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LEARNING OBJECTIVES

- 1.1 Summarize the history of criminal investigation in the United States and abroad.
- 1.2 Discuss the goals of criminal investigation.
- 1.3 Describe the different types of criminal investigations.
- 1.4 List and explain the role and tasks of patrol officers during the preliminary and follow-up investigations.
- 1.5 Discuss the reasons why the investigative function is organized in different agencies.
- 1.6 List the benefits of utilizing a task force approach to investigations.
- 1.7 Compare and contrast the policing models discussed in the chapter.
- 1.8 Explain the impact of science and technology on criminal investigation.

Running Case: Possible Homicide at the Floridan

Detective Bradley Macon was racing down Third Street in his unmarked cruiser when the buzzing of his smartphone cut into his dream. He untangled himself from the

bedclothes and grabbed for the phone on the nightstand, knocking it to the floor. As he finally grasped the phone, its glaring light showed him it was 3:45 a.m. At that hour, he knew the call would be from the communications center, and because he was one of the on-call major crimes detectives for the week, he expected that the call would be for a possible homicide (Signal 5).

The dispatcher, Rayna, stated just the facts, with no sympathy for waking him up. “Up and at ’em, Bradley. You’ve got a Signal 5 near the Floridan off of Ninth Street.”

Bradley Macon smiled when he heard the crime location. The Floridan was an old club with an equally old reputation for trouble.

Rayna continued with the facts of the case. “The patrol units are parked in a narrow alleyway called Milton Way, which runs behind the bar. One of the bar employees left after closing. As he reached the mouth of Milton Way, he heard yelling and then several gunshots. He ducked away from the alley and called 9-1-1. While on the phone with the dispatcher, he saw someone run the opposite direction on Milton Way. It looked like the person fleeing was running away from someone on the ground.”

With all the facts in mind, Bradley Macon signed off, dressed, and walked out of his apartment. As soon as he opened the exterior door and stepped into his driveway, he groaned. How could it be so hot and sticky at four in the morning? At least it wasn’t raining: Rain had a way of affecting crime scene evidence.

He climbed in his assigned unmarked car and switched on the police radio, then asked the dispatcher to have the patrol supervisor on-scene meet with him on one of the tactical radio channels. These were used for operations or chatter that did not need to interfere with normal radio traffic by other officers responding to calls. Sergeant Kevin Lloyd came up on the radio channel and let Brad know that several of his officers had secured the scene. One was talking to the bar employee, who would be treated as a witness. The homicide sergeant, Mike Joseph, was also en route and had called for crime scene investigators to respond. Detective Bradley Macon asked Kevin Lloyd to have officers begin canvassing the immediate area to determine if any other businesses were open and to locate anyone who may have seen or heard anything that could be connected to the possible murder.

Bradley Macon was satisfied the scene was secured. A number of people were going to be writing a number of reports this morning, he thought. The preliminary investigation was underway. For now, all he needed to do was drive to the scene.

As his cruiser skimmed through the silent streets, Bradley Macon realized he still felt excited each time he was assigned as the lead detective on a serious case. After 6 years serving as a patrol officer, with the last year as a field training officer (FTO),

Bradley Macon had been assigned to the major crimes squad 2 years ago. The exciting part, in a homicide case, was that everything he had learned in his previous 8 years could come into play. He needed to coordinate all the moving parts and make sure the whole group of investigators worked as a team. He also felt grateful that he worked at an agency where investigators received the additional support they needed to handle complicated investigations. He knew officers from smaller departments in the area who often mentioned how tough it was to properly handle large cases without outside help.

As Detective Bradley Macon pulled his car to a halt across the street from the entrance to Milton Way, he was running through a series of tasks the team would have to complete as the preliminary investigation gave way to the follow-up stage.

How do you imagine detectives and other personnel mentally prepare for a homicide investigation? Even at this point, how do you think the follow-up investigation will differ from the preliminary one described?

Introduction: Criminal Investigation Then and Now

The History of Criminal Investigation in London

As with most practices in American jurisprudence, our contemporary model of investigative efforts has its origins in England and Western Europe. In the 1750s, local writer turned magistrate James Fielding worked hard to curtail rampant crime in the Westminster area around London by appointing a night watch and utilizing men known as “thief-takers” to investigate various crimes and bring the accused before the magistrate to answer for their crimes. Fielding’s group became known as the Bow Street Runners because of its base of operations on Bow Street, which became the location of the Magistrate’s Court. The thief-takers were ostensibly a voluntary group, but they were compensated on commission from private citizens seeking return of stolen goods, or by securing convictions at court. The arrangement resulted in many thief-takers coming from the ranks of London’s criminals and sometimes working in concert with confederates to initiate crimes and then “solve” them to receive a reward for returning the property.

Eventually replacing the Bow Street Runners and other groups in London was the London Metropolitan Police Department, founded by Home Secretary Sir Robert Peel in 1829. The Met, as it became known, was a primarily uniformed department, and plain-clothes investigators were not widely used in its early years because of the unease many Londoners had with groups such as the thief-takers. The Met eventually formed a group of detectives at their headquarters in the area of London known as Scotland Yard. The name of the area quickly became the way of referring to the investigative division, which has been called Scotland Yard since.

Pinkerton's National Detective Agency

In 1850, Scottish-born Allan Pinkerton (1819–1884) formed the first private detective agency in the United States. Based in Chicago, where Pinkerton had been the city's first police detective, the Pinkertons operated alongside government agencies to provide both private services for clients and quasi-governmental investigation and apprehension of a wide range of criminals.

With the company's distinctive symbol of the unblinking eye and the motto "We never sleep," Pinkerton detectives soon became known as "private eyes." The Pinkerton agency had responsibility for the protection of President Abraham Lincoln during much of his time in office, and the Pinkerton agents tracked down and apprehended many notorious outlaws. Pinkerton today is a company that operates worldwide risk management, investigative, protective, and intelligence services to private and corporate clients.

First Criminal Investigation in the United States

As the United States, Great Britain, and other countries began experiencing all of the benefits and challenges of the Industrial Revolution, economic and workforce shifts spelled a new era of crime and an increased need for law enforcement efforts. In the United States, the transition from a predominantly agrarian society to one of industry drew significant numbers of people to the swiftly growing cities. The unprecedented pace of workers from the countryside and new immigrants thronging to the places of industry created an environment and conditions that allowed criminals to flourish as well. In addition to the inadequate infrastructure, education resources, health protections, and other aspects of developing cities, the accelerated urbanization brought many people of varied means into close contact and gave opportunities for crime and circumstances for conflict.

