

# CRIMINAL INVESTIGATION

**BASIC PERSPECTIVES**

THIRTEENTH EDITION

**CHARLES A. LUSHBAUGH**

**PAUL B. WESTON**





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**CRIMINAL  
INVESTIGATION  
BASIC PERSPECTIVES**

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**PEARSON**

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*This edition is dedicated to those who pointed me in the right direction and kept me on track. First, there were my parents, Helen and Charles, who, despite going no further than the eighth grade in school, valued education and hard work. They were always there to answer my questions and provide valuable insights. For those questions that my parents were hoping I would never ask, I had lifelong friends such as John Miele, Richard Hinman, Anthony Palumbo, and Joseph Nekola. While together we may not have always come up with the right answers to these questions, the process was always informative. Then there were the Westons, Ceal, and Paul, who taught me that not only were education and hard work important but that determination and motivation were also major components in getting ahead in life. Finally there is Sharon, who teaches me the meaning of life on a daily basis, and I would be lost without her.*

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# Preface

The thirteenth edition of *Criminal Investigation: Basic Perspectives* was written to keep abreast of changes in the field of criminal investigation. Two new chapters dealing with cybercrime and missing and exploited persons have been added to this edition. In addition, new segments were added to various chapters:

Cell phones, social networking sites and video cameras as investigative leads (Chapter 6, “Basic Investigative Leads”).

Cold case investigations, how DNA, improved fingerprint databases, and the passage of time may assist investigators (Chapter 8, “Crimes of Violence”).

Home invasion, drug house, and bank robberies and preventive measures (Chapter 11, “Robbery”).

Organized retail theft and cargo theft (Chapter 13, “Property Crimes”).

The financial aspects of organized crime investigations through money laundering, asset forfeiture, money reporting, and the witness protection program (Chapter 16, “Special Investigations”).

The Symbionese Liberation Army, Weatherman, and the lone wolf terrorist (Chapter 17, “Terrorism”).

Three new case studies, designed to enhance the learning process, have been added to this edition. The case study method of instruction facilitates learning by linking case content to textbook topics and by encouraging the exchange of opinions and viewpoints among students during discussion sessions. The case studies in this book are designed to contribute to this type of learning process. Each case provides factual information that is likely to promote analysis and discussion and thus aids in developing the student’s ability to analyze, evaluate, and reason. The topic of discussion is focused on the facts of each case study, but only the range of student opinions and ideas limits the scope of the discussion.

Some cases are presented in straight narrative style, while others are written in dialogue form as the best means of joining the personalities and the situations of a case study. Each case presents a real-life situation or episode experienced sometime in the past. No “doctoring” has been done to develop points, theories, or problems. However, names, dates, and locations have been altered in some instances to avoid embarrassing any persons or their families.

Also new to this edition is the applied investigative procedures section at the end of each chapter. These scenarios are designed to enhance the learning process by asking the student to apply material presented in the chapter to address real-life investigative issues.

I thank the reviewers for this edition, whose insights and suggestions have made this a better book. They include Vincent Benincasa, Hesser College, David MacDonald, Eastfield College, David Powell, Daymar College, and Jacqueline Smith, Kennesaw State University.

I extend special thanks to David Lushbaugh and Christopher Baker for their assistance.



## ► Supplements

### Instructor Supplements

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# 1 Evolution of Policing and Investigation

## CHAPTER OUTLINE

Early Response to Crime

Night Watch

Thief-Takers

Bow Street Runners

London's Metropolitan Police

American Policing

The Reform Movement

Development of Forensic Science

Local Policing

State Policing

Federal Investigative Agencies

**Case Study:** Betty's New Car

Chapter Review

Key Terms

Review Questions

Application Exercise

Discussion Questions

Related Websites

Notes

## LEARNING OBJECTIVES

After reading this chapter, you will be able to:

- 1 *Discuss the evolution of policing in England and how it applies to American policing.*
- 2 *Evaluate the political climate in the United States at the time the first police departments were being formed and the effect this political climate had on these departments.*
- 3 *Describe the emergence of the reform movement in American policing and the major tenets of the reform agenda.*
- 4 *Identify the persons and their scientific discoveries that led to the development of the field of criminalistics.*
- 5 *Identify the various policing agencies at the local, state, and federal levels and their areas of responsibility.*

Policing as we know it is a relatively new concept as police agencies have only been in existence for less than 200 years. Prior to the introduction of policing, people were responsible for their own personal protection and responded to crime victimization on their own as best they could with the limited recourses at hand. The first policing efforts were rudimentary and these efforts evolved over time to what we have today, a professional policing model. In America this evolutionary process included a reform movement which addressed the failings of our early policing efforts. The move toward professional policing was aided by the scientific community with discoveries that could be applied to criminal investigations. Today criminal investigations are conducted by investigators from various law enforcement agencies at the local, state, and federal levels.



