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THE INVESTIGATION OF CRIME

OBJECTIVES

After reading this chapter you will be able to

- 1.1 Define the criminal investigation process, criminal evidence, and forensic science
- 1.2 Identify two different types of criminal investigations (reactive, undercover)
- 1.3 Discuss a criminal investigation as a battle, as a game, as a puzzle, and as a maze
- 1.4 Identify important qualities and characteristics of investigators as well as possible mental mistakes that could be made by them during criminal investigations
- 1.5 Explain the role of criminal investigations in the criminal justice process

From the Case File**THE INVESTIGATION OF THE WASHINGTON, DC, BELTWAY SNIPERS**

The manhunt began the night of October 2, 2002, when James Martin was shot dead in the parking lot of a store in Wheaton, Maryland. It ended twenty-one days and twelve more victims later with the arrest of John Allen Muhammad and Lee Boyd Malvo at a highway rest stop outside of Washington, DC. In total, ten people were killed, and three were seriously wounded.

For the first seven shootings, which occurred October 2 through October 4, the police had few clues. No one saw the shooter, but witnesses reported seeing a white van or white box truck in the area after several of the shootings. In one of the incidents, a witness told the police he saw a dark-colored Chevrolet Caprice driving away from the scene with its lights off. The importance of the Caprice, however, was drowned out by the continued sightings of the white van and white truck. By October 12, the police and Federal Bureau of Investigation (FBI) had obtained enough information from witnesses to produce pictures of the van and truck believed to be involved in the shootings, which they released to the media. The police checked and searched hundreds of white vans and trucks, looking for anything suspicious they could link to the shootings. They found nothing.

Although the hunt for the vehicle was hitting a dead end, the sniper's modus operandi (MO) had become clear: All the victims were shot with the same ammunition—a .223-caliber bullet, popular with hunters, competitive shooters, and the military. Given the distance from which many of the victims were shot, the police also suspected the sniper had some skill and training as a marksman. Most of the shootings were concentrated in the Montgomery County area of Maryland, suggesting that the killer lived in that area. There was also a strong possibility the killer was watching developments in the investigation on television and altering his activities based on this. For example, when Montgomery County police chief Charles Moose reassured parents that their children were safe, the sniper's next victim was a thirteen-year-old boy shot and critically wounded while arriving at school. After this shooting, the police found a tarot "death" card and a spent shell casing in some matted grass near the school. On the back of the card was a message that read, "Dear Policeman, I am God." Along with the card was a note stating the police should not reveal the message to the media. Nevertheless, the media found out and publicized the message. The deadly drama was intensifying.

On October 14, a woman in the parking lot of a store in Falls Church, Virginia, was shot. Once again, several witnesses told the police they saw a white van driving away after the gunshots. One witness stated the shooter was driving a cream-colored Chevrolet Astro van with a burned-out left taillight and a chrome ladder rack on its roof. Better yet, the witness also told the police he had seen the shooter and his gun. The gun was described as an AK-47, and the witness said the shooter had dark skin. As in a previous incident, another witness reported seeing a dark-colored Chevy or Chrysler leaving the store parking lot after the shooting. Once again, the police focused

on the more specific light-colored van. The police immediately shut down the nearby interstate and set up roadblocks and checkpoints to catch the fleeing killer. Traffic around the Washington, DC, area was backed up for miles as the police searched dozens upon dozens of white vans as they moved through the roadblocks. Again, the police found nothing. The roadblock tactic was used twice more, after two more shootings. None of these roadblocks were helpful in the investigation, and at the time, the police reasoned the shooter was familiar enough with the area to evade them by using side roads. After additional questioning of the witness who provided the detailed information about the van, the shooter, and his gun, the police recovered security surveillance video that showed the witness was inside the store when the shooting occurred. He had just made up the information, and he was subsequently charged with providing false information to the police. More frustration for the police, and they were still not even close to identifying the killer.

On October 17, an operator at the police tip line created for the investigation received a telephone call from an individual who stated he was the sniper. He spoke broken English and had an unidentifiable accent. The caller was angry because he had been unable to get through to the police earlier and was hung up on even though he said he was God. The police tip line had received hundreds of apparently bogus calls during which the caller claimed to be God—a reference to the message on the tarot card found after the shooting at the school.

Now, to get the police to take him seriously, the sniper provided a clue, a big one, to the tip line operator. The caller told the operator that the police should “look to Montgomery,” and they would then realize he was not joking. The operator reported the phone call to her supervisors. The police were initially unsure as to what the message meant or even if it was valid.

The next day in Ashland, Virginia, at 8:00 p.m., a man was fatally shot in a restaurant parking lot. When searching the area after the shooting, the police found a handwritten note tacked to a tree in the nearby woods. In the letter, the sniper railed about his previous attempts to communicate unsuccessfully with the police. It identified the phone numbers he had called and the names of the persons he had spoken to on the six previous calls to the police. It also referred to a phone call he made to a “Priest in ashland.” The sniper made a demand for \$10 million to be deposited on a particular credit card and provided the card number. If the transaction was not completed, the sniper wrote, more people would be killed. The letter concluded with the statement “Word is Bond,” and five stars were drawn on the paper.⁴

The note contained many clues. When police traced the credit card identified in the note, they discovered it had been reported stolen in Arizona months earlier. The victim first realized the card was stolen from her when the bank contacted her about a gasoline purchase in Tacoma, Washington. The purchase was fraudulent, and the account was closed. The writing style of the note was also of significance. It appeared to match the speaking style of the individual who had made the earlier phone call to the police tip line. The reference to the call made to the “Priest in ashland” was also intriguing. Further investigation into this led investigators to a priest at St. Ann’s Church in Ashland, Virginia. When questioned by investigators, he told them that on October 18 he had received a phone call from someone who stated he was God and was the sniper. The caller said he was calling because he had not been able to get through to the police. The priest also told the police the caller referred to a crime that had occurred recently in Montgomery, Alabama. The priest said he thought it was just a prank call and did not report it to authorities. With this information, and particularly the reference to the crime in Alabama, the earlier phone call reference to Montgomery now made sense. The FBI immediately contacted the police department in Montgomery and learned about a robbery/homicide that had occurred there just a few weeks previously, on September 21. The police in Montgomery explained that two clerks who worked at a liquor store were shot by a Black man approximately twenty years old. One of the clerks was killed; the other was injured. Although the killer had not been apprehended, a composite sketch of the suspect had been developed and a fingerprint recovered from a gun catalogue the suspect was looking at just prior to the robbery. The Montgomery police explained that when they ran the print through their fingerprint database, they did not get a hit.

On October 20, the fingerprint recovered from the crime scene in Montgomery was examined using the FBI's fingerprint system. This time there was a hit: The fingerprint belonged to an individual by the name of Lee Boyd Malvo. His fingerprint was on file because he was a Jamaican citizen in the United States illegally. The pieces were beginning to come together. Investigators speculated that the five stars drawn on the cover page of the note left at the restaurant shooting scene were related to the Jamaican band Five Stars. "Word is Bond" were lyrics to a song sung by the band. The possible Jamaican connection also fit with the style of English noted in the previous phone call and letter to the police. Additional information on Malvo led investigators to Washington State, the same place where the stolen credit card identified in the note had been used to purchase gasoline. At about this same time, the police tip line received a call from a resident of Tacoma who reported that a man named Muhammad and another man with the nickname "Sniper" used to live in Tacoma and had, on occasion, used a tree stump in their backyard for shooting practice. Once investigators were in Tacoma, the link between Malvo and an individual by the name of John Muhammad was confirmed. They also learned Muhammad had previously served in the military.

On October 21, the sniper called the police to reiterate his demands. The police were ready . . . or so they thought. The call made by the suspect was traced to a public telephone at a gas station near Richmond, Virginia. Shortly after the call was received, the police converged on the telephone and found a white van parked next to it. Two Hispanic men were pulled from the van and arrested. Headlines immediately followed: "Two Men in Custody in Sniper Hunt."² There was only one problem: The men were not Malvo and Muhammad. The two individuals in the van were simply in the wrong place at the wrong time and had nothing to do with the shootings. And, as coincidence would have it, they were driving a *white van*. If the sniper had used that phone, he got away before the police arrived. That afternoon, Chief Moose provided a message to the sniper through the media: "The person you called could not hear everything you said. The audio was unclear, and we want to get it right. Call us back so that we can clearly understand."³

On the morning of October 22, the snipers claimed their thirteenth victim when Conrad Johnson, a city bus driver in Silver Spring, Maryland, was shot and killed as he exited his bus. A note found in a nearby park reiterated the demand for \$10 million. As the police were handling this latest shooting, investigators were busy developing information in Washington State. They confirmed Malvo and Muhammad had lived together in a house in Tacoma and had used a tree stump in the backyard for target practice with a high-powered rifle. Police conducted a search of the location and removed a large stump that contained bullet fragments. The search of the outside of the house and the removal of the stump by investigators were broadcast live on national television. Investigators obtained handwriting samples of Malvo from the high school he had attended in Tacoma.

Reasonably certain now that Malvo and Muhammad were responsible for the sniper shootings, investigators requested that police from area departments query their databases for any noted police contact with either suspect. It was discovered that the day after the boy was shot outside his school, Baltimore police had had contact with Muhammad when they found him asleep in his car in a parking lot outside a Subway sandwich shop. The police had woken him and told him to be on his way. It was noted in the police computer that Muhammad was driving a blue 1990 Chevrolet Caprice with a New Jersey license plate, number NDA21Z. After this license plate number was discovered, police from area departments were asked once again to query their databases for any recorded check of the plates. These checks revealed that between October 2 and October 23, the police had seen the Caprice and checked the license plate number at least twelve times. As the car was not stolen and the occupants were not wanted for any crimes, no additional investigations of the vehicle or its occupants had been conducted.

At approximately 9:00 p.m. on Wednesday, October 23, Chief Moose revealed on national television that John Muhammad, forty-one, and Lee Boyd Malvo, seventeen, were wanted in connection with the sniper shootings. He stated these individuals had last been seen driving a

blue 1990 Chevrolet Caprice and provided the license plate number. Four hours later, the police received a telephone call from a truck driver who said he was currently at a rest stop off the interstate near Frederick, Maryland, and the car they were looking for was parked there. A police tactical unit arrived shortly thereafter and found Malvo and Muhammad asleep in the car. They were arrested without incident. A Bushmaster XM15 rifle was found in the car, along with a pair of two-way radios, two handguns, a Sony laptop computer, a single .223-caliber cartridge, and fake IDs, among other items. Malvo and Muhammad appeared to have been living out of their vehicle. There was a notch cut in the back of the trunk of the car from which the shots were probably fired. The police had the snipers.

Further investigation revealed Malvo and Muhammad were responsible for at least seven other shootings in the Washington, DC, area; Washington State; Arizona; and Louisiana. The two were tried and convicted of their crimes in Virginia and Maryland. Muhammad was sentenced to death, Malvo to multiple life sentences without parole. Muhammad was executed in Virginia by lethal injection in 2009.



PHOTO 1.1 Witnesses to the early shootings in the DC sniper case told police they thought the shooter was driving a white van. The police alerted the public to this information, and witnesses at subsequent shootings also reported seeing a white van. As a result, the search was on for a white van. But the snipers never used such a vehicle. They were driving a blue four-door 1990 Chevrolet Caprice, pictured here.

FBI



PHOTO 1.2 Notice how the trunk of the vehicle was configured so that a person could lie in it. Also observe the notch cut out of the trim to accommodate the barrel of a rifle.

FBI

Case Considerations and Points for Discussion

1. In this investigation, one piece of evidence led to another until investigators identified and apprehended the killers. Explain why the information obtained from the priest in Ashland was so significant to the eventual identification of the perpetrators.
2. In just about any criminal investigation, there are difficulties with the evidence, and this investigation was no different. What was the most significant lesson investigators learned in this case? Why?
3. What do you think was the most significant mistake the perpetrators made? Why?
4. Identify three dead ends in this investigation—instances where investigators collected information but it did not lead them any closer to identifying the perpetrators.