The first police departments in America arose in response to the dynamics of growth in larger cities, modelling themselves somewhat on Peel's British model with uniformed forces patrolling the streets in an effort mainly to address crimes of disorder. Beginning in Boston (1837), New York (1844), and Philadelphia (1854), most major cities established municipal police forces in the span of a few decades. The violence and vice of dense urban areas were compounded by rioting between and among various groups. Lawlessness in the western expansion of the country also brought the need for additional law enforcement mechanisms; the Americanized "shire-reeve" of England became the county sheriff, as states and the federal government began to form agencies to deal with specific crime problems. As with policing in England, investigations by police were not common, only "peace-keeping."

At the beginning of organized American law enforcement, policing consisted almost entirely of patrolling, rarely becoming involved in the investigation of a crime that had already occurred. Private citizens might employ individuals to recover items that had been stolen. The manner in which "recovery" occurred could be violent or involve a scam to deceive the victim into paying for recovered goods that the purported investigator had originally arranged to have stolen.

DEVELOPMENT OF STATE AND FEDERAL LAW ENFORCEMENT AGENCIES

The Texas Rangers were established before the state of Texas was even formally admitted to the Union. With duties ranging from military service to tracking train

robbers, the storied Texas Rangers became the template for many other state agencies that followed. After the creation by Congress of the Department of Justice in 1870, several small (by today's standards) enforcement organizations were formed. The U.S. Secret Service began its task of investigating counterfeit currency at the end of the Civil War. The Secret Service was a part of the U.S. Department of the Treasury (now in the Department of Homeland Security), and in 1901 the agency took on the duties of presidential and, eventually, foreign dignitary protection. In the 1890s the U.S. Postal Service took on criminal investigations involving the mail, and the Bureau of Immigration was formed with the Treasury Department to regulate immigration and conduct investigations as needed. At the end of the 1900s the challenges of unregulated prescribing of drugs such as cocaine and morphine for pain set the stage for conflict of state and federal power, as there were no national laws to confront what had become a significant social problem. The Harrison Narcotics Act of 1914 enabled the Department of the Treasury to begin regulatory efforts on certain drugs, and the Narcotic Division of the Internal Revenue Bureau was formed to investigate related crimes. Unlike local police officials, who responded to the needs of individual citizens, federal law enforcement agencies focused on a narrow range of crimes that violated federal law or crossed state boundaries.

DEVELOPMENT OF THE FBI

Perhaps the best known federal law enforcement agency in the United States, and focusing largely on investigative functions, is the Federal Bureau of Investigation (FBI). First formed as the Bureau of Investigation (1908) within the Justice Department, the agency became the FBI in 1924 under the avowed anticorruption and apolitical J. Edgar Hoover. While the FBI under Hoover's leadership did not keep complete faith with the public through actions such as maintaining secret files on political opponents of the Bureau, there is little doubt that worldwide the FBI became one of the preeminent and most professional investigative agencies in the world. Today, the FBI investigative priorities are protecting the United States

- from terrorist attack
- against foreign intelligence operations and espionage
- against cyber-based attacks and high-technology crimes
- by combatting public corruption at all levels. (FBI.gov)

Today, local, state, and federal agencies perform a wide array of investigative functions, sometimes working together to prevent, detect, and interdict crime and arrest those responsible.

Criminal investigation in the modern era involves the determination of a violation of a criminal statute, determining who is responsible for that violation, compiling *evidence* that is relevant and legally admissible, and then working with prosecutors to effectively present the case to the court. This definition seems straightforward, but accomplishing this list is often quite challenging. In the United States and other democratic nations the process of the criminal investigation is very much concerned with ensuring that the rights of accused persons are protected at critical stages of the case. When it comes time for a criminal trial, the evidence presented will persuade the jury about most matters. The American Bar Association (ABA) describes the two types of evidence:

Direct evidence

Evidence such as personal knowledge or information that may prove or disprove a fact. Direct evidence does not require inference.

Circumstantial evidence

Evidence that alone may infer a variety of facts. The trier of fact will reach his or her own conclusion about what the presence of a piece of evidence ultimately means in a case.

- **Direct evidence** usually is that which speaks for itself: eyewitness accounts, a confession, or a weapon.
- **Circumstantial evidence** usually is that which suggests a fact by implication or inference: the appearance of the scene of a crime, testimony that suggests a connection or link with a crime, physical evidence that suggests criminal activity.

Both kinds of evidence are a part of most trials, with circumstantial evidence probably being used more often than direct. Either kind of evidence can be offered in oral testimony of witnesses or physical exhibits, including fingerprints, test results, and documents. Neither kind of evidence is more valuable than the other.

Strict rules govern the kinds of evidence that may be admitted into a trial, and the presentation of evidence is governed by formal rules. (ABA, *How Courts Work*)

Searching for physical evidence must follow established rules, and taking testimonial evidence likewise has guidelines to protect against law enforcement from inappropriately compelling suspects to speak against their own interest. An investigation can amass quite a bit of information, but not all of it may be allowed to be considered in determining the guilt or innocence of an accused person.

The Goals of Investigation

The average citizen would likely say that the number one goal of a criminal investigation is to figure out who committed the crime and arrest that person. What law enforcement officers and investigators learn once they are on the job is that the work is not quite that straightforward. Often, an initial challenge exists in determining whether a crime was actually committed. People will report to agencies a variety of circumstances that seem compelling or suspicious and that necessitate agency members looking into whether a crime can be shown to have occurred. Not all reported crime is investigated. While a patrol officer may take an initial report from a victim or complainant, if there are no clues or evidence, a case may simply be recorded and await the possibility that the victim may discover more information or an unrelated crime discovery may bring to light a connection to the perpetrator. Sometimes a situation is misunderstood by the citizen and is subsequently determined not to be a matter that involves police action. Some incidents reported as crime are disagreements between people that must be resolved through the civil court system. Some reports, of course, are false allegations and as such the reporting of false information to law enforcement may turn out to be the crime.

