



**AN INTRODUCTION TO THEORY, PRACTICE AND CAREER  
DEVELOPMENT FOR PUBLIC AND PRIVATE  
INVESTIGATORS**

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*A complex society faces an increasing array of crime and loss issues. Theft, fraud, terrorism, and accidents must all be investigated. Investigation is a complex undertaking; far too often portrayed unrealistically. News and entertainment media tend to grossly oversimplify investigation. The steps involved in proper investigations often go unmentioned. So too do the many organizations involved in the process. Academic programs, texts, and training programs may also provide a myopic perspective. A broader conceptual framework is necessary for individuals, learning organizations, employers and society as a whole to benefit from more professionally conducted investigations.*

*This paper explores theory, practice and career options within the domain of investigation. It is the introductory reading in the International Foundation for Protection Officers' Crime and Loss Investigation Program. This Program was developed to aid individuals, learning institutions and employers in developing a knowledge base for the investigation of crime and loss.*

## INVESTIGATION

Investigation can be defined quite simply as a *systematic fact finding and reporting process*. It is derived from the Latin word *vestigere*, to “track or trace,” and encompasses a patient, step-by-step inquiry (Bennett & Hess, 2004, p. 4). Investigation is finding facts; it is akin to research conducted in the academic arena. Investigation is a multi-disciplined field of study. It encompasses law, the sciences, communications, and a host of other things. Investigation requires an inquisitive mind coupled with an attention to detail. Astute students of investigation may find themselves particularly well suited for the research needed for graduate study.

Investigation is a key part of what patrol officers – police or security – do; it is a primary function of patrol. Officers on patrol are making useful observations. Patrol officers discover numerous crimes, traffic violations, policy violations, safety hazards, fire hazards and other crime or loss events. In American police departments, the prevailing practice is to draw personnel for the detective division from the patrol division (Leonard & More, 1978). This generally works well as investigation capabilities are developed within patrol officers.

There are, however, those instances where it is counterproductive. A patrol officer in a police or security department may be ill-suited for investigative work. The skill sets required to quell a disturbance, direct traffic or restrain an aggressive subject are not the same as those needed for investigation. An action-oriented person may dislike the occasionally painstaking attention to detail that investigation requires.

Investigation is a key process used by management. Whether or not one is an “investigator” per se, a manager will be involved in the investigative process. The investigative function is even more important for those managers involved in protective functions. Professional certification programs have recognized this. When the American Society for Industrial Security (currently ASIS International) developed the Certified Protection Professional (CPP) program in 1977, they made Investigation a part of the program. The International Foundation for Protection Officers' Certified in Security Supervision and Management (CSSM) also has several investigative components to it. So too does the Foundation's Certified Protection Officer (CPO) process; as entry-level protection officers are part of management. They represent management and ensure compliance with management's policies and procedures. They also collect information for

management, acting in an “intelligence agent” role.

Professional certification – *letters after the name* – is a developmental experience: gaining the practical work exposure and academic knowledge required to become certified culminates in one learning about a lot of new things. Some of the new “things” are “things” that were not thought about prior to beginning the certification process. Professional certification is *broadening*; similar in this regard to higher education. It is important to note that certification cannot only make an individual more apt in his or her duties; it can also generate various personal benefits. These rewards include being more desirable for promotions and new positions, as well as an increase in salary – similar to higher education. A recent survey based study (Anderson, 2004) found that the average salary increase for CPOs in a single year was 12% compared to only 9% for those without certification. The respondents holding the Certified Information Security Systems Professional (CISSP) certification had the largest increase in salary (23%). Those designated a CPP received a 6% increase. Overall, the study concluded that individuals with certification, on average, make between \$3,000 and \$65,000 more than their non-certified counterparts and that the CISSP was the most valuable certification available to security professionals.

Another important certification is the CFE, which is offered by the Association of Certified Fraud Examiners (ACFE). The ACFE boasts a membership of over 34,000 in 125 countries. The 15,000 members who hold the CFE have investigated more than one million acts of fraud in 6 countries (ACFE, 2005). The ACFE currently requires a Bachelor’s Degree and two full years of fraud related experience to be considered for the CFE Exam. However, substitutions for the degree requirement are allowed based on the ACFE’s point system (currently found here: <http://www.cfenet.com/cfe/QualificationsExam.asp>). Certifications other than the CFE, including IFPO certifications, can each provide 10 of the 40 “education and certification points” required to qualify for the exam and serve as an important foundation for the CFE.

One may not be an investigator per se; their job title may be something else (“Chief Security Officer,” “Director of Public Safety,” “Police Commissioner,” etc.), but their role requires some aspect of investigation. In many cases, these managers spent a period of their careers as investigators. Perhaps they were investigative supervisors (“Detective Sergeant,” “Senior Investigator,” “Lead Investigator,” etc.). In almost all cases, they started their career as protection officers, patrolling an area and collecting information. They learned to apply and master the basics of investigation; moved on and moved up.

## **HISTORICAL DEVELOPMENT OF CRIMINAL INVESTIGATION**

History is illustrative as it places contemporary investigative practices into perspective. In so doing, it enables the student to appreciate more fully our contemporary practices. History also provides examples of mistakes that were made; the earnest student of the past can have a better chance at avoiding these errors if they are forewarned. Students of history tend to view contemporary - or contemplated future - practices in a familiar vein; they have seen this before.

Additionally, history is cyclical. It tends to repeat itself - to some degree. When one delves into

history they may come to believe that “nothing is new;” everything has happened before in a different time under different circumstances. The “repeating” is not precise; rather there seem to be historical cycles. By inference one can draw historical analogies.

*Historical analysis is not at all dissimilar to the employment of logic in an investigation.*

The historical development of investigation can be studied by looking at some key figures involved in general investigative functions. These individuals were responsible for innovations that changed the way investigation was performed by succeeding generations. They made their mark and we can learn from them.

### **18th Century England - Jonathan Wild**

Jonathan Wild was a buckle maker in rural England who moved to London. He became a brother operator and as such was well known by the criminal element. Wild also conceived of a new business whereby he would charge a fee for locating stolen property and returning it to the owner (Gilbert, 2004). He was a sort of prototype of a contemporary private investigator – *one could make the argument that he was the first private investigator*. The business flourished and he began to expand into new areas. In 1715 Wild was induced by the available rewards under the Parliamentary Reward System and became a thief-taker. Thief-takers were private citizens who were hired by the victim to recover stolen property or to apprehend the criminal; the fee that the thief-taker charged was usually based upon the value of the property stolen. The Parliamentary Reward System was a government-sponsored bounty paid for the apprehension of criminals. The system originally provided 40 pounds for the capture of a felon, but the felon’s horse and property could also be taken. Both the private fee system and the Parliamentary Reward System created problems in that only certain types of criminal behavior were focused upon. Persons who stole sizeable amounts and felons were worthwhile of capture; misdemeanants were not. Later the Parliamentary Reward system was modified to include misdemeanors. It was finally abolished in 1818 (Gilbert, 2004).

Ethical issues were also present. Thief-takers became “thief-makers”. Becoming an ‘agent provocateur’ and instigating thefts so that subsequent rewards could be obtained was something that Jonathan Wild became involved in. He was a “thief –maker” and also became involved in the fencing (sale) of stolen property.

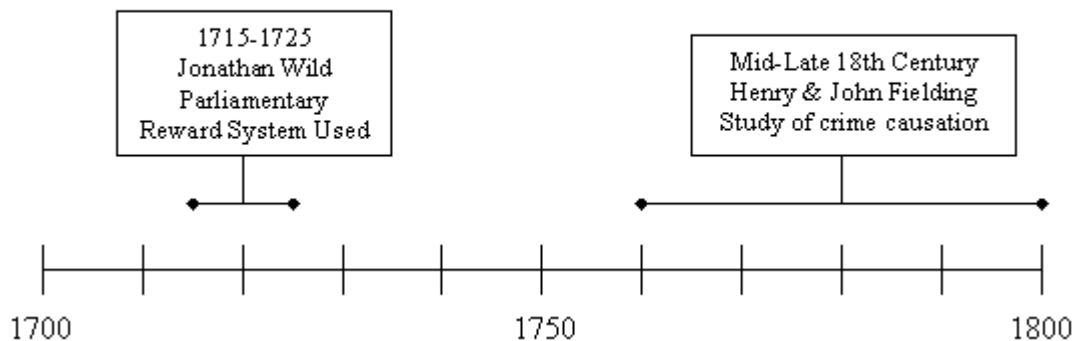
Wild’s ethics left something to be desired and, as is usually the case, it caught up with him. In 1725, he was convicted of robbery and hanged. His story was told in a satirical manner by Henry Fielding in *The History of the Life of the Late Mr. Jonathan Wild* (Hall, 1989).

