

NINTH EDITION

O'HARA'S
FUNDAMENTALS OF
CRIMINAL

INVESTIGATION

DEVERE D. WOODS JR.

O'Hara's
**FUNDAMENTALS OF
CRIMINAL INVESTIGATION**

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Fundamentals of
Criminal
Investigation*

By

DEVERE D. WOODS, JR., PH.D



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To Marty

PREFACE

INVESTIGATIVE TECHNIQUES AND PROCEDURES have advanced and developed since the eighth edition was published. Advancements in forensic science, practices of criminalistics, computerization, electronic databases, and the Internet continue to change investigative practices. The ninth edition reflects these changes while remaining focused on the fundamentals of criminal investigation to help investigators build a solid foundation of investigative skills.

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 using electronic databases, Internet search engines, or social networking sites. Despite all of these technological advancements, much of the role of criminal investigators remains 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.

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 their patience and sacrifices as I was consumed by my work, research, and writing. I thank my family for always making a return to Michigan a pleasant vacation and nice diversion—especially the many late nights with Dean and Matt. I thank my wife Marty for her continued support, assistance, and editing skills. I could not have completed this project without her.

There are many others who contributed directly or indirectly to this text. Thank you to D/Sgt. Christian Gallagher for his content and editing suggestions. Long before I ever contemplated writing a book, two professors at Michigan State University helped point the direction for a successful career. Ralph Turner inspired me to love and respect the challenge and complexity of the investigative process. Robert Trojanowicz was a great mentor and good friend who changed my life when he convinced me to pursue my doctoral degree.

D.D.W.

INTRODUCTION

THE 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 experience, 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 or starting points, but they may not be the only effective procedures. Investigators should start with accepted practices and adjust appropriately to address specific circumstances. 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
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Part I

**OVERVIEW OF CRIMINAL
INVESTIGATION**

Chapter 1

METHODS OF INVESTIGATION

1. Nature of Investigation

CRIMINAL INVESTIGATORS collect facts to identify, locate, and prove the guilt of those who commit 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. The value of the three “I’s” is not to assign facts to categories, but to help investigators discover potentially useful information. The three “I’s” can help investigators focus their efforts by considering what evidence might exist, or what evidence is missing.

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 unwarranted public disdain when police fail 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 may be 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 to warrant a conviction in a criminal trial. 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 reached by a court is not sufficient to determine the success or failure of the investigation.