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CRIMINAL INVESTIGATIONS*

Redmond P. Gibbons†

What is a criminal investigation? It is nothing more than the systematic inquiry into a criminal act. It starts with the reporting of the crime. It is concluded as a successful investigation when the inquiry has been brought to its logical conclusion. In order to do this, all facts and physical evidence must be considered and put in their logical arrangement.

All through the investigation the investigator must be ever mindful of his duty—that all-important duty that requires that he be fair, impartial, and unbiased. He must realize that he is just as duty bound to develop leads that indicate the innocence of the subject as to develop those that will result in a conviction. If he does not consider all the facts and evidence, then he is being unfair, and his investigation may result in the conviction of an innocent person.

The investigator should never presume, but rather he must conclude, and there must be facts and evidence upon which to base the conclusion. He cannot rely upon luck, nor should he rely solely upon a spontaneous ability to comprehend and judge. There is no such thing as a born detective. There is no such thing as guessing right every time. Any officer with normal intelligence and zeal can be trained to a high degree of efficiency if he is endowed with a sense of adaptability to meet contingencies as they arise. Sometimes an investigator who puts too much credence in this so-called detective ability finds himself in very serious and embarrassing situations. One of the best illustrations which has ever come to the attention of the writer demonstrates just how illogical some investigators are when they prejudge an investigation or rely upon their so-called detective instincts. A young married woman was walking in a park with a man who was not her husband when this man was killed. The young woman stated that a holdup man tried to rob them, but her escort offered resistance, and in the ensuing scuffle he was shot. The police were unable to locate the weapon or any other witnesses to the shooting.

What was the opinion and the reaction of the policemen who were assigned to investigate this case? Unfortunately, too many were anxious to assign jealousy as the cause of the murder *without any further investigation*. This woman's version of the slaying

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*This article is based upon a lecture recently delivered before the Chicago Park District Police Training School.

was practically ignored in its entirety, because the detectives prejudged the case by assuming that her husband had slain her escort. Much valuable time was lost while a concentration of the investigative efforts were directed at the husband's activities.

The case was finally solved with the arrest of the murderer, not through the efforts of the detectives assigned to this case, but quite by accident. A suspect in another case was arrested a few days after this shooting. During the course of his interrogation he implicated himself in the park slaying and was subsequently identified as the slayer by the young woman. He verified all the details of her original statement by reenacting the crime.

There was a tragic element to this case that serves to accentuate the fallacy of prejudgment on the part of the investigating officers. Had they not allowed bias to enter into the investigation they would not have been so quick to guess. They were guessing, not investigating, and as a result lost valuable time. This lost time may be appreciated when it was learned that the same man had killed another man in the interim between the park slaying and his arrest.

There are four principal elements to criminal investigation. They are: first, the interview; second, the surveillance; third, the gathering of all the physical evidence; and fourth, the use of records.

THE INTERVIEW

The interview is the finding and the recording of the answers to the following questions. Who? What? Where? When? Why? How? The interview is not complete unless an effort is made to obtain the answers to all these questions. When an investigator is assigned to conduct an interview, he should consider the following points.

The first thing he should do is to segregate the witnesses, keeping them apart, and if at all possible, not allowing them to converse with anyone until each person's version has been recorded separately. This is very important. The reason for doing this is to keep the witness from being affected by what was seen or heard by others. The officer should keep in mind that he wants them to give an account in their own words of what they have observed. He wants to know just exactly what each person knows, and not what he or she may be unconsciously adding after hearing the stories of others.

The witness should, therefore, be allowed to tell in his own way what he saw or perceived. While he is doing this, the investigator should make verbatim notes without interrupting or stopping the witness. When he has finished and relaxed mentally, he should be asked to repeat what has been said. There are many ways in which this can be done without vexing or arousing the resentment of the

witness. The purpose of having him repeat is that he may add something that was overlooked the first time.

After he has repeated his version, he should be questioned. In this questioning the officer should proceed from the general aspects of his version down to the specific points. If the witness describes a person, the accuracy of his judgment of height and weight should be checked by having him estimate height and weight of the investigator; his judgment of distance, by asking him the distance of an object in view. All questioning must be thorough. Every question pertaining to the case which comes to mind should be asked. Finally, if a description of a person is involved, a composite description should be drawn up based on the versions of those witnesses who are considered the most accurate.