Also: Watch the four-part YouTube video “Final Report—the DC Sniper” (Parts 1 through 4) for an excellent discussion of the investigation and the difficulties the investigators encountered.

CRIMINAL INVESTIGATION, CRIMINAL EVIDENCE, AND FORENSIC SCIENCE DEFINED

Criminal investigation is the process of collecting crime-related information to reach certain goals. This definition has three important components: (1) the process of collecting, (2) crime-related information, and (3) goals. These components are discussed in the following paragraphs.

The process of collecting refers to the activities performed by the patrol officers, detectives, or other investigators who are responsible for the investigation. As with most processes, certain activities are performed prior to others. The activities performed may be extensive or minimal depending on the nature and seriousness of the crime being investigated. The most common activities performed during investigations are searching for and interviewing victims and witnesses, and reading and writing reports. Investigative activities are performed in order to develop (and document) information. It is important to understand that the methods used to develop information can substantially affect the quality of the resulting evidence. Bad investigations result in bad evidence, which can result in bad outcomes.

Crime-related information is **criminal evidence**. Criminal evidence consists of supposed knowledge that relates to a particular crime or perpetrator. It is what is obtained as the result of investigative activities. Crime-related information may provide leads for investigators to pursue, which may result in more information. Eventually, investigators may collect enough evidence to conclude with some certainty that a crime occurred and that a particular person committed the crime. For example, in one case, investigators determined that the last known location of a missing woman's cell phone was near her boyfriend's home. This information led the police to question the boyfriend. The inconsistencies in his story about when he last saw his girlfriend led to his arrest, albeit on an unrelated charge. Then a search of the Internet activity on his phone led to the discovery of information suggesting he may have committed a murder and buried the body. This information led to a search of his house, and blood was found there. This evidence led to another interview during which the man confessed to murdering his girlfriend.

There are many different types of evidence in criminal investigations, such as DNA, eyewitness identifications, and confessions. Some types of evidence depend on scientific analysis in order to be made meaningful and useful. For example, blood may be analyzed in order to develop a DNA profile from it, bodies may be examined to determine cause of death, and bullets may be analyzed to determine the gun from which they were fired. These are issues that relate to the field of **forensic science**. Forensic science broadly refers to the field of science that addresses legal questions.

There are at least three potential problems with evidence in criminal investigations. The first is that at the time the information is collected, investigators may not know whether that evidence relates to the case at hand. Consider the numerous phone calls received by the police tip line in the sniper investigation from people who claimed to be God. None of these calls proved to be relevant or useful in the investigation.



PHOTO 1.3 Investigators discovered this chess piece at a crime scene where a young woman was killed. At the time it was found, its relevance to the crime was unknown. Was it a clue from the killer? After the perpetrator was identified, it was determined that it had nothing to do with the murder; it was just a chess piece in the road.

A second potential problem with evidence in criminal investigations is that it may not be accurate. Compounding this problem is that even inaccurate information can be quite influential when drawing a conclusion. Eyewitness identifications are perhaps the best example of this. Consider the witness accounts of the white vans after each of the sniper shootings. Eyewitness identifications have been shown to be extremely influential in establishing that a particular person committed a particular crime; however, eyewitness identifications are often inaccurate. Unfortunately, as with the relevance of evidence, the accuracy of previously collected evidence can only be established after a perpetrator is identified.

The third potential problem with evidence is that, in some investigations, the police may be overwhelmed with information to document and follow up on, and in others, there may be no or very little information to go on. Without question, these problems can make criminal investigations difficult.

The final definitional component of a criminal investigation is that there are *goals* associated with the process. A goal is best considered a desired end or a future state. It is something that one wishes to achieve at some point in the future. Goals also assist in giving direction to activities to be performed. Various goals have been associated with the criminal investigation process, including solving the crime, providing evidence to support a conviction in court, and providing a level of service to satisfy crime victims. Perhaps the most important goal of these three is to solve the crime. To solve the crime, investigators must determine whether a crime has been committed and ascertain the true nature of the crime, identify the perpetrator, and apprehend the perpetrator.

MYTHS AND MISCONCEPTIONS 1.1

THE MEANING OF "CRIME SOLVED"

The FBI does not use the word *solved* to describe crimes for which perpetrators have been identified and apprehended; instead, it says that crimes are *cleared by arrest*. According to the FBI, a crime is cleared by arrest when three specific conditions have been met: At least one person has been (1) arrested, (2) charged with the commission of the offense, and (3) turned over to the court for prosecution (whether following arrest, court summons, or police notice). However, an actual conviction in court of the person arrested is not necessary for a crime to be cleared.

In its clearance calculations, the FBI counts the number of offenses that are cleared, not the number of persons arrested (see Figure 1.3). As a result, one arrest can clear many crimes, or many arrests can clear just one crime. In addition, some clearances that an agency records in a particular calendar year may be of crimes that occurred in previous years.

In certain situations, it is not possible to arrest, charge, or refer cases for prosecution. When this occurs, crimes are *exceptionally* cleared. Examples of exceptional clearances include the death of the offender, the victim's refusal to cooperate with the prosecution after the offender has been identified, or the denial of extradition because the offender committed a crime in another jurisdiction and is being prosecuted for that offense. The FBI definition of a clearance notwithstanding, law enforcement agencies have been found to define clearances differently.⁴ Because what constitutes a clearance can be manipulated by law enforcement agencies, the use of "clearances" as a measure of investigative effectiveness is not without its critics.⁵

Although the task of determining whether a crime has been committed and ascertaining the true nature of the crime may seem straightforward, often it is not. Experienced investigators can provide many examples of crimes that were not really what they first appeared to be. For instance, did a burglary really occur, or is this a phony report to defraud an insurance company? Did the "victim" spend money foolishly and then claim to have been robbed? In one notable case, an employee of a tire store stole cash from the store, buried the cash in a jar in his backyard, then returned to the store and hit himself over the head with a tire iron. Other employees discovered the man on the floor and reported a robbery to the police. After the detectives asked some questions of the "victim," the true nature of the crime became apparent. If investigators do not question the true nature or the circumstances of the crime, serious problems can result.

After verifying that a crime occurred, investigators must then identify who committed the crime and, finally, the perpetrator must be apprehended. To identify the perpetrator is to know with some degree of certainty who committed the crime. To apprehend the perpetrator is to arrest the perpetrator (based on probable cause; see Chapter 3). After the occurrence and nature of the crime have been verified and the individual believed to be responsible for committing the crime has been identified and apprehended, the crime can be said to be solved.

A second goal often associated with the criminal investigation process is obtaining a conviction in court. The police are responsible for collecting the evidence that establishes that a crime occurred



PHOTO 1.4 After taking a shower at a motel, a guest discovered this message written on the mirror and contacted the police. After locating and interviewing the previous guest who had stayed in that room and the cleaning personnel at the motel, the police determined it was a false claim and a crime had not occurred.

and that the person who was arrested committed the crime. The prosecutor may then present the evidence collected by the police in court to prove beyond a reasonable doubt to a jury or judge that the defendant is guilty. In this sense, the police and prosecutor are on the same team, working toward the same end. Solving the crime and convicting the defendant are separate but related outcomes. A crime can be solved without a conviction being obtained.

The third goal associated with criminal investigation is victim satisfaction. This outcome has taken on greater importance during the last few decades with the community policing philosophy. The idea is that citizen (victim) satisfaction is a good thing and something about which the police should be directly concerned. After all, citizens provide the resources (e.g., pay taxes, provide information) necessary for the police to operate.

MYTHS AND MISCONCEPTIONS 1.2

“CRIME TIME” TELEVISION

There is something compelling about the drama of criminal investigation. Over the years, a multitude of television shows have cast light on detectives and criminal investigations. Some of the most popular shows have included *Starsky and Hutch*, *Miami Vice*, *Hawaii 5-0*, *Dragnet*, *Police Squad*, *Streets of San Francisco*, *Columbo*, and *Kojack*. Recent shows have included *Bosch*, *Blue Bloods*, *Chicago PD*, *Cold Case*, the various iterations of *CSI* and *Law and Order*, and, of course, *NCIS* and *Criminal Minds*. Although “crime time” television is entertaining, it is not real. The following are five things about such television shows that distort the true nature of criminal investigations:

- The perpetrators are smart, but the investigators are even smarter. No matter how complex the crime on many of these shows, it is solved and often solved quickly. All evidence is relevant to the investigation, and all evidence proves the suspect’s guilt. There are usually no dead ends in television investigations.
- The characters on the shows are often responsible for all facets of criminal investigations. The people who interrogate suspects also process crime scenes and analyze the evidence collected from crime scenes. Sometimes they even assist with autopsies. Interestingly though, patrol officers seldom have any investigative responsibilities.
- Forensic evidence always plays a role—and usually the most important role—in identifying the perpetrator and solving the crime. The most valuable of clues come from the most unusual evidence, from dandruff to bird eggshells.
- Crime solving depends mostly on futuristic equipment and technology. The results of scientific tests on forensic evidence are obtained within minutes of when the evidence was first collected, and the results are always clear.
- The police buildings, offices, and other equipment are state of the art. All the investigators are attractive and engaging. The perpetrators and victims are often equally attractive and sexy.

The ultimate goal of the criminal investigation process is a reduction in crime through either deterrence or incapacitation. To *deter* an individual from engaging in crime, punishment must be administered either to that individual or to someone of whom he or she is aware. Before punishment can be administered to a person, that person must be identified and apprehended. Similarly, before an individual can be *incapacitated* (by placement in prison or otherwise) and therefore not able to commit future crimes, that individual must be identified and apprehended. Although deterrence and incapacitation are not within the complete control of the police, the police provide a critical ingredient in their achievement.

TYPES OF CRIMINAL INVESTIGATIONS

Criminal investigations can be either reactive or proactive. Reactive investigations are the traditional way police become involved in the investigation of crime. The crime occurs and then police respond or react to the crime. The police are typically in reactive mode when investigating crimes such as homicide, robbery, rape, and so forth.

Reactive Investigations

There are four stages to reactive investigations: (1) the discovery of the crime and the police response, (2) the preliminary or initial investigation, (3) the follow-up investigation, and (4) closure. Regarding the first stage, in most cases the victim contacts the police and a patrol officer is dispatched to the crime scene. In the more serious cases, such as bank robberies or homicides, detectives and/or crime scene technicians may also respond to the scene and conduct investigative activities.

Second, the preliminary investigation is conducted. This investigation consists of the immediate activities of the investigators who arrive at the crime scene. The specific activities investigators perform are largely a function of the case at hand. All the information collected as the result of a preliminary investigation is recorded in an initial investigative report and other related reports.

If a perpetrator is not arrested during the initial investigation, the case may be selected for a follow-up investigation through a process of **case screening**. The screening decision is usually made by a supervisor and is based on two major elements: (1) the seriousness of the crime (based on factors such as the amount of property loss or the extent of victim injury) and (2) the evidence available as documented in the initial investigation report. Evidence is sometimes referred to as **solvability factors**.

Solvability factors are key pieces of crime-related information that, if present, increase the probability the crime will be solved. They are leads that could be followed. If a case is selected for a follow-up investigation, then the investigators assigned to the case must decide what activities to perform. Depending on the case, the follow-up investigation may involve searching for more information and/or following up on information already developed. The victim may be contacted again and asked additional questions, surveillance video of the crime may be searched for and reviewed, vehicle records may be checked, forensic evidence may be submitted to the laboratory, or suspects may be questioned, among many other possible activities. The information collected as a result of these activities is recorded in follow-up investigative reports.

Finally, at any time during the investigative process, the case may be closed and investigative activities terminated. For instance, the case could be closed because of a lack of leads or because the perpetrator has been identified and apprehended. In the latter situation, the crime would be considered cleared by arrest (solved), and primary responsibility for the case would shift from the police department to the prosecutor's office. However, the detectives assigned to the case could still have the responsibility of assisting the prosecutor in preparing the case for prosecution.