### **18th Century England - Henry and John Fielding**

Approximately 20 years after the death of Jonathan Wild, Henry Fielding, a well known writer, accepted an appointment as a magistrate. London’s streets were rife with criminal activity. Fielding attempted to enlarge the scope of the governmental efforts to combat crime (Osterberg & Ward, 2004). He established a police force to accomplish this. There were three divisions within the police force: the foot patrol that worked in the inner city, the horse patrol that

patrolled the suburban areas and the detective unit (Chang & Fagin, 1985). The detective unit was a group of private citizens who were thief-takers. These thief-takers were organized into the **Bow Street Runners** – the first organized detective force and the first police force that English citizens had seen that were not in uniform. John Fielding, the younger brother of Henry, was a blind man who took over the Bow Street Runners in 1753 due to Henry’s failing health (Gilbert, 2004). This detective force utilized many innovative techniques such as developing paid informants, printing wanted notices and conducting raids (Gilbert, 2004). All of these techniques have been adopted by later investigative organizations; of particular note is the use of wanted notices. These have been adopted into a variety of forms. Contemporary investigators use the Web, television and other methods of circulating descriptions of and information about criminals.

### 18<sup>th</sup> Century Investigative Developments



### 19th Century France Eugene Vidocq

France has had a lengthy tradition of detective work. In 1645, Cardinal Mazari, the king’s chief minister, hired one hundred investigators (exempts). After the French Revolution in 1789, the leaders of the revolution abolished the investigative as they found it repugnant (Dempsey, 2003).

In 1809, Vidocq, a former convict (assault on a man who seduced one of his girlfriends) who had escaped from prison numerous times, went to the police in Paris and gave them a proposition. He would use his knowledge of the underworld to help them if they would remove the threat of future imprisonment. He thus became a police informer and put more than 800 men behind bars (Hall, 1989). In 1817, he was made head of the Paris Surete, where he remained until 1827 (Dempsey, 2003). Vidocq established an investigative organization based on the concept that serious crime can best be fought by criminals, and France had a very serious crime problem. According to Hall (1989), the back streets of Paris “were inaccessible to any party of less than four or five men armed with swords or pistols” (p. 29). Vidocq employed 20 discharged convicts from which he created the nucleus of the French Criminal Investigation Department. He inserted men into prisons to obtain information (Hall, 1989). Vidocq’s men worked undercover and used disguises extensively. They utilized clandestine methods of investigation in combating both criminals and political suspects. This became known as the “French method of detective work” (Dempsey, 2003). Vidocq also developed extensive records systems on criminals, something that

Allan Pinkerton, Thomas Byrnes, August Vollmer and J. Edgar Hoover would do much later.

In about 1833, Vidocq established a private detective agency – the first in the world according to Hall (1989). This agency was similar to what Wild had done in England: returning stolen property to the owners for a fee. The agency was instantly successful as there were lots of potential customers.

Vidocq also operated a **Trade Protection Society**. This was a predecessor to a contemporary credit bureau. For a fee, merchants could check on the financial solvency of new customers. This service had more than eight thousand subscribers at one time (Dempsey, 2003).

Vidocq became a counter-espionage agent to the Emperor Napoleon III (Hall, 1989). This occurred toward the end of his career. He died in 1857 at the age of 82. Vidocq was an example of a man who did police investigation, private investigation and government counterterrorism. Others followed this general career pattern to some degree, such as Allan Pinkerton, William J. Burns and Inspector Thomas Byrnes. Contemporary investigators often follow such a varied career path; many beginning in private security or private investigation, moving on to public law enforcement or government investigation and retiring from the public sector and working in the private sector.

Vidocq wrote several books, including one on criminal classes of France (Hall, 1989). He was the first of several investigative pioneers to take up the pen. Pinkerton, Inspector Byrnes and J. Edgar Hoover did likewise.

### **19th Century England - Howard Vincent of Scotland Yard.**

In response to a serious crime problem in London, Sir Robert Peel enacted a series of police reforms. While serving as Secretary for Ireland between 1812 and 1818, he introduced a bill that recommended paid magistrates and constables. The bill also recommended that constables be recruited from the ranks of honorably discharged noncommissioned army officers (Chang & Fagin, 1985). This concept is not dissimilar to the awarding of extra points on civil service tests for military veterans in contemporary American police agencies (veteran's preference). But Peel is best known for his introduction of "An Act for Improving the Police In and Near the Metropolis," better known as the Metropolitan Police Act. This act reformed the criminal code, but most significantly it established a set of principles (Chang & Fagin, 1985). These principles aided in establishing the organizational structure and operational philosophies of police agencies in England and the United States. **Of note to investigation are the principles advocating the distribution of crime news, the securing and training of proper persons being important for efficiency and the keeping of police records as being necessary for the correct distribution of police strength.** Current practices involve the media quite heavily in distributing crime news. J. Edgar Hoover of the American Federal Bureau of Investigation later established the Uniform Crime Reports. Proper selection – securing – and training of investigators is certainly necessary to professional performance; this however, has not always been the case. Police records (in the form of crime rates, patterns, etc.) are very important and will probably become more so as we expand our data collection and analysis capabilities.

Peel's principles were initiated with the establishment of the Metropolitan Police in 1829. Some time after this it became apparent that there was a need for specialized investigators. These investigators were to take on the name of "Scotland Yard" due to the location of their headquarters. This new organization may have led to a drop in the London crime rate (Bloy, n.d.). However, other initiatives were also present in the Metropolitan Police at the time, including a more proactive/preventative approach to crime. Consequently, the rapid drop may have been caused by a combination of Scotland Yard investigation and general changes in policing.

Scotland Yard established a Criminal Investigation Department in 1842, consisting of two Inspectors and six Sergeants. These personnel were selected to give full-time service to the detection of crime. They had no duties other than investigation (Reith, 1956). They became well known due to an article about them, "The Modern Science of Thief-taking," which was published in 1850 by Charles Dickens (Hall, 1989). The first use of the word "detective" in print was by Dickens (Gilbert, 2004). Certainly these detectives were given publicity through the writing of Dickens; it must have been extensive, but quantifying it is difficult.

In 1868, Irish rebels blew up a wall of Clerkenwall Prison. This resulted in the deaths of four persons and injuries to 40 more. The detective branch of Scotland Yard was criticized for failing to take appropriate action in response to warnings of the event. As a result, the detective force was increased from 16 to approximately 40 men (Dempsey, 2003).

In 1877, three of the four chief inspectors at Scotland Yard headquarters were convicted of accepting bribes (Dempsey, 2003). As a result of the scandal, the Criminal Investigation Department (CID) was created and a civilian lawyer named Howard Vincent became head of it. Vincent had no police experience; he was an attorney who was eager to succeed at managing an investigative department. He rushed to Paris to study La Surete as soon as he heard of the government investigation of the detectives (Dempsey, 2003). One of Vincent's reforms was to establish rigorous selection standards for personnel.

It must be noted that the English public was distrustful of detectives as these men evolved from thief-takers. They were in close contact with the criminal element. Historically, the Parliamentary Reward System had been abused by Wild. Once the detectives became responsible for the most serious of crimes, received a salary and were reactive to crimes, they began to lose the resentment held for them by the public (Brandl, 2004). This pattern was also followed in America, although somewhat later as police detectives in the U.S. received rewards late into the 19<sup>th</sup> century. American detectives weren't civil servants like they are today. Instead they were a sort of hybrid between bail investigators (bounty hunters) and contemporary police detectives. In the American west, police changed jobs fairly often. They rotated between governmental (Deputy US Marshals, Town Marshals) and private employment (Wells-Fargo, Pinkerton, the Rocky Mountain Detective Association, etc.). Some rotated between lawful and unlawful employment, being lawmen one month and outlaws the next. The film portrayal of Wyatt Earp starring Kevin Costner portrayed such a career pattern. This is somewhat unique, as Hollywood has tended to glorify and oversimplify the lawmen of the American West. Regardless of this, the historical lessons are plain that reward systems tend to breed unethical conduct and that public support will be withheld from organizations that appear to be unprofessional.