If a law enforcement officer determines that a crime has been committed within his jurisdiction, he works with victims and witnesses and other criminal justice professionals to legally locate evidence, compile reports documenting the evidence, and then coordinate with prosecutors to formally charge (and usually arrest) the responsible party. If the crime is one that involves a loss of property, then the investigator will also have a duty to try and recover what has been taken and return it to the victim, or connect the victim with other agencies that may be able to secure crime compensation funds for the victim. After a suspect has been arrested, and working closely with the prosecutor, officers will

participate in assembling a case for trial and testifying as needed to various aspects of the investigation.

What Makes a Successful Investigation?

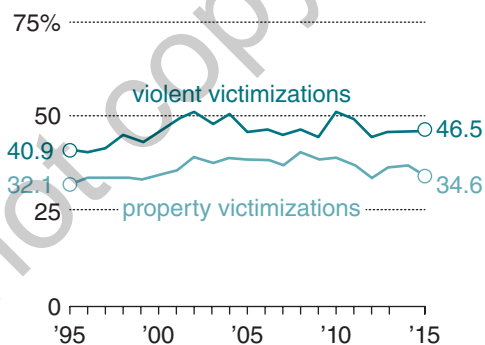
The most commonly accepted measure of an effective or successful investigation is one in which a suspect is arrested and charged. Through movies, television, and novels, the public generally understands the desired outcome of an investigation to be “catching the bad guy.” In fact, most crime in the United States goes unsolved. There is a general sense by many people that if adequate time and resources are devoted to the investigation of virtually any crime that it can be solved. This simply is not the case. Some crimes are never discovered. Some that are discovered are never reported. Some of those reported are not reported promptly and thereby suffer from deteriorated physical evidence or the absence of witnesses or others who can give information. Some reported crimes lack any easily discovered physical evidence and without a witness or suspect coming forward with information will go unresolved. According to FBI and Bureau of Justice Statistics data (2017) from the 2015 completed data, just under half of violent crime is reported and 35% of property crime. Of that reported crime only 46% of violent crime was cleared and 19% of the property crimes (see Figure 1.1). Some crime investigations falter when fresh leads run out, and these are typically considered cold cases if they were of a serious nature to begin with, such as homicide or sexual battery. The term **cold case** is not frequently used if someone’s bicycle was taken from the front yard and no thief was readily discovered.

Cold case Generally, a crime that is no longer being actively investigated, usually due to a lack of leads or evidence.

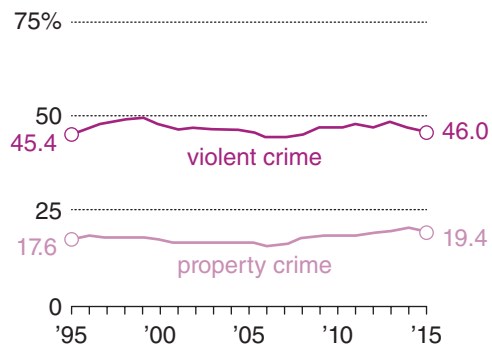
■ FIGURE 1.1 Reported and Cleared Crimes

Fewer than half of crimes are reported, and fewer than half are solved

% of crimes reported to the police (BJS)



% of crimes cleared by police (FBI)



Note: BJS and FBI crime definitions differ for some offenses. 2006 BJS estimates are not comparable with other years due to methodological changes. FBI figures reflect percentage of crimes cleared through arrest or “exceptional means,” including cases in which a suspect dies or a victim declines to cooperate with a prosecution.

Source: “Most violent and property crimes in the U.S. go unsolved.” Pew Research Center, Washington, D.C. (March 1, 2017). <https://www.pewresearch.org/fact-tank/2017/03/01/most-violent-and-property-crimes-in-the-u-s-go-unsolved/>

FOUR MEASURES OF A SUCCESSFUL INVESTIGATION

Aside from the arrest of the person accountable, other measures of investigative effectiveness have been considered. Referring to homicide, Brookman and Innes (2013) proposed four different ways that such investigations might be considered successful:



Why is the arrest and conviction of a suspect such an important measure of the success of an investigation?

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1. The first measure is the most commonly accepted one of identifying and arresting a suspect who is subsequently convicted.
2. A second success may be seen as “procedural.” That is that officers and detectives have performed a competent and thorough investigation and exhausted every avenue of information and legal means of obtaining evidence without identifying or being able to arrest a suspect.
3. The third conceptualization involves reassuring the public that crime is proactively investigated and addressed by the community’s law enforcement agencies.

4. And finally, success may be viewed as coming through the “prediction, prevention and preemption” (p. 293) of crimes based on the work of investigators and agency personnel. While these four themes were applied to homicide investigations by Brookman and Innes, the ideas can extend to much if not all criminal investigation to broaden our view of the work that is being done by law enforcement agencies and investigators.

Types of Criminal Investigations

Persons crimes

A common way of referring to crimes committed against the body of a victim, such as an assault, battery, robbery, sexual battery, or homicide.

Property crimes

Generally refer to those offenses that affect the property of a person or business rather than the actual person. Some examples include theft, vandalism, burglary, or arson.

Vice crimes

Generally, those crimes made unlawful as the result of a community’s moral stance on issues. Examples include gambling, prostitution, and pornography.

Most local level law enforcement agencies separate crime investigations into a few categories. One of the most frequent divisions of crime types are referred to as *persons* crimes and *property* crimes. **Persons crimes** are typically those involving one person physically victimizing another. These would include simple and aggravated assault, simple and aggravated battery, sexual battery or rape, robbery, and homicide. This list is not all-inclusive but serves to illustrate the nature of directly harming another person. In the **property crimes** category are acts such as theft, burglary, trespassing, and criminal mischief, what some refer to as vandalism. Again, the illustration here is that physical property is taken, damaged, or destroyed. Based on the number of investigators an agency has, an added category of **vice crimes** may exist. Vice crimes are offenses that are generally viewed as not having a specific victim but rather are considered illegal because they offend the morals of society, which has labeled them in this way. This category typically includes drug use crimes, prostitution, and illegal gambling as examples.

In addition to these rather broad categories of crime are specific offenses that an agency may or may not include in this separation. Examples might include crimes against children, though these may be classified as persons crimes; white-collar crimes, though these can be included within property crimes; or crimes requiring specialized investigative resources,

such as arson or illegal use or possession of explosives. Some agencies use a designation of a **major case squad** for crimes that are violent or significant such as kidnapping, or serialized crimes such as burglary, arson, or rape. Some agencies will also initiate proactive investigations that may have started with information from the public or from information arising in an unrelated case. Crimes such as money laundering, corruption, and planned terrorist acts are some examples.

