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# **PRINCIPLES of INVESTIGATION**

**Kenney  
and  
More**

**Criminal Justice Series**

# Principles of Investigation

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**Criminal Justice Series**

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A workbook has been developed to assist you in mastering concepts presented in this text. The workbook is available from your local bookstore under the title, *Workbook to Accompany Kenny and More's Principles of Investigation*, prepared by Jack E. Whitehouse.

# **Principles of Investigation**

# Preface

This book is designed to serve as an introductory text for college and university students majoring in the administration of criminal justice and as a resource in the training of police recruits. In addition, the police investigator may well find that it is comprehensive enough to serve as a ready reference guide.

In looking over the text, readers will quickly recognize that we have departed from the approach taken by other books dealing with the subject of criminal investigation. *Principles of Investigation* naturally deals with the techniques of investigation, but it also approaches the topic from a conceptual viewpoint in order to bring the ethical and legal obligations of the investigator into proper perspective. The contributing authors, all experts in their fields, have emphasized the need for meticulous adherence to rules of law and ethical practices as investigations proceed from the initial actions taken when a crime is discovered through the steps leading to criminal prosecution in a court of law.

We wish to express our deep appreciation of the scholarly endeavors and unstinting cooperation of the contributing authors. We are also indebted to Dr. Jack Whitehouse and Wayne Schapper for their research and editing efforts. The tender, loving support and understanding of our wives, Dorothy and Virginia, merits our love and care forever.

John P. Kenney  
Harry W. More, Jr.

# **Principles of Investigation**



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## Criminal Investigation: A Process and A Partnership

### Chapter Objectives

After reading this chapter, the student should be able to:

- ☑ Identify the differences between the myth of the detective and the realities of investigative work.
- ☑ Summarize the historical origins of the investigator in the United States.
- ☑ Explain how the entire police department is involved in the investigative process.
- ☑ Define the investigative process.
- ☑ Explain how the roles of patrol officer and investigator are integrated and complementary.
- ☑ Describe how the role of the patrol officer is changing using a series of suggested models.
- ☑ Describe initiatives that management can take in enhancing the investigative function of patrol.

## The Detective: Unraveling the Myth

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Everyone knows what a detective is: someone who wears a trench coat and carries a magnifying glass; someone who's always in the right place at the right time to discover the perfect clue; someone who never fails to solve one tough case before beginning another. Usually, the detective works alone, the better to be available in the middle of the night to track down leads or take mysterious phone calls; occasionally, he has a faithful sidekick who handles the menial details and makes endless pots of coffee. The detective is the real hero of the police profession, and his role symbolizes the heights of status and achievement. Right?

*Wrong.* Although we've all grown up with the likes of Nancy Drew and the Hardy Boys, James Bond and Sam Spade, Kojak and Columbo and Inspector Erskine, these fictional characters—and they are, after all, only fictional characters—serve to distort reality rather than represent it. The media and the detective novel have glamorized the criminal investigator's function while ignoring the facts. Crimes are solved *not* because the detective is luckier and smarter than everyone else on the force, from the captain all the way down to the rookie, but because *every* individual in a contemporary police department actively and skillfully contributes to the investigative process. Patrol officers and investigators alike must be willing to work together for the common goal of crime solving, and police management is responsible for making sure that the activities of patrol officers and investigators are integrated and complementary.

While it's commonly assumed that the detective—and the detective alone—is the only member of a police department who investigates and solves crimes, the truth is that there are few aspects of police work in general that do *not* affect the outcome of criminal investigations. No one will argue that criminal investigation is and should be viewed as a highly professional and specialized undertaking, but it's time to dispel the myth that the detective is the only individual in the police department who possesses the skills and qualifications needed to solve crimes.

### Typical Detective Duties

The investigator's work varies from agency to agency depending upon the operation's size and location. In small agencies, the investigator, of necessity, is a generalist and performs all types of investigative tasks.

In urban police departments specialization of investigative functions takes place as detectives concentrate on specific functions such as burglary, robbery, homicide, narcotics, intelligence or general crime.

No matter what type of offense occurs, an official response must be made. In the instance of a major offense, the department will become involved in various aspects of the case: The crime scene must be searched, and evidence collected and processed. Witnesses are interviewed and suspects interrogated. The Prosecuting Attorney must be consulted as the investigative function evolves and above all—numerous reports must be written.

\* The bane of all investigators is the preparation of the initial or follow-up report. While time consuming, it is also an essential ingredient of the investigation process. Accurate and comprehensive reports become the vehicle for effective investigation leading eventually to successful prosecution.

For the sake of clarification, a typical case can be described as follows: Detective Joe Smith works for a large urban police department where he has specialized in the investigation of residential burglaries for several years. In investigating cases relating to this common offense, Detective Smith will perform a wide variety of tasks. His initial reaction to a preliminary report prepared by a patrol officer is to conduct a crime scene search. If appropriate, a detailed search is made for latent fingerprints as well as footprints, tire tracks, pry marks or other physical traces left by the perpetrator(s). If necessary the crime scene is photographed.

