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# CRIMINAL INVESTIGATION

STEVEN G. BRANDL





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*University of Wisconsin-Milwaukee*



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## CRIMINAL INVESTIGATION 3e

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### About the Book

*Criminal Investigation*, Third Edition, offers a comprehensive and engaging examination of criminal investigation and the vital role that criminal evidence plays in the process. Written in a straightforward manner, the text focuses on the five critical areas essential to understanding criminal investigations: background and contextual issues, criminal evidence, legal procedures, evidence collection procedures, and forensic science. This reader-friendly text includes a multitude of case examples to illustrate key points and as a basis for discussion about the proper conduct of criminal investigations. The text goes beyond a simple how-to in investigative procedures, drawing from fascinating modern research and its importance in the real world of criminal justice.

Author: Steven G. Brandl  
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# ●●● Teach criminal investigations through real cases.

**From the Case File**  
chapter openers  
provide students with  
real cases to analyze  
and evaluate.

## From the **CASE FILE**

*An Internet Chat With an Undercover Officer*

In December of 2008, Gary Becker, the fifty-one-year-old mayor of Racine, Wisconsin, population 80,000, brought his personal computer to work at city hall and asked a computer technician to see if he could fix the problems that Becker was having with it. While fixing the computer, the technician discovered what appeared to be child pornography on its hard drive. The technician contacted the police to alert them of his discovery. After obtaining a search warrant, investigators collected the images from the computer. Investigators were also informed that approximately two years prior, Becker had another of his personally owned computers serviced by a city computer technician, and a disk which contained files from the computer had been created by the

technician who worked on the computer. When the investigator now examined that disk, another similar pornographic image was discovered. Investigators also discovered evidence of over 1,800 online chats, many of which were sexually explicit and appeared to involve juveniles. Investigators determined that the user's profile was "WISC.GARY" and that his screen name was "m reed." Subsequent to that discovery, on January 12, 2009, an investigator had an approximately two-hour online conversation with "m reed," except "m reed" thought he was conversing with a fourteen-year-old girl. Presented below is a transcript of that conversation (edited for length). Gary Becker is "m reed" and the undercover investigator is "Hope ulikeme14." (Warning: Disturbing content.)

4:10 p.m.:

**m reed:** how r u doing honey?  
Have u been a good girl lately?  
**No response**

**m reed:** r u still teasing the men?

**No response**

**m reed:** how is sweet little hope doing today???

**Hope Ulikeme14:** hi reed sorry i was doing my homework b4

**Hope Ulikeme14:** lemme kno if u wanna chat later tyt!

## Capstone **CASE**

*The Coed Murders*

The nightmare began on the evening of July 10, 1967, when nineteen-year-old Mary Fleszar did not return to her apartment, which was located just a few blocks from the Eastern Michigan University (EMU) campus in Ypsilanti, Michigan. Mary was a student at the university. As is the case in most missing person investigations, the first task for investigators was to determine when and where she was last seen. In reconstructing the last known whereabouts of Mary, an EMU police officer recalled seeing a girl matching her description walking near campus at about 8:45 p.m. the night before she was reported missing. She was alone. 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. According to report the witness gave, the only person in the vehicle was "a young man," and the vehicle was "bluish-gray in color, possibly a Chevy." The witness said that it appeared that the young man inside the car said something to Mary, she shook her head, and the car drove off. Shortly thereafter, the same car passed the witness's house again and pulled into a driveway

in front of Mary, blocking her path. Mary walked around the back of the car and continued down the sidewalk. The car pulled out of the driveway and, with a squeal of the tires, drove down the street. At this point, the witness lost sight of Mary and the vehicle. Mary Fleszar was never again seen alive.

