

John B. Wilson

CRIMINAL INVESTIGATIONS

A BEHAVIORAL
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Prospect Heights, Illinois

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Far from an obligatory repayment for all she has suffered through the preparation of this project, I am grateful for the opportunity to express publicly, the love and gratitude I have for my wife Marialorna, who has consistently supported my efforts, and whose sweet, gentle and understanding nature and perennially good humor, have made this text and many other things in my life possible. Our children, Javier, Mike, Sean and Lorna, have each, in their own special way, contributed immeasurably to the completion of this work, and are a continual reminder of its purpose.

FOREWORD

The crime problem is one of primary interest to the citizen as well as to the agencies responsible for its solutions and for the safety and well being of society. Crime statistics suggest an alarming increase in criminality. There is a need for a modification of sociopathic life-styles. There is also a need for response reforms in solving these critical social problems. The capacity for solutions, need for improved practices on the part of law enforcement practitioners, and the ability to provide an efficient and effective level of service to the public are essential. An unhealthy percentage of crimes go unsolved. Are there better solutions to current clearance rates for reported crime? Is it possible to strengthen efficiencies in police practices? What can be done with perpetrators who are lightly punished, or who are never prosecuted, because of careless law enforcement responses in the reporting, detection and investigation of crime and in poor services to victims of crime?

At present, the crime problem drives the law enforcement community. Future practices, efficiency of operations, and a more effective method of responding to crime are essential to providing the public with a sense of security in a complex society. Law enforcement administrators must work more effectively to improve the quality of service to the public and all officers must consider themselves a part of the community.

This text is designed for criminal justice students or practitioners who are interested in that aspect of law enforcement dealing with the ways and methods to solve crime problems. Many years of collected data and experience have resulted in a clear methodology for improving operating systems for law enforcement.

This volume provides a professional standard for conducting preliminary and follow-up investigations. The author's perspective on effectiveness, put to practice, provides valuable insights into our current procedural systems. Each section presents a focus on a variety of innovative, creative and practical ways to improve these systems.

For decades police have been plagued by structural inefficiencies. Incompetence frequently includes a lack of appropriate and efficient methodology coupled with the failure of the agency to appropriately instruct police cadets in the disciplines of police skills. The citizen, when confronted with the differences between expectations and perceptions of how the criminal justice community deals with crime, as opposed to actual practices, is surprisingly enlightened. This text's emphasis on sensitivity, the development of people-skills, and on both human and constitutional rights, is a recurring theme. This theme provides a model for both law enforcement officials and future candidates for government service.

The text takes the reader through a series of steps designed to improve the operating and investigative practices of law enforcement agencies responsible for the reporting and investigation of criminal activity. The author's theme is to work smarter, more effectively, blend with the community, and to improve basic skills from preliminary reporting, through the development of sound investigative techniques that, if followed, will enhance the efficiency and effectiveness of criminal justice agencies in coping with increasing problems of criminality.

Author John Wilson, a twenty-two year veteran of law enforcement, is an established professional and has instructed in several countries. His grasp of present police practices and his streamlining solutions to the problems he has discovered over the years, represent a valuable contribution. Wilson's perspective offers law enforcement administrators and students of criminal justice an avenue for producing a better system.

STEVE BERTUCELLI, Director
Organized Crime Division
Broward Sheriff's Office

PREFACE

The late Robert F. Kennedy once said "every society gets the kind of criminal it deserves. What is equally true is that every community gets the kind of law enforcement it insists on."¹ Since that statement was made, there is hardly a crack, corner or crevice of law enforcement that has not been exposed to the light of intense public scrutiny, academic research and internal assessments. Policy and procedures manuals, rules and regulations, academic studies, Supreme Court decisions, reports of citizen groups and blue ribbon committees, grand jury reports, and the like, might stretch to the moon and back. We have learned much from these efforts and both law enforcement and the public have benefited. It is both ironic and tragic that after such a long period of exhaustive research and community involvement in the examination of law enforcement, that public perceptions of police ineffectiveness and a misunderstanding and distrust of police practices are common.

A few years ago, I had the privilege of instructing police officers in several Central American Countries and in the Caribbean. The many fine young men and women serving as investigators in these areas exhibited an incredible eagerness to increase their knowledge of criminal investigations. Every piece of information offered in the classroom or through homework assignments was absorbed rapidly and completely. There were, however, interesting challenges.

¹ The late Attorney General Robert F. Kennedy at Hearings before the Permanent Subcommittee on Investigations, September 25, 1963.

In most cases, the police were part of a military structure that enjoyed significant power, and which, by its very nature, embraced a philosophy different than that of a civil law enforcement agency in a democratic society. For example, in one class, ranking members representing several countries were nearly unanimous in their agreement that civil police uniforms should become a standard, but were equally unanimous in their belief that as police officers, they did not receive their power from the people they served. Still, in the majority of contacts I had with these officers, it became apparent that their fundamental desire was to serve their countries and peoples in the best way possible. It was through a desire to contribute to that goal, that this book was originally written. Since that time, significant information has been added to broaden the scope of this work and make it equally relevant to college and university classrooms and to law enforcement agencies everywhere. This book, in its current form, is designed to be both a text and a resource--albeit basic--on general criminal investigation, that will provide students with a thorough understanding of the investigative process, from initial response at a crime scene, to the courtroom presentation of the solved case. It also addresses major organizational and information management issues affecting the quality and effectiveness of investigations. It is not designed as a text on legal procedures, although in discussing statutory elements, charging documents, offender statements, etc., there are several recommended techniques, which could be misinterpreted as legal opinions. They are not. I am not an attorney and encourage both students and practitioners to review any such recommendations with a prosecutor from their own area.

Law enforcement and the investigative process, however, do not exist in a legal, technical or procedural vacuum, but within the context of an entire social structure. At the core of this structure are people. Their protection and welfare are the fundamental reasons for the existence of law enforcement in a civilized society. A major goal of this work has been to illustrate that competent and effective law enforcement is a shared responsibility of the police and the citizen,² and can exist only where there is citizen involvement, and where there is a deep commitment by law enforcement, to the rights and

² The term "citizen," where used in the text, is not intended in the formal sense of birth right or naturalization, but as inclusive of all people.

dignity of the individual. This issue has been addressed from a philosophical perspective, as well as through United Nations, constitutional and legal references, in a manner that has made it integral to every phase of the investigative process discussed in the book.

My deepest hope is that this work will contribute not only to the enhancement of the investigative process, but to the continued development of the police/citizen partnership that represents law enforcement at its finest.

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SECTION I

THE SOCIAL AND ORGANIZATIONAL CONTEXT OF INVESTIGATION