MYTHS AND MISCONCEPTIONS 1.3

THE ROLE OF PATROL OFFICERS IN SOLVING CRIMES

Often much is made of detectives being the ones responsible for solving crimes and patrol officers being responsible for the countless other tasks of policing—everything from dealing with barking dogs to domestic violence incidents. However, it would be a serious error to minimize the importance and contribution of patrol officers in solving crimes. The activities of patrol officers during an initial investigation are critical to the overall likelihood of the crime being solved. Studies have shown that (1) about 20 percent of crimes that are solved are the result of an arrest made during the initial investigation, and (2) most other crimes that are solved are solved because of information discovered by patrol officers during initial investigations. Patrol officers are not just report takers; they play an important role in criminal investigations.

Undercover Investigations

Proactive strategies, which are often covert or undercover, usually involve the police initiating investigative activities prior to the occurrence of a crime. Undercover strategies may be controversial, but they are necessary to effectively combat certain crimes, especially prostitution, drug dealing, and drug trafficking. Covert strategies include stings, decoys, undercover fencing operations, stakeouts, and surveillance. Briefly, a **sting operation** usually involves an investigator posing as someone who wishes to buy or sell some illicit goods (such as drugs or sex) or to execute some other sort of illicit transaction. Once a seller or buyer is identified and the particulars of the illicit transaction are determined, police officers waiting nearby can make an arrest. Undercover drug stings are sometimes referred to as buy-bust operations, in which an arrest is made after drugs are bought or sold. In a variation of this strategy, in one instance U.S. Immigration and Customs Enforcement (ICE) agents set up and advertised a fake university in Michigan to draw in foreign nationals who wished to fraudulently stay in the United States as full-time students. Enrollment in the university allowed the “students” to obtain student visas and continue to live and work in the country. As a result of the operation, dozens of people were arrested on immigration violations and deported.⁶

In a **decoy operation**, an undercover police officer attempts to attract crime by presenting the opportunity to an offender to commit it (e.g., by leaving a bait car running while parked on the street). Once the crime has been attempted, officers who are standing by can make an arrest of the would-be perpetrator. The investigation into the Internet solicitation of minors for illicit sexual encounters is an example of this strategy. In this case, an investigator poses as a minor on the Internet or via a social media site. If a sexually oriented conversation develops and arrangements are made by the offender to meet with the “minor” for purposes of sexual relations, an arrest can be made when that meeting occurs.

An **undercover fencing operation** is another type of undercover investigative strategy. A fence is an illegal business that buys and sells property that is known to be stolen. When the police go undercover and establish a fencing operation, word gets out that there is someone willing to buy stolen goods. The police make purchases, track the origins of the merchandise, and then make arrests. Other covert methods include **surveillance** and **stakeouts**. Surveillance usually involves watching a person to monitor his or her activities. Stakeouts most often involve watching a place and monitoring activities at that place.

When discussing undercover strategies, it is necessary to mention the issue of **entrapment**. Entrapment occurs “when a law enforcement officer induces an otherwise innocent person to commit a crime.”⁷ Entrapment is a defense to a crime. In essence, the police can provide an opportunity for a person to commit a crime but cannot compel or induce a person to commit a crime if he or she is not previously predisposed to doing so. The offender’s predisposition to committing the crime is critical. For example, in an undercover drug buy-bust operation, the undercover officer will usually make several buys from the dealer before making an arrest. Multiple buys help establish predisposition.

MYTHS AND MISCONCEPTIONS 1.4

“ARE YOU A POLICE OFFICER?”

“Are you a police officer?” and “You’re not a police officer, are you?” are probably the two most common questions asked of undercover officers by would-be offenders—or at least by *inexperienced* would-be offenders. This is not an effective way to identify a police officer. The police can legally lie and state that they are not police officers when in fact they are.

PERSPECTIVES ON THE CRIMINAL INVESTIGATION PROCESS

The criminal investigation process can be thought of as a battle, as a puzzle, as a game, or as a maze. Each perspective is briefly discussed here.

Criminal Investigation as a Battle

A criminal investigation can be thought of as a battle between the police and perpetrator over crime-related information (evidence). This perspective relates to **information theory**.⁸

According to information theory, the source of all evidence is the perpetrator. In committing a crime, the perpetrator creates information that the police discover and collect through investigative activities. For example, the perpetrator may leave fingerprints at the crime scene, or the perpetrator may be seen by a witness committing the crime. If the perpetrator can minimize the amount of information available for the police to collect, or if the police do not find the evidence, then the perpetrator will not be identified or apprehended. In this case, the perpetrator wins the battle. On the other hand, if the police can collect enough “signals” from the perpetrator, then the perpetrator will be identified and apprehended and the police win.

Consider information theory in relation to the sniper case discussed in the introduction to this chapter. During and after the shootings, the perpetrators created information: the witness description of the vehicle they used, the phone call to the priest referring to their previous crime in Alabama, and the note left at the crime scene that identified the stolen credit card. Some of this information eventually helped lead to their identification and apprehension.



PHOTO 1.5 When an offender disguises his identity, he is basically trying to minimize the amount of information produced as a result of committing the crime.

Criminal Investigation as a Game

Another way of thinking about a criminal investigation is that it resembles a game—albeit a very serious one. In a criminal investigation, as in a game, offense and defense are important. The police are usually in reactive (defensive) mode, trying to “catch” the perpetrator, but strategic actions (offense), such as conducting well-executed interrogations, are critical as well. As in a game, mistakes are important. Evidence often comes to light because the culprit made a mistake. The police must capitalize on these mistakes and collect the corresponding evidence. On the other hand, sometimes evidence is missed because the *police* make mistakes. One could question whether the Beltway snipers would have been identified sooner if the police had not mistakenly focused so heavily on the white van, or if the snipers would have been identified at all if not for the communications they made to the police.



PHOTO 1.6 Here, some of the information produced as a result of committing a burglary was fingerprints left on a piggy bank by the perpetrator.

Criminal Investigation as a Puzzle

Sometimes a criminal investigation resembles a picture puzzle. Sometimes this puzzle has just a few pieces; other times it has many pieces. But criminal investigation puzzles are unique in several ways: (1) The final picture to be created is unknown, (2) some pieces of the puzzle are missing, (3) the puzzle pieces must be located, and (4) some pieces are not really part of the puzzle. The puzzle pieces are information; some are relevant and some are not. If enough of the puzzle pieces are put together, the perpetrator will be identified and apprehended. In most criminal investigation puzzles, some pieces are never found, leaving questions about exactly what happened and how. Complicating matters further is that investigators dealing with numerous cases at the same time are working on many such puzzles. Investigators have a lot to keep track of and remember.



PHOTO 1.7 Criminal investigations can be thought of as puzzles in which evidence makes up the pieces.

Lori Wolfe/The Herald-Dispatch via AP, File

Criminal Investigation as a Maze

A criminal investigation can be thought of as a maze. At the beginning of the maze is often a crime scene; at the end is the perpetrator. Some mazes are relatively easy to navigate; some are much more difficult or even impossible. Some can be figured out quickly; others may take weeks, months, or years, or may never be completed. Because investigators are responsible for working on many investigation mazes, those that remain unsolved may have to be put aside so that others can be worked and hopefully solved.

In some crimes, most or all the information collected in the investigation “leads” investigators through the maze directly to a particular suspect. In this type of investigation, there are few dead ends encountered in the maze. The identification and apprehension of Timothy McVeigh is a good example of such a case (see Case in Point 1.1). In other instances, such as in the Beltway sniper case, investigators encounter numerous dead ends but are still able to eventually identify the perpetrator(s). And in yet another type of investigation, investigators may have no leads or the leads they have *all* result in dead ends. These mazes usually remain unsolved unless something extraordinary occurs that allows the perpetrator to be identified.

A large majority of the cases discussed in this book are ones that have been solved, simply because police departments are often not willing or able to divulge details about unsolved cases. However, the reality is that most crimes are not solved, despite investigators’ best efforts (see Figure 1.3). Just as being unable to solve a maze may be frustrating, so, too, is being unable to solve a crime. This book discusses a few cases where investigators worked hard to develop information but to no avail. The case presented in the appendix is an example of such a case. Fortunately, due to an extraordinary event, the perpetrator of the crime was still identified and apprehended.

CASE IN POINT 1.1

THE ROLE OF LUCK AND DISCOVERY IN INVESTIGATIONS: THE IDENTIFICATION AND APPREHENSION OF TIMOTHY MCVEIGH

It is common to hear discussions about the role of luck and good fortune in solving crimes, and comments are sometimes made that imply good luck somehow diminishes the efforts of investigators in solving crimes [e.g., “Detectives got lucky in solving that case”]. The fact of the matter is that good luck should not diminish the work of investigators or the quality of effort put forth during

an investigation. Happy accidents and good fortune are natural ingredients not only in many solved crimes but also in many other discoveries and breakthroughs. As discussed here, a combination of good luck and thorough investigation led to the identification of Timothy McVeigh, the man responsible for bombing the Murrah Federal Building in Oklahoma City in 1995.

On April 19, 1995, at 9:02 a.m., a bomb made of nearly 5,000 pounds of fertilizer and diesel fuel exploded in front of the Alfred P. Murrah Federal Building in Oklahoma City. The explosion killed 168 people and injured 700. The bomb was so powerful that it completely destroyed or damaged more than 300 buildings and eighty cars in a sixteen-block area. The blast could be felt and heard fifty-five miles away. Three hours after the explosion, investigators from the FBI located a Ryder truck axle approximately 575 feet from the scene of the blast. It was assumed that for this 250-pound mangled piece of steel to be blown such a distance, it had to have been at the center, or close to the center, of the explosion. Indeed, seconds before the explosion, a nearby security camera had filmed a Ryder truck in front of the Murrah building.

Upon examination of the axle, a vehicle identification number (VIN) was discovered. Through a check of a vehicle registration database, the truck to which the axle belonged was traced to Elliot's Body Shop in Junction City, Kansas. Wasting no time, investigators went to Elliot's and learned that the truck was currently rented to an individual named Robert Kling. They got a description and composite sketch of Kling from the people who worked at the shop. When investigators showed the sketch to people in Junction City, several individuals recognized the man, but the only person with further useful information about him was the manager of a local motel, who recognized him as a former guest. His name was not Robert Kling, she told investigators, it was Timothy McVeigh—or at least that was the name he used to register at the motel. With this name in hand, investigators checked a national criminal records database and learned that McVeigh had been arrested two days earlier by an Oklahoma state trooper for driving without a license plate on his vehicle and for carrying a loaded handgun. The news got even better: McVeigh was still in jail awaiting a bail hearing for these offenses. A federal agent called the sheriff with an order to hold McVeigh for suspicion of bombing the federal building. Authorities had their culprit just forty-nine hours after the bomb exploded. If the agent had waited another hour, McVeigh would have been free on bail and no longer in police custody.⁹



PHOTO 1.8 In reviewing surveillance video after the Oklahoma City bombing, investigators observed a Ryder truck that appeared in front of the building shortly before the explosion. This discovery eventually led to the identification of Timothy McVeigh as the perpetrator.

AP Photo/Justice Department

MENTAL MISTAKES IN CRIMINAL INVESTIGATIONS

Because many decisions and judgments need to be made in investigations, many opportunities exist for investigators to make mental mistakes.¹⁰ These mistakes usually relate to how investigators consider information and how conclusions are drawn from the information. One mistake can lead to another



PHOTO 1.10 During the same search, investigators also found bleach, which can be used to destroy DNA evidence.



PHOTO 1.11 Investigators also located a knife under the suspect's bed. As it turned out, the man had nothing to do with the murder. That the suspect had these items was simply a coincidence; these items were not evidence.