On August 7, 1967, a heavily decomposed nude body was found on farmland two miles north of Ypsilanti. Through dental records, the body was identified as Mary Fleszar. It was clear to investigators that, given the area in which the body was found (an open field) and the circumstances of her disappearance, the cause of death was certainly not natural, accidental, or suicide. In addition, given the area in which the body was found and the fact that no clothes were found in the vicinity, in all probability she was not killed where she was found. Her body had probably been dumped there. With the identity of the decedent determined and the crime established as a homicide, the next questions for investigators became, who killed her? And where was she killed? Matted grass around the body and the positioning of the body suggested that

A **capstone case** is presented at the end of the book so students can apply the knowledge they have gained throughout the course.



**PHOTO 5.2:** Perhaps no evidence in the investigation (and trial) of O. J. Simpson was as important and as contested as the glove found on Simpson's property. Beliefs differ over whether the glove was dropped there by Simpson or placed there by detectives.

## ●●● Evidence is key.

*Criminal Investigations* has more coverage of the strengths, weaknesses, and effectiveness of all major **forms of evidence** than any other title on the market.

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Chapter 1: The Investigation of Crime

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Emphasis on the role of evidence in criminal investigations

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Chapter 5: Physical Evidence and the Crime Scene

Chapter 6: Interviews and Eyewitness Identifications

Chapter 7: Interrogations and Confessions

Coverage of additional sources of investigations

Chapter 8: Behavioral Analysis and Other Related Evidence

Chapter 9: Information from the Public, the Media, Electronic Networks, and Other Sources

Procedures for various types of criminal investigations

Chapter 10: Death Investigation

Chapter 11: The Investigation of Sex Crimes, Assault, Child Abuse, and Related Offenses

Chapter 12: The Investigation of Robbery

Chapter 13: The Investigation of Burglary, Vehicle Theft, Arson, and Other Property Crimes

Chapter 14: Digital Evidence and the Investigation of Fraud and Other Computer-Facilitated Crimes

Chapter 15: The Documentation and Presentation of Evidence

Current topics and the future of criminal investigations

Chapter 16: Terrorism, Technology, and the Future of Criminal Investigation

Appendix: Capstone Case: The Coed Murders



## ●●● Research you can use.

**Practical research**  
helps future  
researchers identify  
the best practices and  
procedures.

### ●●● The Issue of False Confessions

A false confession is one where the individual is totally innocent but confesses to the crime, or where the individual was involved in the offense but overstates his or her involvement in the crime (Gudjonsson 1992). Why would anyone confess to a crime they did not commit? Three related explanations have been offered. The first is referred to as *stress compliant false confession*. With this type of false confession, a confession is offered “to escape the punishing experience caused by the adverse—but not legally coercive—stressors typically present in all accusatory interrogations” (Leo 1998b, p. 277). In this instance, the zealotry on the part of the police elicits the confession from the individual. The confession is an attempt on the part of the individual simply to end the misery of the interrogation.

The second explanation for false confessions is referred to as a *persuaded false confession*. In this instance, the suspect has “been persuaded (by legally non-coercive techniques) that it is more likely than not that he committed the offense despite no memory of having done so” (Leo 1998b, p. 277). In essence, the police are so convincing that the subject believes his or her guilt even though the subject has no memory of committing the crime. Numerous factors, identified in Leo and Ofshe (1998), increase the likelihood of a persuaded false confession:

- The interrogator repeatedly states his or her belief in the suspect’s guilt.
- The suspect is isolated from anyone who may contradict the claims of the interrogator and is not told of other information that may lead one to believe that he or she did not commit the crime.
- The interrogation is lengthy and emotionally charged.
- The interrogator repeatedly claims that there is scientific proof of the suspect’s guilt.
- The suspect is repeatedly reminded of previous instances of memory problems or blackouts. If these do not exist, then other factors are identified by the interrogator that could account for lack of memory of the incident.
- The interrogator demands that the suspect accept the interrogator’s version of events and explanations for the crime.
- The interrogator induces fear in the suspect’s mind about the consequences of repeated denials.