In 1884, the Special Branch was formed within Scotland Yard to combat attacks by Irish dynamiters. These rebels bombed railroads, subways, the Tower of London and Scotland Yard itself (Dempsey, 2003). The Special Branch had 400 men and focused on investigating treason, sedition, breaches of the Official Secrets Act, and rioting. In addition to these investigative responsibilities, the Special Branch was given responsibility for protecting government ministers, visiting foreign dignitaries and maintaining surveillance on non-British citizens who entered the country (Hall, 1989). These functions bear some degree of similarity to those performed by the Royal Canadian Mounted Police, FBI, United States Secret Service and the various entities of the U.S. Department of Homeland Security: a mix of investigation, security and counterintelligence.

Military oriented threats, such as external adversaries or terrorists, often give investigative organizations a wider range of functions. Protection of key personnel and information becomes important; in some cases more important than investigation itself. The contract security industry in the United States grew substantially during World War I, as there was an extensive and immediate need to protect military assets and the nation's infrastructure from German saboteurs. Prior to the war, contract security agencies were primarily investigative in nature. After hostilities broke out the security industry evolved into more of a protective role. This trend was accelerated further by World War II and the Cold War. Similarly the FBI grew to 300 agents in 1916 due to the threat of war. The Bureau was also given power to conduct counterintelligence and antiradical investigations (Brandl, 2004). Expansion of the FBI accelerated during World War II and the Cold War era.

What proportion of investigative organizations' functions are strictly within the realm of fact-finding and reporting is an area deserving of academic inquiry. Contemporary texts may be lacking in this regard. Future studies of investigation should address this to better understand any cyclical trends that may be present.

### **19th Century America – Alan Pinkerton: “The Eye That Never Sleeps”**

Alan Pinkerton is generally credited with establishing the first contract security firm in America. This, however, is not accurate. Other private investigators were already in operation at the time; many were former police officers. But, they lacked the characteristics that made Pinkerton's agency a success. During this period there was widespread incompetence and corruption within the ranks of both private detective agencies and public police departments (Gilbert, 2004). Up until the latter 19th and perhaps early 20th century, public police detectives worked for rewards. Pinkerton forbade this, a very unique feature of his agency.

Pinkerton developed a firm that became the largest in the world. Currently, it is part of Securitas, a huge firm with well over 200,000 employees around the world. Pinkerton had branch offices throughout the US and other countries so that local security and investigative needs could be met. He advanced the cause of international police cooperation via information sharing with Scotland Yard and the French Surete.' This was a foundation for Interpol (Gilbert, 2004). Later on, his son, William, also advanced international cooperation by playing an active role in the International Association of Chiefs of Police (Velke, 2004). Other private investigative firms, such as the Baldwin-Felts Detective Agency, had branch offices. This practice continues today and is a necessity for performing background investigations where searches of local courthouse



records must be conducted. Note also that the various governmental agencies such as the FBI, DEA, and certain components of DHS have offices throughout the world.

Pinkerton was an innovator of technology and investigative techniques. He spearheaded the use of the telegraph, the railroads and photography (Mackay, 1996). He can also be credited with establishing the practice of handwriting examination in U.S. courts (Gilbert, 2004). The Pinkerton Agency had MO's, mug shots and physical descriptions of criminals on file. He promoted a plan to centralize criminal identification records – a forerunner of the FBI Records Division in Washington, D.C. (Gilbert, 2004).

Pinkerton hired the first female investigator in the United States, Mrs. Kate Warne, who was employed in the 1850s. Note that Portland Oregon hired the first women with police powers in 1905. And in 1910, Alice Stebbin Wells began working in Los Angeles. Alice Stebbin Wells is often regarded as the first female police officer in the US. She was a social worker who was appointed in 1910. Her duties consisted of supervising regulations of dance halls, arcades and motion picture theatres (the role of auditor). Isabella Goodwin was promoted from the matron's division by the New York Police Department in 1912 as a detective. She had previously been successful in undercover work (Wadman & Allison, 2004). In England the first uniformed women constables came into being in 1914 (Chang & Fagin, 1985). Note the investigative career paths and note also that Kate Warne preceded the other female investigators by at least 60 years.

Undercover investigation – ‘assuming a role’ - was used fairly extensively by Pinkerton. Pinkerton can, perhaps, be credited with perfecting the technique, which, while distasteful to him as it involved befriending suspects by agents, was a necessity in certain cases (Mackay, 1996). The Mollie Maguires investigation in the coalfields of Pennsylvania during the 1870s was probably the first major undercover investigation. The problem was a series of murders, beatings, arsons and acts of sabotage committed by members of a secret Irish-American organization. The investigation lasted approximately three years. The operative, James McParland, was the principal source of evidence against the Mollies, many of whom were imprisoned or hanged. McParland later became manager of the Pinkerton office in Denver (Hall, 1989).

Later in his career and when he was “retired” – not taking as active a role in the running of the Agency as he had previously – Pinkerton wrote a series of books. Some of Pinkerton's books were written about his agency, some were novels. Not all of the books that have been attributed to his authorship were really written by him. The novels were produced largely by ghostwriters. Of the eighteen books bearing his name, only five were largely or wholly his own work (Mackay, 1996). He coined several terms such as “shadowing” – conducting a mobile surveillance as well as “sleuth” and “private eye.” The latter term was probably taken from the company logo, which was an eye with the words “We Never Sleep”.

### **19th Century America – Inspector Thomas Byrnes of the New York Police Department**

Thomas Byrnes of the New York City police was Chief Inspector and Chief of Detectives from 1880-1895 (Byrnes, 2000). He was fascinated by criminals and studied their techniques extensively. Byrnes would look at criminals and see their career progression; how they acquired one skill set after another. He saw that modus operandi (M.O.'s) were not permanent; that

criminals had a degree of career mobility and would move into new criminal enterprises. Byrnes trained his men to recognize criminal techniques and, in 1886, wrote *Professional Criminals of America*, a book detailing the M.O.'s, descriptions and aliases of hundreds of criminals.

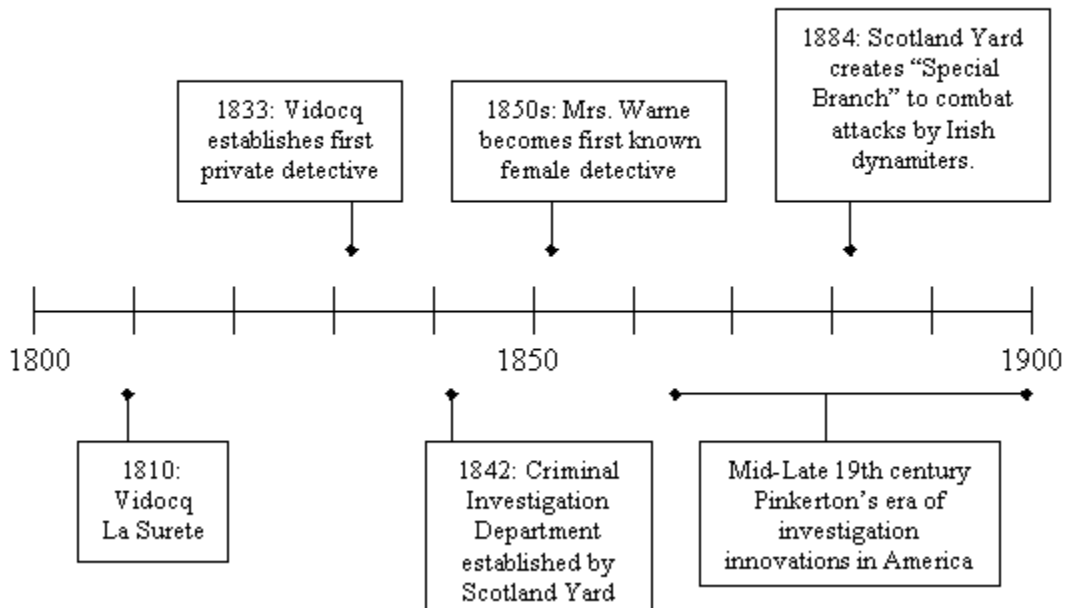
Byrnes instituted the "Mulberry Street Parade". In the Mulberry Street Parade, all criminals arrested in the past 24 hours were marched before detectives so that they could be described and recognized. This concept of recognizing criminals was also used elsewhere. In 1859 Philadelphia, the detective bureau organized by the mayor would station one or two men at the railroad stations and steamboat landings. When any known criminals were spotted, the chief of Detectives would offer them the alternative of leaving the city within 25 hours or being locked up (Gilbert, 2004). Contemporary investigators in casino security departments do something similar to this. Through the use of facial recognition technology, cheaters can be denied entry to the premises and sometimes arrested.

