

CRIMINAL

INVESTIGATION

DIGEST

This comprehensive manual describes how to conduct successful criminal investigations. The practices discussed are useful to law enforcement officers and investigators in all areas of the country. Included are detailed guidelines for obtaining evidence through interrogation, informants, search warrants, telephone inquiries, consent searches, undercover operations, and other investigative activities.

W. E. Renoud

*Bureau of Police (Retired)
City of Portland, Oregon*

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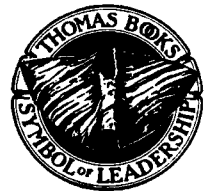
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By

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PREFACE

YEARS AGO I was asked by a police promotional board: “Why do you want to be a detective?” My answer was that I had achieved some success in interrogation from plainclothes assignments. My experience as a uniform officer has taught me that the follow-up investigation creates challenge. The detective is the fact finder in charge of the investigation, and he makes the necessary crime scene decisions. He also has the option of working police informants. My goal in law enforcement is to detect and solve felony crimes.

To test for perception and logic the board next asked: “What have you done as a police officer that was innovative?” It would be fun to have that question asked now, but here’s the answer I gave: My partner and I were working uniform in the days before they put stripes down the legs of police trousers. While on patrol one evening a robbery description including the license number of a suspect auto was broadcast over the police radio. We spotted the robber’s car parked in front of a tavern. It was happy hour time, and the place was filled with people. We could see problems identifying the right person and knew from the reputation of the joint that a hell of a fight would soon erupt if we tried to take the robbery suspect inside. Radio was notified of the facts and put us out of service for a stakeout. There’s always a way to solve a problem, and trickery is fair! Off came my police uniform and gear down to my T-shirt and blue pants. My partner was laughing at me, asking why the striptease. I told him to just watch for the guy when he comes out to get his car and be prepared to take him. Then I walked into the bar, mixed with the crowd, and ordered a beer. Taking a big swig I announced in a loud, friendly voice, “Whoever owns that red Plymouth in front better move it. The police are always towing cars, and that car is parked in a no-parking zone.” The robber, who damn well didn’t want a hassle with the police, went out to move his car. Surprise! I was right behind him and my partner showed up to the side of him. Robber arrested, money recovered, and no trouble.

Criminals who murder, rob, rape, and commit crimes too numerous to mention are turned loose hourly on technicalities. Who’s to blame? Is it the police or the courts? An impasse. In the eyes of the court a police officer fails if he does not properly advise a suspect who has committed a crime of his constitutional rights, so a suspect goes free to commit another criminal act against humanity. The police go beyond the scope of a search in a criminal investigation, and the evidence needed for conviction is suppressed by the court. Deliberate acts? No. Inexperience and confusion? Yes. Interpretations of today’s laws pertaining to a confession and/or search and seizure of evidence are an enigma. Two different judges in two different courtrooms will often rule differently on the admissibility of warrant-seized evidence. Can it be expected that a police officer be sure as to each circumstance of evidence procurement in a criminal investigation? No. A good

reason is that the street cop faces a dilemma of changing evidence seizure situations.

The material for solutions of evidence procurement written in this book has been court tested. Oregon law is used for statute requirements, but federal law conformance is met. The tested interrogation techniques and evidence seizure by warrant examples would be admissible in any state of the union, as they follow the guidelines of legislative law. All data provided to the reader is based on true felony crime investigations.

As we explain criminal investigation by objectives, we will use the career detective as the identity who puts experience to practical use in daily evidence conflicts. Street cops, uniform officers, or detectives are dedicated to the line operation to insure that the rights of the citizen are not violated. The uniform officer makes the initial investigation, and the follow-up work is handled by the detective.

In the progressive city of Portland, Oregon, our Bureau of Police defines a detective by rank that is attained by promotional examination. The detective has the same pay scale as a uniform sergeant; the next promotion elevation is the rank of lieutenant. An investigator is generally a plainclothes officer from the Uniform Division below the rank of sergeant who is on special assignment. The detective becomes trained to a high degree, allowing him the command role needed at a crime scene for the performance of the investigation and has rank commensurate with his authority. It takes great responsibility and dedication to detect, prevent, or solve crime by skillful application of the law.

