents borrowed from the Secret Service and other units. This practice continued for 30 years, until the administration of President Theodore Roosevelt in 1901. Among the many concerns of this conservationist, activist, reformer president were the "public be damned" attitude of big business and its flouting of the Sherman Antitrust Act. The effort to make it subservient to law and government was evident from the angry force of Roosevelt's speeches about the large-scale thefts of public lands in the western states; he

was advancing the new idea that natural resources should be held in trust. Subsequently, two politicians (a senator and a congressman, both from Oregon) were convicted for "conspiracy to defraud the United States out of public lands." A historic investigation, it was accomplished with borrowed Secret Service agents.

> Roosevelt's administration called "The attention of Congress . . . to the anomaly that the Department of Justice has . . . no permanent detective force under its immediate control . . . it seems obvious that the Department . . . ought to have a means of . . . enforcement subject to its own call; a Department of Justice with no force of permanent police in any form under its control is assuredly not fully equipped for its work."[9]

Not only did Congress ignore the request, it retaliated by initiating an inquiry into the Justice Department's habit of employing the investigative forces of other federal agencies. Indeed, just before adjournment, Congress amended an appropriation bill to expressly forbid the department's use of Secret Service or other agents. Roosevelt's response to the challenge was characteristically quick. Rather than accede to a continual hamstringing of the new department, his attorney general established an investigative unit within the Department of Justice soon after Congress adjourned. Named "The Bureau of Investigation" a short time later, the unit was to report only to the attorney general.

Two of the men who directed this unit formerly had been in command of the Secret Service. President Harding's appointee, the director since 1921, was replaced by another former Secret Service head, William J. Burns. Burns, however, was responsible for bringing Gaston B. Means, a man of unsavory reputation, into the Bureau. It was not long before the new agent was suspended for such unethical deals as selling departmental reports to underworld figures and offering to fix federal cases. The Attorney General suspended Means; quietly, Burns brought him back, ostensibly because of Means's underworld contacts. Under such stewardship, needless to say, the prestige of the Bureau declined; it sank even further when Harding's attorney general used the agency to frame a senator. This scandal, among the many others in Harding's administration, brought about the appointment of a new attorney general when, upon the sudden death of the president in 1923, Calvin Coolidge was catapulted into office.

President Coolidge did not equivocate about replacing Harding's corrupt cabinet members. The first decision of Harlan Fiske Stone, the new Attorney General (later Chief Justice of the Supreme Court,) was to demand Burns's resignation and offer the directorship to a 29-year-old attorney in the Justice Department. J. Edgar Hoover accepted the post, but only under certain conditions. The first applied to the Bureau's personnel practice: it must be divorced from politics, cease to be a catch-all for political hacks, and base appointments on merit. The director's authority was the subject of his second condition: he must have full control over hiring and firing (with promotion solely on proven ability), and be responsible only to the attorney general. Appointed to clean up the scandals, Stone not only agreed, he asserted that J. Edgar Hoover would not be allowed to take the job under any other conditions.

The sweeping powers given the new director brought a radical improvement in personnel quality. Although such sweeping authority was certainly necessary to effect change, the seeds of disaster accompanied it nonetheless. As Lord Acton's aphorism aptly warns, "Power tends to corrupt, and absolute power corrupts absolutely." It should not be unexpected, therefore, that absolute power corrupted once more. Toward the close of Hoover's distinguished 48-year regime, some investigative practices were viewed critically, first by a

senate committee, and then by the press. What should be surprising is that the far greater excesses proposed were not countenanced. Indeed, they were rejected by the director.[10]

Of all the executive departments of government, those having the power to investigate crime represent a potential threat to freedom. In a democracy, therefore, civilian supervision of the exercise of such power is crucial.

Shift in Investigative Methods

When formally organized police departments came into being in response to crime conditions, the use of informers as the main staple in the investigative cupboard was supplemented by the use of interrogation, though the methods permitted to secure confessions varied widely from country to country. In the United States in 1931, the Wickersham Commission (appointed by President Herbert Hoover) employed the term "third degree" to characterize the extraction of confessions accompanied by brute force. It was, said the report, a widespread, almost universal police practice. Then the Supreme Court began to apply the provisions of the Bill of Rights to the states. Its judicial decisions, together with the potential offered by the application of science to the examination of physical evidence, brought an end to brutal methods of interrogation.