It is interesting to note that many of these factors are present in the interrogation protocol presented by Inbau et al. (2013). It is also noteworthy that *all* of these factors were apparently present in the interrogation of Michael Crowe discussed earlier. Of course, not everyone is equally susceptible to the influence of these tactics. Research has shown that the individuals most likely to provide such false confessions most often have several characteristics in common: an extraordinary trust of people in authority, a lack of self-confidence, and heightened suggestibility, which may be due to factors such as young age or mental handicap (Gudjonsson 1992). Research has shown that the one factor that both stress



## ●●● Did the media get it right?

### MYTHS & MISCONCEPTIONS 1.2

#### *The Role of Patrol Officers in Solving Crimes*

Often much is made of detectives being the ones who are 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 initial investigations are absolutely critical to the overall likelihood of the crime being

solved. Studies have shown that about 20 percent of crimes are solved as a result of an arrest made during the initial investigation and that the overwhelming majority of other crimes that are solved are solved because of information that was discovered by patrol officers during initial investigations. Certainly, patrol officers are not just report takers, they play an extremely important role in the criminal investigation process.

**Myths and Misconceptions**  
sections present challenges  
to the media’s portrayal  
of investigations and  
address other common  
misconceptions of  
investigative work.

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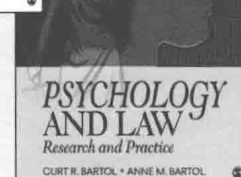
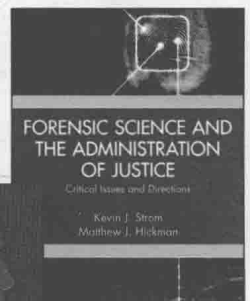
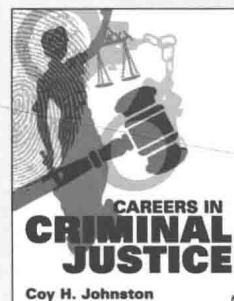
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# **CRIMINAL INVESTIGATION**

*To the thousands of criminal investigation students that I have had  
the privilege of instructing over the last 25 years.*

*Make Justice!*

# Preface

Criminal investigations are more complex now than ever before. Criminals are becoming increasingly devious, more is known about the problems and pitfalls of evidence and the importance of proper procedures in collecting it, forensic science continues to evolve and affect investigations in dramatic ways, and laws governing the collection of evidence continue to change and have made the process more complicated. As such, it has become extremely important that investigators have the requisite knowledge, education, and training in order to conduct competent criminal investigations.

Although it is not realistic to expect that this knowledge will be obtained in a single course (or from a single textbook) on criminal investigations, such a course (and textbook) can play an extremely important role in developing it. In general, there are five critical areas of knowledge in criminal investigation: background and contextual issues, criminal evidence, legal procedures, evidence collection procedures, and forensic science. Students of investigation must have competency in each of these areas, and each area should be adequately covered in a criminal investigation textbook. In this regard, *Criminal Investigation* provides a more complete and balanced discussion of investigative issues when compared to similar texts.

A focus on evidence in criminal investigations (e.g., the role and function of evidence, the collection of evidence, legal procedures as they relate to evidence collection) is especially important and is emphasized in *Criminal Investigation*. Criminal investigation and criminal evidence go hand in hand; they are inseparable. Criminal investigations are conducted in order to collect criminal evidence, and it is evidence that is used to establish proof in an investigation. As such, it is impossible to develop an adequate understanding of criminal investigations without an understanding of criminal evidence. An understanding of criminal evidence is not just for lawyers, therefore. Investigators must also understand the role and function of evidence, the strengths and weaknesses of various forms of evidence, how different types of evidence can be used to establish proof, the legal issues that relate to the collection of evidence, and best practices for the collection of evidence. *Criminal Investigation* provides this understanding.

