

## Chapter Eight

# Investigative Plan

*Process, plan, or strategy.*

In our discussion of criminal investigations, the preliminary concerns have been addressed. Now, it is time to start the process. We considered what an investigation is and how it needs to be initiated. Reactive investigations usually begin with an event that indicates someone has been killed, injured, ripped off, or otherwise diminished. The event appears to be the act of another. That person is likely to have broken the law and should be held accountable for the crime. We defined the laws and the jurisdiction where the investigation should occur. We determined which law enforcement agency is responsible for conducting the investigation. We made sure that the investigative responsibilities are clear and the investigator knows what needs to be proven to reach a conclusion.

We considered how the investigator's authority is defined in a free society and what the rights are of any person accused of a crime. We understood why those rights provide a landscape and process by which the investigation is to proceed. We then turned our attention to the investigators and decided how a team approach has proven successful in the past and how it should be applied to the process going forward.

We determined that witnesses are the key sources of evidence. All criminal investigations need to be considered in the human context in which they are defined and subsequently solved. We discussed witnesses' concerns for their own safety and for justice and the adjustment in their responses, which is needed to tell their story appropriately within the criminal justice system of rules and rulings.

We considered the logic and science of evaluating the scene of the crime event so that the investigator can start to use informed speculation and reasonable analysis to begin an investigation.

This same approach and process is used to take on proactive investigations, which involve a much larger landscape of criminal conduct. Multiple crime scenes or events will be studied, and tactics will be developed. In proactive investigations, we no longer trace the origin back to a single event. We review multiple crimes or even future crimes and focus our suspicions on one or more persons who are believed to be regularly involved in criminal conduct. The investigation's goal is to ensure that law

enforcement intelligence or suspicion evolves to the point where crimes are solved, and certain patterns of criminal activity are eliminated.

## THE PLAN

An investigative plan includes speculative analysis based on experience and logic. The facts and evidence available to the investigator after the initial introductory phase of an investigation are reviewed, and certain determinations about that crime are made. A good working plan begins with answering the following basic questions and establishing the best way to apply the answers to a specific set of facts.

- What criminal statute or statutes were violated?
- Does the investigator and the agency have jurisdiction?
- How large is the population of suspects who could have committed the crime?
- Does the investigator have the authority to effectively resolve all the questions raised by the crime event or series of events under investigation?
- Is there a pool of witnesses who can be helpful in the investigation?
- Is the crime solvable based on reliable witnesses; a reliable intelligence base; or the recovery of physical evidence, which can provide forensic identification of the suspect?

A plan should be a predictable road map leading to a solution of the crime. Cohesive organization with a step-by-step process should provide the best approach, but there are as many variables as there are constants when you consider the nature of proof, the value of evidence, and the determination about how facts are best used to prove or support an argument. The criminal investigator needs to understand that, from one case to another, it is rare that the same process will yield the same results. Investigation is not just science, psychology, or precise planning. It may be all three, but there are times when an investigation presents as chaos that turns into an understandable and orderly process by the criminal. Some violent crimes, for instance, may appear to be random violence with no motive. As the investigation evolves, the criminal's plan becomes apparent and almost predictable. A plan, therefore, must be malleable and adaptable. As soon as the investigator begins to uncover what is going on in the mind of the criminal, a more orderly path to solution will be available.

In an investigation, there are certain factors that hopefully will always be available. Each investigation needs at least one witness who can testify about the crime, or the criminal, or even just about circumstances relating to the crime. Each investigation needs at least one victim and one criminal. Aside from these needs, the possibilities are endless. Even so-called victimless crimes may affect the investigative plan. Well-organized and precise plans reflect the criminal investigator's capabilities and the teamwork that is applied to the investigation.

The most important goal of a plan is effectiveness and success. If the facts, evidence, and proof come together and present the truth for a judge or jury and the criminal is made to pay for the action, the case is a success and the plan worked. In our

discussion, we will present steps that can be followed that will result in a successful investigation. You will note that the steps are multifaceted and may appear to be a jumble of disparate processes, but this is how criminal cases manifest themselves. The investigator is usually hit with multiple needs all at once, and throughout the steps, the limits of time management and organization are tested until all the leads are covered. Then, there is dead time and space during which the investigator must be creative, patient, and sustained in applying pressure to achieve the goal. Law enforcement work is a process of daily routine and boredom, which is then punctuated by sheer terror and sustained emergency demands. In following certain steps, there are points at which the investigator can adjust, implement decisions, and produce much-needed support to reach the goal.

After the initial investigative step has been completed, the plan usually becomes an exercise with one or more theories being considered and determining the answers to who, what, where, how, why, and when the crime was done. Most of the time with reactive crime investigations, the what and where are self-evident. Occasionally, the when is also known. In some cases, such as commercial armed robberies, the crime might have happened in front of several eyewitnesses. The theory or speculation about what happened is not a mystery. In homicide investigations, it is more demanding when investigators are called to the scene of a deceased person. Crimes that occurred without a definitive crime scene are even that much more demanding. The initial information that a crime occurred may be supported by one or more witnesses, but no physical evidence is immediately available. The theory or speculation develops from the details provided by the complaining witness, as in a kidnapping case.

Investigative inquiry is a waste of time and effort if there is no reliable source of information upon which to base a theory or speculation about the crime. The sources of that information are a physical crime scene or dump site, knowledgeable and reliable witnesses, and victims and then any other supporting information that exists and allows progress in an investigation.

The two types of investigations have two separate starting points. A *reactive* case usually begins with the crime scene. If there is no known crime scene, then begin with the complainant who reports the crime to law enforcement. Once the crime scene has been established, proceed as follows:

1. Determine if there are witnesses and or victims to the crime present and conduct initial interviews.
2. Begin the detailing of leads that need to be followed.
3. Coordinate with the crime scene examiners. If there is no crime scene team or unit, begin processing the scene yourself.
4. Go over the actions of the first responders, and make sure they send you any notes, photos, or reports they generate. (In the current state of technology, these items may be digital files, which will eventually find their way into the investigative file.)
5. If appropriate, determine if there is outstanding investigative or tactical activity being carried out by responding patrol units. (This outstanding activity may involve following up on a lookout for a getaway car or a suspect who matches the description of the criminal.)

These five procedures are prominent examples of the investigative actions that need to be taken when responding to a crime. They can be adjusted and applied to every investigation; even proactive investigations will have multiple crime events that have to be reviewed for this same basic information.

In a *proactive* investigation, begin with a thorough background investigation of the suspects identified in the case as being responsible for a pattern of criminal conduct. It is also a starting point to begin with the crime reports, crime scene examinations, witness statements, and any follow-up significant physical evidence recovered. Proactive investigations often have known (or unknown) suspects who are responsible for the pattern of crime. Focus is on the suspected pattern of crimes or the backgrounds of the suspects themselves. Most proactive investigations are initiated by reviewing reports, statements, photographs, and any evidence related to the investigation. The investigator must become thoroughly knowledgeable about all aspects of the suspects or the suspected activity.

Most proactive investigations are initiated by actionable intelligence that is reliable and can be accessed for further information when the case is advanced to the second phase. (Actionable intelligence is information from a reliable source who provides details sufficient to generate investigative action or tactical response.) Both proactive and reactive investigations move into a second phase when the investigator begins the effort to catch up with the suspects. *Catch up* is a term that refers to the fact that, as an investigator, you are behind in a race to the truth. It is your job to recover and move forward to the point where you are not just even but ahead in the race.