SURVEILLANCE

Surveillance is a French word and means "to watch over." As applied to investigations, it is a method used to obtain information. When it is used on a person, it is called a *moving surveillance*, and when it is used at a place to see who comes there or what contacts are made by the inhabitants, it is called a *stationary surveillance*. When it is used at a location to wait for a certain person or persons to appear so that they may be taken into custody, it is called a *plant*.

Many policemen are under the impression that they are not suited for surveillance work. Generally speaking, this is not correct. Any average sized person dressed in a conservative manner can conduct a surveillance. Naturally, if a man is oversized or undersized, he is conspicuous. Also, that person is, generally speaking, continuously conscious of his size, and this is not a good mental state for a man on a surveillance assignment. In regard to clothing, common sense tells that if "loud" clothes are worn, the wearer will be noticed. Likewise, there may be times when a man in conducting a surveillance finds himself in surroundings in which sport clothes do not blend. The investigator must fit into the surroundings and act in the same manner as he would if he were not conducting a surveillance. He should be nonchalant about this kind of an assignment and not act in a manner in which some people imagine that a detective should act. He should not try to be conspicuous or try to be too inconspicuous.

At this point a more detailed description of the plant surveillance is in order. On such an assignment the object is to take one or more persons into custody, and the success of the plant depends upon secrecy. If at all possible, no one who is going to have access to the outside premises should know about the plant. While waiting, the investigators should, if possible, station themselves so that they can see all those who approach the premises. They should be in such positions as to surprise the subject and immediately control

him upon his entry. At the same time the investigators should be ever vigilant of their safety. Reliefs should be made just as unobtrusively as possible. If more than one is on the plant, the relief must be made singly and of course quietly. It is particularly advantageous at relief time if those on the inside can see all who approach the plant. They should have everything in readiness for a quick entry and a quiet relief and, when relieved, should get away from the vicinity of the plant immediately. Otherwise they may be recognized. The approaching relief should enter the building with the air that makes it appear that he knows where he is going, and everyone should refrain from discussing his business with those with whom he may be thrown into contact on this kind of an assignment. If possible, photographs of the wanted person or persons should be available for the men on this type of assignment.

As already stated a stationary surveillance is the one in which the investigator is to observe a certain place and obtain all the information possible about the occupants, the persons who make contacts with them, and everything else that can be found out about them. This surveillance may be conducted in the same building, or it may be conducted from the immediate vicinity. Again, too much stress cannot be placed upon the importance of the quiet and unobtrusive relief. The entire success of the investigation may hinge on the manner in which each relief is made. If the relief or relieved man is careless, he may arouse suspicion, as those who are the subject of a surveillance are criminals or suspected criminals, or are suspected of associating with criminals, and are very suspicious of everything about them. The least little thing that may arouse their suspicions can cause the stationary surveillance to fail.

This kind of assignment often requires various pieces of equipment. The camera, both still and movie, together with the telescopic lens, should be a very important part of the equipment on this assignment. Also, men on this kind of work should have a thorough knowledge of listening devices, since opportunity may arise to use this type of equipment very effectively. If more than one stationary surveillance is being conducted upon the same location, there may be use for the field telephone between places. The equipment should also include at least one good pair of binoculars.

The moving surveillance is by far the most interesting assignment of this kind of investigative work. Here the investigator will get action continuously and will be called upon to exercise tact, ingenuity, and a nimbleness of wit that may even surprise himself. The subject of the investigation may suspect, and he may even have good grounds for believing, that he is being followed and observed, but he must not be able to verify these suspicions if the surveillance is to be a success.

One man should never try to conduct a moving surveillance by himself except in the rarest emergencies, because if the subject is shrewd, the assignment is almost sure to be a failure. The cleverest investigators in this country conduct this kind of assignment with at least three men on foot and one automobile and driver. Incidentally, the automobile should be one of a model that is common upon the streets, as bright, attention-attracting cars will quickly make the suspect aware of the surveillance.