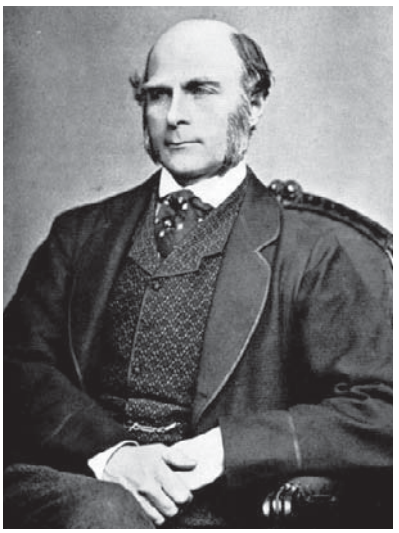

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Figure 1.6
Sir Francis Galton wrote about the technique identifying common patterns in fingerprints and devising a classification system.

Europe was well ahead of the States in recognizing that potential. In 1893, Hans Gross, an Austrian who might be called the father of forensic investigation, wrote a monumental treatise so advanced for its time that it was unmatched for decades. *Handbuch fur Untersuchungsrichter* when translated became *Criminal Investigation*. At about the same time in England, Sir Francis Galton's landmark book, *Fingerprints*, was published (in 1892). It led to the identification of criminals based on fingerprint evidence found at the crime scene. The marks or visible evidence left on an object by a person's fingers had long been observed, but such observations lacked any understanding of the intrinsic value of a human fingerprint. A somewhat similar situation prevailed with respect to bloodstain evidence. For a long time it could not be proved that a suspected stain was in fact blood; when it could, its presence would be explained by alleging the source to be that of a chicken or other animal. Prior to 1901, such allegations could neither be proved nor disproved; then, a German, Paul Uhlenhuth, discovered the precipitin test for distinguishing human blood from animal blood. In the field of firearms identification, it was not until 1923 that Calvin Goddard, an American, developed (with others) the comparison microscope; it helped to determine whether a particular gun fired a bullet or cartridge found at a crime scene.

These scientific developments, when applied to the examination of physical evidence, pointed to the need for properly equipped crime laboratories. In 1910 the first police laboratory was established by Edmond Locard in Lyon, France. In the United States it ultimately led, in the mid-1920s to early 1930s, to the installation of crime laboratories in a few of the larger cities. In Washington, DC, one was established in the Bureau of Investigation

(renamed the Federal Bureau of Investigation in 1935). The expansion of crime laboratories proceeded slowly: by 1968, there still were none within the borders of 17 (mostly western) states. The availability of Law Enforcement Assistance Administration (LEAA) funds, however, soon permitted each state to install a crime laboratory. In California, a university program in criminalistics (a term coined by Hans Gross), coupled with strong support from the law enforcement community, led to the greatest proliferation of county laboratories in this country. With his research contributions and leadership of the program at the University of California, Professor Paul L. Kirk must be viewed as one of the few major figures in the field of criminalistics. In the Midwest, another major figure, Professor Ralph F. Turner, integrated criminalistics with the teaching of criminal investigation at Michigan State University's strong police/law enforcement program, turning out criminalists to serve that area of the country.

In the 1970s research was undertaken that examined the proficiency of crime laboratories in the United States in examining common types of physical evidence: bloodstains, bullets and cartridge cases, controlled substances, latent fingerprints, hair, glass, paint, and other types of evidence. Many laboratories did not perform well; they made errors in identifying substances and in determining if two or more objects/evidence shared a common origin. This research continues to this day (Collaborative Testing Services), and proficiency testing has become an integral part of most crime laboratory quality assurance procedures. It is one way in which laboratories attempt to ensure their examiners' routine work is of the highest quality. Most laboratories in the nation seek to meet accreditation standards that are sponsored by the American Society of Crime Laboratory Directors.

Although the nation's crime laboratories have made dramatic improvements over the years, problems persist. Many of the problems are the result of laboratories being placed within law enforcement organizations that either do not devote adequate resources to these enterprises or pressure scientists to provide them with results that match their conclusions. Laboratories must have the resources to examine evidence in a timely manner and to hire personnel that possess the equipment, training, and research opportunities to ensure quality scientific work. Even though the science is progressing, there are still individuals within certain laboratories who lack proper scientific credentials. Laboratories must also be independent operations that are allowed to pursue investigations of evidence without interference and are free to report results—even if they show a prime suspect is uninvolved in the crime. There have been many instances brought to the public's attention in recent years in which forensic examiners have been too eager to assist police investigators and have cut corners or compromised high scientific standards.