Inspector Byrnes, like the majority of 19<sup>th</sup> century detectives, consorted with the criminal element. He utilized his contacts with the underworld to solve crimes and enforce the law. If anyone of importance had something stolen; Byrnes would put the word out to the underworld. The valuables would be returned to the owners at the day and time specified by Byrnes. If the items were not returned, harsh retribution was exacted of (and by) the underworld (Osterburg & Ward, 2004, p. 16).

He also developed relations with the wealthy. He protected them and befriended them. At this period in history, crime was rampant; it was a much greater problem than it is today. Swindlers and pickpockets were very common and they would prey upon Wall Street brokers. To combat this, Byrnes established a "frozen zone" around the financial district. This was an area where no criminal was to set foot. Any that did were arrested. Crime such as pickpocketing was virtually eliminated in this area (Dempsey, 2003).

His assistance to the wealthy paid off in terms of his personal financial standing. He aided financiers such as Jay Gould who passed along investment tips to him. During the corruption investigation of the police department by New York State Senator Clarence Lexow, Byrnes was questioned – for a period of four hours. He was criticized for having a personal fortune of some \$350,000 in securities and real estate, though no personal corruption was ever demonstrated (Byrnes, 2000). A young Theodore Roosevelt was appointed president of the police commissioners by the mayor in New York City. Roosevelt aimed to clean up the police department and forced Byrnes to resign in 1895. Part of the reason for Roosevelt's forcing Byrnes out may have been motivated by a power struggle. Byrnes retired on a pension of \$3,000 per year and became general manager of the burglary-insurance department of the United States Casualty Company (Byrnes, 2000). He later died in 1910.

## 19<sup>th</sup> Century Investigative Developments



## 20<sup>th</sup> Century America – August Vollmer (“police science”)

August Vollmer is often called “the father of police science”. This title was earned by his out-of-the-box thinking that led to incorporating the sciences with police duties. He was one of the first to use fingerprinting & handwriting analysis and made use of one of the earliest lie-detection systems (Wadman & Allison, 2004). Vollmer was also instrumental in starting the first United States forensic laboratory in Los Angeles during 1923, which, at the time, was the world leader in technological analysis (Seaskate, Inc., 1998).

The first police laboratory was established in Lyon, France by Edmond Locard (Osterburg & Ward 2004). Locard wrote an encyclopedia of criminalistics and was known for the quote, “every contact leaves a trace” (Dempsey, 2003, p.124). This is sometimes referred to as the “theory of transfer.” Note that there were numerous crime laboratories in Europe before they were introduced in the United States. Europeans led the way in the development of the physical sciences to investigate crime.

Oddly enough, Vollmer originally never intended to become involved in the criminal justice system. However, while serving with the U.S. Army during the Spanish-American War of 1898, he gained valuable related training and experience. He served as an Army policeman in the Philippines during and just after the war (Wadman & Allison, 2004). After using these skills to save a runaway train from disaster, he was, to his reluctance, elected town marshal of Berkeley (the position was later called Chief of Police), a position he held for 23 years (Carte & Carte, 1975).

During his first few years in the policing profession, Vollmer introduced the first use of bicycles for patrol beats, developed a code using electronic lights to dispatch information to deputies on patrol, and created the first *modus operandi* record keeping system in the United States (Carte & Carte, 1975; Wadman & Allison, 2004). In 1907, he suspected a death was murder, but could not prove it wasn't suicide. A local biology professor helped the investigators to solve the case. This use of education motivated Vollmer to start the first school for police studies in 1908. Still wanting more education for police, he created the first college program for police officers in the United States in 1916. The three-year program at the University of California included policing classes, but also used social science as the basis for policing and natural sciences for forensics investigations (Wadman & Allison, 2004). While serving as the police chief for Berkeley, California, he organized and headed the Institute for Criminology and Criminalistics at the University of California at Berkeley (Dempsey, 2003). He was a staunch advocate of higher education for police and remained so throughout his career.

Vollmer also revolutionized policing through his ethical codes for police officers, which included mandatory reviews for all gunfire. His department was the first to institute this code requiring all police officers to explain to a board the causes that led to a shot being fired; a rule still used today in virtually every police department.

Vollmer asked a physiologist at the University of Berkeley to create a lie detector after reading about the possibility in an article (Carte & Carte, 1975). Working together, the polygraph was invented in 1921 by John A. Larson, a police officer who worked for Vollmer. Larson later went on to become a physician.

Through his work in pioneering professionalism, crime prevention and technology, August Vollmer gained more attention from the news media. Vollmer had been the target of unfavorable articles in a newspaper earlier in his career and wanted to ensure he did not repeat the same mistakes. He started this by making a deal with the reporters; the department would share information with the press if the reporters did not write about information the department did not want publicly available (Carte & Carte, 1975).

The 1931 *Report on Police* (National Commission on Law Observance and Enforcement, 1931/1971), written by the Wickersham Commission group headed by August Vollmer, was the nation's first official call for professionalism in policing. In it, Vollmer described the poor state of police in America and emphasized the value of properly educated police officers, especially among executives. More specific problems Vollmer and his team discussed included a failure to understand each other between police chiefs and the general public, as well as the need for uniform national police records.

As visionary as Vollmer was, he knew he asked too much of the system in too short a time. In a letter about his dream for educated police officers, Vollmer wrote that he believed that only around 2% of his requests for professionalism would be answered. "Perhaps 50 years from now, or possibly 100," Vollmer wrote, "we may have university-trained policemen" (Carte & Carte, 1975, p. 70). Sadly, as usual, Vollmer was right about an extended transition to increased education.

## **20th Century America – J. Edgar Hoover**

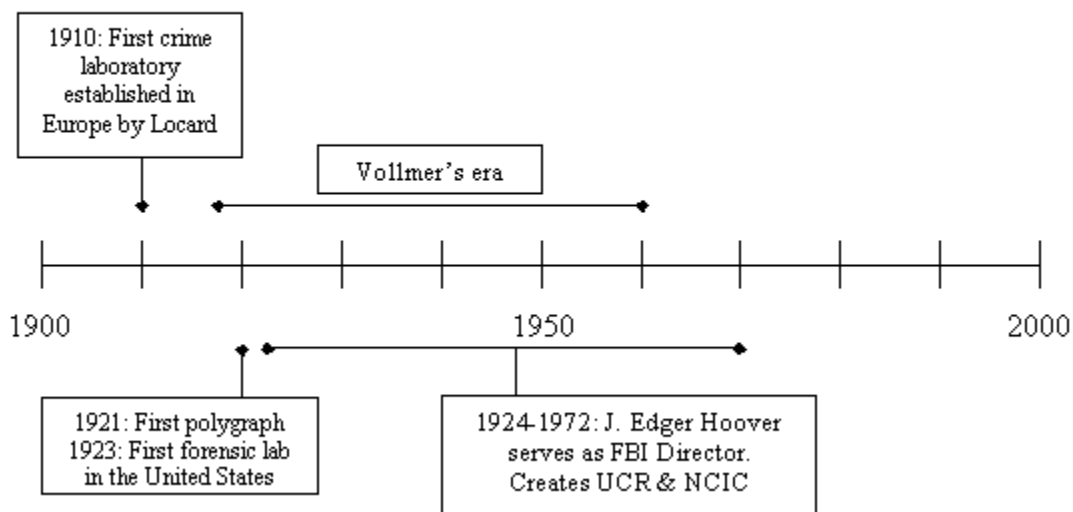
The Bureau of Investigation was established in 1908 during the presidency of Theodore Roosevelt. Prior to this time investigations by the Department of Justice were conducted by agents borrowed from the Treasury Department (Secret Service) and private investigators under contract with the government. Osterberg & Ward (2004) maintain that the Department of Justice employed “part-time outsiders, some Pinkerton detectives, paid informers, political patronage workers, and occasionally agents borrowed from the Secret Service and other units” (p.17). William J. Burns, former head of the Secret Service, was made director in 1921. Burns had also founded the William J. Burns International Detective Agency, a private investigative firm in 1909 (Chang & Fagin, 1985). This company later became one of the largest contract security and private investigative firms in the world. In 1988, it was the second largest (Purpura, 1991). Burns brought Gaston B. Means, a man with an unsavory reputation into the Bureau. Before long Means was suspended for selling departmental reports to underworld figures and fixing cases. Burns quietly brought Means back into the Bureau. (Osterburg & Ward, 2004). In 1923, Attorney General Harlan Fiske Stone, who later became Chief Justice of the U.S. Supreme Court, demanded Burns’s resignation. He offered the directorship to a 29-year-old attorney named John Edgar Hoover. Hoover accepted the appointment on condition that the personnel practices of the bureau be changed to eliminate political patronage. Selection of agents must be on merit. So would promotion. The director would have control over hiring and firing and would report only to the Attorney General. The political meddling of the past would cease (Osterburg & Ward, 2004).

