Criminal Investigation Handbook

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# CRIMINAL INVESTIGATION HANDBOOK: Strategy, Law and Science

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## **Dedication**

This book is dedicated to the memory of my Father, Flavio C. Mauriello (1928-2001), and to my mother, Grace A. Mauriello. It has been their love, guidance and devotion to family values that have allowed me to fulfill my life ambitions, and in turn has contributed to the success and happiness I have experienced throughout my life as a son, student, husband, father, teacher, author and public servant.

—Your loving and devoted son, Tommy

T.P.M.

This treatise, *Criminal Investigation Handbook: Strategy, Law and Science*, has been written for *all* those who are responsible for conducting criminal investigations and for those who need to understand the activities of the investigative process. They include: police, federal special agents and investigators, governmental administration and security agencies, as well as prosecutors and defense attorneys who use the products of such investigations in their daily practice. It is designed to provide readers with the law applicable to virtually all phases of modern investigations in the United States. It provides them with practical advice as to how best to prepare cases for ultimate presentation in court, and to make them aware of the most likely points at which their evidence is vulnerable and subject to attack.

The Handbook answers not only the basic interrogatives of the investigation field: WHO . . . WHAT . . . WHERE . . . WHEN . . . and HOW, but, like no other treatise, *Criminal Investigation Handbook* also answers the question WHY:

WHY should the investigative report be all encompassing?

WHY should the investigator consider the actions of the entire criminal justice system and look at the investigation as a process?

WHY does the investigator need to understand the value and principles of the forensic sciences and the capabilities of the crime laboratory?

WHY should the investigation begin with a strategic view of the end of the judicial process?

This Handbook combines the in-depth analysis of a treatise with the how-to and why-to assistance of a practical guide. It aspires to be both substantive and practical. Suggestions are made herein as to the most effective way to proceed in investigating a criminal case, what evidence is the most probative not only from the perspective of satisfying the basic elements of the crime charged, but also from the point of view of convincing the judge or jury that the accused is guilty of committing, aiding or abetting, or soliciting the commission of that crime.

#### The Handbook focuses on:

- Investigative Protocol
- Collecting, Preparing, and Preserving Physical Evidence
- Interviewing Witnesses
- Documenting the Investigation and the Investigation Case File
- Scientific Laboratory Examination Requirements
- Legal Considerations
- Forensic Interviewing of Suspects
- Presenting the Case to the Court and Expert Testimony
- Identifying and Eliminating Weaknesses in the Investigative Process
- Current Crime Statistics
- Developing a Strategic View of the Whole Investigative Process

#### It includes:

- Detailed Checklists
- Sample Investigative Forms

- Scientific Evidence Processing Requirements
- Illustrations and Photographs
- Identification of State, Local and Federal Agency Support Services
- World Wide Web Internet References
- Special Supplements

What makes *Criminal Investigation Handbook* so valuable is that it never is out-of-date. Since it was first published in 1990, each year updated material replaces outdated material and new material is added to ensure that the contents are always current.

This book is divided into three parts. Part 1, GENERAL LEGAL PRINCIPLES AND TESTIFYING IN COURT, covers four topics: the management of criminal investigations, the elements of proof of a crime, basic rules of constitutional evidence, and testifying and the use of evidence in court. The presentation of evidence in court proceedings and the testimony of investigator witnesses who are used to authenticate physical evidence, testify concerning their investigations and sometimes act as expert witnesses. We have tried to present a glimpse of a typical court proceeding in order to acquaint prospective witnesses, whether testifying as expert witnesses or otherwise, with different types of trial tactics. It is our hope to thereby provide the witness with a frame of reference for his own conduct as witness, both on direct and cross-examination, and when using demonstrative evidence.

Part 2, CRIMINAL INVESTIGATION METHODS, concentrates on the various methods and tools available while conducting a criminal investigation. The preliminary investigation of a case is discussed, which is usually conducted at the crime scene shortly after receipt of the initial report of the criminal incident. Following are the detailed procedures for conducting a preliminary search for evidence at the crime scene and methods of protecting that evidence until it is used at trial or a more thorough search is conducted by crime scene technicians. We then turn to techniques for interviewing crime scene witnesses and recording necessary information in the investigator's field notes and reports.

Also in Part II the preliminary investigation of a case is discussed, which is usually conducted at the crime scene shortly after receipt of the initial report of the criminal incident. Following are the detailed procedures for conducting a preliminary search for evidence at the crime scene and methods of protecting that evidence until it is used at trial or a more thorough search is conducted by crime scene technicians. We then turn to techniques for interviewing crime scene witnesses and recording necessary information in the investigator's field notes and reports.