Another mental mistake relates to the difficulty in changing one's theory about a crime and who committed it, even in the face of mounting contradictory evidence. This is called an **immovable mindset**. Once a crime or situation is "understood," it is very difficult to consider other possibilities—to change the line of reasoning and the course of action. As seen in the rape investigation example, once the police believed they had the rapist, almost nothing was going to change their minds. Changing their minds would have required admitting mistakes and starting over. Investigators must protect against involving their egos in theories about a case and understand that the time and effort devoted to a case can lead to a mindset that is difficult to change. Immovable mindset is especially problematic because of **anchoring bias**. Anchoring bias occurs when the first information discovered unjustifiably becomes the most influential information, and all future information is evaluated in relation to that initial information. In the rape case, the initial information about a Black man who lived with a white woman in the victim's apartment complex immediately created the mindset about what happened and who was the perpetrator. In the sniper case, the initial reports about the white vans or white box trucks were deemed to be most valuable. In both instances, anchoring bias was a detriment to the investigation.

Overconfidence bias is another mental mistake.¹⁵ Overconfidence bias refers to the tendency of people to overestimate their abilities, knowledge, and talents. Clearly in the rape case discussed here, investigators were (over)confident that they had identified the actual perpetrator.

Groupthink is another mental mistake sometimes present in investigations.¹⁶ Groupthink can worsen the effects of each of the previously discussed errors. Groupthink is a phenomenon whereby people in a group tend to interpret ideas and theories similarly and draw similar conclusions. In general, people in a cohesive group, especially when under time pressure, do not like to challenge the prevailing thought at the risk of being viewed as wrong or as not a team player. When everyone investigating a case avoids challenging or thinking critically about the dominant theory, especially early on in an investigation, bad outcomes may result.

A final mental mistake is **situational misunderstanding**. Situational misunderstanding is an encompassing error that can be related to each of the errors previously discussed. This mental error occurs when investigators misinterpret the events and facts that are presented to them. Often this happens when investigators fail to appreciate the seriousness of a situation and fail to take action. A stalking complaint is dismissed as nonthreatening behavior, a missing person is viewed as not suspicious, a domestic violence incident is interpreted as something less serious. This error may occur as a result of preconceived ideas, existing biases, or misinterpretation of information.

Although not a mental error per se, another common potential pitfall involves investigators putting too much trust in potentially unreliable evidence. In the rape investigation, this evidence was the victim's identification of the wrong person. In the sniper case, it was witness sightings of white vans or box trucks after the shootings.

To avoid these errors, pitfalls, and problems, investigators must first realize that these phenomena exist. They must keep an open mind about the possibilities and consequences of the crime and who

committed it, avoid getting personally invested in a particular theory about the crime, and be receptive to competing ideas and evidence.

Qualities and Characteristics of Investigators

Not only is it important for investigators to avoid mental mistakes in investigations, it is also necessary that investigators have certain qualities. The qualities that have been identified as most important include good judgment, stability, stamina, persistence, intelligence, initiative, ability to work on a team, involvement, dedication, and creativity.¹⁷ Investigators should have common sense and be able to think through a problem to its solution. In addition, motivation is widely perceived as one of the most crucial traits for effective investigators. This is in part because of the autonomy, or freedom, investigators often have in performing their work. Investigators are usually not closely supervised. Integrity is also a critical quality. Cases can be lost when defense attorneys attack the honesty and integrity of investigators. Identifying the desirable qualities of investigators is a first step—the easy step. The challenge is to develop valid and reliable measures of these qualities in order to make appropriate and well-justified job selection decisions.

In addition to these personal qualities and traits, investigators should have a wide range of previous experience in law enforcement, solid street knowledge (i.e., knowledge of real-life criminal behavior), knowledge of the law, and excellent oral and written communication skills and reading comprehension skills.¹⁸ The ability to read and write effectively is critical given the importance of reports in the investigative process (see Chapter 3).

Similarly, much of investigators' time is spent interviewing victims, witnesses, and suspects, all of whom are important sources of information about a crime and who committed it. Consequently, effective oral communication and human relations skills are important in being able to obtain information from people. Training may be used to develop or refine these skills among investigators. Training in these and other areas, such as forensic procedures, courtroom testimony, and legal updates, may be beneficial in conducting competent investigations.

CRIMINAL INVESTIGATION AND THE CRIMINAL JUSTICE SYSTEM

The criminal justice system consists of three components: police, courts, and corrections. By most accounts, the primary goal of the criminal justice system is to reduce crime, and this is accomplished through the deterrence or incapacitation of offenders. To reach this goal, each component of the criminal justice system has a specialized function: The corrections component is supposed to maintain custody and control over offenders and to punish or reform them, courts adjudicate the accused, and the police are supposed to identify and apprehend the criminals. Sound familiar? Sounds like criminal investigation.

It is also important to take note of where the criminal investigation process falls within the criminal justice process. As seen in Figure 1.1, investigation is the second stage of the overall process. This is significant. If a criminal investigation is not successful (in this instance, if the perpetrator is not identified and apprehended), the rest of the criminal justice process is completely irrelevant. If the police are not able to identify and apprehend perpetrators, then the courts cannot adjudicate, nor can corrections punish. Criminals will not be deterred or incapacitated, and the amount of crime will not be reduced. Criminal investigation plays an essential and central role in the operation of the criminal justice process.

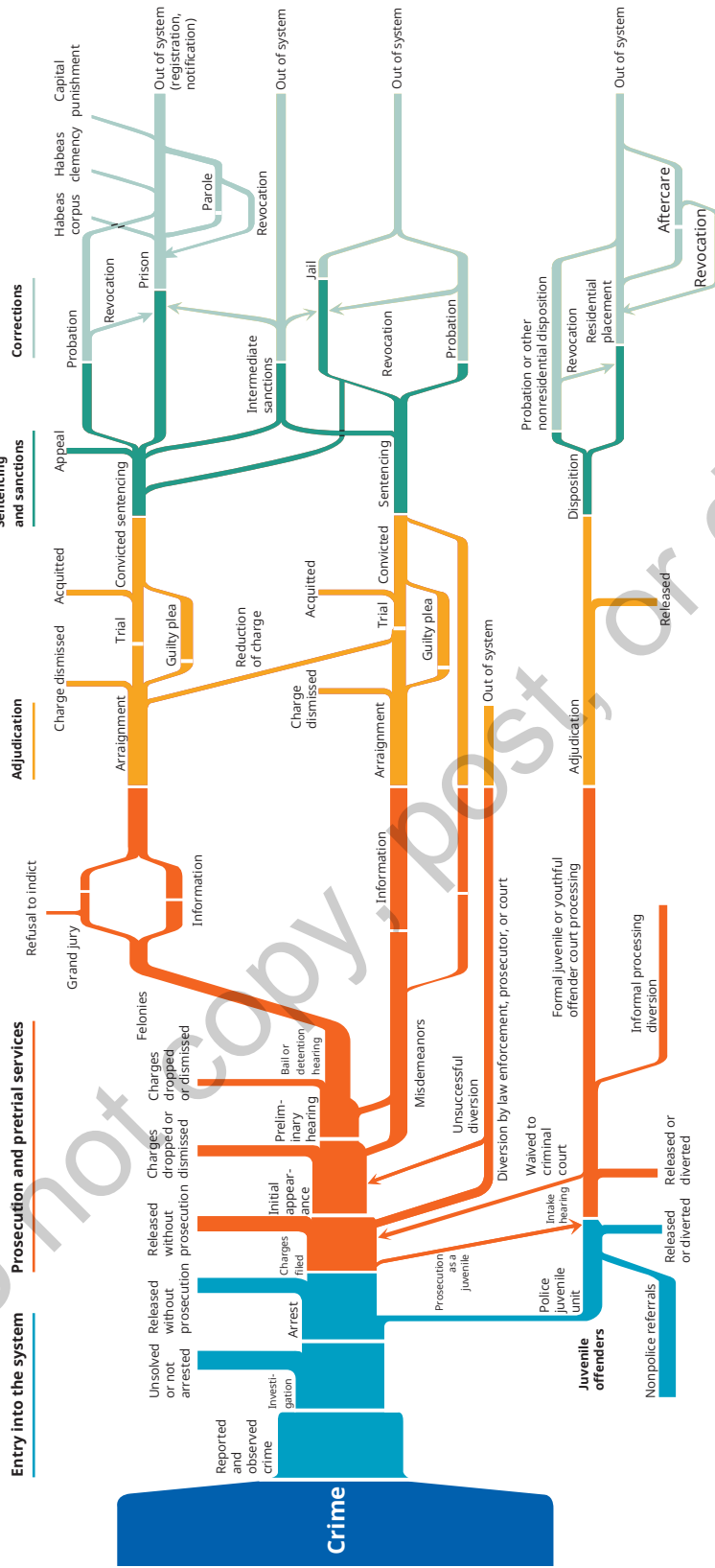
The criminal justice system can also be described as a filter or a funnel from which offenders (or cases) drop out as they progress through the system. Most relevant here are the cases that drop out because (1) they are not reported to the police and (2) they are not solved by the police.

As seen in Figure 1.2, the percentage of crimes reported to the police ranges from 21 percent for rape/sexual assault to 81 percent for motor vehicle thefts.

So why are many crimes not reported to the police? There are many possible reasons, including fear of reprisal, not wanting to get the offender in trouble, believing that police would not or could not do anything to help, or believing the crime to be too personal or too trivial to report.¹⁹

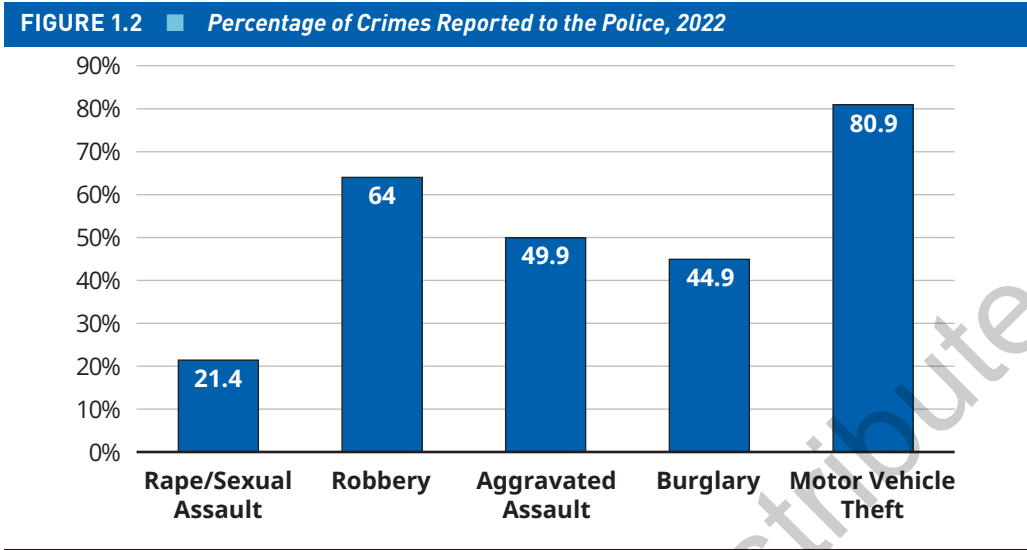
FIGURE 1.1 ■ Sequence of Events in the Criminal Justice Process

What is the sequence of events in the criminal justice system?



Note: This chart gives a simplified view of case flow through the criminal justice system. Procedures vary among jurisdictions. The weights of the lines are not intended to show actual size of caseloads.

Source: Adapted from *The Challenge of Crime in a Free Society*, Presidents Commission on Law Enforcement and Administration of Justice 1967. This revision, a result of the Symposium on the 30th Anniversary of the President's Commission, was prepared by the Bureau of Justice Statistics in 1997.

