

**O'HARA'S FUNDAMENTALS OF  
CRIMINAL INVESTIGATION**

### ABOUT THE AUTHOR

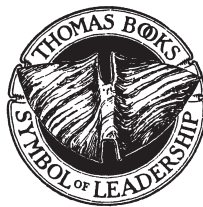
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*Eighth Edition*

*O'Hara's  
Fundamentals of  
Criminal  
Investigation*

*By*

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*To  
Marty*



## PREFACE TO THE EIGHTH EDITION

**T**HE EIGHTH EDITION is the most extensive revision so far. It continues the tradition of concentrating on the essential elements of a criminal investigation but restructures the presentation. In addition to revising the material, many chapters have been merged to consolidate similar topics. All the relevant material that previous users have come to rely on is more efficiently presented and updated. Advancements in forensic science, practices of criminalistics, computerization, electronic databases, and the Internet have greatly changed investigative practices.

When Charles O'Hara wrote the first edition of this text in 1956, gathering information was a laborious and tedious process. Today, most investigators can gather a wealth of background information by accessing an electronic database, Internet search engine, or social networking site. Despite all of these technological advancements, much of the role of criminal investigators remained unchanged. The time honored methods of collecting information are still effective and used in addition to electronic searches. Investigators still structure investigations around the elements of specific crimes. They are responsible for collecting evidence; documenting the crime scene through notes, reports, photographs and sketches; interrogating suspects; and developing information from interviews, public sources, informants, surveillance, and undercover work. They also work closely with crime scene and forensic specialists. All of these activities should be performed with the view of eventually presenting the evidence in court.

While investigators are concerned with proving the guilt of a suspect, they must also protect the innocent. The primary function of investigators is to uncover facts. Objectivity and a professional attitude should characterize investigators. Part of a professional attitude is the respect for the constitutional rights of suspects, informants, witnesses, and any citizen contacted during the course of an investigation. Criminal investigators should reflect the democratic

ideals of their country and the professional standards of their occupation.

Charles and Gregory O'Hara's *Fundamentals of Criminal Investigation* has served as the "Bible" of criminal investigation for many years. It is the book I used to learn criminal investigation. I read the text as an undergraduate student, and it was my prime source of information when studying for my detective sergeant examination. It was the book I always recommended to young officers preparing for promotional exams. I have always credited it with having a major effect on my career.

When asked to revise this text, I naturally hesitated. How do you rewrite the standard for investigation? How do you update your mentor? For those concerned by the extensive structural changes to the text, I understand your apprehension. My purpose is to reposition the work of Charles and Gregory O'Hara for a new generation of criminal investigators. I do not seek to replace their work, but rather to share what I learned from them with those about to take on one of the most important roles in our society—the criminal investigator.

Careers are much like investigations; they are collaborations. What we achieve or accomplish is seldom from personal effort alone. Many others have helped us along the way. For the many people who have supported my efforts, I extend my sincere appreciation. Though far too many to name, a few must be acknowledged here. First, I want to acknowledge my family for all they have done. I thank my wife Marty for her support, assistance, and editing skills. I could not have completed this project without her. I thank my parents, Don and Ida Woods, for all their sacrifices and support to make my life better. Dean Woods and Sarah Woods Greene have always been there for me and believed in me when others did not. Matthew Woods has always looked after things when I was away and made it good to return home. Robert and Martha Bridges always made me feel part of the family. Ralph Turner, Michigan State University, provided inspiration and taught me the importance of investigation. Don Bachand, Saginaw Valley State University, gave me the focus and push I needed to complete my master's degree. Robert Trojanowicz, Michigan State University, convinced me to pursue my doctoral degree and



changed my life. He was a good friend and good person who left us too soon but will never be forgotten. John Murray, Indiana State University, supported and encouraged me through this project and has provided a great working environment. Finally, I thank Michael Thomas for offering me this project. It was an opportunity and a pleasure working with the Charles C Thomas, Publisher organization.

D.D.W.



## INTRODUCTION

**T**HE PURPOSE OF THIS BOOK is to help readers master the basic, fundamental concepts of criminal investigation. No book could cover every aspect or nuance of investigation. Rapid advances in forensic science bring constant change, but the core concepts of good criminal investigation endure. After building a good foundation, investigators can, with the help of other literature and experience, develop their skills in specialized fields of crime detection or investigation.

Even as forensic science rapidly advances, criminal investigation continues to straddle both art and science. You cannot learn to become an accomplished investigator through books or courses alone. Techniques, such as interrogation and surveillance, are acquired substantially through patient practice, self-evaluation, and continued experience. Many skills are best learned from other investigators. Students can, however, bypass months of aimless apprenticeship by applying the basic tools of investigation and continually honing their skills. The science and study of investigative practices continue to inform and explain the art of criminal investigation. The professional investigator continues to study to learn what works, why it is effective, and how it can be improved.

