

# THE PROCESS OF INVESTIGATION

CHARLES A. SENNEWALD



**Concepts & Strategies  
for the Security  
Professional**

# The Process of Investigation: Concepts and Strategies for the Security Professional

CHARLES A. SENNEWALD

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BUTTERWORTH PUBLISHERS INC.  
Boston London

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**Library of Congress Cataloging in Publication Data**

Sennewald, Charles A. 1931-  
The process of investigation.

Includes index.

1. Criminal investigation. 2. Detectives.

I. Title.

HV8073.S39 363.2'5 80-22802

ISBN 0-409-95018-1

Published by Butterworth (Publishers) Inc.  
10 Tower Office Park  
Woburn, MA 01801

*Printed in the United States of America*

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# Preface

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For too long, the art and science of professional investigation has been deemed the exclusive realm of the public sector. Text books on investigation have traditionally been written by and for those in public law enforcement and, invariably, these books include such topics as homicide and rape. Although interesting, these subjects have little, if any, practical application for investigators in the private sector.

The close of the '70's and the beginning of the '80's mark a new era in the security industry, an era of professionalism. The private sector has come of age, and has its own rightful place in the sun!

This book was written to serve the needs of this new professional class of investigative practitioners. I have tried to cover in detail those investigative skills which are so essential in private security investigation: surveillance techniques, interviewing and interrogation, evidence, confessions and written statements, among others. An effective book on investigation must go beyond mere detail, however; the investigator works in the real world and the book must deal with the day-in and day-out challenges which confront him. Throughout the book, I have included cases and examples based on my own experiences. In dealing with these various situations, I discuss the approaches and strategies which have helped me in the hope that they can be of some assistance to others.

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# CONTENTS

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<b>PREFACE</b>	vii
<b>I. FUNDAMENTALS OF SECURITY INVESTIGATION</b>	1
Chapter 1. The Investigative Process	3
Chapter 2. Differences Between Public and Private Sectors	11
Chapter 3. Qualities of the Investigator	19
Chapter 4. Managing the Investigative Function	31
<b>II. THE METHODS OF SECURITY INVESTIGATION</b>	45
Chapter 5. Undercover Investigations	47
Chapter 6. Surveillance	57
Chapter 7. Background Investigations	71
Chapter 8. Discovering Covert Crimes	82
<b>III. BUILDING A CASE</b>	99
Chapter 9. Interviewing and Interrogation	101
Chapter 10. Evidence	117
Chapter 11. Written Admissions and Confessions	133
Chapter 12. The Use of Informants	144
Chapter 13. Report Writing and Note Taking	157

<b>IV. APPLYING INVESTIGATIVE STRATEGIES</b>	<b>168</b>
Chapter 14. Identifying Suspects: The Who of Investigation	171
Chapter 15. Finding Information: The Where of Investigation	181
Chapter 16. The Time Factor: The When of Investigation	197
Chapter 17. Crime and Solution: The How of Investigation	205
Chapter 18. Establishing Motive: The Why of Investigation	216
<b>SOURCES</b>	<b>227</b>
<b>INDEX</b>	<b>231</b>

# **I. FUNDAMENTALS OF SECURITY INVESTIGATION**

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## Chapter 1

# The Investigative Process

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An investigation is the examination, study, searching, tracking and gathering of factual information that answers questions or solves problems. It is more of an art than a science. Although the person engaged in investigation is a gatherer of facts, he or she must develop hypotheses and draw conclusions based on available information. The investigative process, that is to say, is a comprehensive activity involving information collection, the application of logic, and the exercise of sound reasoning.

The end result of an investigation is the factual explanation of what transpired, if the incident or issue is history, or what is occurring, if the issue is of the present.

The investigative process is not limited to the criminal justice and security fields. It is an activity found, to one extent or another, in virtually all areas of human endeavor. Academicians are investigators, supervisors faced with disciplinary problems are investigators, medical doctors are investigators — just to name a few. Sherlock Holmes with deerstalker hat and magnifying glass may be the art's most familiar image, but investigation does not belong exclusively to the realm of cops and robbers.