The collection, processing and preservation of physical evidence (fingerprints, firearms and ballistics, tool marks, questioned documents and trace evidence) are of vital importance to a successful prosecution since they provide information about how and by whom a crime was committed. We examine each of these steps in turn and devote particular attention to the new technique of individualizing crime suspects from analysis of the suspect's DNA structure. The interrogation of criminal suspects and the use of two controversial investigative techniques-hypnosis and the polygraph-are the subject of an entire chapter.

During the evolution of this treatise, a new chapter was added to Part 2. The chapter added was *Computer Forensics*, an acknowledgement of the fact that the Information Age brings new criminal behavior requiring new highly technical methods for combating it.

Part 3, INVESTIGATION OF SPECIFIC CRIMES, presents the particular processes involved in the investigation of specific crimes such as theft, burglary, rape and other sexual

offenses, criminal death, drug offenses, white collar crime, organized crime, homicide, robbery, larceny and other property crimes, burglaries, drug, and the most recent addition, arson investigations. Each of these crimes is discussed in detail, first from a legal perspective, and next from the perspective of the investigator who often must understand the investigative techniques unique to these particular types of crime. Each year the Handbook's new release provides the most current FBI Uniform Crime Reports (UCR) statistics for each major crime index presented.

In 2002 the Terrorism Investigation and Homeland Security chapter was added in response to the September 11, 2001 terrorist attacks. This chapter examines the role of federal, state and local law enforcement as part of the U.S. national security community to combat terrorism.

There are two special supplements presently included in the Handbook: The 2002 Washington, D.C. Area Sniper Shootings — A Case Analysis of the Multi-Jurisdictional Investigation and The Simpson-Goldman Murder Investigation — Analysis of the Investigative Issues, identified as APPENDICES 1 and 2, located at the back of the handbook just after Part 3. These criminal cases are offered by the author as "case studies" that exemplify the significance of utilizing the knowledge and processes presented in this treatise.

It has been a monumental task over the years since it was first published in 1990 to compile a book of this nature and scope. The depth of its technical expertise could not of been achieved without the assistance of the many persons listed below. To the following I wish to express my most sincere and heartfelt appreciation and thanks:

- —Lt. Richard H. Townsley (retired) of the Anniston, Alabama Police Department; Robert L. (Beau) Moulden and Jeff Johnson, U.S. Department of Defense.
- —The following police departments; University of Maryland (College Park) Police Department; Baltimore county Police Department; Los Angeles Police Department; New York City Police Department, Metro-Dade County Police Department; Houston Police Department, and Chicago Police Department; Washington, D.C. Metropolitan Police Department; Kansas City (Mo.) Police Department; Seattle Police Department; San Francisco Police Department; Maryland State Police Crime Laboratory.
- —Lieutenant (Lt.) Maurice R. Hicks, Sr., Princes George's County Police Department, Maryland. Lt. Hicks was a contributor to the 1997 revised chapter dealing with drug investigations.
- —Cindy Piazza Capps, former FBI agent and Summa Cum Laude graduate of the University of Maryland. She was a contributor to the 2002 release by rewriting the chapter on the use of informants. Cindy was a special agent with over 15 years experience working with criminal and foreign counterintelligence informants in the FBI's Orlando Resident Agency, in the Los Angeles Division, and in the Washington Field office.
- —The following laboratories: Cellmark Diagnostics of Germantown, Maryland and Lifecodes Corporation, formerly of Valhalla, New York, now in Stamford, Connecticut.
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- —Dr. Arnold (Skip) L. Amass, Pharm.D., who has been a continuous consultant to me in the areas of drugs, narcotics, controlled dangerous substances, and chemical analysis.
- —Steve Mauriello, Forensic Locksmith (the author's cousin), who introduced me to the field of investigative locksmithing and provided expert consultation, and photographic illustrations to present this new forensic examination to my readers.

- --Laurie J. Gianquitto, Larry L. Davis and David Darchicourt for their excellent illustrations throughout the handbook; and Brad Weatherby for his photography and computer graphics expertise.
- —Pieter N. Lucas, a criminal justice student of mine and a Howard County Maryland, public safety professional, who was responsible for a significant amount of research and updating done to Release 16 of this treatise.
- —And to the editor of the original manuscript at Matthew Bender, the late Michael Morrissey, whose reasonableness and patience made the completion of this book possible. His untimely passing has left a void in all those he touched; thanks also to the many other staff members at Matthew Bender to whom fell the task of final preparation of the original manuscript for publication and whose task continues for each release; and finally a special thanks to the editors over the years who have been responsible for ensuring that this treatise is always current, accurate, and timely. They are Ellen Pall, Michelle Zeppetello, Amanda Pisani, Melissa Eisen, Judith Anderson, Michael Bisaccio, Sal Petruzelli-Marino, Carolyn Sapone, Brett Kurzman, Vicky Stebbins, and Linda V. Bittel.