Forensic science focuses most directly on the techniques and procedures of collecting and analyzing physical evidence, and it is important that investigators also have this knowledge. This material is included in *Criminal Investigation*; however, *Criminal Investigation* is not a forensic science text. It is not an instruction manual. Even in this era of DNA, other forms of evidence, such as information from witnesses and confessions, often have a more prominent role in criminal investigations than physical evidence. Further, technical instruction regarding the techniques of collecting physical evidence would be, arguably, most appropriately learned in investigative *training* courses delivered throughout a career. As such, the most important and complex forensic science procedures and issues are discussed in *Criminal Investigation* but not at the sacrifice of other, more important, material. Crime scene and physical evidence collection procedures, especially as they relate to the investigation of particular crimes (e.g., homicide, assault, robbery, burglary), are discussed in *Criminal Investigation*.



*Criminal Investigation* also emphasizes research findings that relate to criminal investigations. Like textbooks on other criminal justice topics, *Criminal Investigation* incorporates a discussion of research that has been conducted on the issue. Research findings provide a basis on which to identify and recommend best practices (procedures) to follow in criminal investigations. An understanding of research findings also allows one to develop a solid understanding of the issues under examination. One example (among many) is eyewitness identifications. *Criminal Investigation* devotes the better part of a chapter to eyewitness identifications. However, instead of just identifying how to conduct eyewitness identification procedures, *Criminal Investigation* provides a discussion of the empirical basis for the recommended procedures. To do so, the discussion draws upon the fascinating research on human memory, as well as the research on eyewitness identifications. As such, *Criminal Investigation* not only provides instructions regarding the collection of eyewitness evidence, it also explains *why* these procedures are important in order to collect valid evidence. Issues such as this receive minimal, if any, coverage in other criminal investigation texts. These deeper, more probing, questions are what lead to an adequate understanding of criminal investigation procedures. *The goal is to develop not only a technical competence in criminal investigations but to receive an education about criminal investigations.* Other topics this text covers in depth are the limitations of scientific evidence, the impact of the exclusionary rule, the impact of the Miranda decision, the effectiveness of the polygraph, the theory and effectiveness of psychological profiling, the complexities of false confessions and false convictions, the effectiveness of AMBER Alerts, crime pattern analysis and mapping, and the methods and motivations of offenders.

Just because *Criminal Investigation* puts research findings and criminal evidence center stage, this does not mean that the text is complicated or difficult to read. To the contrary; the text is very accessible to students and is written in a straightforward and understandable manner.

*Criminal Investigation* is of reasonable length for a one-semester course. Many instructors, including myself, have had difficulties teaching from the ever-expanding criminal investigation books, and students often have difficulties in learning from them. *Criminal Investigation* includes the most important material for students; I made decisions about what coverage was most important and what would be covered at appropriate places in the book.

A common and important method of learning and instruction in criminal investigation is the review and analysis of actual investigative cases. Case examples are often used as teaching tools in investigative seminars and in training. Investigators learn things from every investigation. *Criminal Investigation* also emphasizes this approach. A multitude of case examples is provided in the text in order to illustrate key points and to provide a basis for discussion about the proper conduct of criminal investigations. These detailed cases bring the discussion to life and make it interesting.

In short, *Criminal Investigation* offers several features to help establish an understanding of the complexities of criminal investigations:

- Detailed case studies (From the Case File) at the beginning of each chapter describe actual investigations as they were conducted. These case studies can be used to analyze how evidence is (or could be) used to establish proof and to evaluate how criminal investigations were conducted—what was done correctly and/or what mistakes were made in the investigation. At the conclusion of each case study is a section titled Case Considerations and Points for Discussion.
- Numerous other real-life investigative case examples (including Case in Point features) illustrate key points.
- Sections titled Myths and Misconceptions address some of the false information that is provided by the media and through other representations of criminal investigations.

- A Question of Ethics features require students to think about the importance of ethical conduct in criminal investigations.
- Detailed discussions are provided of the strengths and weaknesses, and the effectiveness, of all major forms of evidence: DNA and biological evidence, other forms of physical evidence, eyewitness identifications, confessions, and behavioral evidence, among others.
- Information on, and evaluations of, proper evidence collection procedures, from eyewitness identifications to physical evidence, is included.
- Important descriptive information is provided on the nature and content of criminal investigations.