The following steps are an effort to customize the various plans to particular violations. These violations are (1) crimes against persons and (2) crimes against property. There are individual criminal acts discussed with each three-step plan of action. Crimes against persons include homicides, sexual assaults, and aggravated assault and battery. Under crimes against property are armed robberies, burglaries, and car theft. Three-step plans discussed in this fashion provide the student with an orderly plan of action, so the three-step approach affords a simple “beginning, middle, and end” to each investigation.

### **Step 1: Crimes against Persons**

When considering a plan or a scheme to follow in any investigation, there are some logical compartments in which to place investigations. One compartment is *crimes against persons*. Any crime that involves violence or assault on a person is considered a crime against persons. The victim is the starting point in the plan. There may be times when the crime scene, or where the violence occurred, may not be known. When the police are called to the venue where the complainant determines there is evidence of a crime, that evidence may simply be the person who was victimized. When the first responders arrive, the body of the homicide victim is present, or the victim of a rape or a serious physical assault where there is significant bodily harm is present. Step 1 in the plan of crimes against persons is to make sure any person who needs medical help gets that care.

### *Homicide Case*

When the lead investigator arrives at a homicide scene, the body of the victim may be removed if the victim was in the process of dying when the complainant called for the police. The lead investigator needs to ensure there will be coordination among the emergency medical responders, the emergency room staff, and the coroner or medical examiner. Each person who came in contact with the remains of the victim needs to be documented, and her work space needs to be examined for evidence. Important evidence can be recovered at each step in the treatment and examination process. Investigators or officers need to trace the process through or accompany the victim until the victim is turned over to the medical examiner. In most jurisdictions, the autopsy of a homicide victim should be observed by the criminal investigator, and any physical evidence recovered in the autopsy should be turned over to the investigator or the police evidence technicians.

In the next example, the body remains at the response location. This happens when medical assistance is not necessary. In these cases, the lead investigator, a representative from the coroner or medical examiner, and the crime scene team work the venue together to make a preliminary finding as to what happened. Witnesses are identified at the location and separated from each other or monitored to avoid witness contamination. Each aspect, from discovering and recovering physical evidence to conducting on-the-scene interviews, is done without missing important facts resulting from these efforts.

It is usually best to start with the complainant who called the police to the scene. This person can be anyone: a close associate of the victim, a suspect, or a witness to the whole incident. This person can also be a total stranger who just happened upon the victim. Any other bystanders, witnesses, and potential suspects need to be interviewed. A review of all the witness statements needs to be done before any witness is released from the scene. This demand for cooperation is an essential part of step 1. Exercising police authority in a matter like this may be unpopular with the civilian witnesses, but it is a necessary inconvenience.

After the witnesses have been interviewed, the lead investigator needs to coordinate the findings from the witnesses with the physical elements determined from the crime scene. If the findings of the crime scene team point to the fact that the death of the victim does not appear to have occurred at this scene, further investigation needs to occur. The lead investigator should attempt to consult with the medical examiner or tech for any scientific indicator that may support the movement of the victim postmortem.

On the other hand, if the crime scene team has recovered significant physical evidence that the crime occurred on or near where the body was recovered, the lead investigator needs to make sure there are no immediate discrepancies between the witness statements and the locations and type of evidence that were discovered. For example, if expended shell casings were recovered that indicate the assailant in a shooting murder was standing in a certain location but witnesses state the shooter was standing elsewhere, every effort should be made to resolve the conflict. That kind of discrepancy can be resolved in one of three ways: (1) The witness is mistaken based on poor observation skill, a false claim, or suspicious behavior. (2) The shell casings were moved, or they represent evidence from a shooting that did not result in the death

of the victim (two shooters, and the killer shot the victim with a revolver). (3) A third person, possibly even the shooter, moved the casings.

Any resolution of the discrepancies based on supportable facts and reasonable logic will help the case going forward. A permanent record of the discrepancy should be made. It may be that the discrepancy can't be resolved. In that case, the investigator is aware of the problem and will have to resolve the issue before it becomes a sore point at trial time. The investigation conducted in step 1 will have flaws and gaping holes that need to be filled. However, completing the examination of the crime scene and interviewing all the available witnesses puts the investigation on the right path to success.

In most jurisdictions in the United States, it is the responsibility of the lead investigator or designated police official in homicide cases to notify the family, next of kin, or other appropriate person of a death. This notification process is a requirement that normally takes place during step 1 in an investigation. Obviously, the identity of the victim needs to be determined. It may take days or even weeks for this to be done with a victim whose identification is missing from the remains and is found in an area where no one will come forward and provide a preliminary identification.

Once a name is officially connected with the remains, a formal identification process by the next of kin or close family member must be done in a manner consistent with a protocol for the jurisdiction. This can range from an identification that takes place at the medical examiner's office to a display of a photographic image of the remains by the investigator to the next of kin or appropriate family member. Given this requirement, the investigator's first contact with the next of kin may be very traumatic and unsettling, but it must be done. Even though the investigator may be dealing with extreme grief and anger, there can be observations made that will inform the investigation. If the investigator acts with genuine human concern and empathy, it is likely that the next of kin and the family will be willing to help the investigation. Following are a few questions that must be asked during this very traumatic interview:

- Does the victim have anyone who would have wanted him killed?
- Does the victim have enemies?
- Why would the victim be found where the body was found?
- Where does the victim work or frequent?
- What is the general reputation of the victim?

These questions and a few more should be judiciously put to the family to see how they react specifically and try to determine if the family is being open and honest or closed and protective. Some families in this circumstance will be astonished at the thought of someone killing their loved one. Some families will be aware of a dark side to their loved one and won't be overly surprised. Other families may be saddened but, in some ways, relieved. There is no stock reaction to this notification, but the investigator should read the reaction and decide how to proceed. The investigator may make the notification, arrange the positive identification, ask the immediate and preliminary questions, and then arrange an appointment to go over the background of the victim in depth. He may walk away from this notification with leads on the victim's business

and social life and begin the important relationship with the victim's family that will be ongoing for the course of the investigation.

### *Rape or Serious Assault Cases*

Step 1 in a rape or serious assault case is very similar to step 1 in a homicide, except that the victim is transported to the hospital for medical treatment. When the victim's health is stabilized, the investigator must initiate an effort to recover any physical evidence from the live victim. This can be done only with the permission of the victim. A victim who is unconscious and unable to consent may require that permission be obtained by proxy from a next of kin or, if the victim is a child, by a parent. In the event there is no one available to give consent, a court order may be needed; however, the physical evidence must be obtained legally.

In a rape case or any sexual assault, the examination for trace evidence is usually very invasive and requires a well-trained, forensically experienced medical professional. This is usually the beginning of the imposing personal and emotional relationship between the lead investigator and the victim, as discussed in chapter 6. If the investigator feels unable to handle this relationship, another investigator on the team needs to work with the victim.

On serious assault cases, the recovery of a bullet is a medical procedure that is usually necessary in a gun assault case. Permission for this procedure is usually given in the *consent to provide medical treatment*. More invasive or even extraneous examinations for trace physical evidence may require the same permission required in a sexual assault case. Victims in these cases may have been beaten, bitten, strangled, or otherwise physically assaulted, leaving the suspect's trace material on the victim. An exchange of physical evidence from a blunt-force weapon or knife is also the kind of trace evidence that can be recovered from the victim. Recovery of this evidence may be essential in proving the crime.