The original manuscript and the first four releases of this book were co-authored by Dr. Barton L. Ingraham and myself. After the fourth release was published in 1994, Dr. Ingraham retired from the University of Maryland and ended his continued contribution to future releases. Although Dr. Ingraham is no longer associated with this book today, his heart and soul remains the very foundation of its success. Dr. Ingraham's brilliance as a teacher, writer and legal authority directed the course which *Police Investigation Handbook* and now *Criminal Investigation Handbook: Strategy, Law and Science* has traveled. His professional and academic experience, both as an Attorney and Professor of the Criminal Justice Sciences, inspired much of what is written in these pages. I personally owe a great debt of gratitude to him for his faith in me when he asked me to share the responsibility for this undertaking. He has been a mentor and a source of wisdom for me over the years and my professional life has been enriched because of it. I will always remember the lessons I learned from Dr. Ingraham, as I continue the journey of ensuring that this treatise is always current, valid, and dynamic.

Finally, a special thanks for the love, support and encouragement I have received from my wife, Laurie, and my children, Scott, Leah, and Katelyn. Over the years, we have had to sacrifice family quality time in order for me to work on the manuscript and meet publication deadlines.

I encourage those professionals who are using this Handbook to share their comments and suggestions for future releases. My email address is tmauriel@crim.umd.edu.

Thomas P. Mauriello

## About the Author

Thomas P. Mauriello has over 35 years of diverse professional experience, including service with the U.S. Department of Defense as a Special Agent; Chief, Uniformed Police; Chief of Staff, Office of the Director of Crime and Narcotics; Chief, Occupational Health, Environmental and Safety Services; Chief, Security Operations Center; Senior Polygraph Examiner; Congressional Investigator for the United States Senate Permanent Subcommittee on Investigations; Director of the Interagency Operations Security Support Staff and Deputy Director for Security Education, Training and Awareness. He is presently Chief of Polygraph, for the Associate Directorate for Security and Counterintelligence. He is a former police officer; investigator; and police-community relations officer for the State of Maryland; as well as a forensic hypnotist; lecturer; consultant; and public speaker.

His concurrent adjunct academic career includes teaching, mentoring, and managing the Crime Laboratory for the University of Maryland at College Park, Department of Criminology and Criminal Justice. During the past 32 years on the faculty, he has been teaching academic courses in criminal justice administration, investigation, forensic sciences and criminalistics; as well as writing curriculum, presenting workshops and providing in-service training courses in these subjects. He is a forensic sciences consultant who is regularly interviewed on local and national television and radio news and talk shows, commenting on topics related to forensic sciences, criminal investigations, and the criminal justice process. He has appeared on ABC's World News Tonight; CBS News Sunday Morning; Fox News Channel's, The O'Reilly Factor; and MSNBC's Lester Holt Live. His most notable commentary was during the O.J. Simpson trial in 1994, the 2002 Washington Sniper Shootings, and as the on-camera forensic sciences investigator for the Discovery Channel's 2004 Documentary, The Lizzy Borden Murders. His book, "The Dollhouse Murders," illustrates the crime scene investigation process and how forensic evidence solves crime using one-inch-scaled dioramas ("dollhouses") to present the elements of real-life crime scenes.

He is a certified instructor for the Maryland Police Training Commission; Adjunct Faculty for the National Cryptologic School, Defense Security Service Academy, and Joint Counterintelligence Training Academy; and a member of the University of Maryland Speakers Bureau. His public speaking experience has involved presenting hundreds of counterintelligence awareness briefings for the federal government and private industry; crime prevention presentations in the community; lectures at university and law schools; and guest speaking for civic and interest groups. An accomplished speaker, he has produced a public speaking skills training program entitled Motivation through Communications and has presented this program throughout the United States and Europe for professional groups wishing to increase their effectiveness in the art of public speaking.

He holds the degree of Bachelor of Arts in Criminology from Suffolk University, Boston, Massachusetts; and the degree of Master of Forensic Sciences from The George Washington University, Washington, D.C.

The views presented in this book are those of the author and do not necessarily represent the views of the U.S. Department of Defense or its Components.

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A COMPLETE SYNOPSIS FOR EACH CHAPTER APPEARS AT THE BEGINNING OF THE CHAPTER

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