Just as the art of investigation belongs to no one province, so no one has all the answers as to precisely how any investigation can lead to the desired solution. Too many facets are involved in the process of information collection, application of logic and sound reasoning. Some such facets include intuition, luck, mistakes and the often touted “gut feeling.” No single textbook of formulas is possible; no one book (or author) can stand alone as the ultimate authority. Our purpose, then, is an overview of investigative concepts, strategies, suggestions, guidelines, hints and examples that can be useful to any investigator.

## Two Categories of Investigation

There are two categories of investigation: *constructive* and *reconstructive*.

Constructive investigations are covert in nature, performed in secrecy. This type of inquiry occurs while the suspected activity is taking place or anticipated. An example might be an investigation into a complaint that a member of middle management solicits sexual favors from female subordinates and reaps favors accordingly. The purpose of the constructive investigation is to determine if objectionable activity is taking place.

Reconstructive investigations are necessary when an event has taken place and the investigator must recreate what happened after the fact. This type of investigation is usually overt in nature, carried out in the open.

## THE INVESTIGATIVE PROCESS

As it pertains to the security industry, the investigative process is organizationally oriented as opposed to being community oriented. Its objective in this setting is to seek answers to the basic questions — the what, who, where, when, how and why — regarding a condition, incident or action deemed organizationally unacceptable, or to meet organizational objectives. Internal dishonesty, for example, is an organizationally unacceptable activity. The background investigation of a prospective new employee would meet one organizational objective.

Most of the investigative process takes place in the collection of information. This gathering or collection is based on *communication* and *observation*. The answers to the six basic investigative questions will be developed through communication — that is, the written or spoken word — or by observation — that is, physical evidence that can be observed (whether by human eye or microscope), touched, or in any way quantitatively measured.

### Communication

Communication includes information received from informants, information developed through the interview process, and information obtained in interrogations.

Consider a simple example. A homeowner, hearing the glass of his front window breaking, runs to the room and commences an immediate inspection to determine the cause. He observes a baseball lying among the pieces of broken glass. Sticking his head out of the broken window, ball in hand, he shouts to a silent group of youngsters in the street. “Okay, you guys, which

one of you did it?" As he asks the question, simultaneously he observes that a boy named Harry is holding a baseball bat. Based on the facts thus far gathered, he forms a hypothesis that Harry struck the ball with the bat, causing the ball to enter the homeowner's living room through the window.

Up to this point the homeowner, in a natural investigative role as a victim, has had only the benefit of his own powers of observation in forming his hypothesis. But now a couple of the boys in unison say, "Harry did it." The investigative process has advanced through communication from informants. "Did you do it, Harry?" asks the homeowner. "Yes, sir," answers Harry, dropping his head. The question and its answer are two other basic elements of communication — interrogation and admission.

Ideally, as in this example, the investigator's work is simplified if given some direction by an informant, if witnesses are available and willing to cooperate, or if a suspect is known and can be interrogated. Such simplification is not to suggest that all is easy in the communications aspects of investigation. Quite the contrary! Developing informants, or developing a climate in which employees or non-employees will voluntarily confide in you, is not easy. It takes talent. The ability to extract painlessly all the information a witness may have requires training and experience. Only a skillful interviewer can get the specialist to explain the workflow of the finance unit so it is comprehensible and understandable. Finally, the ability to interrogate, and in that interrogation to obtain voluntary admissions and confessions, requires a high level of skill.

The point to be drawn is that communication, although not necessarily easy to manage well, is often extremely helpful to the investigative process. Unfortunately, it is not always available. In such circumstances the investigator must rely totally on observation, at least during the initial phases of his inquiry, as he seeks to know the What, Who, Where, When, How and Why of a situation.

## Observation

Scientific technology, in such areas as fingerprinting, infrared photography, motion picture photography, videotape and document analysis, to name but a few, plays a vital role in the observatory aspects of modern investigation. In this writer's judgement, perhaps too much emphasis has come to be placed on technology and too little on man's powers of observation.