Once that treatment and evidence recovery effort is completed, step 1 in a sexual or serious assault case proceeds the same way the step proceeds in a homicide case. There is usually a complainant or complaining witness. That person may be the victim, but that is not always the case. Interviewing that person and any other bystanders or suspects at the scene where the victim was recovered is the important process that begins the investigation. Also, the exploitation of the scene where the police were called is part of this process. If possible, determine that the crime occurred where the first responders were called, and try to resolve any discrepancies. Interview witnesses on hand, conduct a crime scene examination, and resolve conflicts between witnesses and crime scene variations.

### **Step 1: Property Crime Investigations**

For purposes of this text, property crimes are any criminal investigations that result in the theft of property, currency, or anything of value. This category includes armed robbery, robbery, shoplifting, burglary, embezzlement, and any other kinds of larceny, including auto theft.

Step 1 involves responding to the scene as instructed by the complainant. In cases of this kind, it is not “normal” that anyone at the scene will need medical attention, but in some armed robbery cases, it is possible that a victim who refused to cooperate with the criminals is injured. Emergency medical care and accompanying the victim to the hospital or urgent care facility is priority. Aside from that possibility, these cases involve a process similar to that used for *crimes against persons*. The complainant and any bystanders must be interviewed, and a thorough examination of the crime scene must take place.

This crime scene examination will be disruptive to a commercial establishment, such as a bank, grocery store, restaurant, or drugstore, because these stores must be closed until all areas related to the crime are examined. This usually involves multiple venues in a crime scene. As discussed in chapter 7, venues are separate areas in which suspects carried out parts of their crime. They include points of entry and exit as well as the route used by the suspects to arrive at and leave from the main venue where the crime occurred. In the case of an armed robbery of a bank, for example, the venues may be the *front entrance* of the bank, the *hallway* leading to the *main teller area*, and the *hallway* leading to a *rear exit* from the building, which was used by the suspect or suspects committing the crime. In this case, there are five venues in one crime scene. There can also be auxiliary venues where other aspects of the crime were carried out. Auxiliary venues in a robbery can be vault areas, safe deposit box areas, count rooms, or locations where cash is prepared for final distribution.

In burglary cases, the main venues may be bedrooms where jewelry is stored or electronic equipment is housed. But in burglary cases, the points of entry and exit as well as the routes to and from the main venue should be examined. In residential burglaries, burglars have been known to steal food and drink from kitchen areas. The kitchen may be a venue that is appropriate to examine even though the criminal aspect of the case is not centered there.

The focus of the crime scene examination must be customized to each crime. Each venue needs to be examined and exploited for physical evidence, including fingerprints, trace evidence, pattern evidence, and biological material. Logic and witness information can guide the work that is needed. The other important consideration is the unusual, suspicious, or mysterious variation that is observed during the crime scene examination. During step 1 in any investigative plan, the crime scene examination must be thorough, and all the facts must be known because the investigative team usually has only one chance at the scene.

Once the investigator reaches the point when all the witnesses have been interviewed and all the crime scene venues have been examined and exploited for physical evidence, the scene will be turned over to the property owners for a return to normal use. Only when the deceased victim of violence is killed inside her own home or business can the crime scene be sealed for any extensive period. Crime scenes where commercial robberies or thefts, such as shoplifting, occur are usually places of business, which must be returned to regular use as soon as possible. Crime scenes such as burglaries of residences and businesses also must be returned to regular use as soon as possible. These kinds of decisions are made by the crime scene technician in conjunction with the lead criminal investigator. In unusual cases where the seizure of a

crime scene is determined necessary, a court order will usually be required absent the permission of the property owner.

### *Car Theft*

*Car theft* is one of the most reported grand larceny crimes in the United States. Car theft occurs so often (about one million cars are stolen every year in the United States at an average cost to victims of \$6,000) that it is hard for most police agencies to spend the time necessary to investigate the crimes thoroughly. The victimization is also indemnified by the auto insurance industry, which most states mandate, and all auto loan entities require allowing the complainants to receive compensation for their loss within days of the crime. These two things tend to make the priority of these crimes even lower. The community just doesn't demand an immediate investigative response even though the value of the car is usually much more than the average larceny. In a larger sense, the real victims of auto thefts are the insurance companies, which have established the National Auto Theft Bureau to assist the police in the identification and recovery of stolen cars nationwide. Since most of the physical evidence that can be recovered from a stolen car can be recovered only from the car itself, the crime scene may be nothing more than an empty slot in a parking lot or spot on a public street.

All the information that can inform an investigation of a car theft is most likely going to come from the owner. A detailed interview with the owner is the primary starting point. If the car is recovered, an actual crime scene examination can be done on the car itself. Witnesses can be found around the location where the car was stolen, but very few people will even notice an unknown person getting into a car and driving away. Older model cars with key entry and ignition are stolen using blunt-force methods, which may include crossing ignition wires and overriding the ignition cylinder. Newer-model cars and most high-dollar vehicles, such as BMWs, Mercedes, and Range Rovers, use keyless entry and ignition systems. Honda Accord sedans are among the most stolen models in the world. They also have keyless entry and ignition systems.

All the high-tech keyless entry vehicles rely on the onboard computer systems, which are vulnerable to computer hacking, thus making the job of the thief simple if the thief has been schooled in this method. Expensive computer programs can be used to disrupt the onboard computer system through the onboard diagnostic port, a digital access connection under the dashboard of most modern cars. These ports are to be used by professional auto mechanics and dealers to discover mechanical problems, but they also allow professional thieves to reprogram the keyless entry and ignition system to respond to their key fobs, thereby allowing them to simply drive away and operate the vehicle as if they had the original key fob. All the thief needs is a laptop, a smartphone, a tablet with the right reprogramming app, a tool to break into the car or smash the window, and a blank key fob. Even if this software is expensive and technically difficult to use, the profit from stealing a \$100,000 vehicle or even a \$30,000 vehicle makes the investment worthwhile.

As discussed in chapters 3 and 5, car theft is a low-priority investigation unless there is a professional organization stealing cars and then shipping them overseas for

resale or chopping them up for their valuable parts, which can be sold on the black market for more than the intact vehicle sells for in brand-new condition. Engines, transmissions, radios (entertainment systems), computer modules, wheels, air bags, and other major parts or systems when sold individually can yield profits that are more than buying the used car for the standard price. In many overseas countries, a stolen high-value car can sell for double the asking price than in the United States or Europe. If there are no repercussions for reselling a stolen car, that MO for a car theft ring is also very lucrative. The other very lucrative approach that professional car thieves can use is to switch the vehicle identification number (VIN) with a number that can pass a police database search to establish a legitimate provenance for the car. The vehicle can then be resold with the new VIN. This kind of operation is complicated but also very lucrative. If the VIN switch is successful, the thieves can resell the stolen car for an amount close to the car's actual value.

