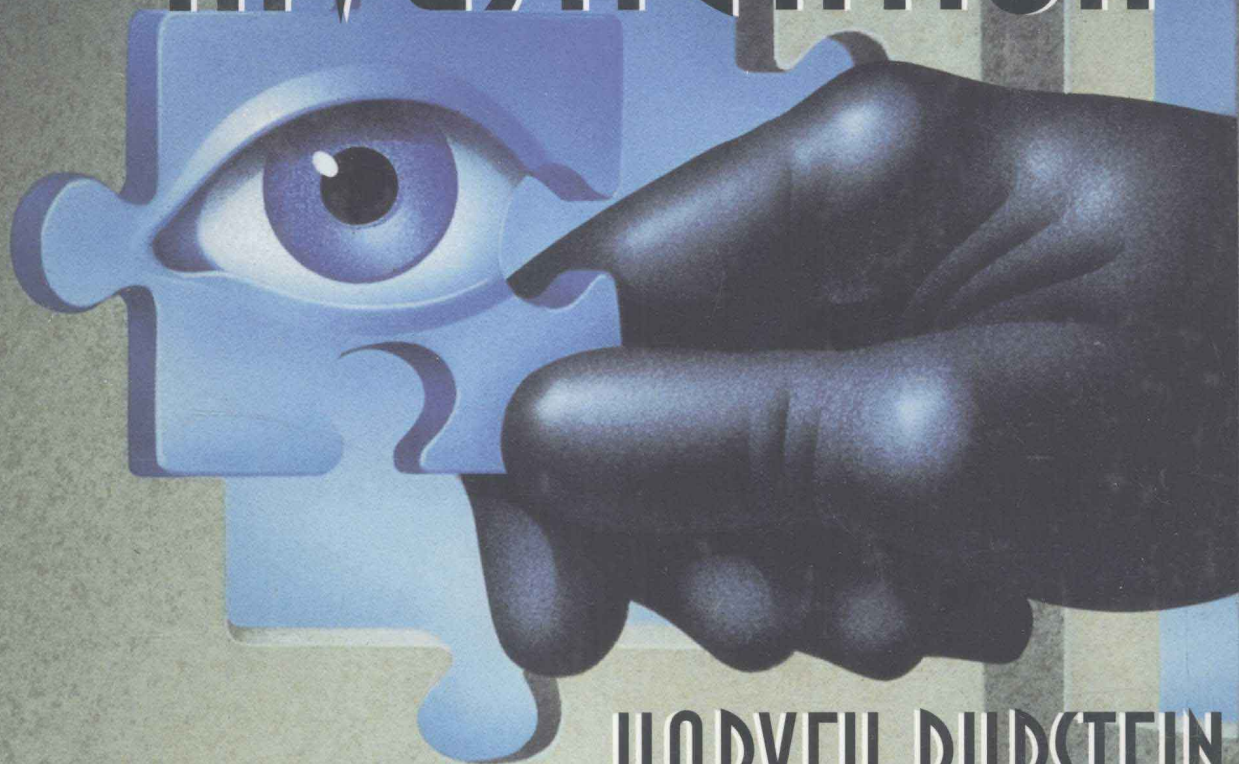


# CRIMINAL INVESTIGATION



HARVEY BURSTEIN



# **CRIMINAL INVESTIGATION**

**An  
Introduction**

**HARVEY BURSTEIN**  
*Northeastern University*



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***To the men and women of the  
Federal Bureau of Investigation,  
past and present, who have made the FBI  
one of the world's premier investigative agencies.***

# PREFACE

*Criminal Investigation: An Introduction* is based on my personal experiences as an investigator of both criminal and noncriminal cases, and as a teacher of an investigations course at Northeastern University's College of Criminal Justice. In the latter role, I have found that too often students' ideas about investigators and investigations, based largely on entertainment and news media portrayals, tend to be distorted. Consequently, I thought that a text for the uninitiated would serve a useful purpose.

The introductory form of this book will help criminal justice students get a better understanding of investigations before they elect to embark on law enforcement careers. It is not a substitute for the FBI's special agents' handbook, armed forces technical manuals on investigations, the formal training given to new federal investigators, or that given to newly appointed detectives by some police departments, where techniques are taught in detail.

In undertaking this project, I have drawn heavily upon my own training and work with the FBI and the U.S. Department of State, and as an attorney and corporate security director. My career has allowed me to witness numerous changes that have occurred in the field of investigations from which today's students, and investigators, benefit. For example, fingerprint searches by the FBI's Identification Division have progressed from time-consuming, tedious, manual searches using a reticle and the light of a gooseneck lamp to striking keys on a computer terminal. DNA is now another valid means of identification, and psychological profiling can be used to suggest leads that might otherwise be overlooked.

Many criminal justice students, this book's audience, hope to become police or federal investigators. Others may choose careers in either corporate security positions or the practice of law. They, too, may find this text useful because on occasion they will find it necessary to conduct, supervise, or evaluate investigations. In addition, almost all criminal justice students who ultimately find themselves doing investigative work, whether in any aspect of law enforcement, corporate security, or as practicing attorneys, will find themselves involved with non-criminal inquiries as well. Thus I would be remiss if I completely ignored such investigations in this book.

Over the years in which I have done investigative work, I have benefited greatly from what I learned and experienced as both a clerical employee and special agent of the FBI. Even as I write this I remain indebted to the late James S. Egan, who retired as the FBI's senior inspector in 1953, and to Gerard J. Engert, who was my special agent supervisor when I was assigned to the FBI's Identification Division's Technical Section in 1941, and who to this day is a close and cherished friend, for their having impressed upon me the need for and critical importance of objectivity and fairness in the conduct of all investigations, standards to which I have tried to adhere throughout my own career.

