

TENTH EDITION

O'HARA'S  
FUNDAMENTALS OF  
CRIMINAL  
INVESTIGATION

DeVERE D. WOODS, Jr.

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

### **ABOUT THE AUTHOR**

**DeVere Woods** is director of the School of Criminology and Security Studies at Indiana State University and director of the Institute of Criminology. He was a police officer and served as a patrol officer, detective, crime scene investigator, shift commander, and division commander. He received his doctoral degree from Michigan State University, where he served as a consultant for the National Center for Community Policing. Dr. Woods also served as an international consultant for the research division of the National Police of El Salvador. He is a member of the International Homicide Investigators Association. His many publications include articles on community policing, criminal investigation, and other policing issues.

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Fundamentals of  
Criminal  
Investigation*

*By*

DEVERE D. WOODS, JR., PH.D



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*To Marty*



## PREFACE

**I**NVESTIGATIVE TECHNIQUES AND PROCEDURES continually advance and improve. New developments in forensic science, criminalistics, computerization, electronic databases, and the Internet continue to change investigative practices. This tenth edition reflects these changes while remaining focused on the fundamentals of criminal investigation to help investigators build a solid foundation of investigative skills.

Today, most investigators can gather a wealth of background information using electronic databases, Internet search engines, or social networking sites. Despite all these technological advancements, much of the investigative process remains unchanged. The fundamental, 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, and sketches; interrogating suspects; 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 these activities should be performed to eventually present the evidence in court.

Investigators are concerned with proving the guilt or innocence of a subject. 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 an investigation. Criminal investigators should



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

This book has a vast audience, including academics, criminal justice practitioners, and other interested readers. Though they may share some interests, each audience has specific needs and purposes. The challenge in writing this text is to address the needs of the various audiences in a useful manner.

Academics are the largest audience and consist of students, instructors, and researchers. The challenge here is to provide needed information while keeping the number of pages in the textbook appropriate for the academic market. At one point, this text had grown too large for the academic audience. In previous editions, the book was reorganized, and the number of pages was reduced from 907 to 631. Even at this level, the book is at the upper limit of what is practical for academic classes. The challenge in updating and revising is to do so without expanding the size of the text.

Practitioners are the second largest audience and consist of criminal justice practitioners (especially law enforcement), attorneys, and news reporters. Criminal justice practitioners are primarily interested in improving their investigative skills or passing entrance or promotional exams. They need useful and relevant information in an efficient and searchable format.

Interested readers are the smallest audience and consist primarily of true crime and procedure buffs and writers. This group enjoys exploring the topic of criminal investigation and is most interested in learning investigative procedures and examples of how they are used to investigate crime.

Each year, the material in this book is tested with at least three cohorts of college students, consisting of between 120 and 160 students. These cohort tests are used to refine and revise the presentation for the next edition. Normally, this results in minor adjustments to the wording that clarify or reduce confusion. When appropriate, text material is updated, discarded, or replaced to reflect changes and practices in the field better.

Readers of the tenth edition will find, throughout the text, numerous edits and refinements to the presentation to improve clarity and comprehension, along with many updates. Updated crime trends and statistics include: missing persons cases (chapter 9), ve-

hicle thefts (chapter 12), larceny thefts (chapter 12), burglary studies (chapter 12), violent crime (chapter 14), robberies by locations (chapter 14), robbery losses (chapter 14), murder weapons by type (chapter 15), murder by victim-offender relationships (chapter 15), drug arrests and trends (chapter 17), heroin and opioid use (chapter 17), and drug trafficking patterns (chapter 17). Updated and revised techniques and procedures include: a Means, Motive and Opportunity model (chapter 1), documenting and using recording devices and cell phones (chapter 2), crime scene searching procedures (chapter 3), recording fingerprints (chapter 4), Rapid Fingerprint Identification Search (chapter 4), bullet holes in glass (chapter 5), bite marks (chapter 5), collecting mobile devices (chapter 6), Rogues Gallery (chapter 7), social media posts (chapter 8), interviewing various types of witnesses (chapter 8), using informants (chapter 10), vehicle surveillance techniques (chapter 10), note taking and digital photography (chapter 10), confidence games (chapter 13), stalking (chapter 14), determining motive and intent (chapter 15), drug decriminalization (chapter 17), hydrocodone (chapter 17), MDMA ecstasy (chapter 17), hallucinogens (chapter 17), designer drugs (chapter 17), drug investigation methods (chapter 17), drug labs (chapter 17), and privileged communications (chapter 18).

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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**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 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.

Investigators use tools that can be categorized as Information, Interrogation, and Instrumentation, the three “I’s,” to gather facts and to develop their case. 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 to determine 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.

## **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, the files of other agencies, and online sources. Other information is gathered by investigators 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-products of disputes over divisions of spoils. Crimes motivated by greed, when perpetrated by professional criminals, are frequently solved by information from informants.

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.

When developing an investigative strategy or when an investigation stalls, investigators should ask themselves several questions.