When considering all the high-tech requirements of a professional car theft ring, the only way successful investigators can achieve positive results is by conducting a proactive investigation. This type of investigation would involve developing a crime pattern from individual crime reports, determining if certain models are being targeted or certain geographic areas are being targeted, and then combining that analysis with any vehicles that are recovered. Confidential source intelligence and data analysis are investigative priorities for an auto theft investigation that is part of a car theft ring or pattern of theft. A proactive investigation's step 1 is to begin by comparing every new theft with the intelligence and data from the previous thefts. Finally, many of the high-value cars are equipped with GPS, which when activated, can immediately locate the vehicle. Professional car thieves have ways to frustrate this system, but any targeted vehicle that generates its location and is recovered may provide a great deal of important information that can inform the investigation and help lead to a successful conclusion. Two important investigative responses to a car theft, whether the investigation is a single investigation or part of a theft ring, are to include in step 1 the activation of the GPS tracking system as soon as possible and to make sure the vehicles are entered into the National Crime Information Center (NCIC) stolen car database as well as into any appropriate local car theft databases.

Car theft investigations are more successful if they are targeting more than one stolen car. Car thieves never steal just one vehicle unless they are amateur beginners. Stolen car rings and chop shops are complicated enterprises. A variety of career criminals generate a lot of physical evidence and, at some point, require interaction with local governmental entities, such as the Department of Motor Vehicles, or must declare the VINs to be able to transport the vehicles to other countries. All these steps, which make the enterprise lucrative, leave open a very public digital trail.

### **Rush to Judgment**

The important fact to know at step 1 in an investigation is that you may have developed a suspect and a full array of outstanding investigative leads that can be followed in taking the case to a logical conclusion. There are also cases when the suspects are prominent and central figures in the crime scenes and their actions make it necessary

to arrest them on the spot. So why has the investigation gone from a snail's pace to the sprint of a jaguar? The steps going forward appear to be unnecessary, and all that is needed is to turn the case over to the courts. Consider the following three scenarios, which are based on real cases.

1. The police respond to the scene of a reported homicide. They discover a female victim lying in a pool of blood with multiple gunshot wounds to her torso. A person identified as her husband is seated next to her in a despondent and uncommunicative state with a handgun in his hand. He keeps complaining over and over that she shouldn't have done it. The first responding officer takes control of the handgun and handcuffs the husband to secure the scene. The husband continues to act compliant but disconnected from reality.
2. Police respond to the scene of a bank robbery and discover a person seated in a vehicle in the parking lot of the bank who generally matches the description of the bank robber, who wore a ski mask and gray coveralls and was armed with an AR15 assault weapon. When the police carefully approach him, he is busy trying to get his car started and is angry and frustrated. A police officer observes a ski mask and an AR15 assault rifle on the back seat of the car along with a sack filled with unknown materials. The responding officers immediately detain the person by handcuffing him and putting him in a patrol car.
3. A rural county deputy sheriff responds at the home of a local farmer who just reported a burglary. The farmer's residence is at the end of a long road, which is almost a half mile from the highway. As the deputy drives toward the house, a pickup truck comes toward him driven by a person the deputy knows from having arrested him in the past for burglary. He stops the truck and observes several flat screen TVs, video game consoles, and handguns and rifles in the bed of the truck. He cuffs the driver and asks the radio dispatcher to contact the victim and ask for a summary of what was stolen. Within a short time, the dispatcher advises that the burglar stole rifles, handguns, three flat screen TVs, and other property. The deputy detains the pickup truck driver and places him in the sheriff's cruiser.

In each of these cases, the officers acted on the facts presented to them while responding to a crime. In only one of the scenarios did they have actual verification that a crime had been committed, other than the initial report from an unverified complainant. Are these actions a rush to judgment or the logical response to a crime? First-responding officers, agents, or investigators have a responsibility to act in accordance with the law. If they know a crime has been committed and develop facts and evidence proving that a person is responsible for that crime, they can and should make an arrest. The detention of all three suspects in these cases is the logical and safe response to information presented to these law enforcement officers.

Variations of scenarios like these cases occur more often than expected. Most criminals are not genius masterminds with perfect timing and good luck. A human being who resorts to killing his spouse because he is enraged by some personal slight or act of infidelity may not be able to immediately react to the crime by hiding his actions and turning off the anger that led to violence. A human being who commits an armed

robbery may not be able to overcome the fact that his car won't start because engine malfunction is not always predictable. And finally, a human being who burglarizes a house can't always be certain the police response is slow and predictable. The inescapable logic of *Occam's razor*, a problem-solving principle devised by a 12th-century friar, justifies the actions of the police officers. A more recent variation of that principle, the KISS principle, which means *keep it simple stupid*, supports the same theme.

Is it really a rush to judgment? Any criminal act is going to be subject to flaws, lack of judgment, and poor timing. The reason there are almost one million police officers in the United States is to take advantage of the flaws and have a law enforcement official in the right place at the right time to exploit the error or failure of judgment by the criminal. The truth is that, in each of the above scenarios, significant investigation was needed to make sure the case could move forward in the criminal justice system. From the administrative viewpoint of the police agencies in each of the cases, once the crime was verified, it allowed matters to be closed as felony investigations. The armed robbery of the bank was verified by witnesses and the victim tellers in the bank, so the case was closed. There were additional proofs that were needed for court, but when the police were the primary officials, the investigation was over.

The residential burglary required proof that the house had been entered, the items in the pickup truck were the actual property of the victim, and the value of the property constituted a larceny. These facts sustained the proof that the burglary occurred. Additional proof would be needed to make the case at trial, but the police closed their investigation.

In the homicide scenario, it turned out that the medical examiner found gunshot residue on the hands of the victim and the wounds to the torso were self-inflicted. Follow-up investigation determined the victim had inoperable cancer, which would cause grave pain and financial distress for her family. Eventually, the husband came out of his grief and explained that it was his gun and that his wife had waited until he had gone to the store for groceries and then killed herself. He returned home to find her and instinctually grabbed the gun from her hand. He sat and cried and could not respond appropriately due to the shock and sadness. A neighbor had heard the gunshots, looked in the window, saw the victim on the floor, and called 911. In this case, the medical examiner ruled the cause of death to be suicide, and the husband was not charged with a crime.

## Step 2

Step 2 in the investigative plan will provide information to begin the process of developing theories of truth to anticipate the investigative goal. Investigative choices and decisions will come from leads generated from step 1 and provide the new leads needed to inform the investigation going forward. It should be noted that millions of criminal investigations end each year after early findings reveal a solid suspect and viable theory. In almost 8 out of 10 of those cases, there are no trials because the eventual suspect pleads guilty to the crime. This is primarily because the suspect is guilty and will receive a lighter penalty by not forcing the government to go to trial. Statistics for plea bargains vary each year and in each jurisdiction. The 8 out of 10 estimates are

just that, estimates, but the reality of criminal investigations that go to trial is a small percentage of investigations that take place and get beyond step 1. Every case needs to be treated like it will go forward to trial. In our study, we need to progress to that next step in the plan.

The second step in homicide investigations is to obtain a commitment from the medical examiner that the ruling will be homicide, arrange interviews with witnesses identified in step 1, and evaluate the case to determine, if possible, that the killer was known or not known to the victim. That determination will affect the degree of background needed in the study of the victim. The spouse or other family member as well as the business and social life of the victim needs to be fully explored to determine whether the investigation needs to focus on aspects of the victim's life.