It takes an action person to use the techniques outlined in this book, and we police officers are action people. A uniform officer is promoted to the rank of detective; he must receive advanced training in his new responsibilities. Although his many years on the street have taught him to be a competent uniform investigator, his new responsibilities on a full-time basis now include professional gathering of criminal intelligence, interviewing witnesses and victims, interrogating suspects, recovering physical evidence, arresting the perpetrator and his associates, and clearance of felony crimes.

The investigation that is challenging, demanding, fast moving, and leading to the interrogation after arrest causes an adrenalin flow and creates personal excitement. It appears impossible to slow down in order to keep your superiors advised. After an intensive investigation and arrests made, but before the interrogation of the suspects, a captain once said to me: "You haven't told me about the arrest of the three armed felons. Where did you seize so much stolen property? The newspapers want facts of the investigation and pictures. I'm your captain! Explain what happened." My answer was, "I would be glad to tell you but, hell, you're only a captain. All night long I've been a general! I still have to interrogate the people in custody."

This story is not meant to show disrespect for a superior officer or to break down the chain of command. It does show, however, the free spirit, command responsibility, and pride obtained from a rewarding investigation on the part of a detective — the key man in charge.

I wish to acknowledge and thank retired Portland (Oregon) Police Lt. Myron Warren, the grand man of burglary investigation, for his help in my early career

as a police detective. This dedicated man believed there is a solution to every investigation problem. He became chief of detectives for the Multnomah County Sheriff's office. Portland (Oregon) Chief of Detectives Ron Still, like Myron, believes in constant training, and Chief Still gets kudos for his open-door policy and encouragement when I discussed the material for this book. Daily I have contact with police officers who have also encouraged me to publish this material. Is there a better reason for dedication to law enforcement than the support of your peers.

Faith and cooperation between team members is an integral part of police investigation. A special recognition for those qualities to my past Commanding Officer Lieutenant Erving (Blackie) Osbourn, Detective Melvin Walker, Detective Robert Wiskoff, and Officer Walter H. Martin, retired badge #62. The same qualities hold true for our two active brothers, my long-time partner Sergeant Harry Boggs and Officer Charles Moose. Harry is in charge of the Portland Police Fence Detail and Moose was my partner in "Operation Buy House."

Many thanks to Paul Killorin, Professor of English at Portland (Oregon) Community College, who helped edit the material and who is writing a book on police report writing.

Most of all I thank Janell who learned the hardship of being a policeman's wife. God bless her for the understanding and patience shown when I worked long hours on the street. She also edited and typed the manuscript. She is what you would call a neat lady!

W.E.R.

INTRODUCTION

THIS BOOK places emphasis on how to interrogate a suspect, work police informants, and prepare the most useful tool in police work: the affidavit for search warrant. Experience shows that interrogation, police informants, and search warrant expertise go hand in glove for today's professional police officer.

Written reference material in the police libraries pertaining to these subjects is scarce, and police interrogation is becoming a lost skill. The information regarding interrogation contained in police procedure manuals is meager and does not give the needed case histories for productive police investigations. The reader will find that all reference material I have written is based on true case histories, with positive solutions to the problems that appear in criminal investigation.

Too often rules and guidelines contained in the manuals are ambiguous as to the continuance of the interrogation. This vagueness allows for negative questioning of a criminal suspect. Communication is restricted. The *Miranda Warnings*, called "the advice of rights against self-incrimination," also pose unnecessary problems for many police officers. A uniform or plainclothes officer can overcome the negative approaches to questioning by priority thinking.

For instance, at the start of a custody case or in-house interrogation of a suspect, a person is taken to an interview room and immediately advised of his constitutional rights. At this crucial time, police interrogators have become self-defeated by the wrong type of thinking process. A mental defeat occurs because the interrogator is not prepared for the desired outcome: An admission or confession. Too many times we hear from another police officer that it is useless to talk to this suspect when you know he is going to ask for an attorney. However, an advise of rights properly given by a skilled interrogator often leads the person to be questioned to a decision that it is beneficial to talk to the police regarding the investigation at hand without an attorney being present. The key to this problem is mentally knowing that you as the interrogator will receive an admission, confession, or investigative lead that will insure future progress or culmination of the investigation by using priority time to your advantage. The admission to violation of the criminal statute involved is the priority with evidentiary proof included.