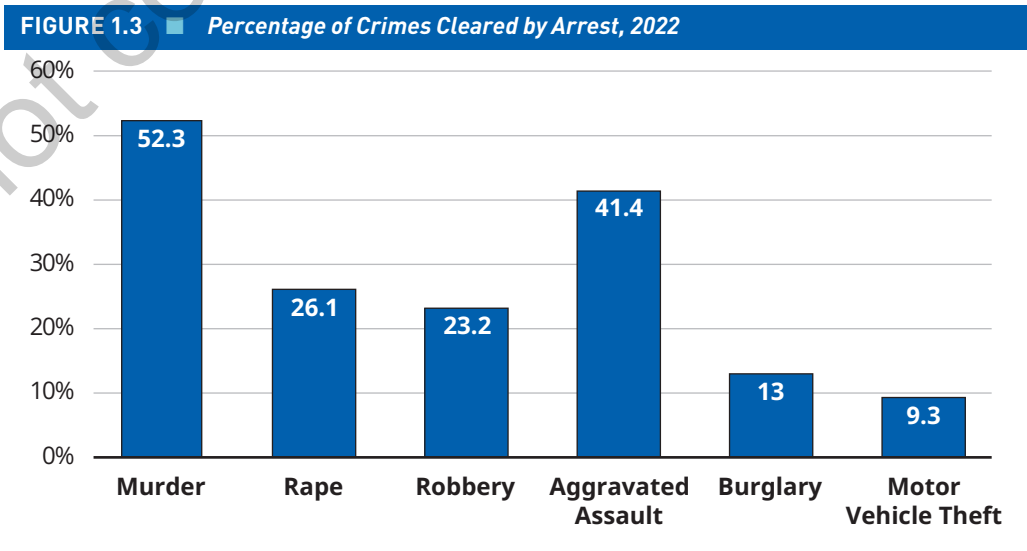


Note: Most recent data available at the time of publication.

Source: Alexandra Thompson and Susannah N. Tapp, "Criminal Victimization, 2022," Bureau of Justice Statistics, 2023, <https://bjs.ojp.gov/document/cv22.pdf>

Many crimes, once reported, are not solved or cleared by arrest. Significant variation exists in the success of the police in solving crimes. On the high end are murders, with approximately 52 percent solved; on the low end are motor vehicle thefts, with less than 10 percent solved (see Figure 1.3).

So why do law enforcement agencies not solve a greater proportion of crimes? This is a fundamental and important question explored throughout this book. There are a multitude of factors that explain police success (or lack thereof) in this regard. First and foremost is the nature and structure of crimes and how the police typically respond to them. The police are primarily reactive. Usually, it is only after a crime is committed that the police act, and, as such, the police are always trying to catch up to the culprit. In addition, given the structure of crimes, the necessary evidence to solve the crime may simply not exist. For example, given the way burglaries are typically committed and the fact that there is usually no significant evidence associated with them, it is difficult to solve such crimes. On the other hand, in homicides, there are often witnesses and a relationship between the victim and offender. These characteristics of the crime lead to a higher rate of solvability.



Note: Most recent data available at the time of publication.

Source: Federal Bureau of Investigation, Crime Data Explorer, <https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorer/crime/crime-trend>

Another factor that may help explain the limited success of the police in solving crimes is that the police must follow laws when collecting evidence. Perhaps the police would be more effective in solving crimes if the law did not prohibit them from arresting and interrogating citizens without reason or without limitations. As a society, we value our individual freedoms from government intrusion, but we must realize that this has costs.

A third important factor may be that the police operate with limited resources, such as time and money. With limited person power, many crimes simply cannot be investigated as thoroughly as they could be. With increased funding for more investigators and equipment, a greater number of crimes might be solved.

Finally, investigator mistakes may lead to offenders not being arrested. Investigators may overlook critical evidence, succumb to mental errors, or engage in questionable procedures in collecting evidence, such as conducting unlawful searches or mishandling forensic evidence. Although all these factors may help explain why more crimes are not solved, probably the most significant explanation lies in the structure of most crimes. The police simply are at a disadvantage because of the way they typically become involved in investigations.

MAIN POINTS

1. Criminal investigation is the process of collecting crime-related information to reach certain goals: identifying the perpetrator, apprehending the perpetrator, providing evidence to support a conviction in court, and satisfying crime victims.
2. Criminal evidence is crime-related information. It is what is obtained as a result of investigative activities. It is used to establish that a crime occurred and that a particular person committed the crime.
3. Three problems associated with evidence in investigations are that (1) it may be unknown whether the evidence collected is relevant to the investigation, (2) the evidence may not be accurate, and (3) there may be a lot of evidence to consider.
4. Forensic science broadly refers to the field of science that addresses legal questions.
5. Criminal investigations can be either reactive or proactive.
6. The reactive criminal investigation process can be defined in terms of four stages: (1) initial discovery of the crime, (2) the preliminary or initial investigation, (3) the follow-up investigation, and (4) closure. The case screening process determines which cases receive a follow-up investigation.
7. Undercover investigations involve the use of various strategies, including stings, decoys, fencing operations, stakeouts, and surveillance. The use of undercover strategies is sometimes controversial because of the possibility of entrapment.
8. A criminal investigation can be thought of as a battle over crime-related information, as a game, as a puzzle, or as a maze.
9. Chance, accident, and luck can play an important role in criminal investigations, just as they do in other discoveries.
10. Investigators must be aware of and protect against mental errors or pitfalls when conducting investigations.
11. Criminal investigation plays a critical role in the criminal justice process. If a criminal investigation is not successful—that is, if the perpetrator is not identified and apprehended—the rest of the criminal justice process is irrelevant.
12. Many crimes, once reported, are not solved by the police. There is significant variation in the success of the police in solving specific types of crimes. On the high end of solved crimes are murders; on the low end are motor vehicle thefts and burglaries.

13. There are many reasons why more crimes are not solved by the police, including the nature and structure of crimes, that the police are typically acting in a reactive fashion, that the police have to follow legal rules, that police have limited resources, and that police may make mistakes.

KEY TERMS

Anchoring bias	Overconfidence bias
Case screening	Probability error
Confirmation bias	Selective perception
Criminal evidence	Situational misunderstanding
Criminal investigation	Solvability factors
Decoy operation	Stakeouts
Entrapment	Sting operation
Forensic science	Surveillance
Groupthink	Tunnel vision
Immovable mindset	Undercover fencing operation
Information theory	

QUESTIONS FOR DISCUSSION AND REVIEW

1. What is a criminal investigation? What are the goals of a criminal investigation?
2. What is criminal evidence? Why are criminal investigations and criminal evidence inseparable?
3. What are the three major problems with evidence in criminal investigations? How were these problems reflected in the sniper investigation discussed in the introduction to the chapter?
4. Explain the difference between reactive and proactive investigations.
5. What are the four stages of the reactive criminal investigation process?
6. What are the major types of undercover strategies?
7. What is information theory? How does it relate to the criminal investigation process?
8. What is the role of luck and discovery in criminal investigations? Explain the role of luck in solving the bombing of the Alfred P. Murrah Federal Building in Oklahoma City.
9. What are the mental errors that may occur in criminal investigations? Were any of these errors evident in the sniper investigation discussed in the introduction to the chapter? Explain.
10. To what extent are crimes solved? Why are more crimes not solved by the police?



RKO Pathe/FPG/Archive Photos/Hulton Archive/Getty Images

2

THE HISTORY OF CRIMINAL INVESTIGATION

OBJECTIVES

After reading this chapter you will be able to

- 2.1 Explain the roles of informers, thief-takers, and thief-makers in England in the 1700s and 1800s as well as how the problems associated with these individuals were addressed when designing the position of the detective
- 2.2 Identify the tools and strategies of criminal investigations during the political era of American policing
- 2.3 Explain the role of detectives during the reform era of American policing
- 2.4 Discuss how community support and science has shaped criminal investigations during the community-problem solving era of American policing

From the Case File

THE COED MURDERS

This investigation occurred in the 1960s before many modern-day sources of evidence were available.¹ The case provides a basis for a discussion about how investigations have changed over time.

Victim #1: Mary Fleszar

The nightmare began on the evening of July 10, 1967, when nineteen-year-old Eastern Michigan University (EMU) student Mary Fleszar did not return to her apartment, which was located near the EMU campus in Ypsilanti, Michigan. The first task for investigators was to determine when and where she was last seen. An EMU police officer recalled seeing a girl matching her description walking alone near campus at about 8:45 p.m. the night before she was reported missing. Another witness reported that he saw the girl at about 9:00 p.m. that same night in the same area, walking on the sidewalk. The witness reported that a car drove up next to her and stopped, then left and returned, and then sped off. According to the witness, the only person in the vehicle was “a young man,” and the vehicle was “bluish-gray in color, possibly a Chevy.”

On August 7, 1967, a heavily decomposed nude body was found on farmland just outside of Ypsilanti. Through dental records, the body was identified as Mary Fleszar. Given the area in which the body was found, in all probability, she was not killed where she was found. The autopsy revealed that she had been stabbed approximately thirty times and that she had been severely beaten. It could not be determined if she had been sexually assaulted.

Investigators had no good leads into who caused Mary’s death. The description of the vehicle possibly involved in the crime was the most promising lead, but even that was nearly worthless.

Victim#2: Joan Schell

Throughout the spring of 1968, there were no more murders. It appeared that the murder of Mary was an isolated event. How wrong this was. On Monday, July 1, 1968, a second EMU student, twenty-two-year-old Joan Schell, was reported missing. Police determined from several eyewitnesses that she was last seen at a bus stop the day before when a car with three men stopped and talked to her. The car was described as a late-model two-door with a red body and a black vinyl top. One of the men in the car was described as in his twenties, about six feet tall, clean-cut, good-looking, and dark-haired. He was wearing a green T-shirt. After what appeared to be a brief conversation between Joan and the men, Joan got into the car, and the car drove off. One of the witnesses told the police that he saw one of the men in the car later that evening in the EMU Union, after the building was closed. In checking this lead, the police found no signs of forced entry into the Union, indicating that whoever this was must have had a key.

Joan’s boyfriend was questioned by investigators but eventually cleared. Other friends and acquaintances of Joan were also questioned but dismissed as suspects. On Friday, four days after

she was reported missing, the body of Joan Schell was found at a nearby construction site. The body was nude and covered with dried blood. Most unusual about the body was that the top one-third was in an advanced state of decomposition, but the bottom two-thirds were well preserved. The autopsy revealed that Joan was stabbed twenty-five times with a knife about four inches long. Due to the presence of semen and related injuries, it was determined that she had been sexually assaulted.

Students and parents were beginning to panic. How could this happen at EMU? A task force was created to coordinate the activities of the five police agencies involved in the investigation, and a reward for information relating to the arrest of the killer was established. A sketch of one of the men seen with Joan was created and released to the TV news. Two EMU students came forward to the police and told them that they saw Joan with an individual by the name of John Collins the night she disappeared. John was a student at EMU and held a part-time job at the Union (Joan also worked part-time at the Union). Police found and interviewed John. Investigators learned that he drove a DeSoto, and it was neither red nor black. John told the detectives that he was not in the city when Joan disappeared and that he was the nephew of a Michigan State Police officer. Another apparent dead end.

Victim #3: Jane Mixer

On the morning of March 21, 1969, the dead body of a young woman was found in a cemetery located about four miles outside Ypsilanti. The woman who discovered the body lived near the cemetery, and she told the police that she saw a white station wagon leave the cemetery at about midnight the previous night. Another witness reported that he saw a late-model green station wagon cruising around the cemetery the night before the discovery of the body. Through items contained in an overnight case found near the body, the victim was identified as Jane Mixer, a twenty-three-year-old law student at the University of Michigan. The victim was fully clothed and appeared to be carefully placed in line with a grave marker. The autopsy revealed that she died from two gunshots to her head. She had not been sexually assaulted.

In tracking the last activities of Jane, the police learned that she had posted a note requesting a ride home on the ride board at the University of Michigan Student Union. In searching her apartment, the police discovered on her desk a note that read “David Hanson Lvg. 6:30 PM.” They found David Hanson, but he had a solid alibi, and he drove a green Volkswagen. Yet another dead end. The police figured that the killer saw the ride request posted by Jane, called her saying he was David Hanson, and offered her a ride. Investigators spoke with Jane’s boyfriend and other acquaintances, but they were all cleared of any wrongdoing. They also checked and interviewed all the other David Hansons in the area, but to no avail. Note: The murder of Jane Mixer was believed to be part of the series of murders. However, on the basis of DNA testing, in 2004, Gary Leiterman, sixty-two, was charged with the murder of Jane Mixer. Leiterman was found guilty and sentenced to life in prison for this murder.