This book will introduce students to the techniques and processes of investigation and provide a foundation upon which to build. In each area a broad overview is presented so readers can pursue further studies. Some offenses have been chosen for extensive discussion because of their serious nature and the frequency with which they occur. Investigators who understand the principles used to investigate these crimes can apply them to the investigation of other crimes.

The presentation of material is directed to the beginning student of investigation, but experienced investigators and supervisors will also find this text useful. Investigators will find this book a valuable resource and reference. Administrators, with little investigative ex-

perience, will find the discussion useful to better understand the work of their subordinates. The focus is on the practical application of investigation by police investigators, private investigators, or federal agents.

The many recommendations found in these chapters are guides and starting points. They are not the only effective procedures. Investigators need to start with accepted practices and adapt them to the circumstances at hand. When learning or moving into uncharted territory, it is useful to be guided by procedures until your judgment and understanding grow. Applying this discipline until your mastery and judgment are sufficient to move beyond preliminary guidance is an important step to becoming a successful investigator

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**O'HARA'S FUNDAMENTALS OF  
CRIMINAL INVESTIGATION**





**Part I**

**OVERVIEW OF CRIMINAL  
INVESTIGATION**



## Chapter 1

### METHODS OF INVESTIGATION

#### 1. Nature of Investigation

**C**RIMINAL INVESTIGATORS collect facts to identify, locate, and prove the guilt of the perpetrators of crimes. Criminal investigation is practiced as an art and has yet to develop into a science guided by strict rules or theories. There is much to learn about the investigative process. How are crimes solved? When crimes are solved, what proportion of success is attributed to the characteristics and actions of investigators and what proportion is attributed to the characteristics and actions of perpetrators? Until we can answer these questions, we cannot establish a science of investigation. Intuition, circumstance, and chance continue to affect the choice of methods and decisions of investigators.

Even though investigation has not achieved the status of a science, it is useful to study and evaluate it as if it were. This premise of a science of investigation, complete with general principles and special theorems to guide investigators in solving cases, can help to build a structure for improving the quality and reliability of the criminal investigation process.

The tools of investigators are referred to as the three “I’s,” namely, Information, Interrogation, and Instrumentation. By applying the three “I’s,” investigators gather the facts to establish the guilt or innocence of suspects.

At the present time, there are no normative criteria for judging the success or failure of an investigation. The fact that the crime remains unsolved does not indicate a deficiency in the investigation, nor does a conviction of the accused necessarily mean that the investigation was conducted in an intelligent manner. An investigation may be considered a success if all the available, relevant and material information is uncovered. There is, however, no way of knowing the true extent of information available.

It is a common misconception that every crime can be solved, that sufficient evidence is always available to identify the criminal, and that there are always clues at the crime scene that will lead to the perpetrator. These misconceptions, fueled by the popular entertainment media, may lead to public disdain of inability by police to solve a particular crime.

Many crimes are not solved because there is insufficient evidence. The absence of eyewitnesses, discernible motives, and physical evidence often prohibit a solution. Sometimes the *corpus delicti*, or the fact that a crime was committed, cannot be established and then even a confession is of little value.

To the general public, an investigation consists of merely discovering the identity of suspects and apprehending them. A complete investigation entails much more than identifying and capturing perpetrators. Investigators must also develop and present sufficient evidence in a court to warrant a conviction. Finding the perpetrators is frequently the simplest phase of the investigation. Obtaining, within the rules of the justice system, sufficient evidence to support the charge is often an exceedingly complex task.

To simplify the presentation in this book, we will assume that most crimes can be solved. The methods described throughout the text are usually effective in finding a solution. The investigation will be considered successful if the available physical evidence was competently handled, witnesses intelligently interviewed, suspects (if willing) effectively interrogated, all logical leads properly developed, and the case comprehensively and accurately reported. The verdict of the court in regard to the guilt of the accused will not be considered sufficient to determine the success or failure of the investigation.

## **2. Information**

Information is the basis of any criminal investigation. The word "information" is used here to describe the knowledge that investigators gather from people through interviews, questioning, or conversation. Some information is acquired from regular sources such as conscientious and public-spirited citizens, company records, and the files of other agencies. Other information is gathered by inves-

tigators from cultivated sources such as paid informants, service industry workers, former criminals, or acquaintances. The use of informants varies widely with law enforcement agencies. Many agencies use paid informants in major cases. Some agencies routinely gather information through their community policing programs.