The admissibility of evidence that is verbal or physical hinges on proper police procurement. The legality of any evidence is open for court argument. The trial judge upon introduction of the state evidence decides whether the physical matter or verbal statements were seized within the limitations of the law. This introduction to the *ex parte* referee also allows for evidence suppression with case law from supreme court rulings applied as a guide to any decision. A similar set of circumstances from which evidence was derived and admitted does not always preclude a court decision in favor of the police.

If federal statutes pertaining to search and seizure had not been vague when written into law by the legislative body and expressed intent had been clearly

explained, police searches and seizures would be simplified. Today's court interpretations of evidence legality pose severe problems for the police and have caused a gray area of cloudy issues for many judges.

My observations force me to believe that a jigsaw puzzle of controversial court decisions has led to a resistance on the part of the police to seize warrantless evidence and has caused reluctance to question custodial suspects.

I had conversation with a detective who was investigating a burglary homicide with little progress, and his reaction to any interrogation of the primary suspect was negative. This detective was not lazy, but he was inexperienced. His reasoning for not wanting to question the suspect was that, "Only a fool would tell me anything . . . this suspect knows that I'm going to gather evidence against him so what's the use of talk between us that will lead the suspect to a prison sentence. This suspect knows that I'm not going to do him any favors. After all, he's a recidivist criminal who's been around the system longer than I have! This guy could end up in the gas chamber."

We conducted the interrogation as a team, and this suspect gave us information that led to his own conviction for murder by trying to establish an alibi that was easily disproved. One lie led to another, and a confession to the murder was later obtained. *The importance of a confession to the crime must never be discounted.*

Self-defeating attitudes the police impose on themselves when the time arrives to question a suspect are derived from lack of knowledge of the interrogation process and inexperience that always confronts a novice interrogator.

An error often made by an overconfident police officer is that he believes an admission or confession is not really necessary, as the prosecution already has an airtight case. A statement that revealed direct testimony proving the crime had already been taken from an eyewitness who observed the suspect commit the crime. The thought for today for an overconfident investigator is that the witness would testify against the suspect in court, insuring a conviction. The problem with this theory is that an eyewitness observation of a crime is not always dependable. The brief time in which a criminal act is committed often leaves room for an eyewitness to become confused as to what was really observed. And, trial time arrives with the eyewitness not always available for testimony. We have seen numerous criminal prosecutions lost by an eyewitness who was confused by the phrased questions of a defense attorney. The burden of proof in any criminal investigation initially lays with the police investigator who gathers the evidence for prosecution, and there is no substitute for a taped confession that corroborates the facts of the crime and explains seized physical evidence. *There is no evidence as conclusive as words of guilt from the mouth of the perpetrator of a crime.*

We have been told that interrogation is an art, not a science, and a special talent is essential to gain a criminal confession to a crime. I believe this is only a partial statement of fact. You must first know the social science (sociology) of interrogation in order to apply the art. Interrogation is a science; it is knowledge that can be verified and communicated to another person or knowledge of facts and laws arranged in an orderly system. Based on this criteria, here are guidelines for successful interrogation, if the methods are applied with patience and practice. The art can follow and is composed of a positive, outgoing personality from a

person who has become the great actor or a con man. I also refer to the art as salesmanship, but the person of primary importance is the closer who obtains the information. You can sell law and order all day long; but if you don't get the down payment (an admission or a confession), you have accomplished nothing. A special talent to extract the truth from a suspect is not necessary. Patience and a show of concern for the suspect combined with basic interrogation knowledge used by you as a police officer during the interrogation will achieve results. The style or manner of questioning must be one with which you are comfortable. Dedication to and study of the following material will show successful solutions to the difficult problems encountered during the interrogation sequence. *Therefore, in this book, many different tried-and-true techniques of modern-day police interrogation are revealed which make the admission and confession a reality.*

During any successful questioning of a criminal suspect, information will be forthcoming that will show criminal activities of people in crime. Former FBI Director J. Edgar Hoover — criticized by some, admired by others — insisted that all his field agents use informants. A sensible approach, as police officers, long before Hoover, found this necessary evil to be the main source of criminal information.