If the reader will picture in his mind a diagram of a street intersection, and allow an X to represent the subject, and numerals to represent the surveillants, the following explanation of how the surveillants place themselves when conducting a moving surveillance will be more readily understood. Number one follows close to the subject; number two is following number one at a reasonable distance; number three is on the other side of the street and somewhat behind number two. The automobile should be behind number three; but, of course, on the right side of the street. Incidentally, the driver of the car must always be aware of traffic ordinances, for if he is not, he will most certainly find himself in some very conspicuous circumstances.

As the subject proceeds down the street with the investigators in the positions outlined above, what are the various movements and duties of each investigator? If the subject turns when he reaches the corner, the surveillants must rearrange themselves. This rearrangement is necessary as the subject may have observed number one, and he may be turning purposely just to see what number one will do. Or he may be suspicious and want to size up the situation. In such a case this is the procedure to follow. If the subject turns to the right, number one continues to the far side of the intersection and also turns to the right, and then he is in the number three position; number two turns to the right at the point the subject turned, and thus he is in the number one position; number three turns right at the near side of the intersection, taking up the number two position. In the event that the subject turns to the left, the number three takes the number one position; number two continues in his same position; number one continues on to the far side of the intersection before he turns to the left and thus finds himself in the number three position. If the subject comes to an intersection and proceeds to the far side, just as though he was going to continue on down the street, but stops shortly after passing the corner, then number one continues to walk right on past him. Here is a situation that emphasizes the importance of surveillant acting as if he were not on a surveillance by doing the things he would do if he were otherwise occupied. Now the number two and three will be called upon to use their ingenuity. The circumstances of each case will determine the wisest policy to follow, but at any

rate when the subject starts to leave either one must be in the number one position and the other in the number two position. The former number one will take up the number three position, unless it is apparent that he was observed. In that case it is best that he should be dropped from the surveillance because he might be too easily recognized later. Maybe this would be a good time for him to change places with the driver of the car which must be kept in the background at all times, just as inconspicuous as possible, but ready at a moment's notice should the subject enter a vehicle.

Now suppose that while the investigators are observing and following this subject on down the street, he suddenly enters a building. That kind of a situation shows the need for many men on a moving surveillance assignment. If at all possible, each exit of that building must be kept under observation pending the departure of the subject. If this cannot be done, then the investigators must do the best under the circumstances. When the subject turns into the building, the surveillants must decide upon entering or staying out. A decision must be made. Whichever alternative he chooses must be the course that he will stay on. Only the circumstances of the case will help him to decide. If there are enough men, and particularly, if the suspect is thought to be contacting anyone in the building, there is no reason why he should not be followed.

If the investigators decide upon following the subject into the building, what shall be done? Number one surveillant will go into the building, into the elevator if there is one, to see where the subject goes. When he does this, then he should be replaced or change places with the man in number two position. This change should be made because naturally number one was in close proximity to the subject in the building, and the danger of his being recognized when the subject leaves the building is too great. But how is the number one man to let the number two man know where the subject is located? It is generally recommended that this be carried out with the aid of prearranged signals.

The following hypothetical case serves as an illustration. When number one surveillant, upon entering the building, observes that there is more than one elevator, and a starter on duty, as is the usual case, he will use a prearranged signal, such as doing or saying something to the starter so as to be remembered by him. Then when number two comes along and asks in which elevator the man that did such-and-such a thing, or said such-and-such a thing, entered the starter can tell him. The same technique should be used with the elevator operator so that the floor can be ascertained. In this manner when the subject is ready to leave the building, a different investigator is in the number one position. If the subject scrutinizes him, then it is advisable for him to change positions immediately upon entering the street. In practicing this dodge, even if the

elevator operator or starter is a "smart Alec" or a person with a suspicious nature, the investigators will not identify themselves except as a last resort.

In the event that the subject entered a building without elevators, then the man on number two position should try to keep number one in sight; otherwise it might be impossible to know which flight of stairs to climb. It is of the utmost importance that the prearranged signals for such contingencies are worked out in detail before the surveillance starts.

