

CRIMINAL INVESTIGATION

Basic Perspectives

TWELFTH EDITION



CHARLES A. LUSHBAUGH | PAUL B. WESTON

Twelfth Edition

CRIMINAL INVESTIGATION

BASIC PERSPECTIVES

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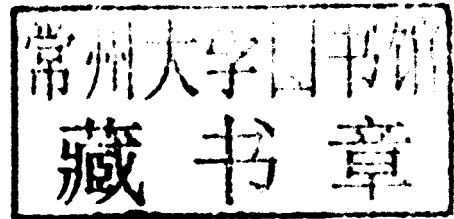
California State University

Sacramento, California

FBI NA, 185th Session

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Printer/Binder: Edwards Brothers
Cover Printer: Lehigh-Phoenix Color Corp.
Text Font: Times

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Library of Congress Cataloging-in-Publication Data

Lushbaugh, Charles.

Criminal investigation : basic perspectives / Charles A. Lushbaugh, Paul B. Weston. — 12th ed.
p. cm.

Includes bibliographical references and index.

ISBN-13: 978-0-13-511051-5

ISBN-10: 0-13-511051-3

1. Criminal investigation—United States. I. Title.
HV8073.W44 2012
363.250973—dc22

2010039071

10 9 8 7 6 5 4 3 2 1

Prentice Hall
is an imprint of



www.pearsonhighered.com

ISBN 10: 0-13-511051-3
ISBN 13: 978-0-13-511051-5

*This edition is dedicated to my daughter Jennifer and my son David,
and their boys; Scott, Miles, and Desmond.*

PREFACE

The twelfth edition of *Criminal Investigation: Basic Perspectives* was written to keep abreast of changes in the field of criminal investigation. A new chapter on the evolution of policing and investigations has been added to this edition. In addition, new segments were added to six chapters:

Arrest vs. Detention (Chapter 2, Rules of Evidence and Arrest)

Class and Individual Evidence, Blood, Paint, Glass, Hair, and Fiber Evidence, (Chapter 4, Circumstantial Evidence)

Forensic Databases (Chapter 5, Laboratory and Technical Services)

Neurolinguistic Eye Movement (Chapter 7, Interviewing and Interrogation)

Nuisance Sexual Behavior (Chapter 9, Sexual Assaults)

Ice and Clandestine Laboratories (Chapter 13, Dangerous Drugs)

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

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

Also new to this edition are the multiple-choice questions at the end of each chapter. All 160 of these questions are designed to enhance the learning process.

I thank the reviewers for this edition, whose insights and suggestions have made this a better book. They include Dexter Cummins, Antelope Valley College; David J. MacDonald, Eastfield College; and John M. Wyant, Illinois Center College.

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

SUPPLEMENTS

Several online supplements available to instructors using this text include:

- Online Instructor's Manual with Test Bank (0-13-511052-1)
- Online PowerPoints (0-13-511053-X)
- MyTest (0-13-511054-8)

To access supplementary materials online, instructors need to request an instructor access code. Go to **www.pearsonhighered.com/irc**, where you can register for an instructor access code. Within forty-eight hours after registering you will receive a confirming e-mail including an instructor access code. Once you have received your code, go to the site and log on for full instructions on downloading the materials you wish to use.

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After reading this chapter, you will be able to:

- Discuss the evolution of policing in England and how this history applies to American policing.
- Evaluate the differences between the early English and American models of policing.
- Describe the emergence of the Reform Movement in American policing and the major tenants of the reform agenda.
- Discuss the historical development of the major events that have led to the field of forensic science and the persons responsible for these breakthroughs.
- Identify the various policing agencies at the local, state, and federal levels and their areas of responsibility.

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

EARLY RESPONSE TO CRIME

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

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

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

Night Watch

As populations increased and cities and towns grew in size, the social controls of the small tight-knit agrarian community failed to control crime in these larger communities. In response to this, in 1285 the **Statute of Winchester** was passed requiring all towns to have men on the streets after dark to provide for the safety of travellers and the town's inhabitants. All able-bodied males were required to serve on a rotational basis, without pay, as night watchmen. As part of their service, they manned the village gates and patrolled the streets while on the lookout for disturbances of the peace, crimes in progress, and other threats such as fires. There was no expectation that the night watchmen would conduct investigations or aid the victim in determining who