During this step, it is also necessary to consider physical evidence that was recovered and submit the evidence for forensic examination. This is a part of the step that needs to be worked in association with the lead crime scene technician, who knows which forensic examinations are needed and which examinations need to be prioritized. Many of these examinations may take weeks or months, and the impact of any positive results will not be known until the examinations are done and the reports are written. Having this process start as soon as possible after the crime is a necessary early part of any investigation.

The next step involves witnesses, the victim (victimology), and physical evidence. There is, however, a new process, which is the exploitation of digital data and the vetting of all witnesses and any suspects by way of conducting background investigations to determine who among the witnesses and victims have a criminal history or something in their backgrounds that may be a problem in the future. With the proliferation of social media platforms, a homicide investigator should also initiate the process of discovering what information is available on these networking platforms. Each law enforcement agency will have computer analyses that may allow deep dives into the social media profile of the victims, suspects, or witnesses. This information, together with criminal record checks and law enforcement-sensitive information, can provide extraordinary amounts of information about each person. Some of that information may be helpful in providing leads and directions for the investigations. It is therefore necessary to begin this data dive process as early in the investigation as possible.

The only problem with this new data is its value as evidence. It is always necessary to evaluate the source of the information that is recovered to determine its reliability. A person's Facebook profile might contain false or misleading information posted on purpose by the person whose profile it is. Reliability and any concerns about whether the information was legally obtained control how the data are used. Some of this social media platform data is considered open source, and some is protected by contractual privacy agreements with the persons who own the accounts. Regardless, much of the data are easily accessible for data mining by knowledgeable computer specialists.

Referring back to our discussion on teamwork in chapter 4, the criminal investigator should enlist the help of the agency's *intelligence* unit or squad. That unit is usually able to perform the kind of data recovery required. Additionally, an active intelligence unit can use creative covert and legal means to gain access to a social network platform. Using a covert friend profile matching the profiles acceptable to a suspect or

even using an existing confidential source to extend the appropriate invitation to a suspect can be a successful technique to allow access to the suspects' social media page.

In Andrew Guthrie's book, *The Rise of Big Data Policing, Race and the Future of Law Enforcement*, Guthrie examines the impact of all this computer data on the future of law enforcement. What he refers to as "big data" incorporates all the computerized data available to law enforcement, including law enforcement-sensitive data and the manipulation of that data to create target lists of career criminals. This list may be so informed by racial or cultural stereotypes that the data can create misinformation when acted on by law enforcement. During the process of working a case, this information, if reliable and legal, can allow the criminal investigator to anticipate behavior, analyze past behavior, and determine the best way to plan and to target criminal suspects. It is essential that the information be legally obtained so as not to taint an investigation.

As the investigator proceeds in step 2, it is necessary to understand that following first step leads, interviewing witnesses, developing relationships with victim families, coordinating the examination of physical evidence, and conducting computer background checks will take time and burn investigative resources. Whereas step 1 is usually accomplished in the first 24 hours of an investigation, there is no average time for step 2. It takes what it takes.

The end game in step 2 is when there are no outstanding investigative leads. The second characteristic of step 2 is that it is consistent in investigative compartments of other crimes against persons and property. The main distinction is the need for the criminal investigator to develop communication and a relationship with the victim of the crime. A long-term and productive relationship is a necessary part of this step.

Rape victims and victims of serious violence are handled differently than burglary or robbery victims. If the case continues for any length of time as it heads to trial or just takes a long time to get at the truth, investigators need to stay in contact with victims to update them with the progress of the case and anticipate all the frustrations and difficulties they face as the victim of a crime. Criminal investigators are *advocates*

## INVESTIGATIVE PLAN: HOMICIDES

### Step 1

- Examine body.
- Conduct interviews of persons present.
- Conduct crime scene examination.

### Step 2

- Coordinate with medical examiner for ruling on cause and time of death.
- Contact family to notify, identify, and begin victimology.
- Continue investigative interviews with business and social contacts.
- Conduct outstanding interviews with potential witnesses.
- Coordinate scientific examination of physical evidence and trace evidence.
- Evaluate intelligence.

for victims and should make it possible for them to regain control and enjoy a return to a safe feeling so that the long-term impact is diminished.

### *Step 2: Crimes against Persons*

This compartment of step 2 encompasses the following actions:

- Cover all leads by interviewing and evaluating every witness developed.
- Coordinate the scientific examination of physical evidence.
- Gather any physical evidence and medical reports relating to the injuries received and the trace evidence recovered from the appropriate medical professionals.
- Work with the victim to help in the recovery, and be available to counsel the victim about the criminal justice system if and when a suspect is charged.
- Initiate the process of data mining as needed relating to the suspects, victims, and witnesses.

## **INVESTIGATIVE PLAN: SEXUAL ASSAULT OR VIOLENT ASSAULT WITH SERIOUS BODILY INJURIES**

### **Step 1**

- Emergency medical treatment and forensic examination
- Crime scene examination
- Interview witness and victim witness if available

### **Step 2**

- Establish proof of the assault with medical professional
- Develop productive relationship with the victim witness if available; otherwise, conduct a victimology background investigation
- Continue witness examination
- Coordinate scientific examination of physical evidence and trace evidence recovered
- Evaluate appropriate intelligence

### *Step 2: Crimes against Property*

This compartment of step 2 encompasses the following actions:

- Cover all leads developed from interviewing and evaluating every witness.
- Coordinate the scientific examination of physical evidence. (It should be noted here that expensive scientific examinations, such as extracting DNA profiles from physical evidence, may be limited to crimes against persons or only serious commercial armed robberies. Examinations for fingerprints or ballistics will usually be allowed in these lower-priority investigations, but there will be limitations even in

well-funded police agencies. This may change in the future when the technology becomes cheaper or more accessible.)

- Work with the victim and counsel the victim about the processes in the criminal justice system when a suspect is charged.
- Initiate the data mining as needed for the suspects, victims, and witnesses.

### INVESTIGATIVE PLAN: PROPERTY CRIME

#### Step 1

- Interview victim and witnesses at the scene
- Conduct a crime scene examination and recover physical evidence
- Request an audit, evaluation, and/or proof of ownership of stolen property

#### Step 2

- Continue witness interviews and follow all leads
- Coordinate any scientific examination of physical evidence recovered
- Input stolen items in NCIC or other appropriate stolen items database
- Evaluate available intelligence

The timing of step 2 in the investigative plan is open ended. The follow-up investigation and coordination of any scientific examinations along with careful interviews with witnesses may take days, weeks, or even months, depending on the complicated nature of the crime. The time frame can expand if the investigation is a proactive investigation targeting known individuals. Step 2 is lead driven, and when there are no leads, the case will enter the final step. But before we discuss the characteristics of step 3, it is necessary to discuss two very important elements that are generally part of step 2.

#### *Step 2: Intelligence*

Intelligence can be from several sources. It is law enforcement-sensitive information that is confidential in nature and essential to effective law enforcement. As discussed in a couple of the previous chapters in this book, confidential sources are insiders in the criminal ecosystem in almost every community in the United States. Human intelligence can be an extremely reliable source of information that gives the name of the suspect who is responsible for the crime under investigation. It can provide important unknown details about the crime that may lead to a solution, or it may provide the location of evidence that can be used in the solution of the crime. It is also possible that human intelligence can be wrong or misleading, but that possibility is lessened by veteran investigators who maintain productive relationships with confidential sources.