Another possible contingent is for the subject to enter a vehicle. Then the very first thing that number one surveillant does is to note the license number regardless of the kind of vehicle that the subject enters. If no car is available on the surveillance, then the investigators must use a taxi. The driver of the investigators' car immediately picks up the numbers, and just as quickly as possible gets right up in the "blind area" immediately to the rear and to the right or left of a car. Then the driver sticks right to that position as long as traffic is heavy. What to do after the traffic thins out, or if the surveillance is in an area of light traffic, depends upon the circumstances of the case, as anything can happen after the subject enters the automobile. This is another case in which the investigator may be called upon to exercise his wits or his imagination. He must keep in mind that he is there for a purpose, that is, to see where the subject goes and with whom he makes contacts. The investigator should subordinate all else to this purpose.

There is an interesting sidelight on this subject in the event that the investigator is forced to use a taxicab while he is on this kind of an assignment. Taxi drivers, as a rule, are vitally interested in tips and usually not too scrupulous about the way they earn them. It has been found that they use signals of this type. When the investigator enters a cab and tells the driver to keep another cab in sight, he will raise and lower his headlight beam at night or merely turn on and off his lights in the daytime. This is a signal to the driver of the cab containing the subject that he is being followed. That driver, being on the lookout for his tip, will ask the subject if he wishes to lose the tail. Then it is a simple matter for him to speed up while the tailing driver purposely gets into as many traffic jams as possible, resulting in the loss of the subject. So, if the investigator has occasion to use a cab he must be sure to give the driver more orders than just to keep the other cab in sight.

The subject of the surveillances conducted in hotels will only be mentioned so that the reader will know there are such assignments. However, these assignments are the ones in particular in which the investigators must be very carefully fitted into the background.

In such circumstances the investigators must in reality become a part of the environment.

In passing it is proper to consider the surveillance in which the subject boards a train and number one, ever faithful, is right there behind him. What is best to do? By all means the investigator should try to cultivate rather than avoid the subject. Maybe he will be able to find out something by talking to the subject. He must be very careful though that his identity is not divulged. Also it is not a bad idea to refrain from trusting the train crew. Of course when the subject leaves the train he will in all probability remember the investigator's face so the investigator will have to be eliminated from the surveillance. Therefore, during the train trip he should do his best to try to find out all that he can about the suspect and his future plans.

COLLECTION OF PHYSICAL EVIDENCE

Another important element of criminal investigations is the gathering of the physical evidence. What is this evidence likely to consist of? This will depend upon what kind of a crime has been committed. Everything at the scene of a crime that may be evidence must be collected, recorded, and identified. There may be tools and weapons or traces of these. There may be clothing, furniture, blood, drugs, poisons, latent or plastic fingerprints, or any of an almost endless list of articles. Everything of an evidentiary nature must be located. If the scene is not protected, false data will accumulate. The scene that the investigator is vitally interested in is the scene just as it was when the crime was committed. The difference between the scene just before the crime and the scene just after the crime should supply the leads. If anything is added, changed, or subtracted, then the investigator will be confronted with false leads, resulting in much wasted effort and presenting the possibility of the conviction of an innocent person or the escape of the guilty.

The search at the scene of any crime, and the charting at the scene of a crime, should constitute an extended paper in order to do them justice.

USE OF RECORDS

The use of records in criminal investigation is likewise of considerable importance to the investigator. All of the files that are compiled from reports, examinations, and by means of photography constitute these records. Sometimes during the course of an investigation these records hold the key to the solution. They should be consulted at every opportunity. The more files that the criminal investigator has access to the better are the chances of bringing the investigation to its logical conclusion. All police departments

seriously concerned with the outcome of their criminal investigations should have at least the following files.

General Information File. The file on general information, as its name implies, contains all the general information that the particular investigative body has been able to collect and compile during its experience. When an investigator becomes acquainted with some general information that may be useful in a future investigation, or that may aid another investigator, he submits this information for inclusion in this file. It should contain the sum total knowledge of all the investigators on general information useful in conducting inquiries. This is the file that an officer should be able to consult at the start of an investigation, or in developing a lead in an investigation, to get enough information so that he may know how to proceed.