J. Edgar Hoover was to serve as “The Director” from 1924-1972. Hoover cleaned up the Bureau, enacting strict selection standards for agents. He fired about one quarter of all agents and instituted mandatory training for others (Brandl, 2004). He initiated a variety of innovations such as the FBI Crime Laboratory in 1932. Note that in 1929 two wealthy private individuals – a rug manufacturer and a soap company executive - set up a laboratory at Northwestern University in order to provide crime detection capabilities to the Chicago police. This laboratory was an inspiration for the FBI to establish its own lab (Hall, 1989). Hoover also established the National Academy; a training academy for police executives (prior to the Law Enforcement Assistance Administration in 1968 there were few academies for police in the United States); the Uniform Crime Reports and the National Crime Information Center (NCIC). These developments have had a major positive impact on the conduct of investigations in the U.S.

Hoover was well known for an extensive use of publicity to aid in capturing criminals and garnering public and political support. This included changing the name of the Bureau of Investigation, “The FBI” television show, a weekly radio address, the hiring of a publicist, and the authorship of several books. Gilbert (2004) maintains that the greatest benefit to the development of criminal investigation was the image of the FBI; that the creation of a reputation of competence and individual honesty by the agents elevated the status of all U.S. criminal investigators. It would appear that Hoover took the ideas of Peel, the Fieldings, Pinkerton and Vincent a step or two further. He eliminated the perception of the detective as a quasi-criminal working for a reward in a most decisive manner. His men wore white shirts and black wing-tip shoes. They were college graduates who also underwent an extensive pre-service training process. In short, they extolled the virtues of businesslike professional investigators.

There are, however, numerous detractors of J. Edgar Hoover. Toward the end of his tenure there were questions concerning a variety of practices that the Bureau had engaged in. During the 1940's and 50's FBI agents began a series of intrusive investigations into suspected communists. Surveillance, wiretaps, extensive record keeping, mail opening and warrantless searches were conducted. Investigations were initiated not only against communists but suspected communists and critics of the Bureau such as First lady Eleanor Roosevelt (Brandl, 2004). After Hoover died; his reputation became tarnished due to his surveillance of prominent Americans, his single-mindedness concerning communism and his use of the media to build a mythical image of the FBI (Dempsey, 2003). J. Edgar Hoover was a brilliant man who went too far. *“Power tends to corrupt and absolute power corrupts absolutely”*. Unfortunately, Hoover's almost absolute power over the FBI tended to do just that. In some quarters his name is spoken with derision and there is certainly some justification for this. It must be said however, that federal investigators and local police departments would not be nearly as professional as they are today without his contributions.

### 20<sup>th</sup> Century Investigative Developments



### The FBI in the 21<sup>st</sup> Century

Since the terrorist attacks of September 11, 2001, the FBI has undergone several structural and procedural changes. The Congressional Joint Inquiry Into the Terrorist Attacks of September 11, 2001 indicated that the attacks were one of the FBI's greatest failings in intelligence. The Joint Inquiry also said that the "FBI was seriously deficient in identifying, reporting on, and defending against the foreign terrorist threat to the United States" (Cumming & Masse, 2004). Specifically, the FBI had been warned that possible terrorists were in flight schools and also seeking information about airport security (Associated Press, 2002). An FBI agent in Arizona even went as far as writing a memo in July 2001 urging headquarters to further investigate the matter. While the FBI maintains that investigation of this particular lead would not have resulted in the prevention of the attacks, their failure to fully investigate the matter has been met with a call for greater cooperation between government agencies and for a more proactive approach.

The FBI has taken the first steps toward this new paradigm through centralization. The FBI headquarters now has taken the added responsibility of coordinating all counterterrorism cases (Cumming & Masse, 2004). In addition, there have also been new positions and offices created, including an Executive Assistant Director for Intelligence (EAD-I), an Office of Intelligence (for coordination), and additional field intelligence groups. The effectiveness of these changes has yet to be evaluated.

Another major change since 2001 has been the establishment of the Department of Homeland Security (DHS) through the Department of Homeland Security Act of 2002. The department initially consisted of 22 previously existing agencies, which it oversees in four divisions: Border and Transportation Security, Emergency Preparedness and Response, Science and Technology, and Information Analysis and Infrastructure Protection (DHS, n.d.). One of the DHS's initial changes to these agencies was a call for professionalization, including background checks of all employees and increased training. The Secret Service and Coast Guard also fall under the direction of DHS, but remained fully intact and report only to the secretary.

## HISTORICAL LESSONS

**Writing ability is important in investigation.** To a large degree, investigators are evaluated on the basis of the reports they produce. The saying “*you are what you write*” is quite relevant to investigation. Accomplished investigators tend to be accomplished writers. Thomas Byrnes' writing was exquisite in detail and description. So too was that of Allan Pinkerton. Henry Fielding is better known as the author of *Tom Jones* than he is for his management of the Bow Street Runners. A highly developed literary skill is a common trait of investigative CEO's.

Writings and the use of popular literature have facilitated the development of criminal investigation. The writings of Vidocq, the Fieldings, Pinkerton and Hoover helped to make them famous. Arthur Conan Doyle's novels were accurate predictors of future criminalistic discoveries. One work, *A Case of Identity*, had Sherlock Holmes tracing a document to a specific typewriter years before this was possible. Leading criminalists, such as Alphonse Bertillon, the developer of Anthropometry, were avid readers of the Sherlock Holmes series (Gilbert, 2004).

**Public relations and publicity may be effective in solving certain types of crimes.** From the Fielding's use of wanted notices to contemporary Crime Stoppers and America's Most Wanted television programs it is clear that public awareness and assistance is key to solving certain types of cases. Professional public relations programs are an important component to the investigative function.

**European initiatives often preceded American ones.** Undercover, the use of informers and crime laboratories are examples of this. European development of fingerprints and other aspects of scientific evidence pre-dated its employ in America. Vidocq's private detective agency and Trade Protection Society are other examples of this.

**Private initiatives often precede public initiatives.** The early investigators were primarily private individuals. It must be noted, however, that there is a public-private interface. Vidocq

worked for the Paris police and later had his own detective agency. Pinkerton was publicly employed by the Postal Inspectors and the Chicago Police Department prior to his starting the agency that bears his name. William J. Burns worked for the Secret Service and also had his own detective agency. Agents of the Baldwin-Felts Detective Agency were often former police officers. They were sometimes sworn in so that they had police powers (Velke, 2004). Similarly, there is often private funding or support for public investigative efforts. These include equipment purchases, software, reward monies and media time. An in-depth analysis of the public-private interface would be a worthwhile subject of inquiry, as it would help to explain the rationale behind and extent of collaborative efforts.

**Investigative initiatives, as well as police and security programs, are generally spawned by the perception of a serious need.** This need is both crime/terrorism/foreign agent driven as well as reform driven. Extensive crime, terrorism and the threat from an adversary nation's spies and saboteurs play a role. Vidocq's France was extremely crime – ridden. The London of Jonathan Wild, the Fieldings and Sir Robert Peel was a cauldron of criminality. Scandals also play a major role in investigative changes as has been seen with Scotland Yard and the Bureau of Investigation. . The inefficiency of the existing system also plays a role; the reforms of the FBI after the 9/11 attacks are one example. Grossly inefficient systems that fail pave the way for improved organizations.

**Politics may well intrude on investigative professionalism.** Political appointment of investigators and political/public pressure to get results impact upon how investigations are performed. In some cases politics determines what investigations will be performed! Professional investigators need to divorce themselves from politics as much as possible.

**Records systems are important.** Vidocq, Pinkerton, Byrnes, Vollmer and J. Edgar Hoover all had extensive records on some aspect or aspects of crime, criminals and investigation. Obviously in an information driven economy this trend will accelerate. Records must be accurate and protected from misuse at all times. Inappropriate collection and dissemination of information is a major form of unethical conduct which investigators must scrupulously avoid.

**Ethics and integrity are important.** Individuals and organizations with strong ethical standards seem to outlast those that don't have similar qualities. There are various historical examples of this; yet many instances of unethical behavior occur "under the radar screen". They are not known to the public or even to researchers. Future investigators should be advised that unethical conduct is unacceptable and career threatening. Additionally, more research needs to be done on investigative ethics and the impact of that unethical behavior.