Major case squad Unit tasked with investigating crimes that require significant resources. Such squads in larger agencies may handle, for example, homicides.

Which Agencies Investigate Which Crimes?

Because of the different duties and responsibilities of agencies from state to state most local departments that a citizen might telephone 9-1-1 to reach would include municipal police departments, county sheriff's offices, and some special district agencies such as those in national parks, at schools or universities and colleges, or agencies that enforce laws on the waterways. Most states have a highway patrol that is largely responsible for enforcing traffic laws on state highways. Some states also assign general police duties to their state agencies, especially if there are portions of the state that have few or no local law enforcement officers to patrol unincorporated parts of counties. Each of these local or state agencies may conduct all of the mentioned investigations and many more. Dozens of federal law enforcement agencies investigate specific violations of federal law. While people often think of the FBI, the DEA, U.S. Customs and Border Protection, and others, there are lesser-known agencies such as the Federal Air Marshal Service, the United States Park Police, the United States Capitol Police, and many others.

State-level agencies are most often tasked with traffic enforcement duties, such as a highway patrol, or investigations. A few states have agencies referred to as state police that will perform general police functions in unincorporated areas of the state where municipal police or county sheriff's deputies are unavailable. Investigations will include many that span the boundaries of counties or perhaps more than one state. The investigation of criminal happenings in multiple states will often bring in the interest or efforts of one of the many federal law enforcement agencies. Some of these include the Federal Bureau of Investigation (FBI); the Drug Enforcement Administration (DEA); the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF); and the United States Marshal Service (USMS).

Criminal investigation of law violations occurs constantly at each of the local, state, and federal levels. To give you just a sense of the variety of investigations at the federal level, here are several recent actual press release headlines from the United States Department of Justice:

- 3,800 Gang Members Charged in Operation Spanning United States and Central America
- Alabama Man Arrested on Production of Child Pornography Charges
- Two Real Estate Investors Plead Guilty to Bid Rigging in Northern California
- Alaska Department of Health and Social Services to Pay Nearly \$2.5 Million to Resolve Alleged False Claims for Supplemental Nutrition Assistance Program (SNAP) Funds
- Former Utah CEO Pleads Guilty to Tax Evasion

The U.S. Justice Department also engages in the investigation of actions alleged to have violated the civil rights of individuals. These are a few examples:

- Department of Justice Settles Employment Discrimination Claim on Behalf of U.S. Army Reservist
- Justice Department Settles Employment Discrimination Lawsuit Against the State of Rhode Island and the Rhode Island Department of Corrections

Changing Times Equals Changing Crimes and a Need for Law Enforcement to Adapt

It is an understatement to say that as society has changed so too have the methods of criminal investigation. With the advent of the motor car came the ability for some criminals to travel to and from the place of their crime. And so was also created the crime of auto theft! Increased capacity and lethality of firearms led to their use as an instrument to commit crimes, while police often lagged behind in the area of weapons when confronting well- or heavily armed criminals. Communications technology and eventually the computer facilitated old crimes in new ways and allowed for innovative ways to victimize others. Once again, law enforcement has generally been behind the curve based on the relatively small size of most agencies and the subsequent lack of sufficient resources, including equipment and advanced training.

Four Stages of Criminal Investigation

Criminal investigation is a process with several identifiable but overlapping stages:

1. The first stage involves both the detection of what is believed to be a crime and the reporting of that crime. As we have already noted, many crimes that occur are either not discovered or not reported, and this is often in the hands of the potential victim.
2. The second stage comes after law enforcement is aware of an apparent criminal act, and typically at the local level a uniformed patrol officer will respond to conduct a preliminary investigation. If there is little evidence to work with or follow-up on at this point, many crime reports become inactive, still recorded by the agency and available to reopen if further information comes to light.
3. The third stage will be reached if there is actionable information to warrant a follow-up. In this third stage a detective will pick up the case and move it forward. If the personnel assigned to a case develop enough information that a prosecutor decides to enter a formal charge against a suspect, then it will move forward to a formal charge.
4. The fourth stage is preparing the case for potential trial in working with the prosecution to see it through to conclusion.

Each stage of the investigative process can contain multiple tasks and involve many different individuals in a coordinated team effort. The fictional portrayal of the insightful and dogged detective is not how contemporary crimes are solved, if it ever was. An investigation is also fluid, as information continues to come to the attention of investigators, filling in gaps and additional pieces of a puzzle that the investigator can see taking shape before completing the entire picture. These are decidedly qualitative-sounding and hardly concrete.

Two Phases of Criminal Investigation

The investigation into most crimes has a preliminary and a follow-up phase, though the former often blends and overlaps with the latter, as discussed in the stages above.

PRELIMINARY INVESTIGATION

During the **preliminary investigation**, a patrol officer is the first responder in most cases. This critical phase determines whether an investigation gets off on the right foot, or stumbles and perhaps falls down completely. The RAND study conducted in 1975 by Greenwood and Petersilia revealed that “information taken by the patrol officer first on the scene was the most important factor in determining whether an arrest was made” (Thistlewaite & Wooldredge, 2010, p. 73). This is an important reminder to aspiring police academy recruits who generally picture themselves in the glamorous role of homicide detective, not realizing that as a patrol officer they begin day one on the job as an investigator.

Preliminary investigation The initial inquiry into a reported crime, usually conducted by a patrol officer.

When a patrol officer arrives on the scene of a reported crime his initial multiple tasks include being cautious for any danger, determining if anyone is in need of medical care or protection, learning the basic facts of what has happened, and securing the crime scene if there is one until determining what steps should be taken next. As mentioned, many agencies do not have formally assigned investigators and therefore the patrol officer may conduct the complete investigation of a majority of reported crimes. Well-trained officers in agencies of any size are aware of the risks of failing to secure a crime scene from contamination or unauthorized intrusion. At the same time, insufficient personnel either in terms of training or adequate assistance can lead to damaging, obscuring, or failing to identify evidence.

After the first officer determines that there is no active danger at the scene or persons in need of care, he will establish a perimeter broad enough to protect potential items of evidence and hold back onlookers from interfering with personnel or evidence at the scene. While officers or investigators can shrink the crime scene area as appropriate, it is very difficult to expand a perimeter and not face potential of contamination based on people walking through an area without knowing to be careful. Many if not most officers carry crime scene tape in their squad cars to mark these boundaries, though media representatives and onlookers have been known to disregard even obvious barriers at a crime scene. Excessive criminal justice personnel at the scene of a crime can also result in inadvertent scene contamination, as the officers believe themselves exempt from what the crime scene tape signals. An important task for officers is to faithfully record the movement of every person into and out of the crime scene.