This is not to suggest that, because new cars are too sophisticated, we should return to the horse and buggy. It is to emphasize that the common denominator of both the buggy and the car is to take one from point A to point B. Total reliance on the car could lead to immobility if it breaks down or

gas supplies run short. In an investigation we want to get from point A to point B, and we should be able to walk, ride a horse, drive a buggy, ride a bicycle or use any other means of progress available to us.

A far wider range of important information is available to us through our own powers of observation than through the use of a laboratory. To see, to touch, to smell and to hear are all forms of observation. Did you ever touch the hood of an automobile to determine if it had recently been driven as evidenced by its warmth? Did you ever mark the label on a bottle of liquor to determine later if someone was taking unauthorized sips? Such uses of the power of observation are as natural and commonplace as eating and breathing. Consider the example of a woman shopper who returns to her new car, parked in the shopping center's lot, only to find a scratch, dent or ding in her car door. It is predictable (natural and commonplace) that this unskilled woman will promptly inspect the adjacent automobile to determine if any part of that car reveals, at a height corresponding to the damage to her car, any evidence of paint fragments that would prove culpability — coloration of victimized vehicle on suspect vehicle, or vice versa.

If, in fact, the power of observation is natural and commonplace in seeking investigative answers and solving problems, why is it that those who are professionally charged with conducting investigations fail to understand, fully appreciate and maximize such powers? The answer, perhaps, can be found in modern technology, which mitigates against our need to fine-tune our own faculties.

Just a few decades ago people had to rely on their own resources. We do not. We hardly tap our capabilities because we do not have to. In our advanced and sophisticated society, there is relatively little need to be observant. Take the weather as an example. Today we have televised reports on tomorrow's weather based on the sophisticated use of satellite photography. Whatever the weather service predicts, we accept. Yet, even now, there are men and women who can predict the weather with remarkable accuracy by observing nature in the raw — by observing cloud formation, density, coloration, direction, temperature fluctuations, etc. Divers and fishermen will tell you that on a calm day when all the seagulls sit in the water, bad weather is coming fast — and their predictions are at least as accurate as official forecasts. In terms of his observatory skills, man is only as resourceful as his needs.

Consider life and death. "Natural births" are currently in vogue. To observe, if not assist, in delivery is quite a revelation to most people today. In the not too distant past, most births were "natural." As for death, what can the urban man or woman know of the natural phenomenon when we live in a society where one's loved one usually dies in a medical facility and is wheeled away while the grieving survivors are ushered out, and the "remains" are not seen again until presented for viewing? In the recent past, the body, with all of

the changes that naturally occur, was observed by the survivors. They saw, felt and, if there was undue delay, smelled the effects of death. They may not have used the words now employed, but they knew *post mortim lividity* and *rigor mortis*, and a great deal more.

### An Historical Example

To illustrate the point that the power of observation is indeed powerful and natural to man, as well as to engage in a preliminary investigative exercise, let us look back at an incident occurring a century ago during the settlement of the American West. The careful inspection of a scene of devastation left by marauding Indians would reveal evidence as to the tribe or nation of the attackers, the approximate time of attack, the escape route and much other valuable information. Through observation, and observation alone, plausible answers might be obtained to the six basic questions that make up the ageless formula or strategy of an investigator's quest: to recreate or reconstruct the incident in question.

The accompanying map tells part of the story (Figure 1-1). Examine it carefully. The incident is reconstructed through the answers to the six basic questions.

*What happened?* Two straggling wagons with a party of three men, two women and five children were attacked by Indians. All were killed with the exception of a female child about ten years old. She was taken by the attackers. Death for the others was caused by gunshot, arrow and lance wounds. Two horses, all firearms, and an unknown quantity of foodstuffs were taken. Only one scalp was taken.

*Who did it?* An Indian party of not more than twenty braves, as evidence by the hoof tracks of their ponies. Arrows found at the scene were distinctively Sioux in terms of shaft and fin construction.

*Where did it happen?* On the Oregon trail, two days by horseback east of Fort Laramie.