## INVESTIGATION TYPES

Various types of investigative activities are performed by criminal justice and protective services personnel. There is substantial growth in the conduct of background investigation. One aspect of this growth is the increasing number of state laws requiring certain personnel to be screened prior to employment. This includes security officers, teachers and childcare workers. There are also governmental - or employer requirements - for the screening of persons working within



highly secured environments such as military bases, nuclear power plants or research and development facilities.

Investigation Type	Investigated By
Criminal - may be felonies, misdemeanors or summary offenses or ordinance violations which are local offenses	Police Officers, Security Officers, Police Detectives, Corporate Investigators, State and Federal Investigators, Private Investigators
Accident – may be vehicle or workplace related; may be ‘staged’ as part of a fraud scheme	Police Officers, Security Officers, Private Investigators, Insurance Investigators
Human Resource/Personnel – any violation of policy; may or may not be a criminal or civil offense (tort)	Supervisors, Human Resource Managers, Internal Affairs Investigators, Public and Private Undercover Investigators
Background – reference, employment history, criminal, credit and employment checks for hiring or promotion or bonding; pre-sentence investigations (social histories)	Private Investigators, Investigators with various organizations; Federal Investigators, Parole Agents or Investigators

**Criminal investigators** collect information on criminal incidents that are later prosecuted in court, making the investigative process subject to extensive legal scrutiny. Successful prosecutions must prove beyond a reasonable doubt that the suspect committed the offense. Additionally, under the US constitution and various state constitutions the accused has many rights, all of which must be protected. Before a criminal prosecution can get underway, the accused must be charged with committing a certain offense. There must be probable or reasonable cause to believe that he or she committed the offense before they can be arrested. It must be shown that the accused participated in conduct that constituted the elements of the offense. For example, it must be shown to prosecute for Robbery in Pennsylvania that the accused did the following:

- Committed a theft
- In the presence of the victim
- Against the will of the victim
- Using force or the threat of force
- Or threatened to commit a felony of the 1st or 2nd degree

The fifth (threatened to commit a felony of the 1st or 2nd degree) may not be an element of the offense of Robbery in other states. Each state has a separate and distinct criminal code. Investigators should be familiar with the code in their jurisdiction as well as the policies of their employers and the local judiciary. For information on criminal codes visit [GouldLaw.com](http://GouldLaw.com) or [LooseLeafLaw.com](http://LooseLeafLaw.com). To become familiar with policies and philosophies, reading policy and

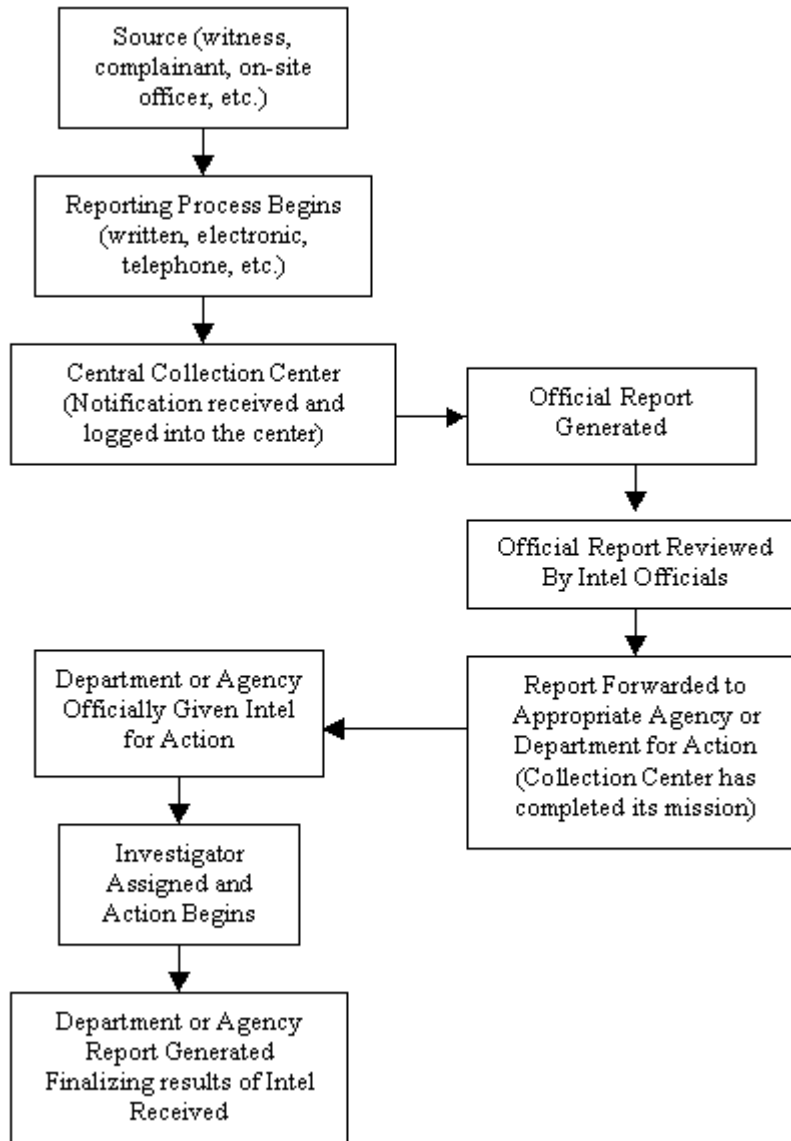
procedure is an excellent start, as is questioning supervisory and judicial personnel.

Criminal investigation also occurs in private sector investigations. Embezzlement, sabotage, drug dealing and other crimes often occur within employment settings. There is also criminal activity within housing developments, resorts, hotels, shopping centers, stores, nightclubs and office buildings that is investigated by private security forces, usually in concert with public police. The United States' Sarbanes-Oxley Act requires the reporting to government authorities of criminal behavior occurring within a publicly held corporation.

***Intelligence investigations*** are also part of criminal investigations. Intelligence investigations are not designed to fulfill the goals of a criminal investigation (determine whether a crime has been committed; legally obtain evidence to identify the parties responsible; arrest the suspect; recover any stolen property and present a quality case for prosecution). They may or may not terminate in a criminal investigation. They may or may not be initiated by a criminal inquiry. Intelligence inquiries are designed to collect information about the activities of a group who are involved in illegal activities. These can include hate groups, traditional organized crime groups, drug gangs, youth gangs, transnational or domestic terrorist groups, "carnies" or traveling criminal groups. Intelligence collection efforts may focus on extremists who use violence (terrorists), a-violence (violence against property but not people) or civil disobedience actions (protestors chaining themselves together so they can't be moved, protestors disrupting stockholders meetings, counter-demonstrators against another group, etc.). Intelligence investigations are often referred to as *proactive investigations*.

### **Intelligence Investigation Flow Chart:**

Example: While on patrol, police officers respond to an aided call. Police and EMS arrive to find a 35-year-old Chinese woman having a seizure. The woman is found in a back room. A quick glance around the room reveals tables are set up as to be used for gambling. No one is present. Additionally, small cubicles with only beds line the interior of the building. Prostitution is suspected because of the rooms and the presence of condoms and lubricant. The patrol officer suspects organized criminal activity is going on at this location; however the probable cause is lacking and there is no one to arrest. The patrol officer notifies the Intelligence Division and provides them with an address and the details of his observations. The Intel division prepares a report (in detail) and forwards this to the Vice Division for Investigation. Vice receives this report and opens a case and assigns an investigator. The investigator may opt to send in an undercover officer or conduct surveillance...



Contemporary intelligence initiatives include the Department of Homeland Security's IAIP Daily Open Source Reports, which are distributed to various private security professionals such as ASIS International members and the USMA National Theft Database. The USMA National Theft Database dates back to 1917 when a group of retailers began sharing information on internal theft in an effort to prevent other retailers from hiring thieves. It is currently managed by US Investigations, Inc., the largest background screening company in the United States. US Investigations also provides business intelligence services (Trlica, 2005). There is also Infragard, a partnership between the U.S. Government and private industry that is administered by the FBI. Infragard was developed to encourage the exchange of information relating to the security of the nation's electronic infrastructure (Osterburg & Ward, 2004). It would seem reasonable to assume that there will be increased public-private interface in the area of intelligence. This is a necessity considering the cross-jurisdictional nature of crime and the amount of critical infrastructure owned and controlled by private entities.

*Accident investigations* are also subject to legal scrutiny in the civil arena. These may involve civil suits for damages. They can also be part of fraud schemes such as faking accidents or exaggerating the extent of one's injuries to collect workman's compensation or automobile insurance coverage. Accidents can also be used to cover up criminal activity such as employees deliberately damaging goods so that they can take them home or parents abusing their children who claim that "she fell from the swing."