Of the three “I’s,” information is by far the most important. By simply questioning a knowledgeable and sometimes anonymous individual, the identity of perpetrators, and possibly their motive, may be revealed. This information then guides the subsequent steps of the investigation. Conducting an investigation is sometimes like working a mathematical problem backwards with the solution known but with proof yet to be derived.

Commonly, offenses committed by career criminals are solved with information derived from the criminal subculture. A homicide may be solved by a tip from a paroled convict or drug addict, or a few snatches of conversation gleaned by a curious bartender. Economic crime is ordinarily motivated by a desire for economic gain (e.g. larceny, robbery, and burglary), while assault and homicide are often the by-product of disputes over divisions of spoils. Crimes motivated by greed, when perpetrated by professional criminals, are frequently solved by information from informants and information derived from the criminal subculture.

Crimes motivated by passion, love, hate, or desires for revenge (often committed in the heat of the moment by otherwise law-abiding citizens) are not likely to be solved through tips from an informant immersed in the criminal culture. Senseless crimes committed by deranged individuals are also unlikely to be solved by information from informants.

### **3. Interrogation**

Interrogation, the second “I,” includes the skillful questioning of witnesses or suspects. Successful interrogation depends on locating knowledgeable suspects and developing well-crafted strategies for questioning them. The term interview will be used throughout the text to describe the simple questioning of a person who has no personal reason to withhold information and therefore may be expected to divulge information freely. An interrogation involves skillful

questioning to extract information from a resistant individual. The ability to obtain information by questioning is an important talent for investigators.

Novice investigators may overlook the most obvious approach to solving a crime, namely, asking the suspect if he or she committed the offense. The approach is so elementary that it is frequently neglected by beginners too eager to use more refined techniques. The guilty person is in possession of most of the information necessary for a successful prosecution. If questioned intelligently, he or she can usually be induced to talk. The accused should be asked to supply details from which his or her actions and intentions can be deduced. Even evasive or untruthful statements give indications of motive and state of mind. A confession that includes details that could not be known by an innocent party is a convincing form of proof.

Why, if silence so greatly favors the criminal, do suspects agree to talk to police even after being properly given the *Miranda* warnings? Many people possess an irresistible desire to talk. They cannot, when reputation and character are being seriously questioned, resist the temptation to defend themselves by stating the truth or resorting to extravagant falsehoods. A guilty person under questioning by the police is often very frightened and will seek comfort, however indirectly, in communication with another. Only an exceptionally strong personality or an experienced criminal can withstand prolonged, skillful interrogation.

Investigators should view suspects or reluctant witnesses as people who will yield information if questioned with sufficient skill and patience. Becoming a proficient interrogator takes years of work. Investigators who possess common sense and a capacity for perseverance can eventually become reasonably effective. Investigators armed with insight into personalities and knowledge of practical psychology will excel in the art of interrogation. Through the application of study and observation, investigators develop their ability to establish rapport quickly with a wide variety of criminal types. Finally, investigators must be quick-witted. Interrogation is an intellectual game that is often won by the player who is mentally faster and who can rapidly take advantage of an opening or an indicated weakness. As in any other game or skill, the art of interrogation

must be practiced constantly in order to improve or maintain proficiency. A period of inactivity of even a few months will result in a marked decline in effectiveness.

#### **4. Instrumentation**

The third “I” is the application of the instruments and methods of science and computer analysis to the detection of crime. This area is represented by criminalistics, crime scene investigation, and computer-assisted analysis. Physics, chemistry, biology, pathology, statistics, and the other natural sciences aid investigative efforts. Scientific procedures may help establish *corpus delicti* or link suspects to crimes.

Instrumentation, however, is more than criminalistics. It includes the technical methods used to track fugitives or further investigations. Computerized fingerprint and criminal record systems, DNA analysis, *modus operandi* files, polygraph examinations, communication systems, surveillance equipment, searching apparatus (x-ray unit, metal detector, thermal imagers, etc.) and other investigative tools are contained within the scope of instrumentation.

There has been a tendency to place too great a value on the contribution of the instrumentation to the detection of crime. The inexperienced are especially prone to place their faith in technical methods to the neglect of the more basic and generally more effective procedure. Several reasons may be given to account for this. The popularity of television crime dramas has fostered an unrealistic view of forensic science in the minds of the public. This misperception, known as the CSI effect, fosters the view that every case can be solved by analyzing physical evidence, laboratory tests are nearly instantaneous, and expense is never an issue. This view is particularly problematic when held by jurors who refuse to convict unless evidence of scientific analysis is presented that removes all doubt of guilt. Jurors become suspicious when a case lacks the scientific analysis they are accustomed to seeing in their favorite television show. Investigators must ensure all relevant physical evidence was collected and analyzed, and prosecutors must explain why exotic or expensive laboratory analysis was not employed.