*When did it happen?* Around daybreak on August 28, 1857. Discovery of the massacre was made just before noon by six riders from the main wagon train returning to check on the stragglers. In one fire pit a few small, hot coals were found at the center and bottom of the pit. A full kettle of water sat near the fire pit, as though about to be placed over the fire. All nine bodies evidenced *post mortim lividity*. (Blood in the dead body all flows, by the force of gravity, to the lowest part of the body, causing permanent dark discolora-

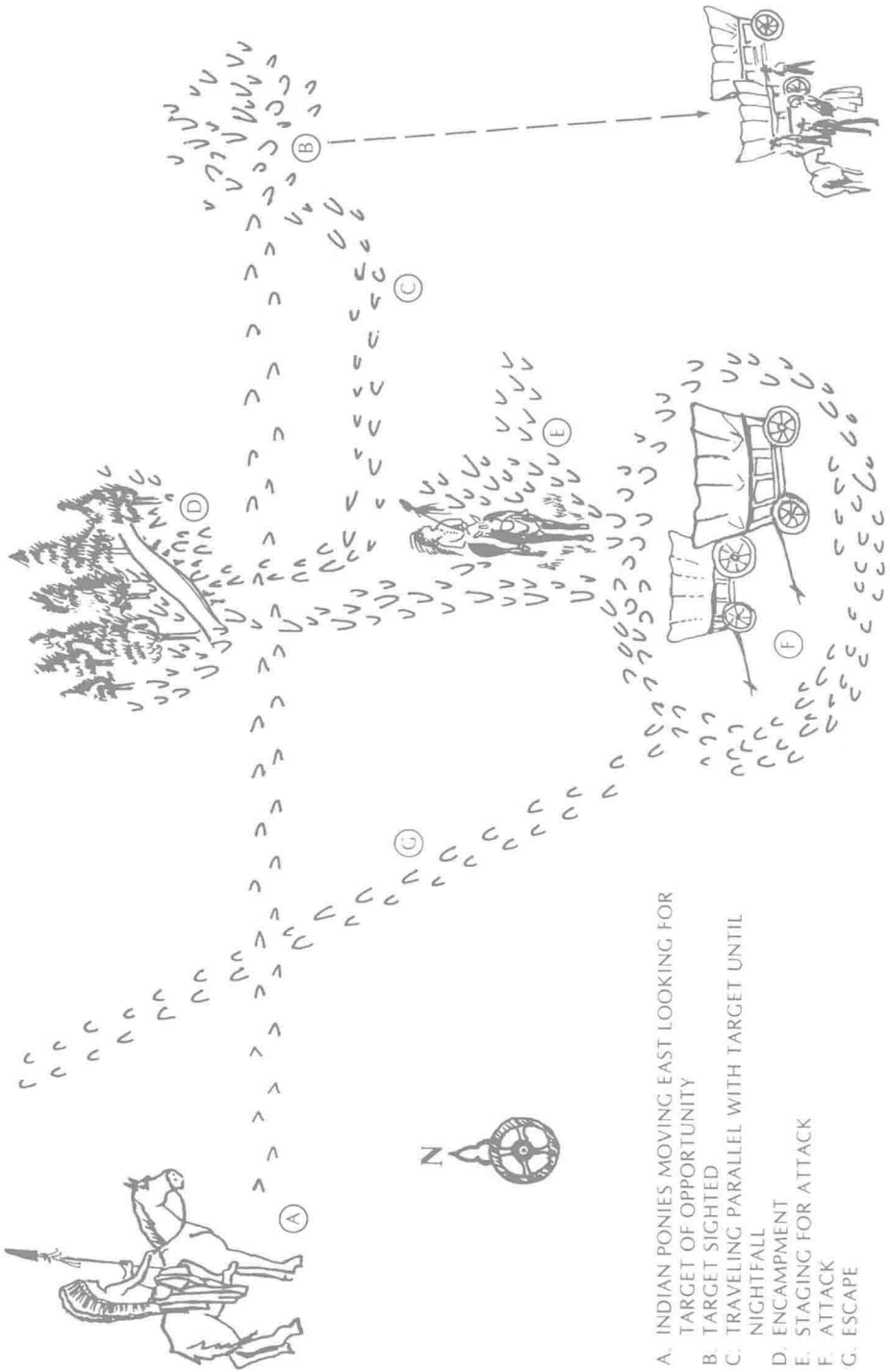


Figure 1-1. The scene of the hypothetical Indian attack.