- 1 Discuss the evolution of policing in England and how it applies to American policing.

## ► Early Response to Crime

A review of the history of policing in England is essential to understand the evolution of policing in the United States. The original British colonists to this country brought with them their customs and their law which was used to form the basis of our own legal system used today. When police agencies were first being formed in this country, they were modelled after the London Metropolitan Police.

Before there was a criminal justice system, comprising the three main components of the police, courts, and corrections, the individual citizen played a much larger role in providing for his or her own personal protection and dealing with any crime victimization. For centuries people depended upon themselves, their family, their neighbors, and their faith for protection. People lived typically in small agrarian communities where everyone knew every one else, which is a deterrent to criminal activity in itself. When threatened, the community responded as one to deal with the threat. Under the principle of *posse comitatus*, which means the power or force of the community to enforce the law, all available citizens were expected to respond to protect the community.

In the event a person was a victim of a crime, that person first had to decide if they personally wanted to do anything about their victimization, or simply accept what happened and move on with their life. If they wanted action taken, they had to do it themselves. As there were no police to call, the victim would have to conduct the investigation, often with the assistance of family and friends. When the culprit was identified, the victim was also responsible for arresting this person. At this point the offender had to be turned over to the local *sheriff*, the chief law enforcement officer who represented the crown. One of the sheriff's duties was to take and hold prisoners for an eventual hearing before a disinterested third party, typically the local lord or magistrate. The reasoning behind this was that the victim was too emotionally involved to fairly adjudicate the case and often, the punishment rendered in such cases did not fit the crime; that is, killing a person who stole from the victim. Such unjust reactions often led to *blood-feuds*, or *vendettas*, where the family of the offender would retaliate against the victim or the victim's family to get even. Such feuds were very destructive to communities and could continue indefinitely.

## Night Watch

As populations increased and cities and towns grew in size, the social controls of the small tight-knit agrarian community failed to control crime in these larger communities. In response to this, in 1285 the *Statute of Winchester* was passed requiring all towns to have men on the streets after dark to provide for the safety of travelers and the town's inhabitants. All able-bodied males were required to serve on a rotational basis, without pay, as night watchmen. As part of their service, they manned the village gates and patrolled the streets while on the lookout for disturbances of the peace, crimes in progress, and other threats such as fires. There was no expectation that the night watchmen would conduct investigations or aid the victim in determining who committed the crime; this was still the victim's responsibility. The watchmen were supervised by a *constable*, also a private citizen, who served a voluntary one-year term in this position as part of his civic duty. In addition to supervising the watchmen, the constable had the additional duty of bringing any arrested offenders before a magistrate in the morning.<sup>1</sup> The statute also required citizens to come to the aid of the night watchmen whenever they gave the *hue and cry*, a loud outcry that alerted citizens of a pursuit of a criminal which bound all who heard the cry to join in the pursuit. If the citizens did not respond and assist, they could be considered accomplices to the crime and punished. The statute required all males between the ages of fifteen and sixty to keep arms for the purpose of rendering aid and subduing offenders.<sup>2</sup>

The effectiveness of the night watch waned over time as citizens began to understand the inconvenience of staying up all night, especially if they had jobs to go to or shops to open in the morning. Many people ignored the call to serve, paid the fine, or paid a substitute to serve in their place. Many of the men willing to serve as replacements were often deemed too weak or feeble to effectively suppress crime. Eventually, in order to improve the quality of the service, the night watchmen were paid. However, the amount was not substantial.<sup>3</sup>



## ▶ Thief-Takers

As night watchmen patrolled the streets, they did not follow up on crimes to determine who was responsible for the ever-increasing crime problem. To address this issue, parliament, in 1689, established rewards for the conviction of crimes such as robbery, burglary, and counterfeiting. The intent of the legislation was to encourage victims to make an effort to catch and prosecute the persons responsible for these crimes. By 1750 the reward for the conviction of a robbery suspect was increased to 140 pounds, a sum equal to three to four years of income for a skilled workman.