Valuable and reliable sources working with skilled investigators quickly realize that their information is useful only if it is accurate. Logically, these confidential sources

make every effort to ensure the truthfulness of the intelligence they provide, and if they are not sure of the value, they make sure their handlers know the limitations of the information. Referring to chapter 4 on teamwork, a veteran squad of investigators working commercial armed robberies makes sure their source base is reliable and well-schooled in the kind of information that is productive. The confidential sources described above are usually career criminals whose motivations to cooperate with law enforcement are derived from the full spectrum of human motivation. A source can see an extra source of income if law enforcement is generous to its sources. A source can see a way to remove unwanted competition or simply believe that her criminal activity is insignificant in comparison to the intelligence that is provided concerning a criminal.

### *Personal Experience*

I worked with many confidential sources in my career, but the most effective sources were those whose motivations recognized that the violence in Washington, DC, in the late 1980s and early 1990s was so bad that they had a responsibility to their community to do something about it. Sources who are motivated by personal gain usually don't last long in their efforts to help law enforcement, but the sources I worked with provided high-quality intelligence for 10 years and more. They had a close personal connection with me and were determined to deliver the best information they could uncover. They knew that I would make them pay for any crime they committed while they worked with me, but they also expected that I would protect them from retaliation if they were ever compromised. The relationship was on a personal level but, at another level, very professional. It took time and effort to build that kind of relationship, but it is necessary to work at something that is as important as developing a reliable operational source.

Other forms of intelligence are *debriefings from significant career criminals* who wish to bear their souls of criminal information before they are incarcerated in hopes that some of the information will help cut time from their sentences.

Intelligence can also be obtained from *reliable members of the communities* where crime and violence are epidemic. These well-respected members of a community try to make comprehensive and accurate complaints to law enforcement about what kind of criminal activity is creating havoc in their neighborhoods. Their information is usually from an outsider's viewpoint, but it is oftentimes accurate and usually has the accuracy derived from years of observation of neighborhood troublemakers who have become serious criminals. None of their information should be ignored because it represents the people in the community who support the police.

Other intelligence sources are *analytical studies of crime data* and the *one-off intelligence reports from other investigations*, which include audio, video, and actual physical surveillance. Much of the material from other investigations is superfluous or extraneous to the instant investigation for which the surveillance was initiated, but that information may come in handy and be beneficial when viewed in the light of another case. Overall, intelligence is constantly flowing into an active criminal investigation unit. Taking advantage of that information is an ongoing, productive exercise for criminal investigators.

### *Probable Cause/Suspect*

During step 2, discovering enough information, facts, and evidence to identify a viable suspect is a goal that is often achieved. Following all the leads, interviewing the right people, and finding out what physical evidence may yield positive scientific evidence as to who committed the crime are usually produced during this step. Marrying all the facts with a comprehensive analysis of the relevant intelligence gives the investigator what is needed to charge a suspect.

When all the testimonial, scientific, and documentary evidence come together to point out the perpetrator of the crime and you, as the lead investigator, are convinced that you have enough to charge the perpetrator and turn him into a defendant, your investigation is reaching its goal.

If you have exhausted all the investigative leads, determined that the physical evidence may offer little help in providing a name or the identity of a suspect, and have exhausted all the intelligence support without gaining a helpful direction, you are reaching an unsatisfactory end. The case will have to be set aside for a pending inactive status. The case is not closed, but there is nothing left that will provide probable cause and a suspect. The final effort in step 2 is to compare the crime under investigation with all other similar crimes to determine if there is a pattern that can be detected, thereby opening a new approach or avenue of investigation. This comparison may begin early in the investigation, but it is the last resort if all the leads developed do not yield a working hypothesis or viable suspect.

### **Step 3**

Step 3, the final step, is bifurcated based on the results of step 2. If there is a suspect to charge and the case has enough physical and testimonial evidence to move forward with a prosecution, then step 3 supports that effort. The best way to proceed is to arrest the suspect and conduct a thorough search of his residence, business, automobile, and any other constitutionally protected areas associated with him. It may have been necessary to search the suspect's residence, car, and business during step 2, but if that has not occurred, it is an essential element that should be done during the final step of the investigation.

During step 3, the lead investigator should update all the victims and witnesses to the fact that the case is moving toward a trial and make sure that any changes in their addresses or business locations are provided so that the investigator can stay in touch. The investigator should turn over all the reports, notes, records, photographs, evidence logs, scientific reports, crime scene reports, and any video or audio tapes relevant to the investigation. Any important intelligence reports, including interviews with confidential sources, should be provided within the parameters established by the law enforcement agency that protects the confidentiality of the source. After these processes are complete, the lead investigator should make himself available to the prosecutor for the investigative requirements leading up to the trial. The investigation is most likely to end with a plea bargain and final court disposition of the case. However, being prepared for trial is the appropriate goal to consider in step 3.

If step 3 is reached without a suspect and the case is put in pending inactive status, the investigator should make sure there are “bear traps” or “alarm bells” activated that will go off if a new lead is generated, a crime of a similar nature is reported, or another important fact becomes available. For example, some police agencies have serious backlogs of rape kits, and if no suspect is developed in a sexual assault case, the only chance for the biological material in the kit to be used to reopen the case is if there is a match in the FBI’s Combined DNA Index System, or CODIS, which compares samples from crimes with known DNA profiles from suspects nationwide.

Another example is based on the modus operandi (MO) discussed below. There are several serial offenders who burglarize homes, rob banks and stores, steal cars, and sexually assault and murder victims. A case that reached step 3 without developing a viable suspect may be the first in a series of crimes perpetrated by one of these career offenders. A second, third, and fourth crime may be reported that allows for a reopening of this investigation, with more leads and additional investigative theories to move forward. This is how a reactive investigation can turn into a proactive investigation.

### INVESTIGATIVE PLAN: SUSPECTS

#### Suspect Identified

- Charge suspect; execute search warrants at home, business, and any other constitutionally protected facility or digital instrument
- Turn over all documentary material and investigative support material to the appropriate prosecuting attorney
- Prepare for trial or other court disposition of the case
- Begin witness preparation

#### No Suspect

- Make investigation pending inactive
- Implement “bear traps” and/or “alarm bells” in the event a new lead is developed
- Compare the modus operandi with other similar crimes
- Evaluate intelligence

### THEORIES OF THE CRIME

*The plan* is simple and generally driven by the nature of the crime. It can be adjusted when the witnesses are few or many, by the population of suspects, and by jurisdictional or legal priorities that can affect the gathering of evidence. One thing that is universal is the need to develop a suspect. Somehow, the criminal investigator can find out how, when, where, and why a crime happened, but there is no solution unless you know *who* did it. Early in the discussion of the plan, it was explained that the lead investigator and her colleagues need to consider logical theories of the crime. These

theories are usually based on the motivation of the criminal. Ultimately, the suspect needs to have a reason to commit the crime. That reason may not be logical or even realistic, but it does have to motivate the activity.

There are some starting points that a criminal investigation student can use to begin the process of building a theory. These starting points act as hints based on the conduct of hundreds of thousands of modern criminals in the United States. The theories will never replace cold hard facts and evidence, but they do give the investigator some concepts and theoretical support for how the plan should proceed. Consider the following information as a guide book that can help but does not offer answers.