How It's Done

FIRST RESPONDING OFFICERS

First responding officers to the report of a crime have a number of concerns and responsibilities. The International Association of Chiefs of Police uses the acronym PRELIMINARY to outline most of those duties.

In addition to carrying out the duties listed, the patrol officer must notify the police communications center concerning injured parties and any dangerous conditions that are present and request any additional support personnel as necessary. He or she should also determine if there actually was a crime committed that is definable by statute. Once the scene has been controlled, a crime scene perimeter should be established and protected from entry by unauthorized persons.

Source: Training Key #558, Criminal Investigations.

- P Proceed to the scene promptly and safely
- R Render assistance to the injured
- E Effect the arrest of the individual
- L Locate and identify witnesses
- I Interview the complainant and the witnesses
- M Maintain the crime scene and protect the evidence
- I Interrogate the suspect
- N Note the crime scene and protect the evidence
- A Arrange for collection of evidence
- R Report the incident fully and accurately
- Y Yield the responsibility to the follow-up investigator

At a microscopic level, each person has the potential of introducing substances into a crime scene or carrying away evidence from a crime scene that has adhered to the person's shoes, clothing, or equipment. In 1910, in Lyon, France, Dr. Edmond Locard created the first official police laboratory to examine and categorize evidence and to show the connection between the evidence and a suspect's presence at the scene of a crime. The idea that every contact between two items leaves a trace is generally referred to as Locard's Exchange Principle. Law enforcement officers and crime scene technicians must always keep the implications of this theory of transfer in mind as they arrive at and move around the potential crime scene.

The initial officers on the scene of a crime are also in a unique position to identify witnesses who may have knowledge regarding what happened or the people involved. This is an important duty of patrol officers, since it may occur to many people that they do not wish to remain and be questioned or identified by law enforcement. The ubiquity of recording devices is an aid to documenting who comes and goes at the scene of a crime as well as the condition of the scene when officers arrive. If forensic technicians arrive to complete the processing of a suspected crime scene, they will likely use recording technology to aid in the documentation and later reconstruction of the scene or events. It is important that the officers learn what they can from anyone at the scene, as well as obtain contact information so that investigators can follow-up with the individuals if they think it's necessary. It is the responsibility of the initial officer at the scene to notify his supervisor

or the communications center to contact an investigator and brief him about the crime and the condition of the scene. Finally, any officers at the scene of the crime should complete either the primary incident report (if the officer initially assigned to respond) or a supplemental report if they were assigned to assist the primary officer.

Midsized and larger agencies will often have a dedicated crime scene unit (CSU) staffed by sworn officers, civilian technicians, or a mix of the two. Due to the relatively small size of a large percentage of U.S. law enforcement agencies, full-time crime scene technicians may not be available, leaving the patrol officer or detective to identify and collect evidence or to seek the assistance of a larger local agency or in some cases a state agency to assist. These types of arrangements are common and are important to the proper conduct of the investigation. The activities of crime scene personnel are integrated with but distinct from the testing conducted on evidence in a laboratory or the contributions made by a medical examiner, coroner, or other medical professional in relevant cases. As part of the preliminary investigation the crime scene technician is generally concerned with identifying and collecting evidence, as well as responsible for transferring that evidence to a local, regional, or federal laboratory for further analysis.

For serious crimes such as homicide, sexual battery, or robbery, an investigator may respond to the initial crime scene or become involved shortly after the crime is reported. He will take over coordination of additional efforts beyond the initial work of patrol officers or personnel on the scene. This involvement helps guide the evidence identification and collection activities, and the detective will generally not only do an initial walk-through of the crime scene but, along with the lead evidence technician, conduct a final walk-through of the scene as well.

FOLLOW-UP INVESTIGATION

Depending on the seriousness of the crime and other **solvability factors**, a detective will be notified and possibly respond immediately or be assigned the case later to follow-up whatever leads have been identified. Eck (1983) categorized cases as (1) unsolvable; (2) having a known offender who must simply be caught; and (3) needing the trained efforts of an investigator. Again, not all reported crimes are investigated, and one of the reasons is a lack of leads or evidence. Most agencies have a procedure in place to reactivate and assign a case to an investigator if evidence comes to light. Either at the outset of a reported crime or as a follow-up at some later point, a detective may be assigned primary responsibility for investigating the case.

The detective assigned to the **follow-up investigation** will review all of the information available up to the point she takes the case. Then she will begin planning the steps necessary to move toward a case resolution. The plan will vary based on the reported crime but gathering information from victims, witnesses, suspects, and records including the initial incident report and any supplementary reports, and is a significant and time-intensive component of the follow-up. The investigator will ensure any evidence needing further analysis has been routed to the appropriate facilities or specialists and, if sufficient progress is made in the investigation, she will confer with a prosecutor.

During the follow-up investigative process, most work that will be accomplished by laboratory technicians, medical doctors, and other specialists will occur. It is also in the follow-up phase that investigators will have the most interaction with prosecutors as they coordinate to further the investigation and assemble a case for court. The prosecutor's office is critical in deciding if a case will move forward, but it is also important to assist with search

Solvability factors Those pieces of information or evidence that provide adequate information to move an investigation from the preliminary to the follow-up stage. Examples include pictures of a suspect or the tag number from a car involved in a crime, a viable way to identify stolen property.

Follow-up investigation Additional resources or an extended investigation may occur in serious cases or those where sufficient evidence exists.

or arrest warrants and other critical tasks including lineups of suspects or using the power of the subpoena to gain access to information people are not willing to voluntarily supply. The prosecutor may also provide input into interviews and interrogations to ensure as much information as possible is gathered at critical phases. This progression seems logical and succinct, but like the hydra, each new bit of information can spawn multiple leads and case considerations that must be followed and documented.

The management of an assigned criminal investigation follows a protocol developed by the agency and will often involve periodic reviews of case status with a supervisor to help ensure all tasks have been identified and acted upon, to provide an opportunity to get a second perspective or seek additional resources, and to maintain accountability of the assigned detective. If at some point during the investigation sufficient progress has stalled, a decision will be made as to whether to inactivate the case. If the case has failed to progress after a predetermined period of time, perhaps 6 months or 1 year, the case may be considered *cold*. A cold case may remain on the detective's caseload and be reviewed by him periodically or when new information is reported or has been developed through a source. Crime analysis may suggest a link between or among crimes spanning a period of time. This type of computer-aided investigation may also include crime mapping and geographical information that reveals connections that might otherwise be missed.