While these rewards were designed to encourage victims to take action—and many did—the unintended consequence was that these rewards also encouraged others to get involved. These thief-takers, as they came to be known, often criminals themselves, were motivated by the reward money and their ability to confiscate the possessions of the criminal. This form of bounty system gave the thief-takers a bad reputation and some were suspected of encouraging crimes for the purpose of solving them.<sup>4</sup>

## ▶ Bow Street Runners

By 1748 crime had increased in England and its capital, London, was recognized as one of the most dangerous cities in Europe. That same year Henry Fielding (1707–1754), former novelist, playwright, and attorney, was named magistrate for the Bow Street court. At the time Bow Street was known as one of the worst crime-ridden areas of London. Fielding organized a group of former constables and thief-takers to carry out investigations and bring suspects to trial. Fielding's men received a small stipend and relied on rewards they received for a successful prosecution. These runners, as they came to be known, were also used to guard the King and to investigate various crimes such as robbery and murder.<sup>5</sup>

John Fielding (1721–1780), who took over after his brother passed away in 1754, instituted a number of changes at Bow Street. He organized mounted patrols to protect the highways from robbers and instituted foot patrols on the city streets. At one time Fielding employed between 300 and 400 officers to patrol the Bow Street area. Another one of his innovations was the establishment of the *Police Gazette* which encouraged victims to report crimes to his court. Victims would then receive assistance from the runners in the investigation of these crimes. The gazette also published information about criminal activity, names and descriptions of wanted criminals, and descriptions of stolen property.<sup>6</sup> John Fielding served as magistrate of the Bow Street court for over twenty five years and was knighted for his efforts in fighting crime. Fielding is considered to be the father of the modern police detective.

## ▶ London's Metropolitan Police

In 1822 Robert Peel became the British Home Secretary, a position which was responsible for the internal security of England. Peel was a strong advocate of establishing a police force to combat crime. The idea had been presented to parliament several times before but had been rejected over the concerns of the possible loss of individual liberties. Peel repeatedly addressed parliament about the need for policing while ensuring the rights of Englishmen.

In 1829 Peel presented a reform bill that expressly excluded the city of London but provided policing for the metropolitan area surrounding the city. Peel's proposal was for a model police force which, if successful, could be implemented throughout the rest of the country. The bill passed without major opposition and called for the operation of a police force with a twenty-four-hour operation. Peel decided that this police force should be uniformed as to be readily identifiable to the citizenry. The blue uniform was chosen in order to distinguish it from the scarlet military uniform in use at the time. Officers were issued a numbered badge so citizens could properly identify the officers in order to lodge a complaint or praise the service they had received. The police were to be modelled after the highly successful military organizational structure that is still in use today. The metropolitan police force included nearly



**Portrait of Sir Robert Peel, the father of modern policing.**

Source: The Illustrated London News Picture Library/Bridgeman Images



3,000 officers who were paid only slightly less than that of a skilled workman. These officers carried only nightsticks for protection, no lethal weapons, and were instructed to be respectful to the public.

When the new police officers came on duty in September of 1829, they were viewed by many citizens as a threat to personal liberty. Turnover was high in the early years largely due to improper conduct. All complaints against an officer were painstakingly investigated. Within the first twenty years of operation the new police gradually won the respect and acceptance from the citizenry they served. Their restraint in the use of force, their professionalism, and civility in dealing with the public established this new police force as an institution of order and protector of liberty. The “peelers” who were both feared and hated soon became the “**bobbies**” a name used in reference to Robert Peel and a term of respect and appreciation.<sup>7</sup> Known today as the father of policing, Peel would go on to become the prime minister of England and would be eventually knighted for his service to his country.

- 2 Evaluate the political climate in the United States at the time the first police departments were being formed and the effect this political climate had on these departments.