tion there.) *Rigor mortis* had set in, detectible in the jaws and neck of one woman and one child. (*Rigor mortis* commences on the average of three-to-six hours after death in the uppermost part of the body and continuing down to the feet. The upper half of the body is usually rigid within twelve hours and the whole body within about eighteen hours. The rigidity leaves in the same way it commences — in the neck and jaws — and completely disappears some thirty-six hours after the onset.)

The adults were all dressed. The four boys were half-clothed. Fresh coffee grounds were strewn about the ground between one wagon and the fire pit. The oxen had not been hitched. The quantity, location and age of horse chips found, along with the presence of two saddles, indicated that two horses belonging to the emigrants had either run off or, more likely, been taken. The discovery of a doll and a small girl's soiled clothing, and the absence of a female child's body, indicated that the girl was carried away by the Sioux. An examination of articles left behind verified that everyone else in the emigrant party was accounted for — nine dead and one missing.

Spent cartridges confirmed that some defensive shots were fired, but there was no evidence that an attacker was hit, at least seriously enough to bleed in any quantity. The disarray of food containers, and the absence of any defensive weapons, suggested to the observers that the attackers quickly searched for food, weapons and munitions, seized the two horses and the girl, and left at a gallop, as though frightened away. Failure to slaughter the oxen or torch the wagons remained a mystery.

All this occurred at around 6:00 a.m.

*How did it happen?* The marauding party, moving in an easterly direction parallel to the Oregon trail, happened upon the stragglers sometime around midday the previous day. In all probability the Indians had watched the main wagon train and opted not to attack because of its apparent strength. They rode east, parallel to the trail, apparently looking for more vulnerable potential victims. Upon sighting the stragglers, they reversed direction and rode parallel to the two wagons, unseen, some 800 yards north of the main trail.

At nightfall the Indians slept in a ravine. No fire was made. Before dawn the Sioux, at first in a troop, walked their ponies to within 200 yards of the wagons. The attackers then spread out, mounted and formed a single line. The early morning fire silhouetting the unwary travelers must have encouraged the Indians to attack. They rode hard down on their hapless victims, veering into a clockwise encirclement, and killed the obviously unskilled emigrants, with the exception of the girl who was carried away.

The actions of the Indians prior to and during the attack could be determined by following their own sign. The tracks left by the galloping ponies leading away from the scene bisected the tracks of a corresponding party running parallel to the main trail but going eastward. Horse chips found in that



eastbound trail were crusted on the surface with some moisture inside, suggesting they were about twenty-four hours old. Following the eastbound tracks led observers to the ravine where the Indians had camped during the night, as evidenced by ground disturbances showing the bunching of the ponies, where men had urinated, and where they had lain upon the ground. The absence of what should normally have been observable is also informative. At this campsite there was no fire, nor food scraps. The latter detail suggests one possible explanation for the attack.

*Why did it happen?* Certainly a contributing factor to the attack was the apparent need for food. What happened to the party's normal source of food could not be determined. Other factors such as the treatment of the Indians by some settlers and the military, the issue of territorial intrusion, and the question of ethnic antipathy — all this was orchestrated together to bring out this small party of Sioux on a mission that was to end in the death of nine settlers and captivity for one.

### The Creative Process in Investigation

The forgoing experience may appear to involve a considerable amount of creative imagination. That does not make it inappropriate — just the opposite. Be it reconstructive or constructive, the development of information by communication or by observation, the entire investigative process is as creative in nature as it is scientific.

Investigation is an imaginative process. Despite all of the modern technological assistance available to the investigator, and regardless of what marvelous things machines and computers can do, for the successful investigator there is no substitute for the God-given gift of imagination and creativity.