Victims are questioned and witnesses are contacted for additional information. Statements are taken and "all points bulletins" are sent out for the apprehension of suspects. Hopefully, stolen property will also be recovered. In many instances investigative leads require further investigation and coordination with private, federal, state, or other local law enforcement agencies.

Above all, the detective seems to become "married" to the police records division. Index files, MO files, and field interrogation cards are searched in an effort to obtain further leads to help identify the suspect(s).

Supplemental reports are completed and cases are presented to the Prosecuting Attorney. Warrants of arrest and/or search warrants are obtained and (providing all factors fall into place) arrests are made and property is recovered.

With the arrest accomplished, it would seem that Detective Smith's work would be finished, but in most instances, it has just begun. Reports must be written, physical evidence identified and the suspects must be linked to the actual crime. Interrogations are conducted in order to obtain admissions or confessions and all investigative leads must be pursued.



As the case comes to trial, Detective Smith works with a Prosecuting Attorney and the case is prepared for prosecution. If all phases have been successfully accomplished, the defendant is found guilty. After a final report is filed, stolen property may be returned to the victim, and the detective, in most instances, will consult with a probation officer regarding a possible sentence report to be presented to the judge.

The following is a fictitious example of specialized duties performed by another investigator: Jane Jones works as a detective in a large metropolitan police agency where she performs specific responsibilities and duties as a court liaison officer. Jane is responsible for preparing misdemeanor cases for trial. She analyses cases, notifies victims, witnesses and officers of pending trial dates and discusses each case with a Prosecuting Attorney in order to reach a decision as to whether the case should be continued or subjected to plea bargaining.

A key responsibility of Detective Jones is to follow the "Readiness and Motion Court Calendars" and record information that affects her cases so she can then take the proper actions. Defense attorneys can appear in court and request a change of plea, ask for continuances or request a change in the type of trial (from court to a jury). Such changes have a direct bearing on each misdemeanor case so she must notify all parties involved.

All of the above described activities insure the proper preparation of a case—Jane's coordination of these activities is essential to the successful prosecution of each.

## **A Brief History of the Detective in America**

No one knows precisely who the first detective was, or when the position of criminal investigator became an official one. The structure and organization of the American police system as a whole can, of course, be traced directly to the police services of England and Wales. They were the prototypes of the police departments which were established in major American cities during the mid-nineteenth century as a response to the crime problems of vice, disorderly conduct, drunkenness, and brawling. As the cities grew, so did the incidence and complexity of crime, and police forces were organized and reorganized in the response to the increasing incidence of disorders and riots. Traditionally, as police forces grew in size, scant attention was paid to the specific functions of various members of the forces; thus, the investigative role as such was slow to develop and be recognized.

Early police forces aimed at reaction rather than prevention; law enforcement officers most often simply responded to direct requests for help.<sup>1</sup> The crime victim would contact a watchman and apply to a local justice for a warrant; a constable would then either arrest the suspect or assist the victim in making the arrest.<sup>2</sup> Economic crimes, particularly those involving counterfeiting, resulted in rewards being offered for the apprehension of the

offenders. Crime victims either posted their own rewards, or pressured local agencies to post them. This technique soon encompassed other types of crime as well, and became an integral part of the investigative process. The recovery of property became the central focus of the police function and, as a result, police officers cultivated underworld contacts in order to accomplish this task.<sup>3</sup>

The reward system became so popular that police officers often were more concerned with recovering property and reaping rewards than they were with actually apprehending criminals. Even after the creation of organized police departments, detectives continued to function on a fee basis. This system proved very lucrative; one New York detective, over a brief period of time, collected sufficient rewards to double his salary.<sup>4</sup> It also opened the door to several problems:

To be effective, detectives needed wide knowledge of professional criminals who alone could provide them with the stolen property they sought to recover. Compounding with the thief was the easiest way to recover property. The detective gave the thief either money or immunity in return for the stolen goods, and the rightful owner received his property less whatever he had agreed upon as a reward with the detective. Some victims found it cheaper to advertise in the newspaper and deal directly with the thieves, thus eliminating the detective as a middleman.<sup>5</sup>

Exactly when the first detective was appointed is not known. Investigation became a specific governmental function in 1836, however, when Congress authorized the Post Office Department to hire agents to investigate postal matters. Ten years later, in 1846, it became a specific police function when Francis Tukey of the Boston Police Department appointed three detectives to that city's force; in 1857, twenty policemen were assigned to detective positions in New York City; in 1860, Chicago established its first detective unit; and in 1865, Massachusetts formed a state investigative agency.

Meanwhile, private investigators were enjoying a great deal of success and fame. In fact, the early history of government or police investigators has often been confused with or overshadowed by that of private investigators. The most famous of these was Allen Pinkerton, who in 1850 established a general detective agency in the midwestern United States. (He had been appointed as Chicago's first detective in 1849.) His agency addressed itself to the investigation of all types of criminal offenses, and was so successful that it soon extended its influence and scope throughout the country. Pinkerton agents—or "Pinks," as they were called—investigated train robberies and provided protection for President Abraham Lincoln, in addition to performing other duties. Pinkerton and his agents worked for a flat fee plus expenses, which helped to eliminate the reward system common among both private and police investigators up until that time.