## ▶ American Policing

Much like England, the night-watch system of policing in the United States was overwhelmed with crime as a result of urbanization and immigration. A series of riots in the major cities such as Philadelphia, Boston, and New York showed that the time for policing had come. In 1845 the city of New York established a police force modelled after the London Metropolitan Police and other cities soon followed suit. While these agencies were modelled after the London police, there were some major differences that would cause serious lasting problems. London’s police, while local, were administered at the federal level as a model policing effort to be implemented throughout England. In contrast early police departments in America were formed at the city level of government. At the time these departments were formed the cities were under the





**1865 depiction of a London police officer.**

Source: Bryan Fosten/Peter Newark Pictures/Bridgeman Images

control of corrupt political machines operating under the **spoils system**. Under this system, politicians extorted money from people and companies wanting to do business with the city. Many politicians became rich and this influence corrupted the new police departments as well.

Under this corrupt system a form of **patronage** existed whereby an applicant had to have political friends to become a police officer. Another way to get a job as a police officer was to buy your way in with a payment to the political machine. Unlike the London police, which established strict hiring standards, the American police had no standards; furthermore, upon being hired, recruits received little or no training for their role as police officers.<sup>8</sup>

The emphasis of early policing was to maintain order, which consisted of arresting vagrants, those under the influence of alcohol, and those involved in disturbances of the peace. The police paid little attention to the investigation or prevention of crime and often ignored vice going on around them. Saloons, brothels, and gambling establishments paid the police to look the other way and to leave their operations alone. Since the general public had no way to call the police when they needed them, and officers were often incompetent and corrupt, it is no wonder the police were held with little regard by the public.<sup>9</sup>

- 3 Describe the emergence of the reform movement in American policing and the major tenets of the reform agenda.

## ▶ The Reform Movement

One of the chief advocates of reforming the police was August Vollmer (1876–1955), chief of police in Berkeley, California, from 1905 to 1932. Vollmer and other reformers advocated the following agenda:

1. Policing should be a profession that serves the community on a nonpartisan basis.
2. Politics should be eliminated from policing.



**Seattle police officers in formation in 1910.**

Source: © PEMCO/ Webster & Stevens Collection; Museum of History and Industry, Seattle/ CORBIS



3. Law enforcement agencies should be headed by qualified chief executives.
4. Law enforcement agencies should raise the hiring and training standards for new recruits.
5. Agencies should apply modern management principles and advocate centralized command and control of police operations.
6. Agencies should create specialized units such as traffic, juvenile, and vice.<sup>10</sup>

To accomplish many of these goals, reformers advocated the use of the **civil service system** for the selection and promotion of police personnel. Under this system police applicants, and those seeking promotion, would be required to take a test, usually a written examination. Those who passed the test would have their names placed on a list and the police agency was required to hire off the list of qualified applicants. This system ensured that only the best candidates would be hired and promoted by the agency.

Vollmer wrote extensively about the police and became the president of the International Association of Chiefs of Police during the 1920s. In this capacity he was able to spread the message about the need for police professionalism. As a police chief and professor of police administration at the University of California at Berkeley, Vollmer was able to influence the next generation of police professionals as well. Today Vollmer is considered to be the father of modern policing in America.

A major social event that had a tremendous impact on moving policing toward professionalism was the Great Depression of the 1930s. The lack of employment opportunities elsewhere made policing attractive to college-educated people who would not otherwise have considered a career in policing. This new pool of better-educated middle-class applicants enabled police administrators to upgrade the entry-level requirements for police positions. In addition, these better-educated people were more receptive to the concepts of the reform movement. The trend toward higher education and policing continued after World War II when returning veterans took advantage of the GI Bill benefits and enrolled in colleges and universities that, by that time, offered specialized courses in police science and administration.<sup>11</sup>

The reform movement was successful in removing politics from policing and in raising the standards of both new recruits and managers of police departments around the country. Over the years police administrators have taken a hard-line approach to corruption and misconduct. Administrators have vigorously investigated allegations of wrongdoing and have taken





Over 2,000 New York City police recruits graduating from the police academy in a ceremony held in Madison Square Garden.

Source: Monika Graff/The Image Works

corrective action when these allegations are substantiated, including discipline and prosecution where appropriate. Today, corruption in policing is the exception rather than the rule.

- 4 Identify the persons and their scientific discoveries that led to the development of the field of criminalistics.