Organizing the Investigative Unit

In addition to the categories of crime listed above, agencies organize the investigative function based on the volume and type of crimes they have reported. Some departments may have only one full-time investigator or none at all and rely on patrol officers to conduct all aspects of simple investigations and seek assistance from larger local agencies or state organizations for serious or complex matters. Midsized and larger departments may have investigators working a variety of shifts and sometimes partnered with other investigators for some cases. According to the Bureau of Justice Statistics approximately 85% of the nearly 16,000 local level law enforcement agencies in the country have fewer than 50 sworn personnel (2015). Nearly half employed just 10 or fewer officers. While many people tend to think of large agencies such as the New York or Los Angeles police departments, only 5% of local police departments employ 100 or more sworn officers (2015).

The Investigator—General Assignment and Specialized

Within the different configurations of the investigative function in agencies some detectives fill the role of a generalist and are the lead investigator on any reported crime that the agency intends to examine beyond an initial report and the efforts of the patrol personnel who respond to the incident. The investigator may be referred to as a general assignment detective. The categorization of a generalist does not imply a lack of competence in performing the investigative function. The protocols and procedures established by individual agencies and augmented by established investigative practices and external resources provide a sound basis for generalist investigators to capably handle most crimes. Other departments, either because they have many more people assigned to investigations or because of the complexity of certain types of cases, will assign a specialist investigator as the lead on certain cases. Examples include homicide, mid- and upper-level narcotics investigations, white-collar crime, and increasingly cybercrime.

The challenge, as we have noted, is that having sufficient resources, most notably investigators, to explore each and every possible aspect of a reported crime is simply not within the realm of what is possible given public budgets devoted to the criminal justice system. For investigations of a serious nature that do exceed the capabilities of one agency, there is the potential to seek assistance from other departments. Additionally, some crimes involve more than one jurisdiction, either in their commission or in seeking a suspect who is within the local area or who has left the jurisdiction or region altogether. For these reasons departments that are smaller or have fewer resources will often seek assistance from larger local agencies, state or federal agencies for expertise and assistance.

Task Force Investigations

The nature of some crimes or the limited resources of individual agencies can lead to creation of task forces to better address investigative challenges. The nature of many crimes leads to the crossing of jurisdictional boundaries. The distribution of illegal drugs, human trafficking, child pornography, and arson cases are all examples of crimes that are more effectively investigated and sometimes legally necessary by involving multiple agencies and personnel with varied expertise. Such groups are sometimes referred to as major case task forces. Agencies will generally have an inter-local agreement in place that outlines the responsibilities and jurisdictional limitations for each participating agency. Sometimes local departments will involve state or federal agencies that have a focus or expertise in a particular area that is critical to the local or regional task force. Examples of these would include the drug enforcement administration assisting with a narcotics distribution enterprise that is discovered to be more widespread than initially thought, or a domestic terrorist group investigation calling upon the Bureau of Alcohol, Tobacco and Firearms (ATF) to lend expertise in the examination of explosive devices.

Such multijurisdictional task forces require ongoing communications procedures regarding personnel and resources needed, assignment of responsibility for various tasks, evidence protocols, and consistent reporting requirements. The budgetary limitations of any one agency may be partly mitigated by the synergy of cooperation and leveraging the resources of larger agencies or combining efforts with multiple agencies. In the same way that detectives can access resources not immediately available to patrol officers and can adapt their movement and schedules to meet the demands of an investigation, a combination of investigative efforts of multiple agencies exceeds and expands beyond the ability of a single investigator or investigating agency. Over time agencies develop effective and relatively seamless methods for meshing the expertise and resources into effective groups to address the challenges and complexities of mobile and geographically dispersed criminals.

The Violent Criminal Apprehension Program (ViCAP), created by the Federal Bureau of Investigation (FBI) in the 1980s, focuses on researching multijurisdictional and specifically interstate crimes and assists agencies in identifying and helping to track or link serial



What role does surveillance play in an investigation, and how have advances in technology impacted surveillance?

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offenders. The Joint Terrorism Task Force (JTTF) that arose after 9/11 is a regional effort led by the FBI to coordinate information and resources to combat terrorism. The Internal Revenue Service (IRS) leads task forces' efforts into major fraud and tax evasion schemes. The Office of Justice Programs, through its Office for Victims of Crime Training and Technical Assistance Center, provides guidance for task force development in the investigation of human trafficking. And the U.S. Department of Justice sponsored an evaluation of multijurisdictional task forces (Rhodes, Dyou, Chapman, Shively, Hunt, & Wheeler, 2009).

An example of one of the most notorious crime challenges that led to the use of a large multijurisdictional task force was the D.C. Sniper shootings in October 2002. Two individuals terrorized the area around Washington, D.C., and Central Virginia as they indiscriminately shot people over a 23-day period. The Police Executive Research Forum (PERF) distilled many of the lessons from this effort in a lengthy document published in 2004 and discussed the Sniper case itself in the context of high-profile investigations, leadership, managing investigations, information management, local law enforcement operations, media relations, community issues, and summarizing considerations for jurisdictions facing these types of events (Murphy & Wexler, 2004). One important difference from non-task force investigations that can significantly impact the conduct of such investigations is the "top-down" nature of the task force. Chief executives may have difficulty accepting a subordinate role to other agency heads, and coordination and information-sharing may suffer as the result. The review by PERF provided lessons learned about large-scale investigations involving multiple jurisdictions. The overall categories, which contain many important considerations, were: investigators, managers, controlling and coordinating investigative resources, securing and processing the crime scene, managing leads, and integrating the role of prosecutors (PERF, 2004).

Contemporary Law Enforcement and the Role of Criminal Investigation

Contemporary law enforcement agencies in Western democracies operate under laws and policies that seek to balance the due process rights of individuals suspected or accused of crimes with the crime control imperative that instills the confidence of the public that their law enforcement agencies are doing all that they can to protect the community. The tools by which crime is prevented, and committed crimes are detected and solved, are not all in the hands of law enforcement. To the extent that police agencies are able to influence crime prevention, reduction, and successfully solve cases, they do so in cooperation with others. To accomplish the tasks set to them, law enforcement agencies continue to evolve strategies and methods to prevent what crime they can and to effectively partner with the community and other organizations to retroactively and effectively investigate crimes that have occurred. Three important conceptual approaches to modern policing are the community-oriented, problem-oriented policing, and intelligence-led models.