*Human resources investigations* may delve into "time card cheating" (a type of theft), abuse of expense accounts, sexual harassment, misuse of employer property, sleeping on the job, improper treatment of people (such as suspects by patrol officers), falsifying reports, 'fudging' overtime, lying to supervisors or customers, taking 'shortcuts,' etc. All organizations must conduct these types of investigations from time to time. Supervisory personnel are generally tasked with them but staff investigators from a corporate security department or police internal affairs division may also be used.

*Background investigations* involve checking databases such as criminal records, credit information, prior addresses. They should also involve checking with references and using developed references – additional references developed from the original references given by the applicant. Note that credit and criminal information is regulated by the Fair Credit Reporting Act, a major requirement of which is that there be a signed release from persons who are being investigated. Anyone doing background investigations should be intimately familiar with the Act's provisions. The Health Insurance Portability and Accountability Act of 1996 (HIPAA) is also an important act worth noting. Much like the Fair Credit Reporting Act, a signed release is required before records, in this case health records (including insurance information), may be released. This act carries major penalties for failure to comply, including up to ten years in prison for a violation containing intent to sell (which should be of particular concern to background investigators operating on a contract basis).

In an effort to protect the private records of individuals, HIPAA requires organizations to perform background checks on **all individuals that have access to medical records**. Background investigators should note the minimum standards required to perform background checks for HIPAA.

Background investigations are becoming more common for pre-employment purposes. An increasing number of laws and regulations are being enacted which require background investigations of job applicants. The number of background checks on employees tripled between 1997 and 2003 (Dwyer, 2005) Additionally, employers are doing periodic updates on the backgrounds of current employees. These updates may be performed when a person is being placed in a more sensitive position or simply to find out if there have been criminal acts committed unbeknownst to the employer.

Another type of background investigation is a Pre-Sentence Investigation. These are conducted by Probation Officers, who inquire into the background and lifestyle of persons about to be sentenced. Their report is used by the judge in determining what type of sentence is most appropriate for the accused.

Still another type of background investigation is known as “due diligence” or “reasonable diligence”. This means reasonable efforts to verify facts regarding contractors, vendors, consultants and clients. The screening or vetting of these individuals and organizations is essential. Verifying licenses, performance records, insurance coverage and other key areas is necessary to preclude potential problems in business relationships.

## INVESTIGATIVE PROCESS FOR INCIDENTS

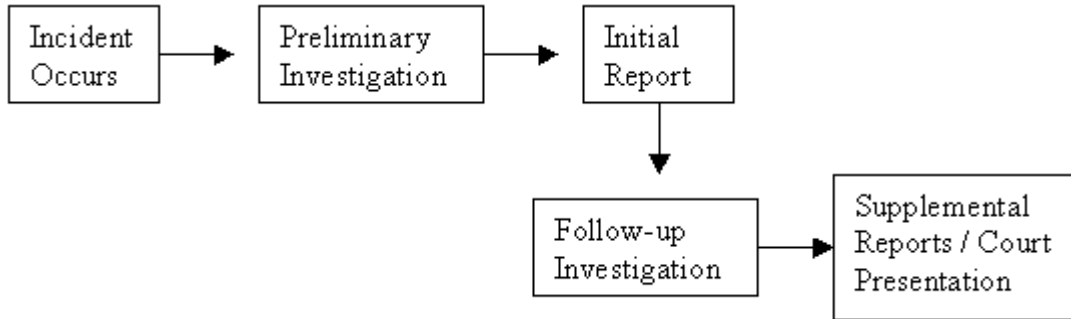
Generally, the investigative process for examining incidents such as crimes, fires or accidents is divided into two (2) segments:

**1. Preliminary investigation: the initial fact finding phase; often performed at the scene of a crime or incident and usually conducted by patrol officers.** The preliminary investigation is crucial to the success of the entire investigation; it is at this juncture that important data is either found or lost. Preliminary investigations generally encompass several of the following activities:

- \* Attending to injured persons
- \* Detaining suspects
- \* Locating and questioning witnesses
- \* Preserving and protecting the incident scene
- \* Reporting relevant data to the Command Post or Central Alarm Station
- \* Writing a report that enables follow-up investigators to succeed with their responsibilities

**2. Follow-up or Latent Investigation: the subsequent investigation performed by a detective or other specialist.** Follow up investigation consists of such functions as:

- \* Re-interviewing witnesses
- \* Identifying and apprehending perpetrators
- \* Developing a theory of how the incident occurred
- \* Analyzing physical evidence
- \* Conducting surveillance
- \* Analyzing databases
- \* Planning and making arrests
- \* Conducting raids
- \* Presenting the case in court



Follow up investigation in criminal matters is only pursued when there is a reasonable chance of solving the crime. Investigative resources are finite and must be used effectively; it generally makes little sense to spend \$500 investigating the theft of a \$200 item – except to identify how the item was stolen so that future thefts are prevented. This is especially true if the investigative entity is getting additional work in the form of new cases. Managing Criminal Investigations (MCI) places investigators into cases that are important and/or solvable. Solvability factors are assessed to estimate the likelihood of success. Some solvability factors include the following:

- \* Are there witnesses?
- \* Has a suspect been identified?
- \* Has significant physical evidence been collected?
- \* Have traceable items been stolen?
- \* Is there a significant modus operandi (M.O.), method of operation, which gives the offense some degree of uniqueness?
- \* Is it reasonable to expect the crime to be solved with additional publicity?

There are additional considerations for determining resource allocation in an investigation. High profile incidents, incidents involving the threat of violence (threats, stalking, hate crimes) and those of interest to organizational management will receive priority treatment. So too is the likelihood that an investigated activity will cease quickly. As a final determinant, the investigative resources available are considered (Metscher, 1999).

## INVESTIGATIVE LOGIC AND REASONING

Obviously, inquiries and observations – investigations – require some degree of logic and reasoning. Investigators must collect known facts – actions, events or circumstances that are real. They must then utilize logical reasoning processes in order to assess and evaluate those facts and determine what they mean. Investigations must focus and prioritize the resources expended in the inquiry. There must be a focus to the investigation as not everything or everybody can be investigated. Both inductive and deductive reasoning are employed for this purpose.

**Induction** is “the logical model in which general principles are developed from specific observations” (Babbie, 2004, p. 25). It is reasoning based on a series of facts from which a conclusion or generalization is drawn. Here is an example: everywhere a particular suspect goes, a bubble gum wrapper is left behind. After noticing the wrappers several times, an investigator

begins to notice a pattern. Having made several observations and noticed a pattern, the investigation creates a theory to explain the pattern; the suspect chews a specific type of gum and litters frequently, thus leaving a trail.

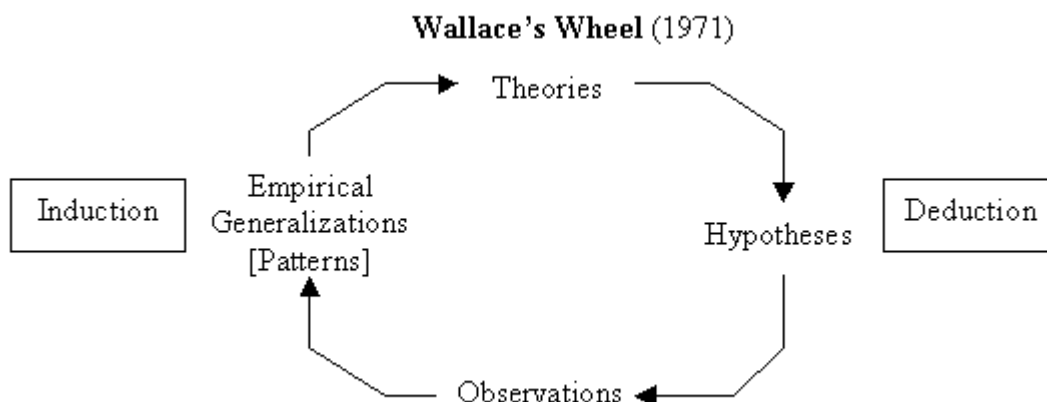
Note that opposing attorneys may discredit the focus of the investigation. They may argue that the investigation focused on their client prematurely; that other suspects were ignored. If the inductive model was used, the investigator should be able to explain why the focus existed: because evidence directed investigators towards the suspect.

Despite having often used the word “*deduced*,” Arthur Conan Doyle’s Sherlock Holmes often *induced* his theory. Holmes would observe facts and later build a theory based on what he had seen.