## ▶ Development of Forensic Science

The move toward professional policing has been greatly assisted by developments in various fields of science that can be applied to criminal investigations. The use of science to answer legal questions is known as **forensics**, a field of study that has developed over time. Scientists schooled in a variety of disciplines have made meaningful contributions to the field of **criminalistics**, the application of scientific techniques in collecting and analyzing physical evidence. The following are a few of the contributors to this endeavor.

*Mathieu Orfila* (1787–1853) is thought by many to be the father of forensic **toxicology**—that is, the study of the effects of poisons. His work on the detection of poisons and their effects on animals established the science of forensic toxicology.

*Hans Gross* (1848–1915) was the earliest advocate of criminal investigation as a science. Gross was a native of Austria, born in Graz. Educated in law, he became interested in investigation while serving as an examining magistrate. He became a professor of criminology at the University of Vienna. Perhaps it was the legal training, or the education in rational theory joined with the study of law, that made Magistrate Gross unhappy with the lack of science in police investigation. In any event, he deserves credit for developing a system of investigation. His *System der Kriminalistik* (*Criminal Investigation*), translated into English and published in 1906, is a classic text in this field. Gross strongly supported scrupulous accuracy and high ethics in criminal investigation. His greatest contribution to the introduction of science in criminal investigation was the advocacy of a parallel system of inquiry based on the crime scene.

*Alphonse Bertillon* (1853–1914) developed the first means of human identification, known as **anthropometry**. This system involved the taking of eleven measurements of various parts of the body—such as height, reach, head width, and length of left foot—along with a photograph of the subject. Bertillon based his system on the assumption that it would be virtually impossible for two people to look alike and to have the same physical measurements. His system worked well for over two decades until unraveled by the Will West case in 1903. When West was being processed into the



Fort Leavenworth prison, it was discovered that another prisoner, already in custody, had the same measurements and appearance, as if they were identical twins. Bertillon's system was eventually replaced by the identification of individuals through fingerprints, but he is still considered to be the father of criminal identification.

*Francis Galton* (1822–1911) provided the first definitive study of fingerprints in his book *Finger Prints*. His pioneering efforts in this area led to the creation of a classification system that was capable of filing these prints in a logical searchable sequence.

*Albert S. Osborn* (1858–1946) authored in 1910 the first significant text in the field of questioned documents. The book remains a primary resource for document examiners and was responsible for the acceptance of documents as scientific evidence by the courts.

*Edmond Locard* (1877–1966) in 1910 persuaded the police department in Lyons, France, to finance a small police laboratory. Locard's research and accomplishments became known throughout the world. He eventually became the founder and director of the Institute of Criminalistics at the University of Lyons. The institute developed into an international center for the study of and research in forensic science. Locard is perhaps best known today for his **exchange principle**. He believed that when a criminal came in contact with another object or person, a cross-transfer of evidence occurred, primarily of hairs and fibers.

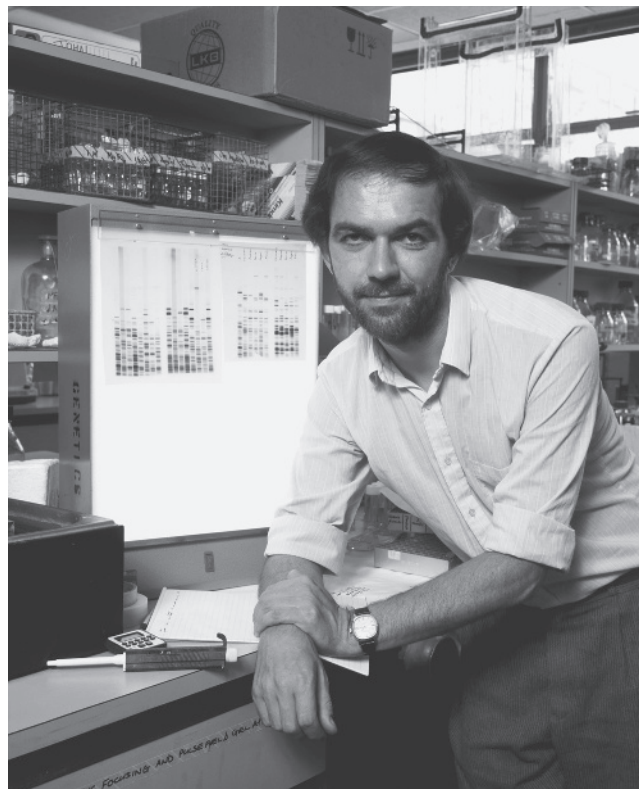
*Leone Lattes* (1887–1954) expanded upon the discovery that blood can be grouped into four different categories: A, B, AB, and O. Lattes, a professor of medicine in Turin, Italy, devised a procedure for determining the blood group from dried bloodstains and applied this technique to criminal investigations.