With regard to the organization of the text, the first two chapters provide a discussion of the basic issues of criminal investigation (e.g., organization, design, history). Chapters 3 and 4 discuss the role of evidence in criminal investigations and the law as it relates to the collection of evidence. Chapters 5, 6, and 7 are the most important chapters of the book. These chapters discuss the “big three” types of evidence in criminal investigations: physical evidence, witness statements and eyewitness identifications, and confessions. The next two chapters examine other sources of information in investigations: Chapter 8 looks at psychological profiling and other forms of behavioral evidence, and Chapter 9 examines the role of the public, the media, social media, informants, gang intelligence, crime analysis, the Internet, and other electronic databases in investigations. Chapters 10, 11, 12, 13, and 14 focus on issues that are unique to the investigation of particular types of crimes. The book concludes with a discussion of the documentation and presentation of evidence (Chapter 15) and the future of criminal investigations (Chapter 16). Some important topics, such as issues associated with drug investigations and gang involvement in crime, do not have their own chapter but are discussed throughout the text. The appendix provides a longer and more detailed case study of a serial homicide investigation that occurred in the 1960s. The case involved the sexually motivated murders of seven mostly college-aged women in Michigan. This case can serve as a capstone discussion of many issues covered in *Criminal Investigation*, such as the basic problems of criminal investigation, the value of eyewitness identifications, the value of other evidence, the potential value of DNA evidence, and how proof can be established.

*Criminal Investigation* provides the reader with a substantial and necessary foundation on which to build an understanding of criminal investigation.

## ●●● Ancillaries

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# Brief Contents

Preface	xxi
Acknowledgments	xxv
<b>Chapter 1: The Investigation of Crime</b>	<b>1</b>
<b>Chapter 2: The History of Criminal Investigation</b>	<b>20</b>
<b>Chapter 3: The Role of Evidence in Criminal Investigations</b>	<b>36</b>
<b>Chapter 4: The Law and Criminal Investigations</b>	<b>54</b>
<b>Chapter 5: Physical Evidence and the Crime Scene</b>	<b>88</b>
<b>Chapter 6: Interviews and Eyewitness Identifications</b>	<b>150</b>
<b>Chapter 7: Interrogations and Confessions</b>	<b>188</b>
<b>Chapter 8: Behavioral Analysis and Other Related Evidence</b>	<b>224</b>
<b>Chapter 9: Information From the Public, the Media, Electronic Networks, and Other Sources</b>	<b>248</b>
<b>Chapter 10: Death Investigation</b>	<b>282</b>
<b>Chapter 11: The Investigation of Sex Crimes, Assault, Child Abuse, and Related Offenses</b>	<b>324</b>
<b>Chapter 12: The Investigation of Robbery</b>	<b>360</b>
<b>Chapter 13: The Investigation of Burglary, Vehicle Theft, Arson, and Other Property Crimes</b>	<b>390</b>
<b>Chapter 14: Digital Evidence and the Investigation of Fraud and Other Computer-Related Crimes</b>	<b>430</b>
<b>Chapter 15: The Documentation and Presentation of Evidence</b>	<b>462</b>
<b>Chapter 16: Terrorism, Technology, and the Future of Criminal Investigation</b>	<b>484</b>
Appendix: Capstone Case	506
References	514
Index	528
About the Author	540

# Detailed Contents

Preface	xxi
Acknowledgments	xxv

## Chapter 1: The Investigation of Crime

Objectives	1
From the Case File: A 35,000-Word Clue	1
<i>Case Considerations and Points for Discussion</i>	2
Criminal Investigation, Evidence, and Forensic Science Defined	3
Myths and Misconceptions 1.1: CSI	5
Types of Criminal Investigations	6
<i>Reactive Investigations</i>	6
Myths and Misconceptions 1.2: The Role of Patrol Officers in Solving Crimes	7
<i>Undercover Investigations</i>	7
Myths and Misconceptions 1.3: "Are You a Police Officer?"	8
Information Theory and the Criminal Investigation Process	8
The Role of Chance, Accident, and Discovery in Criminal Investigations	9
Case in Point 1.1: BTK and the Computer Disk	9
Case in Point 1.2: The Identification and Apprehension of Timothy McVeigh	10
The Role of Logic, Analysis, and Inference in Criminal Investigations	11
Criminal Investigation and the Criminal Justice System	13
Main Points	17
Important Terms	17
Questions for Discussion and Review	18