On a daily basis police officers meet the addict, pimp, prostitute, thief, rapist, burglar, robber, or murderer. These people for the most part are not morally educated. It is necessary to talk to these criminals in the street language they understand. The quickest means for police comprehension of different criminal behavior patterns is the active working of criminal informants.

Why does a criminal work for the police? What controls are used by police to prevent the criminal informant from committing crime while working as a police agent? The criminal informant will only tell the police a part of the truth and is an impeachable witness. How do the police determine the informant's information to be valid? How do the police legally protect this source of criminal information from discovery? *In this text the criminal personality will be explored and rules will be explained on law governing the use and control of police agents.*

Preliminary police investigation is taught at our police academies. This is generally search and seizure knowledge that will get you to the suspect's door. How do you enter the door to seize the evidence against the suspect? The answer is to write a search warrant.

Numerous dead-end cases that detectives had filed prematurely have been solved by use of informant information and the search warrant. Police officers should use search warrants as their main tool of gathering evidence instead of the last resort. An affidavit does not have to be lengthy to contain all the information needed to prove probable cause. The longer the affidavit, the more attack potential on the information by the defense in a suppression motion. Each affidavit for search warrant stands on its own information, and it must show probable cause. A rule of thumb: If a reasonable and prudent man would believe the information contained therein, a judge will certainly issue a search warrant. Let's open the doors to positive solutions. Here are several cases involving search warrant investigations.

Case: Burglary

This case called for the victim's fingerprints. An informant told us about a criminal who rented a safety deposit box at a branch of a federally insured bank. The criminal had placed money belonging to a victim in the deposit box. To get a search warrant proving the money from the crime was there would have been of little value, as there were no "bait bills" within the stolen money. If we obtained identifiable latent prints that belonged to the burglar from the money, we wouldn't prove the crime. Of little use, the burglar had his true name on the application for the rent of the safety deposit box.

SOLUTION: The answer was to write the search warrant for the stolen money to be compared to the fingerprints of the victim. We seized the money. In the same safety deposit box was an heirloom piece of jewelry that also belonged to the victim. It was not due to luck that we found money that had the *victim's* prints. This was a case where the search warrant was used as the *tool* it was designed for, to gather evidence. Though the crime was a burglary, the victim hadn't reported any jewelry stolen. He was as surprised, when identification time came to find out the piece was missing, as we were when we saw the heirloom alongside the money. A bank is federally insured, but is not a federal building. State search warrants obviously apply.

The next two examples are cases that require short affidavits. One calls for photographs of two suspects who committed a robbery. The other calls for the physical custody of three live bodies (i.e., juvenile girls) to prove a crime.

Case: Robbery

Two militant people committed a robbery of a grocery store. Information from a confidential, reliable informant revealed the victim, date, and place of crime. All these facts were verified by a police report. We had several year-old pictures of the suspects taken before they went to prison. Their physical appearance had changed, rendering these pictures useless for victim identification. To boldly go to their door and seize their bodies for identification photographs would certainly have caused violence, an "Internal Affairs" complaint, or a possible civil suit.

SOLUTION: We laid out probable cause in an affidavit for a search warrant to seize their bodies for photographs. These photographs were then placed within a group of similar people of the same race, age, and physical appearance for the purpose of identification by the victim to prove the crime.

Case: Rape

Three girls were runaways from another state. The informant stated that they were within a house with two adults in our city and that the adults intended to use the girls as prostitutes as soon as they were "broken in" by the male adult for their new trade. He also stated that the girls had been picked up at our local bus depot; they were hiding at this location; and one of the girls — thirteen years of age — had been raped in the adjoining apartment, which was vacant. He further said that the vacant apartment had a silver padlock on the door, but the hinges had been removed so entry could be gained even though the room appeared locked. He also stated that the thirteen-year-old girl was bleeding from the vaginal area

due to the entry made by the adult during intercourse. He stated that he had observed a green couch that contained blood and semen within the vacant apartment shortly after the girl was raped. He finally stated that the male adult told him in private conversation that he had a venereal disease.