Victim #4: Maralynn Skelton

Four days later, on March 25, 1969, the nude body of Maralynn Skelton, sixteen, was found. The body was found in a remote rural area near where Joan Schell’s body was found the previous summer. The victim had been severely beaten to death and had numerous welts covering her body, as if she had been flogged by a belt. She sustained massive head injuries. All her clothes were piled neatly nearby except for her underwear. In searching for witnesses in the area, the police found one person who heard someone scream a few nights prior to the discovery of the body. Another witness saw a red car in the area, and another saw a small, white, two-door car in the area. The police determined that the last place Maralynn was known to be alive was a nearby shopping center. She called a friend on a payphone to see if the friend could pick her up. No one saw Maralynn after that phone call.

The media began to refer to the four homicides as the “coed murders.” Indeed, the similarities between the cases were striking. Only the murder of Jane Mixer appeared substantially different

(death as the result of a gunshot). One promising suspect was a man by the name of David Parker. He was a suspect in the Boston Strangler homicides and was, coincidentally, a graduate student at the University of Michigan at the time of the murders. He even had a connection with a David Hansen (with an “e”). But after much investigation, it was determined that he was not in the area when some of the murders occurred. Things were not going well for investigators.

Victim #5: Dawn Basom

On April 16, 1969, a month after the murder of Maralynn Skelton, the body of thirteen-year-old Dawn Basom was discovered in a remote residential area outside Ypsilanti. The girl had been reported missing the night before and was last seen while walking a half mile of her home. When found, she was clad only in her bra and blouse. It was determined that she had been dead for less than twelve hours. She had been strangled with a black electrical cord, which was still knotted around her neck. It also appeared that she had been repeatedly slashed across her torso, gagged, and raped.

While searching for witnesses to the murder of Dawn Basom and for a place where she, or any of the other women, may have been murdered, a police officer came across an abandoned farmhouse. The farmhouse was just outside Ypsilanti and close to where some of the bodies had been found. In searching the farmhouse, the officer discovered some women’s clothes, jewelry, and, in the basement, blood and a black electrical cord—a black electrical cord that looked like the one used to strangle Dawn Basom. The basement of the house, it was reasoned, could also have been a place in which to preserve a human body (the body of Joan Schell). The police set up a stakeout operation at the farmhouse and hoped that the killer would return. After a week of watching the farmhouse, investigators went into the farmhouse once again and discovered, to their surprise, another earring in the basement (later determined to belong to Maralynn Skelton) and a piece of a blouse (that belonged to Dawn Basom). This meant four things: (1) the killer had returned to the farmhouse, (2) at least some of the murders were probably committed by the same person, (3) the killer was keeping personal items from the victims as souvenirs, and (4) the stakeout did not work very well.

Victim #6: Alice Kalom

There seemed to be no end to the nightmare. On June 9, 1969, the body of a woman was discovered in the rarely used driveway of another deserted farm in the area. The body was partially clad in a torn blouse and skirt. She had been stabbed multiple times, as though her killer was in a frenzy, but a single gunshot to her head was what caused her death. She had been sexually assaulted. Once again, it did not appear that she was killed where her body was found. After several days with the body still not identified, the police placed a photograph of the dead woman’s face in the newspaper in hopes that someone would recognize her. Sure enough, the victim’s roommate first came forward and identified her as Alice Kalom, a twenty-three-year-old University of Michigan student.

Victim #7: Karen Beineman

At 11:15 p.m. on Wednesday, July 23, 1969, Karen Beineman, a nineteen-year-old EMU student, was reported missing. Her dormmates were the last to see her. They said that she left that afternoon to go to downtown Ypsilanti to a beauty shop. The police went to the store with a photograph of Karen, and two ladies who worked there remembered that Karen was there and left with a guy on a motorcycle. They described this man as “nice-looking, clean-cut, short dark hair, early twenties, nice build, about six feet tall, and wearing a green and yellow striped shirt.” Another witness said the bike was a Triumph. The police put out an alert for the missing girl, had a composite sketch drawn of the man last seen with her, and got a list of registrations for all motorcycles in the Ypsilanti area.

Meanwhile, a new Ypsilanti police officer who had just graduated from EMU received a briefing on the missing girl and remembered that he saw a man in a striped shirt on a motorcycle talking to a girl on the street on that Wednesday afternoon. Through friends of his, he learned that this person’s name was John Collins. The officer went to where John was said to live, and he found John working on one of his motorcycles in the garage. John told the officer he knew nothing about anyone on a motorcycle picking up girls that Wednesday afternoon. Through another friend, the officer obtained a photo of John and took it to the beauty store. One of the ladies said that the man

in the photo was definitely the guy seen on the motorcycle with the missing girl; the other lady said that it was “pretty close.” With the positive identification, John Collins became a suspect in the disappearance of Karen Beineman.

Within minutes of John Collins being identified as a suspect, the body of Karen Beineman was found. The nude body was discovered in a gully near a residential area of Ypsilanti. The autopsy on the body revealed that Karen had been dead for about three days, probably killed on Wednesday at about 3:00 p.m. (she was seen riding away on the motorcycle at about 1:00 p.m.). She had been strangled and severely beaten, and semen was recovered from the body. Most unusual, recovered from the victim’s vagina were her underwear. Even more perplexing, examination of the underwear revealed tiny head hair clippings.

Meanwhile, the police conducted surveillance on Collins. Two Ypsilanti police officers decided to question him. John provided an alibi to the officers and told them that his uncle, David Leik, a Michigan State Police officer, would not be happy that they were making such accusations of him.

At about this same time, David Leik’s wife went to the basement of her Ypsilanti home to do the laundry after a vacation out of town. She noticed dried black paint on the basement floor and on a ladder. On a shirt hanging in the basement were several small, brownish spots. She also noticed other items either missing or out of place. She wondered if John, her nephew, knew about this as he was the only one with access to the house while the Leiks were gone. She called David at the state police office and told him about the basement. Shortly thereafter, David was told by his supervisor at the state police post that John was a suspect in the murder of Karen Beineman. David told his supervisor about what his wife found in his basement. They agreed that the crime lab should examine the basement, just to be sure.

Upon examining the basement, investigators scraped the black paint off the floor, expecting that under this paint was going to be blood. But a test showed it was not blood. David then remembered that a varnish stain was on the floor, dripped there while he was doing a project years ago. Then one of the investigators noticed several blonde head hair clippings under the washing machine; clippings that were like those found in Karen’s underwear that were recovered from her body. Next, several drops of blood were recovered from the shirt hanging in the basement. The police finally had what they believed was a good crime scene, and John Collins was the only one who had had access to it. The hair clippings were on the basement floor because that was where Mrs. Leik always trimmed her children’s hair. The police reasoned that Karen was in the basement, and while she was being tortured and killed, her underwear was on the floor. The hair got in her underwear, and John then put the underwear in her vagina. Then, when cleaning the basement after he killed Karen, John noticed what he thought was a stain of blood and, not being able to remove it, decided to paint over it. That was a mistake; the stain was varnish and it had been there previously.

Collins was arrested, and a search warrant was issued for his apartment and car. A black paint spray can, .22 caliber shells, and several knives were recovered from his apartment. All along, the police believed that the killer was taking and keeping souvenirs from his victims, but they found nothing of the sort in his apartment. Later it was learned from one of John’s roommates that after being questioned by the two officers, John removed a box that could have contained items that belonged to the victims. The police conducted a lineup for the purpose of having the beauty store workers identify John as the man seen with Karen. The police questioned a friend of John’s, and he provided information that destroyed John’s alibi, and said he committed burglaries and stole motorcycle parts. His friend also said that John often carried a knife on his motorcycle.

The trial of John Collins for the murder of Karen Beineman began June 2, 1970. The prosecution had three points to prove. First, that Karen was last seen with John Collins near the beauty store on his motorcycle. Second, Karen was in the basement of the Leik house and was probably killed there. Third, John was the only one who had access to the home at the time the crime occurred there.

The defense offered three counterpoints. First, they questioned the procedures (witnesses shown a single photograph) used by the police to identify John as the man last seen with the

victim. Second, the defense raised questions about the actual whereabouts of John during the critical time period in question and argued, through witnesses, that John had a valid alibi. Finally, the defense questioned the scientific methods used to confirm that the victim was in fact in the basement; namely, the results of the hair and blood comparison analysis (remember, this case took place before the discovery of DNA analysis). At a trial, a jury found John Collins guilty of the murder of Karen Beineman. He was sentenced to life in prison without the possibility of parole.

John Collins remains incarcerated in a Michigan prison where he still maintains that he did not commit the murder of Karen Beineman or any of the other murders in which he is suspected. Search for “John Collins, MDOC number 126833” on the Michigan State Department of Corrections Web site for the current status of John Collins.

Case Considerations and Points for Discussion

1. In the investigation of the murder of Karen Beineman, the police identified John Collins as the suspect, Karen as the victim, and the Leiks’ house as the place where Karen was killed. What specific pieces of evidence linked these people and this place?
2. These crimes and their investigation occurred in the 1960s. Given what you already know about criminal investigations and evidence, discuss how this investigation may have differed if it was conducted today. Return to this question, and elaborate after you have read the book.
3. Identify the most significant mistake that John Collins made in committing these crimes, especially the murder of Karen Beineman. Explain. Identify and discuss the most significant mistake that detectives made in investigating these murders.

An understanding of history, and of the history of criminal investigations, is important for at least four reasons. First, an understanding of history allows for an appreciation of how much or how little things have changed over time. Second, the present is a product of the past. To understand why things are the way they are today, we must understand the past. Third, as the adage goes, those who do not remember the past are condemned to repeat it. To move forward, one must know from where one has come. And finally, if history is cyclical, if it repeats itself, then we may be able to predict the future and prepare for it. It is with this knowledge that we turn to the history of criminal investigations.

THE EVOLUTION OF THE INVESTIGATIVE TASK: ENGLISH DEVELOPMENTS

Formal police departments were formed in the early 1800s in England. Soon after, the modern police detective was created. As discussed in the following section, in designing the job of the police detective, the problems associated with the predecessors to the detective had to be addressed, and public resistance to the idea had to be overcome.² The designers of the detective position took these issues into account when structuring the job.

Informers and Parliamentary Reward

Parliamentary reward operated during the 1700s and early 1800s in England. With this system, a reward was offered by the government to anyone who brought criminals to justice or provided information that led to the apprehension of criminals; the more serious the crime, the larger the reward. Although this system may sound like the historical equivalent of a modern-day tip line, there were major differences, one of which was the laws of the time. During the time of parliamentary reward, more than 200 offenses were punishable by death, including theft, vagrancy, forgery, and even cutting down a tree without permission. The methods of execution included hanging, burning, and drawing and quartering. Many referred to the laws of the time as the bloody code. Most people did not support the legal system or believe the legal code was just, so victims were often unlikely to pursue charges,

witnesses frequently refused to testify, and juries were often not willing to convict. The public was sympathetic toward petty criminals who faced the possibility of execution.³ And by benefiting from providing information that led to the apprehension of petty criminals, informers were viewed with the same contempt as the legal system. **Informers** were not the answer—they were part of the problem.

Thief-Takers

In the early 1800s, a **thief-taker** was a private citizen who was hired by a victim to recover stolen property or to apprehend the thief. The fee that the thief-taker charged was most often based on the value of the property recovered, and the thief-taker only received compensation when the property was returned. As such, thief-takers were not interested in spending time on crimes for which the property was not likely to be recovered or on thefts that involved small amounts of property.⁴ As a result, the thief-takers most often worked on behalf of the rich, not the poor. But there was an even more serious problem: Thief-takers often worked in cooperation with thieves. Some thief-takers even employed thieves.⁵ The thief would steal from the victim, the victim would hire a thief-taker, the thief would sell the property to the thief-taker, and the thief-taker would then “sell” the property back to the victim. Everyone prospered at the victim’s expense. The thief-taker arrangement was often a corrupt one.

