

A method
for reconstructing the past

CRIMINAL investigation

rd
Edition

○ James W. Osterburg
○ Richard H. Ward



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for reconstructing the past**

CRIMINAL **3rd edition** **investigation**

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Dedication

In the history of a field of study, landmark events chronicle the stages of its progress toward a discipline. We have chosen to commemorate three such events in the evolution of criminal justice: the establishing of university programs in the early 1940s, New York's Police Department joining with the City University in the 1950s, and the endowing of the first research chair in 1980.

Well before the designation of our field as criminal justice a few universities were prodded by a progressive police chief to set up departments centered largely on the study of the police. Leading the way were the Departments of Police Administration at Indiana University, Michigan State University, Washington State University, and the (now defunct) School of Criminology at the University of California, Berkeley. The latter school's demise reflects an academic unwillingness to accept new departments, and the uneasy alliance between some in academia and criminal justice.

The affiliation of the New York City Police Department with the City University of New York (The Baruch School and John Jay College) was the first collaborative effort to make a college education possible for *on-duty* police officers. Joining ranks in the belief that higher education for sworn officers would humanize law enforcement, their conviction sowed the seeds for the development of a profession. The implementation of the plan fell on the shoulders of Donald H. Riddle; under his leadership, it was brought to fruition a decade later.

Dr. Donald H. Riddle (1921-1999) was a distinguished leader and innovator in the field of criminal justice education. When President of John Jay University, he was once asked "How do you educate the police?" His answer: "Like everyone else," became legendary and helped set the direction for curriculum and research in the field. His vision and understanding of the special mission of an urban university was realized during his tenure as Chancellor of the University of Illinois at Chicago. His wisdom and dedication to higher education and the field of criminal justice were an inspiration to faculty and students. The authors were privileged to know Don Riddle as a friend and mentor and are honored to dedicate this book to his memory.

We also honor (former) Dean Victor Strecher and the faculty of the School of Criminal Justice at Sam Houston State University for securing the funding for the first endowed chair in criminal justice—the George J. Beto Chair. Sam Houston remains an important institution of higher learning that emphasizes and supports research in criminal justice.

James W. Osterburg
Richard H. Ward

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J.W.O.
R.H.W.

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For the third edition, Bill and Julia continued to offer their advice and editorial assistance. For this and for their understanding of the demands on my time, I am most grateful.

Jim Osterburg

Preface

The aim of this text is to present the fundamentals of criminal investigation, and throw light on their application to some of the more important felonies. Issues presently plaguing law enforcement world-wide, such as terrorism and enterprise crime, also pass under review. It immediately becomes obvious that the scope of the material is so wide it cannot all be covered in one college course. Accordingly, the instructor may choose to emphasize certain areas because they are timely, or are more difficult to comprehend and can profit from classroom discussion. One teacher might emphasize the fundamentals of the investigative process treated in Section I; another, the solution of specific crimes, the subject of Sections II and III. Selected specialized topics covered in Section IV may appeal to one instructor more so than another.

Another goal is to help the general reader understand how detective work should be performed, and, most important, to demystify the investigative process. To the extent that criminal investigation is perceived as part and parcel of a more universal kind of inquiry, we will have succeeded. Human beings, it must be agreed, have always acknowledged their need to understand the past. In the study of ancient history, this understanding relies largely on what records survive from that era; in criminal investigation, on the other hand, reconstructing a past event (i.e., a crime) is based on evidence developed by the forensic laboratory, from questioning people, and from examining records.

There are numerous reminders throughout the text that criminal investigation must be conducted within the framework of our democratic system. Hence, those United States Supreme Court decisions that affect the investigative function are quoted extensively. They reveal the inherent tension created by the state's obligation to enforce the law while protecting a citizen's rights under the Constitution. In addition, the Court's carefully crafted opinions expose the student to legal reasoning at its best. Although courses in criminal procedure are covered in the criminal justice curricula, we believe that issues which have been or will be brought before the court are better comprehended when there is an awareness of law enforcement's perspective as well as that of the civil libertarian's.

Whatever may be the need for information, it is fairly obvious that the ability to conduct any type of inquiry can be honed by studying the investigative process. For example, one of the most important decisions a person ever has to make involves the purchase of a house. If the buyer acts in the knowledge that all three sources of information—physical evidence, people, and records—must be examined before making an evaluation, the decision is more likely to be wise and prudent. By physical evidence we mean the quality of materials

and construction; the environment (water supply, air quality); and the existence of alternative modes of transportation. As for people, information can be gleaned from potential neighbors, school officials, real estate agents, and friends; whereas records comprise such things as deed of ownership, taxes, and mortgages. The point of this example is that the study of the investigative process is educational in the best sense, and not merely vocational training.

We believe this text will have a wide appeal. Its heuristic approach to the investigative function—which stresses the significance of the three basic sources of information—will not only enlighten the average reader and serve the needs of the police detective, but those of many other kinds of investigator. A partial list might include: those employed by public prosecutors, criminal defense attorneys, public defenders, medical examiners and coroners; the army, navy, air force, coast guard, and inspectors general of governmental departments; insurance companies; and crime commissions; as well as arson investigators, fish and game wardens, investigative reporters, and private detectives.

The authors have continued with the reorganization adopted for the second edition, better to accommodate the text for a quarter or semester course of study. It is now divided into four sections. The first discusses the basics of criminal investigation. The second illustrates their application to many of the major felonies. Instructors and students are given several kinds of specialized investigations and topics to choose from in the remaining two sections. We believe that dividing the material in this fashion has not only preserved the text's comprehensiveness, but it has also rendered the material eminently more teachable. The first two sections constitute the heart of the investigative process; the last two offer enrichment—to be savored as time and desire permit. A new chapter on automobile theft and its use in crime has been added in response to user request. The chapters on terrorism and computer crime have been substantially rewritten; and text throughout the book has been updated where appropriate.

The authors thank the many users who have commented on the readability of our text, and trust that the new material is of similar quality. Suggestions from instructors and students alike are most welcome.

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