Community-Oriented Policing

The origins of policing both in the United Kingdom and in the United States involve the concept of community members sharing the responsibility for community safety. This involved voluntary participation in watching the village overnight to protect against criminals or even the risk of a fire getting out of control and spreading through the wooden

structures of the day, to eventually organizing groups of citizens on a more regional basis to seek outlaws or perform other protective functions as a group. As American policing passed through the political era and into the reform era (Kelling & Moore, 1988), it adopted training of officers and embracing of professionalism as a way to progress as a field and to be accepted as legitimate by the public. A component of reform and professionalism was donning the mantle of expertise in all things crime related. Police (with good intentions) told the public: “Step back and we’ll handle this.” As competent crime-fighting through claimed deterrence and retroactive investigation became the hallmark of reform policing, the role of the individual citizen once again receded into the background.

When crime in the 1960s and the 1970s rose significantly and law enforcement leaders took stock and realized that not only were they under-resourced but that no amount of resources could adequately address the crime problem in the United States, they turned once again to the public and **community-oriented policing (COP)** was introduced. Most crime occurs indoors and out of the sight of police or the general public. This reality calls for the involvement of more than just law enforcement in discovering, investigating, and resolving much of the crime in society that does get solved. The U.S. Department of Justice created the Community Oriented Policing Services (COPS) to help support efforts in communities around the United States in adopting a model of community policing.

Much discussion surrounding community-oriented policing efforts involves the concept of partnering. Law enforcement agencies follow an intentional approach of partnering with other governmental entities as well as private sector, civic, and citizen groups. This synergistic approach allows for two-way communication of important information and the perspectives of stakeholders in the business of public safety and quality of life. “In 2013, about 7 in 10 local police departments, including about 9 in 10 departments serving a population of 25,000 or more, had a mission statement that included a community policing component” (Reaves, 2015, p. 8). Many people think of the neighborhood watch program as one example of how citizens and local law enforcement work together. Another example would include law enforcement agencies working with the code enforcement department of local government to repair or remove dilapidated buildings. This relates to the “broken windows” concept (Wilson & Kelling, 1982) of addressing disorder issues within communities to help reduce crime that gravitates to uncontrolled areas that may also exhibit high turnover of residents and the flight of small businesses in the absence of civic organizations.

Problem-Oriented Policing

Problem-oriented policing (POP) has sometimes been seen as a component of community-oriented policing or a standalone concept or approach. Regardless, the idea is to work with the community to identify specific problems and work to address them. If an area is plagued with graffiti and vandalism, directed patrol may address or displace some of the activity and an added component of involving local faith or educational organizations or other groups to interact with those defacing property may provide a more thorough response. Similarly, open-air drug dealing in a rundown neighborhood may be partly reduced through the code enforcement efforts mentioned above in conjunction with efforts at turning some residential through streets into cul-de-sacs, which is a strategy within the crime prevention through environmental design (CPTED) movement.

Communities and agencies realize the expanded benefit that usually accrues from improving one area of the community, as this often has a ripple effect into other parts

Community-oriented policing (COP)

An approach that relies on partnering with public, private, and volunteer organizations as well as individual outreach to neighborhoods. Officers are often assigned to work in the same area of a community for extended periods of time so they can become thoroughly familiar with the residents and businesses, and so those businesses and residents may come to know and trust the officers.

Problem-oriented policing (POP)

A strategy built on the idea of identifying the underlying causes of a crime or other police problem in devising a strategy to combat that problem rather than the symptoms.

of a community. In a Bureau of Justice Statistics (BJS) report based on the 2013 Law Enforcement Management and Administrative Statistics (LEMAS) survey sponsored by the BJS, “A majority of departments serving 25,000 or more residents maintained problem-solving partnerships or agreements with local organizations” (Reaves, 2015, p. 1). Approaches such as COP and POP are intended to improve cooperation with the community, and these methods are critical to improving criminal investigations, not only interactions with uniformed officers.

Intelligence-Led or Evidence-Based Policing

Research in policing, while a fairly recent endeavor, is nonetheless quite active and addresses many different aspects of the police role in society. One of the first recognized studies to impact policing in the United States was the Kansas City Preventive Patrol Experiment of the early 1970s (Kelling, 1974). As one of the first large-scale experiments to examine policing methods, it had limitations perhaps not foreseen by the researchers. The study did, however, draw attention to the fact that patrol officers spent a significant portion of their shift in nondirected and possibly unproductive patrol with the public relatively oblivious to their presence or deterred from committing most crimes. In the early years that researchers looked at policing with an eye for what would improve the police or their methods they used, the personalities and types of people who gravitate to policing were examined (Skolnick, 1966; Van Maanen, 1973; Wilson, 1968), attributes inherent in the job such as the use of discretion (Piliavin & Blair, 1964), or the tools that seemed to make a difference such as the power of arrest (Sherman & Berk, 1984), how quickly police arrived at a call (Pate, Ferrara, Bowers, & Lorence, 1976), whether the arriving officers were one or two to a car (Boydston, Sherry, & Moelter, 1977), and whether the officer’s gender made a difference (Bloch & Anderson, 1974).

In the decades since this awakening of policing research, studies have expanded to examine more and more practices and, importantly, the impact and use of research in formulating agency policy and statutory law by elected legislatures.

Evidence-based should not be used interchangeably with the term *best practices*. Frequently, the term *best practices* may be applied more appropriately to methods that are “frequent practices.” Early efforts at policy may be deemed evidence-based but they are often not tried or tested when the term is applied. Pawson (2006) said that, “Evidence based policy is much like all trysts, in which hope springs eternal and often outweighs expectancy, and for which the future is uncertain as we wait to know whether the partnership will flower or pass as an infatuation” (p. 1).

One of the few early comprehensive examinations of the investigative function in law enforcement agencies was conducted by the RAND Corporation more than 40 years ago (Greenwood & Petersilia, 1975). This often-cited early examination of the work of law enforcement was designed to look at the process of criminal investigation in major metropolitan police departments. In addition to describing how investigations were organized and managed in the 1970s in America, the researchers attempted to assess “the contribution of various investigation activities to overall police effectiveness” (Greenwood, 1979, p. 1). Twenty-five departments representing jurisdictions of more than 100,000 population or an agency with at least 150 sworn officers were selected for the study.