Thief-Makers

A **thief-maker** was an individual who tricked another person into committing a crime and then turned that person in for the parliamentary reward. Thief-makers were often thief-takers who resorted to deception, seduction, trickery, and entrapment to apprehend criminals and receive the monetary rewards.⁶ These people essentially created criminals for their personal benefit. Not surprisingly, the methods these individuals used were frequently viewed by citizens as outrageous and unacceptable.

London Metropolitan Police Department

With the 1800s came the Industrial Revolution and the dramatic and rapid increase in the populations of cities. People lived in cities in order to be near where they worked. Factory production was the basis of the new economy. With the Industrial Revolution also came an increase in wealth among some people, and poverty among others. “Urban” problems were born: sanitation and health issues, ethnic conflict, and crime. With all these changes came political pressure on the government to institute a more formal, more sophisticated, and more effective system of protection. In 1829, the London Metropolitan Police Department was established.

Introduced early in the London Metropolitan Police Department was the concept of the plain-clothes police officer—a detective to some, a police spy to others. In designing the job of detective, much public resistance had to be overcome. The resistance was caused, in large part, because of the problems associated with parliamentary reward, thief-takers, and thief-makers. To overcome these obstacles, and to allow detectives to be accepted by the public, certain features were incorporated into the design of the detective position.⁷

First, to address the problems of parliamentary reward, such as when petty criminals faced unjust punishment because of the actions of informers, detectives were—in image, at least—linked to the crime of murder. There was no public sympathy for murderers. The people who designed the detective position capitalized on stories of murder and offered detectives to combat this horrible crime. In addition, detectives were to play a dual role: Not only were they to help bring punishment to the worst of criminals, they were also supposed to save the innocent from the worst of punishments.⁸ Early detective fiction (e.g., Edgar Allan Poe’s *Murder in the Rue Morgue*, Arthur Conan Doyle’s *A Study in Scarlet*) linked detectives to the investigation of murder, and this likely helped sell the idea of the police detective to a skeptical public.



PHOTO 2.1 Sherlock Holmes was the historical (and fictional) equivalent of today’s crime scene investigator. He solved complicated murders mostly by using logic, his keen observational skills, and clues from forensic evidence, such as bullets and fingerprints.

Sherlock Holmes in “The Man with the Twisted Lip,” *The Strand Magazine*, December, 1891, via Wikimedia Commons.

Second, to address the problems associated with thief-takers, namely that thief-takers often only worked on the behalf of the rich, detectives were to be given a salary.⁹ If detectives were given a salary, it was argued, they could work on behalf of the rich and the poor alike. Ideally, they could investigate crimes for which the property loss was small. In addition, detectives were paid more than patrol officers to offset the fees they would receive if working as thief-takers.

Third, to address the problems associated with thief-makers, particularly the practice of thief-makers tricking people into committing crimes for the thief-maker's benefit, detectives were made reactive.¹⁰ Only after crimes occurred did detectives get involved, so opportunity for thief-maker trickery was limited. Detectives were to be evaluated in terms of their success in solving crimes and thus were given more control over how to spend their working time and more discretion in determining how to investigate the cases they were assigned. These features—being responsible for the most serious of crimes, receiving a salary, and being reactive—eventually neutralized public resentment toward detectives and paved the way for their incorporation into police operations.

MYTHS AND MISCONCEPTIONS 2.1

THE ORIGINAL *CSI*

As noted in Chapter 1, *CSI* and related “crime time” television shows are very popular but tend to distort our views about how crimes are investigated and solved. Curiously, history has a way of repeating itself. In the late 1800s, Sherlock Holmes was the historical equivalent of *CSI*. Sherlock Holmes was a fictional detective created by author Sir Arthur Conan Doyle. He was featured in four books and fifty-six short stories. The first Holmes book, *A Study in Scarlet*, was published in 1887. Sherlock Holmes was legendary for solving the most difficult and complex murders. His most important crime-solving tools were his brilliant use of logic, his magnifying glass, and his uncanny ability to interpret clues from shoeprints, fingerprints, bullets, and handwriting. Sound familiar?

AMERICAN DEVELOPMENTS: THE FIRST POLICE DEPARTMENTS AND DETECTIVES

It was not until the mid-1800s that formal municipal police departments were created in the United States. The first police departments were in the large and rapidly growing cities of the eastern part of the country, such as Boston, Philadelphia, and New York City. The Industrial Revolution created similar problems in

America as in England. The mid-1800s to the early 1900s has been characterized as the political era of policing.¹¹ Politicians, particularly mayors and ward politicians, controlled virtually every aspect of policing, including who got hired, what work officers performed, and who got fired. Besides political connections, there were few selection standards. Corruption was rampant. Police supervisors were few, and, not surprisingly, supervision of beat cops was minimal. It was difficult for citizens to summon the police when needed because there was no means of communication. Officers patrolled on foot. The police made few arrests, and most were for public drunkenness.¹² This was an offense that beat cops could easily discover, and no investigation was necessary. The police simply did not have the capability to respond to and investigate crimes. When an arrest was made, it was usually as a last resort. Making an arrest in the late 1800s usually involved a lot of work; officers would literally have to “run ‘em in” to the police station. “Curbside justice” with a baton was often seen as an easier and more effective alternative by officers.



PHOTO 2.2 Police officers in the United States during the 1800s patrolled on foot and made few arrests for offenses other than public drunkenness.

Museum of the City of New York/Byron Collection/Getty Images

The political era of policing did not provide a large role for police detectives. Like the beat cops, detectives had limited capabilities in investigating crimes. During the late 1800s, Boston's politicians disbanded the police department's detective bureau because its contributions were so minimal.¹³ Although important qualities for beat cops were size and fighting ability, the most important quality for detectives was a familiarity with criminals and their tactics. Many detectives were selected from the ranks of prison guards, and some were even reformed criminals.¹⁴ Due to their specialized knowledge, detectives received more pay than beat cops. Detectives also received extra compensation through witness fees, which were compensation for providing testimony in court. Detective work was often a clandestine activity, and detectives were sometimes considered to be members of a secret service.¹⁵ They depended heavily on criminals for information to solve crimes and often worked in an undercover capacity to collect this information. Detectives never wore uniforms. Rather, they often wore disguises, even in court, to protect their identities. Sometimes detectives submitted their court testimony in writing so as not to reveal their identity.¹⁶

It was at about this time that identification systems began to be developed and applied to criminal investigations. The first technology used for this was photography. By 1858, the New York City Police Department had on file photographs of known criminals—what was known as a **rogues gallery**.¹⁷ Although photographs were commonly used in wanted posters and sometimes assisted in the apprehension of criminals, they were limited in their usefulness because the appearance of criminals could be altered either deliberately or simply due to aging over time. Of course, to be useful, authorities also first needed to know the identity of the wanted person and have a photograph of him or her.

The most famous identification system of the time was the one developed by Alphonse Bertillon, a French criminologist who lived from 1853 to 1914. His system was known as **Bertillonage**, and it was considered a major improvement over the use of photographs. The premise of the system was that the bone structure of an adult did not change over the course of a lifetime. Bertillon identified eleven measurements (e.g., length and width of the head, length of the left foot, the length of the left middle and little fingers) that it was suggested could be used to identify people and to differentiate one person from another.¹⁸ Bertillon estimated that the probability of two persons having the same eleven measurements was greater than four million to one.¹⁹ Instruments and instructions were developed by Bertillon to make the process of measuring a person as precise as possible. In addition, an elaborate filing system was developed to classify individuals from whom measurements were taken. Because it was difficult for the police to take measurements of criminals on the street, Bertillon also developed a scaled-down version of his system. Although the technique enjoyed initial success in confirming the identity of people and was used by police departments in many countries, by the early 1900s, its limitations were obvious. It was cumbersome, prone to error, and worthless when trying to figure out who committed a crime.

Along with these identification methods, detectives at the time also used various other investigative tactics. One common strategy was the **dragnet** roundup of suspects. When informed of a crime, the police would find and

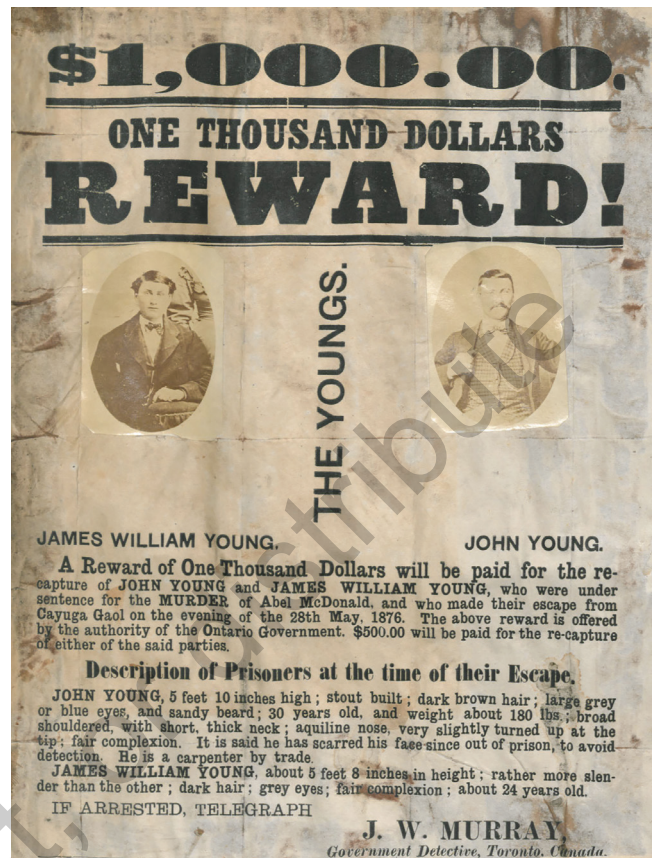


PHOTO 2.3 Wanted posters and photographs were among the criminal investigation technologies of the late 1800s.

Atomic/Alamy Stock Photo



PHOTO 2.4 Bertillonage involved taking various measurements of a person to confirm that person's identity. It had major limitations as a crime-solving tool.

Everett Collection Historical/Alamy Stock Photo

arrest all suspicious persons and would keep these people in custody until it could be determined they did not commit the crime. In essence, the police would often “roundup the usual suspects.”

The dragnet was often paired with the **third degree**.²⁰ The origin of the expression “the third degree” is not clear, although some have speculated that the first degree was the arrest, the second degree was being transported to the police station, and the third degree was the interrogation.²¹ Common methods of administering the third degree included beatings with a rubber hose,²² placing a suspect in a sweat box for hours or days under constant questioning,²³ drilling teeth, burning with lit cigars or cigarettes, and beating with blackjacks or batons.²⁴ It was not until 1936, in the U.S. Supreme Court decision *Brown v. Mississippi*, that prolonged beatings used to extract confessions were no longer a legally acceptable police practice.

Also, in the early 1900s, the value of fingerprints as evidence in criminal investigations became recognized (Case in Point 2.1). It was understood that fingerprints were unique across people, could easily be left at crime scenes by perpetrators, and could be collected and analyzed by the police. Although fingerprints as evidence still had major limitations not addressed until much later in the twentieth century, they had major advantages over Bertillonage as a criminal investigation tool.

CASE IN POINT 2.1

THE FINGERPRINTS OF THOMAS JENNINGS²⁵

Just after 2:00 a.m. on September 19, 1910, Clarence Hiller, along with his wife and daughter, were asleep in their home at 1837 West 104th Street in Chicago when they awoke to sounds of what Mr. Hiller thought might be an intruder. Mr. Hiller got out of bed and confronted a stranger in the house. The two men struggled and proceeded to fall down a staircase. Several gunshots rang out. As the assailant got up and ran out of the house, Mr. Hiller lay at the bottom of the stairs, dying from gunshot wounds.