Forensic medicine, the other main branch of forensic science, developed outside the control of police agencies. For this reason and because it otherwise contributes to the general well-being, forensic medicine evolved sooner and grew more quickly, remaining well ahead of criminalistics. This was the state of affairs until the 1960s when both branches benefited from the infusion of federal funds. Just the same, forensic medicine and its subdivisions are largely, but not exclusively, concerned with homicide; their use within the totality of criminal investigation is more limited than is that of criminalistics. Owing to the importance attached to homicide, however, forensic medicine is of vital significance to the criminal investigator.

The field of forensic medicine has evolved through ongoing research and by the move away from the "coroner" system that involved autopsies conducted by medical doctors with little experience in handling suspicious deaths. Today, most medical examiners are schooled in pathology and devote their full time to the profession.

TRENDS IN INVESTIGATION

The influences of developments in transportation (the automobile), communications (telephone, radio, computers), and forensic science changed the practice of criminal investigation over the past century. The rapid pace of more recent modifications in virtually all aspects of American society have contributed directly to the many changes in law enforcement, not the least of which have been in the area of investigating crime. It has been more than 40 years since publication of the President's Crime Commission Report in 1968, and the infusion of billions of federal, state, and local funds to the criminal justice system. Policing has changed dramatically, due in no small part to higher education, training, and research. Improved management, salaries, and professionalism have characterized much of the past two decades.

The following chapters address the many aspects of conducting a criminal investigation, but it is important to recognize that as society changes it is incumbent on the investigator to stay abreast of this impact on policing. As sophisticated information systems become prevalent, the long-term implications are indicated by the proposed (but disputed) reforms of the investigative process suggested by Greenwood and Petersilia: "Increase the use of information processing systems in lieu of investigators."[11]

Although technology is now commonly used in police work, its ultimate contribution is only beginning to be realized. Sophisticated electronic information systems are having a major effect on case investigations: helping the detective cull a quantity of data efficiently and effectively; providing clues and identifying potential suspects; making it possible to prepare reports quickly and assemble evidence for presentation in court. Present technology allows for the transfer of photographs, fingerprints, and other forms of visual information through networks. Technology makes it possible for an investigator to carry a small "notebook" computer containing thousands of pages of information that can be called up and utilized. For example, "mug shot" presentations can now be utilized in the field.

On the international level, the need for enhanced computer systems increases as the world becomes smaller owing to rapid global travel. Computerized databases are critical in combating terrorism and fraud. INTERPOL, the International Police Organization, acknowledged this by significantly upgrading its computer systems. The United Nations also views the goal of worldwide computerization as crucial. Indeed, large criminal syndicates and those involved in "enterprise crime" are in many respects much further ahead in their use of computer technology than are many law enforcement agencies. The use of artificial intelligence is also being adapted to criminal investigation,

The scrutiny of the criminal investigation process by police administrators, researchers, and scholars has also been important. A serious dialogue between practitioners and researchers is a valuable result of such scrutiny.[12] Research across the spectrum of the behavioral and information sciences holds great promise for improvement in the investigative function.

NOTES

1 Elinor Ostrum, Roger B. Parks, and Gordon P. Whitaker, *Patterns of Metropolitan Policing* (Cambridge, MA: Ballinger, 1978), 131.

2 Ralph F. Turner, personal communication, 1987.

3 Frank Adams, "Selecting Successful Investigative Candidates," *The Police Chief*, 61:7, 12-14 (July 1994), 12.

4 Ibid., 12, 14.

5 Ibid., 14.

6 Bernard Cohen and Jan Chaiken, *Investigators Who Perform Well* (Washington, DC: U.S. Department of Justice, September 1987), iii.

7 Henry Fielding, *Jonathan Wild*, ed. by David Nokes (New York: Penguin Books, 1982), 8.

8 R.L. Jones, "Back to the Bow Street Runners," *Police Journal*, 63:3 (1990), 246-248.

9 D. Whitehead, *The FBI Story* (New York: Random House, 1956), 19.

10 W.C. Sullivan with Bill Brown, *The Bureau: My Thirty Years in Hoover's FBI* (New York: Norton, 1979), 205-217, 251-257.

11 Peter Greenwood and Joan Petersilia, *The Criminal Investigative Process, Vol. I: Summary and Policy Implications* (Santa Monica, CA: RAND, 1975), 30.

12 National Institute of Law Enforcement and Criminal Justice, *The Criminal Investigation Process: A Dialogue on Research Findings* (Washington, DC: U.S. Government Printing Office, 1977).

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