SOLUTION: To use the information in detail would have certainly led to the discovery of my informant who had a fantastic record of reliability. The answer was to write an affidavit to seize the bodies of the three juveniles. The affidavit stated the girls were runaways. The informant information was verified by other facts, which included a teletype that matched their physical descriptions and gave their true names and clothing descriptions. The juvenile girls were in danger of being placed in prostitution and in a place dangerous to their welfare. They were unsupervised and delinquent. These were adequate reasons to obtain a court order to take them out of jeopardy without mentioning the rape or venereal disease of which only the informant, girls, and the perpetrator had knowledge.

The search warrant was issued under the state statute of Custodial Interference in the Second Degree — a misdemeanor. The juveniles were evidence of that crime, and we needed physical custody to prove it. Statements from the thirteen-year-old runaway would lead to a second search warrant for the couch that contained blood and semen and clothing to be analyzed by our crime laboratory technicians. This evidence combined with the girl's statement could prove the greater crime of rape.

The girls had been seen at a window by occupants of this apartment complex and by other criminals, as there was a continual flow of human traffic. This meant the informant could be anyone. The second warrant for rape evidence would be based on the runaway girl's information, keeping my informant anonymous.

The search warrant, used to seize evidence of a crime in our civilized society, is a necessary mode of advanced police investigation. Many felony investigations based on search warrant expertise are covered in this book.

There is no secret to the preparation of a legal affidavit for search warrant. Plain words that establish reasonable cause to believe will suffice. Learning to write affidavits will test your skills in interrogation, investigation, and teach you to become a good report writer. An affidavit is only a good investigation report, written in plain language, showing probable cause for search and seizure to the judge for the issuance of a search warrant. *The material within will teach you to write a proper affidavit to secure a search warrant and to control the search location.*

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CRIMINAL INVESTIGATION DIGEST

PART I: INTERROGATION

THE CRIMINAL THINKING PROCESS AND LIFE-STYLE

TO PROPERLY QUESTION a criminal you must understand his thought patterns and life-style. Truths will be offered regarding the everyday street existence of the recidivist criminal that will help you understand his motives for criminal behavior for control of this individual during the interrogation.

You will notice that the scope of their thinking process is narrow: living day-to-day, existing from one bad situation to another, and unwilling or unable to cope with the freedom gained by returning to the streets. Many criminals are confinement oriented and cannot function socially without close supervision; so prison life can become a comfortable option. The recidivist criminal usually returns to the same area, habits, and associates that got him into trouble before he was sent to prison, and this fact aids the interrogator. Cons who commit crime openly knowing they will be returned to prison are always looking for quick money during their interlude of freedom. It is an easy existence for them with little fear of return to confinement due to today's revolving door prison policy. An in-custody criminal dreams about release but upon release soon forgets incarceration.

The criminal's life-style requires that he find ways to outwit our social system. The projected attitudes are "live for today and to hell with tomorrow." He thinks, "I'll take that which is yours for my comforts." Education, moral values, and job skills are a second thought and not a purpose. I've never met a thief who stole someone else's property who did not call it his own, and the same thief will scream like a banshee if another tries to steal it from him.

Our moral upbringing says to us that rehabilitation is the answer to criminal reform. In truth, today's criminal lives a life of food stamps, welfare, few possessions, filth, alcohol and/or drug addiction, overbreeding, adultery, mistrust of others, and lawbreaking. Social values have little or no standing. This is the true picture of a criminal, not the farce television makes of this fallen angel.

Those of us who believe in God and retribution are afraid of jail and its confinement, so we conform to the rules imposed by our fellow men. Not so with hardcore criminals. A good reason that rehabilitation is a failure is because *criminals take advantage of the way straight people live*. Their life-style is not the same as ours. Let's examine the criminal's "Ten Commandments":

"THOU SHALT NOT TAKE THE NAME OF THE LORD THY GOD IN VAIN." Blasphemy denotes ignorance and immorality — a description of a recidivist criminal who believes in nothing, on guard against everything.

"OBSERVE SUNDAY AS A DAY OF REST." The criminal does some of his best work on Sunday when people are on a holiday. There are always fewer police to contend with, and many businesses are closed to the public, which allows the burglar easy access. Locks keep honest people honest, but who ever heard of an *honest* criminal?

"WORSHIP NO OTHER GOD THAN ME." Many a criminal worships a higher power