### **Who Did It**

Finding out who committed a crime is the most difficult task for the criminal investigator. It is especially difficult if the crime was not observed by any living person and the crime victim has no known association with the victim. Probably, the only reliable way to identify the perpetrator in a case like that is if the perpetrator admits to the crime to a friend or associate who then turns around and tells law enforcement. If there is reliable physical evidence left at the scene, it can be compared to a universal database to yield the name of the suspect.

### **Where to Start**

Once you can place a suspect's name with a crime and a crime victim, you can start comparing physical evidence recovered at the scene with the suspect. You can also begin to develop a time line that places the perpetrator at the scene of the crime at the time the crime was committed. Is there a way to understand the motivation for the crime and find out how your suspect fits that motivation? The types of crimes for which this is helpful are homicides, arsons, bombings, burglaries, larcenies, embezzlements, and any other crime in which the perpetrator carefully plans the timing of the crime to coincide with the absence of witnesses.

### **Security Surveillance**

When the timing of a criminal act is carefully planned to occur outside the presence of witnesses, it is necessary to determine if some other kind of "footprint" was left by the perpetrator. Today, in many urban environments, security and traffic surveillance cameras operate 24 hours a day and capture the activities of all sorts of people. These cameras are by their very nature hidden from open view, and even the most careful criminal may be unaware her actions are being recorded. Additionally, merely operating cellular phones and cameras in these devices can leave a discernible digital footprint. When investigators begin their effort to discover who committed the crime, they need to consider the date, time, and location of the scene as ground zero, or point zero, in their time line and create a circle of opportunity around that point. If there is a surveillance camera in that circle, it is essential to recover that video evidence before it is routinely destroyed. Even if that surveillance video equipment is owned

and operated by a private enterprise, it is essential that it be discovered and the video evidence recovered.

The recovery of this kind of video evidence is possible only if the crime occurs in an area where there is the likelihood that surveillance cameras exist. Abandoned housing projects or warehouse districts in rural areas are not likely to have this kind of video evidence available, so the investigator is back to square one in trying to independently develop a suspect.

### Sources of Information

Invariably, the investigation will come back to a third-party source who happens to overhear or discover information about who did it. The only other possible way to link a person to a crime is when a pattern of serial conduct is discovered. Unfortunately, this is possible only when multiple crimes have occurred and there is something similar about the MO or signature that links the cases together. (Signature as opposed to MO is a unique feature manifest in a crime scene that does not have any logical reason for being there. It is simply the perpetrator's message that he did the crime.) An example of an MO is a series of daytime burglaries that occur during a low traffic time (midday when all the victims are at work) in a suburban bedroom community where there is a similar pattern of items stolen, method of entry, and disturbance inside the houses. If the police see a pattern of this type develop and they can physically surveil the neighborhood where most of the burglaries occur and observe suspicious activity, including an attempted or actual break-in, they can make an arrest, search the "lair" of the suspect (her home) and find stolen property from the other burglaries. At this point, they will likely be able to solve all or most of the unsolved burglaries in the target neighborhood.

The next step is to conduct an effective interview, which may result in an extensive confession to the crimes. Oftentimes, serial burglars and car thieves will confess to all their crimes when they are caught red-handed, to avoid facing future charges. In many jurisdictions throughout the United States, convicting a burglar or car thief of one or two counts of these property crimes will lead to the same punishment as convicting them of hundreds of counts. Career criminals are aware of this possibility, so they are very likely to want to close the books on all their criminal conduct with one "omnibus" plea agreement.

Investigators assigned to burglary and car theft should be aware that the perpetrator is likely to be a serial offender. It is simply a fact to be relied on. As a student of criminal investigations, the experience of investigating burglars and car thieves is invaluable. These two crimes are gateway crimes that more serious felons started doing in their formative years. If they serve prison time after being caught doing these crimes, they usually get postgraduate education in those crimes and perpetrate more lucrative or violent crimes, depending on their mindset.

More serious criminals, such as serial murderers, serial rapists, child molesters, and armed robbers, are less likely to provide immediate closure unless there is some important additional incentive, such as avoiding the death penalty or ensuring their safety in prison. These types of criminals also have a much more sinister mindset

when it comes to law enforcement authorities, and any cooperation will usually happen only if they are totally convinced that they are indeed caught, with no way out. Additionally, many jurisdictions in the United States will have great reluctance to allow any kind of plea agreement for such a heinous criminal.

The one consistent incentive for serial criminals to consider is that there is little or no chance that any kind of effective *civil penalties* will ever be accrued against them. Most career criminals do everything they can to appear to be *indigent* and lack any ability to pay back their victims or the victims' families. Career criminals, if they accrue any wealth, will usually put that wealth into the hands of trusted friends or family to protect themselves from having any wealth that can be attached or seized pursuant to a civil court demand. Serial criminals who have mental psychosis as part of their profile are generally able to prove a lack of competence to protect themselves from civil proceedings.

As a result, the only real chance society has to stop this criminal activity is to catch the criminals and effectively prosecute them to remove the threat. Therefore, the *who* is very important. Career criminals such as the Green River Killer and the BTK Strangler avoided detection for more than 20 years. As a result, their body counts rose, and they created an atmosphere of terror in their communities. Even a serial burglar who operates for months or years makes the community believe there is no safe place, even in their homes. It is up to the criminal investigator to restore that sense of safety to the community.

## THE SCIENTIFIC METHOD

- *Who*: the person or persons who committed the crime
- *Suspect*: a person who is believed to have committed a crime
- *Subject*: a person under investigation for committing a crime or series of crimes
- *Population*: the group, no matter how large, from whom that person is derived

Step 1 of our investigative plan starts at the crime scene. If the suspect is not immediately known, then this process becomes an objective examination of the crime scene to determine if the investigator can make any conclusions about the suspect. For example, is there evidence that shows sloppiness or unbridled passion that makes the investigator believe that the person was not prepared to commit the crime? Is there evidence at the scene that indicates the person tried to clean up fingerprints or hide evidence after the crime happened? Are there signs of hurried actions or patient, deliberate ways the scene was left? Have points of entry and exit been thoroughly examined? Were instrumentalities (weapons, pry bars, entry tools, etc.) of the criminal act left at the scene or removed? Why were fruits (money, jewelry, documents, digital information, etc.) of the crime taken?

Create an investigative summary presented by the crime scene to see if there is any way to limit the population of possible suspects. For example, if the scene is well ordered and limited in physical evidence, could that mean the investigation should be focused on a career criminal or on an amateur who plans well? What is the motivation

for the crime? Was something of value taken away, and is that item easily disposed of? A theft of unique value, such as a well-known piece of art, would indicate a high-level thief with the resources to fence the property. The murder of an otherwise average person where nothing of value was stolen indicates that the person who killed the victim had a relationship with the victim or was asked to kill the victim for money or other incentive. A bloody, sloppy murder where the victim was overkilled may mean there was personal animosity between the killer and victim or that the killer was trying to send a chilling message to the victim's family or friends.

Evaluating the crime scene is a skill that takes time to develop, but the most important part of that development is an understanding that the evaluation is only an educated guess. A professional burglar can make a scene look amateurish to frustrate investigators into believing the crime was committed by an amateur. A first-time criminal with little or no experience may act carefully and cautiously in committing a crime, and the scene might reflect that careful and cautious manner, therefore looking like the crime of a well-seasoned criminal. A criminal investigator faced with no witnesses and no real leads can proceed cautiously with educated guesses until there is something that redirects the investigation.