Again a hypothetical case will illustrate how an investigator would make use of this file. In the investigation of a robbery information is received which indicates a certain person as a suspect, and all the information that is available about this man is that he is named John Smith and that he works for the X Company. What can be done with this information and how can it be developed? How would an investigator go about getting the information needed to develop this lead? Who would he talk to at the X Company? How would he know that person could give him the information? Would the investigator have access to the person or unit head that could supply the information needed? If the general information file is up to date and is being used for the purpose for which it was designed, it will list the very persons to contact at the X Company in order to ascertain this information.

In large communities many policemen will have had occasion to investigate one or more individuals in the employ of nearly every industrial house in the community. Their experiences on these investigations should provide a great store of knowledge that would be useful every day in conducting further investigations and in making new inquiries. All that is necessary to get this information into a file is for the policeman to incorporate his experience in his report and then for a competent superior to see that it is systematically recorded and filed. Properly maintained, it is of tremendous value to any investigative body.

Modus Operandi File. The Modus Operandi or M. O. file also can be of considerable importance. In this file the methods of operations of offenders are listed. It is based upon the theory that many offenders fall into a rut and seldom change their method of operation. This is particularly true of burglars. For instance, the house-breaker who has devised an easy and effective method of entry will not purposely resort to a clumsier way just to deceive the detective.

A file containing information of this sort can be consulted after an offender has been arrested in order to gain indications of the number of crimes which may have been committed by that individual.

Crime Index File. In conjunction with the M. O. file, some police departments have found it very effective to maintain a Crime Index, which is simply an index classifying the known offenders. The up-to-date record of activities for each individual listed in this index is maintained, with the result that it has been found to be of great aid in narrowing the field of suspects for particular crimes. However, Modus Operandi and Crime Index files will not materially help the investigator unless they are strictly maintained and constantly consulted. Even then a good personal knowledge of the criminals in the community is required of the investigator.

Bad Character File. A bad character file is generally the result of vagrancy reports submitted by arresting officers. These reports, containing information about the person arrested, must be submitted on each arrest in which the person has a bad character or police record. When investigating a lead in which a certain person is named and the investigator does not personally know about that individual, he should by all means consult this file. If the file is up to date and if the person has been arrested before, considerable information may be gained.

Confidential Informant File. An additional important file is the confidential informants file. This file should be rigorously protected, maintained under lock and key, preferably in the desk drawer of the head of the investigative unit. If it is to be a good file, it will naturally be small. There must not be listed any pseudo-detectives or amateur criminologists but only the names of actual confidential informants. Each card should also contain the name of the investigator to whom the informer will talk. The head of the unit must exercise due caution when a case arises in which information of a certain kind is required, and this information may be supplied by a person listed in this file. The file should disclose the kind of information that he can get or the kind of contacts that can be effected. The man who developed the informer should be the only one to contact him, and an investigator requiring certain information should submit his request to the head of the unit, who then may consult the file and make the proper assignment. Then, after receiving the report, he should forward the information to this investigator. Too much stress cannot be laid on the importance of protecting the informer. He must be protected at all costs. The pronoun "he" is used advisedly for although female informers can be of importance the investigator who steers his course to avoid them will in the long run be more successful.

Identification Bureau Files. That section of the police department concerned with the maintenance of the fingerprint files, photographic records of individuals, and photographic records of crime scenes is usually referred to as the identification bureau. This bureau is generally charged with the responsibility of positively identifying the criminal of previous record, to make and properly file the identifying data about currently arrested criminals for further reference, to draft enlarged charts of murder and other crime scenes for the purpose of clarifying the testimony offered in these trials, and to photographically record and maintain a file on important crime scenes.

The maintenance of these files constitute one of the important functions of police departments. In the investigation of so many criminal cases, the astute investigator will find the foundation for his entire inquiry in these records. Particularly is this found to be true in those cases that start with the identification of a known criminal's picture by the victim of a crime.

It has not been the writer's purpose in this paper to present an exhaustive discussion of the various aspects of criminal investigations, but rather to point out to the reader some of the fundamental considerations of the subject. Each of the four principal phases of investigation would require extensive treatment to thoroughly cover it. The reader should realize that an investigation is comprised of these various phases and that the thorough investigator is the officer who properly coordinates each of these aspects so as to attain a successful conclusion.