I especially want to thank Louis J. Freeh, the Director of the FBI, and Leslie Clemens, of the FBI's Office of Public and Congressional Affairs, for having provided me with so much invaluable material for use in illustrating the text, including several photographs that brought back memories. For their help with illustrations, I also want to thank Debbi Baer, Congressional and Public Affairs, U.S. Postal Inspection Service; Catherine H. Shaw and Rogene M. Waite, Drug Enforcement Agency; Alan M. Pollock, deputy director, National Transportation Safety Board; H. Terrence Samway, assistant director, Office of Government Liaison and Public Affairs, U.S. Secret Service; Don W. Walker, executive vice president, and Dereck Andrade, public affairs manager, Pinkerton Security and Investigative Services; and Howard Safir, Commissioner, New York City Police Department.

In a work such as this, one realizes that occasional errors may appear despite the best efforts of the author, editor, and production staff. Therefore, let me make it clear that all errors of omission or commission are mine and mine alone.

Last, but certainly not least, I must thank those at Prentice Hall with whom I have had the pleasure of working: Neil Marquardt, Rose Mary Florio, Jean Auman, and above all, Robin Baliszewski, who encouraged me to undertake this project. I hope that their faith in me has not been misplaced and that I have not disappointed them.

*Harvey Burstein*

# ABOUT THE AUTHOR

Harvey Burstein, David B. Schulman Professor of Security at Northeastern University's College of Criminal Justice, is a graduate of the Creighton University School of Law. While an undergraduate, he entered on duty with the Federal Bureau of Investigation in 1941 as a clerical employee in the Identification Division, and he also was on assignment to the Translation Unit, a part of the FBI Laboratory. After wartime service in the U.S. Army, and while completing his legal studies, he returned to the FBI's Identification Division, where he received his first letter of commendation.

Following admission to the bar in 1948, Mr. Burstein served as a special agent of the FBI, during which time he received four additional letters of commendation. He conducted criminal and noncriminal investigations of matters under the FBI's jurisdiction, and he also continued on assignment to the Translation Unit as needed. Mr. Burstein was an approved FBI speaker and police training instructor. In 1953, he left the FBI to accept an appointment as Chief, Foreign and Domestic Investigations, Surveys, and Physical Security, U.S. Department of State.

Since leaving federal service, Mr. Burstein's career has consisted of practicing law, security management consulting for a variety of *Fortune* 500 companies, and employment as a corporate security director for major educational, lodging industry, financial, and manufacturing organizations. As an attorney, he has been retained by law firms to oversee investigations for the benefit of their clients. As a corporate security director, he

has conducted or supervised various noncriminal investigations, and he has actively worked with a number of federal and local investigative agencies in corporate inquiries of a criminal nature.

Mr. Burstein joined the faculty of the College of Criminal Justice at Northeastern University in 1990 as a Visiting Professor. In 1992, he suggested adding a course on investigations to the curriculum, which he has been teaching since its approval.



The temper of detachment and scrutiny is not beguiling; men find it more often a cool jet than a stimulus, and it is a little curious that they ever can be brought to rate it highly. Yet, in the end, it has so obvious a place in any rational world that its value be forced upon their notice and they look behind to the disposition which produces it. If they do, they find it anything but cold or neutral, for the last acquisition of civilized man is forbearance in judgment and to it is necessary one of the highest efforts of the will.

*Judge Learned Hand*

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# PART I



## INTRODUCTION

Part I does more than merely provide a historical background indicating how the field of criminal and allied investigations has evolved over the years. It introduces the reader to the subject of investigations in general, not merely to those necessarily undertaken in relation to crimes that have been committed.

Thereafter, attention focuses on who conducts investigations of the various types of cases covered in Part III of the text. It is helpful to know that some inquiries may be made by persons in the public sector who are not employed by law enforcement agencies, and that there also are those in the private sector who may have occasion to conduct investigations.

Being able to successfully conduct investigations and close cases depends on a number of factors. In some, especially criminal matters, good luck helps. However, in all, criminal or other, the investigator's personal characteristics are major contributors. Therefore, it is logical to do more than merely list those traits. The reader needs to appreciate how each contributes to making a good investigator.

Investigations are not undertaken on the basis of a personal whim; there must be a valid reason. Thus it is important for the reader to understand not only how inquiries are initiated, but also the important characteristics of those responsible for their conduct.



# Chapter 1



## Historical Background

Governments as far back as early biblical times have maintained armies and waged war. To say that armies were, and are, used only for defensive and never for offensive purposes would be to deny both ancient and modern history. However, to the extent that armies also maintain order, principally by means of exercising control over both friendly and unfriendly populations, they perform a duty normally associated with policing. Even today, armies in some countries also perform more traditional police duties, but for the most part, they do not serve as police agencies in the more accepted sense of that term.

### EARLY POLICE AGENCIES

The history of policing, with which investigations tend to be associated, is not as deeply rooted. There are questions about when the first police agency to operate in a big city appeared on the scene. Some say there is evidence of policing in ancient Egypt and Mesopotamia; others believe that it was not until the time of the Roman Emperor Augustus (63 B.C.—A.D. 7).<sup>1</sup> Still others hold that it was not until sometime between A.D. 1000 and 1300 when anything resembling a structured law enforcement system appeared in England.

Regardless, evidence suggests that the position of shire reeve, from which the modern word *sheriff* is derived, existed before the Norman Con-