### **Examples of Crimes without Direct Witnesses When Something of Value Is Stolen**

#### *Residential Burglaries*

There is a sloppy crime scene with the point of entry being a forced door or window near the ground with no street view. Items taken include electronics, jewelry, cash, guns, and prescription drugs. Consider drug abusers with substantial criminal histories for burglaries. Consider that it may be two or more persons. Conduct a thorough neighborhood check to see if anyone has noticed any vehicles or persons who appear out of place.

#### *Commercial Burglaries*

There is a sloppy crime scene with the point of entry being a roof access or forced door with no street view. Only cash is taken. Consider career criminals with substantial experience, especially if there is a large amount of cash taken or there is an indication of a quick assault, which shows inside knowledge or serious prior surveillance activity. A well-cased hit indicates the crime was committed by a seasoned criminal. The sloppy crime scene just shows a lack of concern, unless there appears to be forensic evidence left in the mess.

#### *High-End Valuable Car Theft: Scenario 1*

A stolen vehicle with no car alarm is found in a public space. The LoJack is disabled. Keyless operation is compromised by computer hacking. Consider a professional car thief with immediate access to a chop shop, a VIN reassignment operation, or even an international smuggling operation. Compare with other similar crimes. These types of thefts are rarely limited to happening once or twice.

*High-End Valuable Car Theft: Scenario 2*

The vehicle is eventually found abandoned in a public lot, and the car alarm and Lo-Jack are operational. Consider the suspect to be a juvenile joyrider, especially if nothing is removed. If valuable radios, tires, air bags, or electronic devices are pilfered, consider this suspect to be on his way to more serious crime.

**Examples of Violent Crimes When There Is No Witness***Homicides/Crimes of Passion*

Most homicides that occur in the home are perpetrated by a spouse. Love relationships turn sour over arguments about money, fidelity, abuse, and control. The investigator needs to consider the spouse or significant other in all homicides that occur in a residence. The investigator should be looking for disorderly crime scenes with indications that the perpetrator is new to violence. If the homicide is about infidelity or abuse, there may be a significant element of overkill, such as multiple stab wounds or gunshots. Proof of homicide using poison is almost always the MO of an angry female spouse with long-term emotional or physical abuse. These conclusions are best-guess scenarios, but they should give the investigator a place to start in a crime without witnesses or significant physical evidence.

*Gun or Knife Assaults*

These crimes should be considered like homicides. The significant difference is that the investigator will have a live witness. However, it does happen that serious assaults can cause significant brain or psychological trauma, which lessens the reliability of the live witness. In these cases, the investigator should look to the crime scene evidence and conduct a thorough background on those persons closest to the victim. Most assaults result from arguments between spouses, friends, or close acquaintances. Assaults can also be motivated by financial or witness intimidation. The investigator needs to eliminate any close relationship involving a rift developed because of an argument or ongoing feud.

*Assaults and Homicides*

Blunt-force trauma or trauma from an attack in which fists are the most likely weapon should be viewed as personal and least likely to have been carefully planned unless the assailant happens to be particularly capable of inflicting serious bodily harm with his fists. The use of a weapon of opportunity, such as a heavy object that was present in the crime scene prior to the assault, indicates little malice aforethought. It also indicates an explosive situation in which the assailant acted out of immediate rage. These types of crimes are seldom the work of a person unknown to the victim unless the crime occurs in a public space. In public-space attacks, the investigator needs to determine if the victim was a volatile person prone to provoking anger and violence from random strangers.

## Examples of Crimes for Which There May Be Information Identifying the Perpetrator

### *Bank Robbery*

There are two basic kinds of bank robbery. *Note jobs* are when the robber threatens violence and gets the money from one teller, usually from the top teller drawer. Note job bank robberies yield anywhere from several hundred dollars to no more than \$5,000. Small-time note job robbers may hit 5 to 10 times per month. The investigator should be looking for a younger criminal with two to five years of criminal experience.

*Counter jump robberies* are carried out with multiple offenders. These robberies are usually attempts to hit multiple tellers and/or gain access to the bank's main vault. Consider career criminals with long histories of armed robbery arrests. These are violent offenders with little consideration for the safety of others. They generally require resources for weapons, getaway vehicles, and ballistic vests. They operate in gangs and are therefore vulnerable to detection from confidential sources. Counter jumpers may hit once or twice per month. Their average score yields \$100,000 and up.

Since bank robbers expose themselves to witnesses, surveillance cameras, and bank alarms, they are extremely vulnerable and often get identified and caught in several ways. The investigator needs to spend time carefully analyzing all the information presented by the crime to ensure a solution.

### *Commercial Robberies*

These types of robberies are usually from grocery and warehouse stores with high volumes of cash. The investigators should consider the same violent offenders mentioned above. The offenders score larger takes than a bank robbery and with fewer risks. Since they operate in groups and rely on others for resources, they are vulnerable to confidential sources, who help identify them and when they hit. The investigators need to consider career criminals with long histories of armed robbery. These kinds of criminals don't build up the courage to take down big enterprises overnight. They slowly build up their MO with trial and error from smaller scores.

### *Violent Sexual Assaults*

Most violent sexual assaults, such as rape, will have a live victim witness, but the victim's identification of a suspect may not be a forgone conclusion. Serial rapists, for example, will take many steps to avoid detection. They will wear masks and clothing that obscure or frustrate the victim from observing details that may lead to an identification. The event may be so traumatic that the victim may block out certain details. It is essential that the investigator works hard to develop a bond of trust and support with the victim so that she can help the victim overcome her reluctance and loss of control. If a female victim knows the rapist, she may be reluctant to identify him because she fears a reoccurrence or in some way feels responsible. It is the responsibility of the investigator to work through this reluctance to get at the truth.

The investigator needs to evaluate the crime scene and the MO of the rapist to compare the scene and the actions of the subject with any similar past crimes. This

effort will provide a starting point if it appears that this rape is the work of a serial offender. Rapists aren't usually first-time offenders. They may begin their path to violent rape with seemingly unrelated crimes for which they have been arrested in the past, such as burglary, voyeurism, or minor sexual assaults, such as fondling a victim in a crowd. Rapists who are careful to avoid identification should be considered career criminals who have been arrested or convicted of rape in the past. Extreme violence, such as traumatic abuse or sadistic violence, is usually the work of serial offenders with a psychotic mental health history. Unfortunately, these kinds of offenders are very transient, and comparing the crime with other local incidents may not yield the kind of leads that produce an identification. In the case of extremely violent sexual assaults (resulting in death or near death), it is essential to get a summary of the crime out for wide distribution to other jurisdictions so that every lead can be followed. The investigator should carefully consider the facts being distributed and make sure that any unique aspects of the crime are held back so connections by MO to other cases can be corroborated. The solution of these crimes will often rely on the physical evidence left at the scene or on the body of the victim. This is still another reason the investigator needs to work carefully and compassionately with the victim to ensure the victim submits to a thorough postcrime physical examination.

### SUMMARY

All these starting points provide the criminal investigator with a theoretical starting line. If the plan is followed and certain constants as described above are discovered, the theory gets stronger, and the pool of suspects gets smaller. A well-planned investigation should consider the facts and evidence and the quality of the witnesses and the value of their testimony along with the results of scientific examinations of evidence. It will also consider the most likely suspects and begin the process of weeding out the innocent from the guilty.