## Chapter 2: The History of Criminal Investigation 20

Objectives	21
From the Case File: The Lindbergh Baby Kidnapping	21
<i>Case Considerations and Points for Discussion</i>	24
The Importance of History in Understanding the Present and the Future	24
The Evolution of the Investigative Task: English Developments	24
<i>Informers and Parliamentary Reward</i>	24
<i>Thief-Takers</i>	25
<i>Agent Provocateur and Thief-Makers</i>	25
<i>London Metropolitan Police Department</i>	25
Myths and Misconceptions 2.1: The Original CSI	26
The Evolution of the Investigative Task: American Developments	27
<i>The First American Police Departments and Detectives</i>	27
<i>Sheriffs, State Police, U.S. Marshals, and the Bureau of Investigation</i>	29
<i>Private Detectives</i>	30
<i>The Reform Era</i>	30

Myths and Misconceptions 2.2: The Mythology of the Federal Bureau of Investigation	31
<i>The Community Problem-Solving Era</i>	32
Main Points	33
Important Terms	34
Questions for Discussion and Review	34
<b>Chapter 3: The Role of Evidence in Criminal Investigations</b>	<b>36</b>
Objectives	37
From the Case File: The Death of Caylee Anthony	37
<i>Case Considerations and Points for Discussion</i>	39
The Basics of Criminal Evidence	39
<i>Standards of Proof</i>	40
The Meaning and Nature of Probable Cause	41
Types of Evidence	41
<i>Direct Versus Indirect Evidence</i>	41
Case in Point 3.1: The Murder of Danielle van Dam and the Arrest of David Westerfield	42
Myths and Misconceptions 3.1: Circumstantial Evidence Is Not Very Useful	43
Case in Point 3.2: The Value of Circumstantial Evidence in the Murder	
Investigation of Laci Peterson	44
Testimonial versus Real versus Demonstrative versus Documentary Evidence	45
<i>Testimonial Evidence</i>	45
<i>Real Evidence</i>	47
Case in Point 3.3: A Homicide Victim's Letter to the Police	48
<i>Demonstrative Evidence</i>	48
<i>Documentary Evidence</i>	48
The Functions of Evidence	49
<i>Corpus Delicti Evidence</i>	50
<i>Corroborative Evidence</i>	50
<i>Cumulative Evidence</i>	50
<i>Associative Evidence</i>	50
<i>Identification Evidence</i>	50
<i>Behavioral Evidence</i>	50
Main Points	51
Important Terms	52
Questions for Discussion and Review	52
<b>Chapter 4: The Law and Criminal Investigations</b>	<b>54</b>
Objectives	55
From the Case File: Ernesto Miranda's Confession	55
<i>Case Considerations and Points for Discussion</i>	57
Basic Legal Terminology	58
The Bottom Line: When Is an Arrest Warrant Necessary?	58
The Bottom Line: When Is a Search Warrant Necessary?	59
The Rules and Admissibility of Evidence	62
A Question of Ethics: Fudging a Chain of Custody	63
Constitutional Constraints on the Collection of Evidence	63
The Fourth Amendment	63
The Bottom Line: What Is the Purpose of the Fourth Amendment to the U.S. Constitution?	64
<i>The Search Warrant Requirement and Its Exceptions</i>	64
The Bottom Line: When Does the Exigent Circumstances Exception to the Search Warrant Requirement Apply?	65
The Bottom Line: When Does the Vehicle Exception Apply?	68
The Bottom Line: What Places and Things Are Not Afforded a Reasonable Expectation of Privacy?	69
The Bottom Line: When Does the Hot Pursuit Exception Apply?	70