Although academic research interest has increased into some aspects of criminal investigation, the status of the field as art and not science, but *involving* science, has likely

contributed to the dearth of theoretical studies leading to any consensus on foundational principles or practices. To be sure, various books have been written on the subject of criminal investigations, mainly by practitioners for practitioners to recount methods and techniques of information-gathering including the interview of witnesses and victims and the interrogation of suspects. Yet law enforcement agencies have shown themselves receptive to research in general in the last several decades and they recognize that while experience serves them in many ways, participating in and learning from research can improve effectiveness (Telep & Lum, 2014).

Science and Technology in Criminal Investigation

No discussion of contemporary criminal investigation would be complete without talking about the contributions of science and technology to the process of criminal investigation. Technological developments in crime detection and analysis have accelerated, as they have in other fields. While an expanded discussion will take place in the next chapter, it is important to note that people have trained the lens of science onto criminal acts for a very long time. In the last 200 years, as the ability to test substances and determine their presence has advanced, the application of these methods has proven their value in the investigation of crime. Saferstein provides a workable definition of forensic science as “the application of science to those criminal and civil laws that are enforced by police agencies in a criminal justice system” (2007, p. 5). That science provides the mantle of credibility to physical objects and test results that tend to prove or disprove certain facts, which benefit the justice system while also opening to debate the views of experts at odds over what an established physical fact indicates in the context of an investigation. The importance of science has also been underscored with infrequent yet consequential problems in some crime labs. The need for laboratory certification and accountable management remains a priority.

The scientific process applied to questions of crime works in tandem with advancements in the technology that allow the discovery, identification, collection, and testing of various items of physical evidence in increasingly smaller amounts and from locations beyond the previous reach of human eyes or hands. Identifying and recording the presence of impressions including fingerprints have progressed from application of fine powders that adhere to the oily ridge characteristics on a flat nonporous surface, to the use of laser and alternate light sources and scanning technologies to capture such impressions from many more surfaces and locations. Ballistics testing, gas chromatography, even devices to measure with sensitivity the voice quality and bodily responses of suspects during interview or interrogation—all provide opportunities to learn more completely the circumstances surrounding the crime.

EXPLORE THIS

Visit the website of the U.S. Department of Justice at www.justice.gov. Navigate to the Resources section of the website and then go to Publications. Scroll down to the link for the National Institute of Justice (NIJ). Go there and explore a number of the publications that the NIJ has created covering a wide variety of policing and law enforcement topics. Look at the ongoing efforts of the NIJ with detailed research and discussions of topics benefitting the law enforcement community.

SUMMARY

The protection of community members from fellow citizens is a role assigned to government actors throughout much of history in most developed cultures. Retroactive investigation of acts labeled as crimes within a given culture has only enjoyed the status of a distinct police function in Western society for perhaps 150 years. Individuals within police forces were assigned to follow-up initial reports of crime with efforts to uncover the persons responsible, locate evidence to prove their guilt in court, as well as to recover stolen property. The process of criminal investigation begins with determining if a crime has actually been committed and then proceeds with legally finding evidence of a suspect's guilt, arresting the person based on the probable cause established by the evidence, and working with the prosecutor to assemble and coordinate an effective case for court.

The arrest and prosecution of an offender is the most commonly understood measure of effective criminal investigation, but other outcomes worthy of note include thorough and competent investigation following all laws and procedures even if a suspect is neither identified nor convicted; signaling to the community through aggressive investigations that the law enforcement agency is working to protect citizens; and, potentially, some deterrent effect from the pursuit of investigations.

Among the many types of investigations are crimes specifically committed against another person such as assault, battery, rape, robbery, and homicide. Another broad category of crimes are those that target property. These include such acts as criminal mischief, theft, burglary, and white-collar or financial crimes. There are many investigative agencies at the local, state, and federal levels that look into crimes in a wide variety of areas. Most people think in terms of crimes committed locally, in which you reach your local police department or sheriff's office by calling 9-1-1. A patrol officer will

typically conduct the preliminary investigation and, if there are sufficient leads or evidence, a detective may be assigned to conduct a follow-up investigation. Many others, including criminal justice students, see opportunity in federal law enforcement agencies.

Based on the size of a law enforcement agency and the available resources, detectives may fill the role of a generalist or a specialist. The generalist investigator will handle investigations for virtually any reported crime that is to be followed up. In the case of the specialist, personnel are assigned to the more complex matters that benefit from lengthy experience or advanced training such as homicide, child crimes, arson, and the like. In some instances the complexity of cases or the knowledge or belief that a criminal is operating across more than one jurisdiction calls for the involvement of multiple agencies. This may be a matter of seeking the assistance of a larger department, an adjacent agency where crimes of similar nature are occurring, a state or federal organization with expanded resources, or the development or involvement of a task force that draws upon multidisciplinary and multijurisdictional resources and strengths.

Most law enforcement agencies in the United States follow a mode of policing that seeks to partner with the public and various groups and agencies to more effectively prevent or solve crimes. Most agencies use some version of community-oriented policing as a model to accomplish this partnering. Often incorporated is the problem-solving policing model that has officers and agencies using data and crime mapping to search for the causes of crime underlying the calls for service in the hope of eliminating those causes and thus reducing the commission of crime. The use of data and analysis is also an important component of what are often referred to as intelligence-led or evidence-based policing practices, which incorporate such data as well as ongoing and valid research into crime and criminal justice practices.

KEY TERMS

Circumstantial evidence 6
Cold case 7
Community-oriented
policing (COP) 17
Direct evidence 6

Follow-up investigation 13
Major case squad 9
Persons crimes 8
Preliminary
investigation 11

Problem-oriented policing
(POP) 17
Property crimes 8
Solvability factors 13
Vice crimes 8

DISCUSSION QUESTIONS

1. What are the goals of criminal investigation?
2. List and discuss the different types of criminal investigation.
3. How does the work of patrol officers affect the outcome of a criminal investigation?
4. What are the factors that affect how the investigative function is organized in different agencies?
5. How do community-oriented and problem-oriented policing relate to one another?
6. Do advances in science and technology benefit the work of officers investigating crime? If so, how?



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