A few minutes later, and about a mile from the Hiller home, four off-duty Chicago policemen were waiting for a streetcar when they noticed a person who seemed suspicious. Upon questioning the man, they discovered that he was carrying a loaded pistol and had fresh bloodstains on his clothes. The officers arrested the man, who identified himself as Thomas Jennings. While at the police station, the officers were alerted to the murder of Clarence Hiller. Upon investigating the scene, police discovered that the cartridges found next to Hiller’s body were the same type as those from Jennings’s revolver. But the most incriminating evidence was the fingerprints left in wet paint on the staircase railing in the Hiller house—fingerprints that matched those of Jennings. Based on this evidence, on February 1, 1911, Thomas Jennings was convicted by a jury of the murder of Clarence Hiller and sentenced to death. Thomas Jennings was the first person in the United States to be convicted at trial based on fingerprint evidence.



PHOTO 2.5 Thomas Jennings, accused of murdering Clarence Hiller, Chicago, Illinois, 1910.

Chicago History Museum/Getty Images

Sheriffs, State Police, U.S. Marshals, and the Bureau of Investigation

While police departments were being developed in the major cities in the eastern portion of the country, other areas were most likely to be served by sheriffs and marshals. In the western portion of the country, U.S. marshals were often the sole police power.²⁶ Marshals often employed deputies who also served as sheriffs, deputy sheriffs, or constables.

With the appearance of automobiles, and due to corrupt and ineffective municipal police agencies and sheriffs' departments, state police agencies were created. In 1905, Pennsylvania created the first state police agency. It was designed to provide a police presence throughout the state, to assist the local police, and to provide police services in less populated, rural areas of the state.²⁷

Also significant at this time was the development of the **Bureau of Investigation**, later known as the Federal Bureau of Investigation (FBI). In a highly controversial move, in 1908, President Theodore Roosevelt created the Bureau of Investigation by executive order. Twenty permanent and eighteen temporary investigators were hired.²⁸ During the first years of its operation, the bureau was entrenched in scandal. However, it slowly became accepted as a law enforcement agency and was assigned law enforcement responsibilities, most of which applied when criminals crossed state lines.

In 1916, with war raging in Europe, the 300-agent bureau was given power to conduct counterintelligence and antiradical investigations. In 1919, the country experienced a series of bombings, with the targets ranging from police departments to banks. These actions were believed to be the responsibility of communists and others who were labeled "un-American." In response to the bombings, the General Intelligence Division (GID) was created within the Justice Department to increase significantly the ability to store information on radicals and those suspected of being sympathetic to radicals. John Edgar Hoover was named the head of the GID.

Private Detectives

In the mid-1800s and early 1900s, private detectives played an important role in criminal investigations. In addition, many corporations, such as railroads and iron and coal mines, hired their own police forces for the primary purpose of dealing with their labor strikes.²⁹ The most prominent private detective agency was Pinkerton's agency. In 1850, Allen Pinkerton quit his job in the Chicago Police Department and established his own private detective agency. At first, most of the work of the agency involved protecting midwestern railroads and railroad bridges from being sabotaged by the Confederates and striking laborers. The preferred method of operation of Pinkerton and his associates was to mingle with known rebels and criminals in taverns, hotels, and brothels to learn of their plans. Pinkerton was also hired to spy on the Confederacy, to collect information on their strengths and weaknesses, and to apprehend enemy spies. The Justice Department, having no investigators of its own at the time, used agents from the Pinkerton agency. Pinkerton was able to operate without concern for political jurisdictional lines. This capability made him ideal for pursuing mobile criminals, such as train robbers. Pinkerton also had a well-developed system of internal communication, records, and files on criminals. Police departments often relied on this information to learn which criminals were in their area.³⁰

AMERICAN DEVELOPMENTS: THE RISE OF THE PROFESSIONAL POLICE DETECTIVE

With the problems of the policing system during the political era obvious, efforts were made to reform the police—namely, to get the police out from under the control of politicians. To do so required a new way of thinking about policing. This effort took the form of police professionalism. Policing from the early 1900s to the early 1970s is known as the reform era.³¹

The reform era was all about police professionalism and distancing police from politics. The police presented themselves as experts who had the specialized knowledge and capabilities to control crime. Crime control and criminal apprehension were viewed as the primary functions of the police. The new technology of the time—patrol cars, two-way radios, and telephones—contributed to and supported the ideals of the new way of thinking about policing.

During this time, detectives became viewed as indispensable to the operations of police departments. Detectives were the ultimate professionals. They were well paid and trained and seen as efficient and effective crime solvers. Like the police style in general, detectives often went about their work in a professional, aloof manner. *Dragnet*, a popular television show during the 1960s (and a 1987 movie), captured this style well. The show was about two Los Angeles Police Department detectives and the investigations they conducted. There was no room for emotion in their work; they were interested in “Just the facts, ma’am.” During the reform era, detective work became more removed from interactions with criminals, with more reliance on information from science (e.g., fingerprints) and citizens (i.e., victims and witnesses).

The rise of science in criminal investigations was led in large part by the FBI. Through the 1920s and 1930s, several initiatives were embarked upon by the bureau, each of which helped solidify its reputation as the top law enforcement agency in the country. Namely, it took the lead in the development of fingerprints as a method of criminal identification, developed a scientific crime laboratory, and established the National Police Academy (later known as the FBI National Academy) to train select local police officers in investigative and management methods. Selection for and graduation from the National Academy was and continues to be a prestigious law enforcement accomplishment. In the 1940s and 1950s, the FBI experienced dramatic growth. With the passage of federal laws, the bureau became responsible for domestic security investigations.

MYTHS AND MISCONCEPTIONS 2.2

THE MYTHOLOGY OF THE FEDERAL BUREAU OF INVESTIGATION

The FBI has become the epitome of the scientific law enforcement agency. The agency has the highest prestige among many citizens, law enforcement officials, and even criminals. This is at least partially the result of the reverent media portrayal of the agency, even during its early years. For example, starting in 1935, a series of “G-Men” (“government men”) movies was produced. Censorship laws only allowed gangsters in the movies if they were being captured or killed by agents of the FBI.³²

The FBI has done much to advance the methods of criminal investigation. It took the lead in the development of fingerprints as a method of identification. It instituted stringent hiring standards for its agents. Today, it operates the largest and most scientifically advanced crime laboratory in the world. It oversees a nationwide fingerprint and biometric identification system as well as the national DNA electronic database. The FBI runs the prestigious FBI National Academy. Over the years, the bureau has led or assisted in countless high-profile criminal investigations.

However, whether justified or not, the FBI has also been criticized for its handling of several major investigations, including the lack of information sharing that might have prevented the 2001 terrorist hijackings. The FBI crime laboratory has also been subject to continuing criticism for its work in several cases. Although the FBI continues to be an admired and well-respected law enforcement agency and is generally portrayed favorably in the media, it is not immune from criticism.

AMERICAN DEVELOPMENTS: COMMUNITY SUPPORT, SCIENCE, AND CRIMINAL INVESTIGATIONS

The 1960s were a troubling time for many Americans and for the police. In the 1960s, America was in the grip of the Vietnam War. War protests were taking place across the country. It was the time of the civil rights movement and its related demonstrations, marches, and riots. The police became viewed as an “occupying army” by many in the low-income minority ghettos of urban cities. President John F. Kennedy was assassinated during this decade, as were senator and presidential candidate (and former attorney general of the United States) Robert Kennedy and civil rights leader Martin Luther King Jr. American society was in turmoil. Fear of crime was increasing dramatically. Actual crime was also increasing; the crime rate doubled from 1960 to 1970. The police were experiencing a crisis, yet they were supposed to have the knowledge and capabilities to control crime successfully. And if the situation

was not already bad enough for the police, the U.S. Supreme Court rendered several landmark decisions (e.g., *Mapp v. Ohio*, *Miranda v. Arizona*) that were seen as “handcuffing” the police. In the late 1960s and early 1970s, several major research studies were conducted to examine the effectiveness of police operations. The Kansas City Preventive Patrol Experiment³³ concluded that random motorized patrols did not deter crime. The RAND study on detectives³⁴ concluded that detectives contributed little to solving crimes.

In the face of this multifaceted crisis, the police realized that the old ideas of professionalism no longer worked. They needed to enlist citizens’ support and assistance in fighting crime. This new realization led to the community problem-solving era of policing.³⁵ While the reform era emphasized police–citizen separation, the community era emphasizes police–citizen cooperation.

The idea of police–citizen cooperation and community policing is congruent with the task of criminal investigation. The basic task of the police in a criminal investigation is to collect information that will lead to the identification, apprehension, and conviction of the perpetrator of that crime. Much of the research on the investigative function highlights the role of the public as suppliers of information to the police. Simply stated, the police are dependent on the public, and the community problem-solving era makes this dependence explicit.

Strategies that provide an opportunity for community residents to share information with the police in order to solve crimes are particularly relevant in the era of community policing. For example, tip lines are common in criminal investigations today, as is obtaining information from citizens through social media. School resource officers are in a setting where they can obtain information about crimes. Similarly, police involvement with community groups provides a public service and makes it easier for residents to contact the police and provide information that may assist in investigations. These strategies are congruent with the ideals of community policing.

Along with methods to solicit crime information from citizens, other major advances in science and technology characterize the community problem-solving era of policing. Chief among these is DNA analysis. DNA analysis represents an extraordinary advance in science and in identification methods as applied to criminal investigations. DNA, along with the introduction of computer technology to store, record, and match DNA profiles across individuals, has revolutionized criminal investigative methods. Other technology in the form of automated fingerprints analysis systems, electronic networks and databases, video surveillance, and computer software to extract information from digital devices are also changing criminal investigations in major ways. Crime analytics also has the potential to affect how criminal investigations are conducted.

Throughout history, law enforcement agencies have responded to a variety of external forces that have caused changes in their structure and function. From these changes has emerged the present criminal investigation function and investigative methods. Much progress has clearly been made in criminal investigations, but more is sure to come.

MAIN POINTS

1. With parliamentary reward, an investigative arrangement of the 1700s in England, the government offered a reward to anyone who brought criminals to justice or provided information that led to the apprehension of criminals; the more serious the crime, the larger the reward.
2. In the early 1800s, a thief-taker was a private citizen hired by a victim to recover stolen property or to apprehend the thief.
3. Also in the early 1800s, a thief-maker was an individual who tricked another person into committing a crime and then turned that person in for the parliamentary reward.
4. The people who designed the detective position considered the problems that resulted from parliamentary reward, thief-takers, and thief-makers. To address these problems, detectives were associated with the investigation of murder, they received a salary, and they were made reactive.

5. Detectives played a small and largely ineffective role during the political era. They relied on the technology of photography and Bertillonage, both of which had major limitations regarding crime solving. Detectives also relied heavily on the tactics of the third degree and the dragnet.
6. During the reform era, detectives became an important tool in police departments' efforts to enhance their professionalism and deal with crime. Detectives began to incorporate science into criminal investigations, including the use of fingerprints as evidence.
7. In the community problem-solving era, citizens are important in criminal investigations as they can supply necessary and important information. With the development of computer technology and advances in science, investigations rely more on science than ever before, including DNA.

KEY TERMS

Bertillonage	Rogues gallery
Bureau of Investigation	Thief-maker
Dragnet	Thief-taker
Informers	Third degree
Parliamentary reward	

QUESTIONS FOR DISCUSSION AND REVIEW

1. Explain the operations of informers, thief-takers, and thief-makers in England in the 1700s and 1800s. What problems did citizens have with these people?
2. How does the position of detective today resolve the problems associated with informers, thief-takers, and thief-makers?
3. How did the role of the detective differ in the political, reform, and community problem-solving eras of policing?
4. What were the benefits and limitations of photography as a crime-solving tool?
5. What was Bertillonage? How was it useful? Why was it worthless when trying to figure out who committed a crime?
6. What were the third degree and the dragnet?
7. Describe the origins of fingerprints as evidence in the United States.
8. In contrast with Bertillonage, explain how fingerprints could be useful when trying to figure out who committed a crime.
9. What role did the FBI play in advancing the methods of criminal investigation?
10. What investigative strategies are most congruent with the ideas of the community problem-solving era of policing?