*Calvin Goddard* (1891–1955) was aware that the determination of whether a fired bullet originating from the suspect's weapon required a comparison with a bullet that had been fired and retrieved from the suspect's gun. Goddard refined the techniques for making these determinations by using a comparison microscope.<sup>12</sup>

*Alec Jeffreys* (1950–) in 1985 conducted an investigation into the structure of the human gene that led to the discovery of deoxyribonucleic acid (DNA) at Leicester University, England. This discovery disclosed that certain genetic markers are as unique to each individual as are fingerprints. This discovery gave the scientific community a means to link biological evidence such as blood, semen, hair, and tissue to a single individual.<sup>13</sup>

**Professor Alec Jeffreys, the molecular biologist who discovered the DNA profiling technique in 1984.**

Source: David Parker/Science Source



- 5 Identify the various policing agencies at the local, state, and federal levels and their areas of responsibility.

## ▶ Local Policing

Policing at the local level is provided by municipal, or city police departments, or by the county sheriff's department in those areas outside the city limits. According to the U.S. Department of Justice, Bureau of Justice Statistics, there are over 12,600 police departments and over 3,000 sheriff's departments in the United States. These agencies employ over 600,000 sworn officers, the vast majority of which, 73 percent, are employed by city police departments.<sup>14</sup>

City police departments typically provide law enforcement services in three broad areas of patrol, traffic, and detective functions. Patrol enforcement involves officers being out-and-about the community randomly looking for criminal activity or responding to citizens' calls for service. Officers in larger cities may patrol on foot; however, the typical patrol officer is in a marked patrol vehicle. Patrol activities are often augmented by officers in helicopters or boats, on motorcycles or horses, and with k-9s, also known as police dogs. These officers are tasked with dealing with all types of crime—from the relatively minor crime such as traffic offence to major crime such as murder.

Those crimes that require follow-up investigation are typically referred to a detective division. Detectives conduct searches for witnesses and suspects and evidence not located at the scene of the crime. Detectives also conduct specialized investigations such as surveillances and decoy operations.

The traffic division enforces vehicle code regulations and conducts accident investigations. One of the major functions of this division is the enforcement and arrest of those motorists operating a vehicle while under the influence of alcohol or drugs. Thousands of deaths each year in this country are attributable to people who operate a motor vehicle while under the influence of intoxicants.

Sheriff's departments typically provide law enforcement-related functions to those areas in the county that are located outside the jurisdiction of the city police departments. While many sheriffs' departments are in rural settings, many are not, and are dealing with the same crime issues as city police departments. Often the dividing line between the city and the county is the center line of a major street, with one side being in the city and the other in the county. In addition to providing patrol and detective-related services many sheriffs' departments are responsible for the operation of the county jail. Sheriff's personnel may provide security for the courthouse and serve as bailiffs that guard prisoners when they appear in court. Sheriff's departments often provide the county-wide function of civil process. In this capacity sheriff's deputies carry out the orders of the court such as evictions and property seizures.

## ▶ State Policing

Most states, but not all, may provide law enforcement services in three broad areas: patrol of the state's highways; general law enforcement, including patrol and detective functions, to areas not serviced by a municipal police department or sheriff; or specialized investigations. Agencies such as the California Highway Patrol enforce traffic laws, investigate traffic accidents, and make arrests for any penal code violation they encounter in the course of their duties. Specialized investigations might include statewide enforcement of alcohol beverage control laws, controlled substances or drug investigations, consumer and welfare fraud, and investigative support to any police agency in the state that requests assistance.

## ▶ Federal Investigative Agencies

Every branch of the federal government has an investigative agency that is responsible for the investigation of violations of the law that come within its jurisdiction. For the sake of brevity this discussion will be limited to those federal agencies that have a high profile and are most readily identifiable to most readers.