**Deduction** is “the logical model in which specific expectations of hypotheses are developed on the basis of general principles” (Babbie, 2004, p. 25). In this reasoning process, the investigator creates a theory based on beliefs, such as “it’s usually the husband.” These beliefs *may* be grounded in simple prejudice. Deductive reasoning seeks to *eliminate* possibilities. It may help to narrow the focus of the inquiry. It may use facts to test the theory that has been developed. After the theory and hypotheses are constructed, the investigator will look for evidence to prove the theory correct. This is not a negative approach as long as the investigator remembers that the theory could be incorrect.

Investigators must move from inductive reasoning to deductive reasoning, as new information is uncovered.

The following is an illustration designed to show the deductive and inductive models working together as one. The inductive phase begins with observations and continues through theory, while the deductive phase begins with theory and continues through observations. The cycle is continuous until additional observations do not change the theory; neither phase is complete without the other.



Inferences are used in investigative reasoning; and they must be utilized effectively.

An inference is a reasoning process by which a fact may be deduced; it is a probability (Bennett & Hess, 2004). All inferences should be tested by examining the facts upon which they are

based, as valuable time may be wasted if erroneous leads are pursued. Information from which to *predicate* or base an investigation must be corroborated.

Objectivity is essential, yet this is often difficult to maintain for veteran investigators. Having seen certain criminal behaviors repeatedly (recognizing a pattern) may make one jump to conclusions. Investigators cannot allow *personal* prejudices to control their *professional* judgment.

### **Exculpatory evidence cannot be ignored.**

A similar problem can arise in accident investigations. Accidents are unplanned events that may cause damage or injury. They occur due to the interrelation of various causal factors. The primary causal factor in a vehicle accident may be driving too fast for conditions, but there may also be personal factor causes such as inattentiveness, intoxication or fatigue. There may also be unsafe road conditions, poor visibility or mechanical failure of the vehicle. The point is to be objective and see all the causal factors involved, not to simply gravitate to a single cause.

**Principle of expansile significance:** Internal theft investigations are often triggered by information that an employee is stealing. Once the issue is investigated; it becomes apparent that the theft was of greater amounts and of longer duration than originally thought. In some cases, employee thieves are also involved in other types of criminal behavior. A similar phenomenon occurs with ‘street crimes’. Case studies reveal that serious criminal behavior is often uncovered by astute patrol officers performing traffic stops, enforcing parking regulations, maintaining order in a public place, etc. One example would be Oklahoma City bombing perpetrator Timothy McVeigh, who was stopped for a traffic violation. The officer then noticed he had a handgun and arrested him on a weapons charge. After being in custody on the weapons charge he was subsequently convicted of the bombing. Another example comes from the early 1990s, when the New York City Transit Police conducted sweeps for fare beaters. While not paying a fare to get on a subway is a minor offense, the sweeps netted more serious criminals. One person in every seven had an outstanding warrant for a previous crime. One out of every twenty-one was carrying a weapon (Bratton & Knobler, 1998).

Certainly good interview techniques and search techniques come into play. The training firm Calibre Press (CalibrePress.com) published a book entitled “Tactics For Criminal Patrol: Vehicle Stops, Drug Discovery & Officer Survival” (Remsberg, 1995). The book provides information on effective drug interdiction during traffic stops, etc. Calibre also sells books and videos on conducting various types of searches.

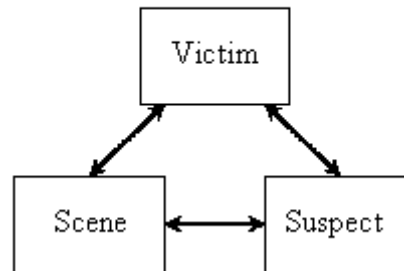
This principle of expansile significance relates to the “broken windows” theory of crime causation, which postulates that leaving a window broken will encourage more vandalism. In internal loss situations this concept is sometimes called the “rolling ball effect.” One employee sees another employee stealing and the theft rate within the workplace escalates. Whether from a security/preventative or investigative/reactive perspective, the principle is the same. A simple means of conceptualizing expansile significance is:



## “Minor is Major”

**Theory of transfer.** Developed by Locard and sometimes called the “Linkage Triangle” or the “Locard Exchange principle” (Ogle, 2004, p. 3), the theory of transfer is that when objects come into contact there will be some exchange of material. This is a central tenet of scientific crime scene investigation. The more pristine and better preserved the scene, object or person; the better the quality and quantity of the evidence obtained.

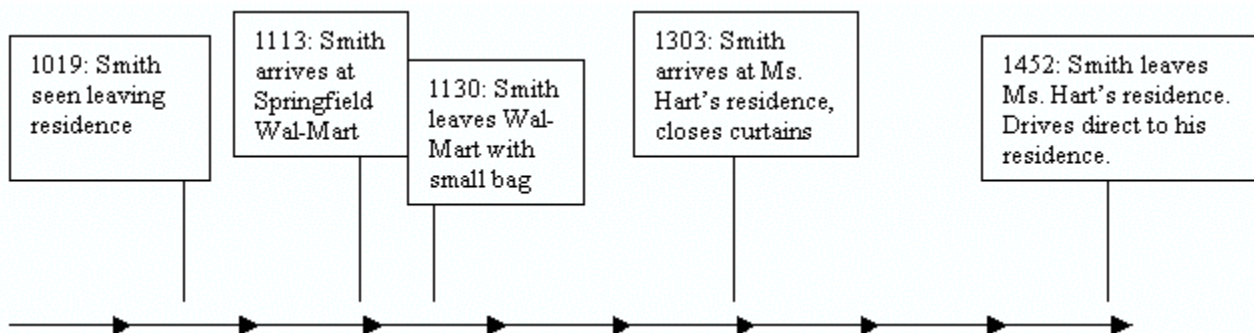
### Linkage Triangle



### TIMELINES

Timelines are simply the chronological plotting out of known facts. They aid in focusing an inquiry, which can be a significant factor early in an investigation. Timelines also provide a sort of “roadmap” for an investigation. They can help to identify an M.O. They can aid in differentiating between organized and disorganized criminal behavior. Timelines can also show a progression of behavior such as increasing amounts of thefts. The timeline enables an investigator to go backwards or forwards with the inquiry. An additional concern is statutes of limitations. Having a timeline helps investigators to see the statute of limitations and calculate its effect on the investigation.

Below is a sample timeline. This timeline spans only a few hours, but timelines can span mere minutes, months, years, or even decades.



It is not unusual to hear of media personnel discussing investigative timelines. This may give rise to an expectation by the public that investigators should employ them.

## SEARCHING PRINCIPLES AND PRACTICES

Investigations often involve some type of search. This could be for evidence, weapons, stolen property, suspects, witnesses, missing persons, cadavers, documents, explosives, WMDs, or many other things! Below is a set of *general principles* for conducting searches of scenes, persons, vehicles, etc. These general principles are the theoretical foundation for searching. Some specific search techniques are also briefly discussed as applications of the principles. This is obviously a massive area of study; those that wish to delve into it further may want to consult Becker's *Criminal Investigation*, 2<sup>nd</sup> edition, Jones & Bartlett ([www.jbpub.com](http://www.jbpub.com)). This book provides some interesting perspective on searches in a marine environment. Astute investigators excel at searching. They eagerly approach it and make the most professional effort possible to find what they are looking for. They also seek out continuous professional education and training in this area.

### **I. THE OBJECT(S) BEING SEARCHED FOR SHOULD BE IDENTIFIED OR DESCRIBED.**

Identify the object or person being searched for. Weapons should be recognized; tubular objects, sharp objects, and weapons accessories are all possible indicators of the presence of a weapon. CalibrePress.com and the FBI Law Enforcement Bulletin regularly have information about concealed and improvised weapons. Patrol officers and investigators should develop some degree of familiarity with weapons.

Similar to weapons are explosives, incendiary devices and WMD's. Explosive components, military or commercial blasting caps, electrical wires or parts; chemicals or laboratory equipment can all be indicative of an explosive, incendiary or toxic device.

With evidence searches, this means items that could logically be involved in the incident. When in doubt, items should be treated as evidence; they should be included as evidence (*"the rule of inclusiveness"*).

With searches for people or vehicles, it is important to get as complete a description as possible. The description should be of physical characteristics (race, sex, age, height, weight, build followed by a description from head-to-toe) and behavioral characteristics. The latter may aid in prioritizing and focusing the search effort.

With contraband searches, there must be complete familiarity with the rules of the environment regarding it. There must be a clear understanding of what items are contraband and the configurations they may come in (e.g. cameras, pagers, recorders, etc.).

### **II. THERE MUST BE PARAMETERS ESTABLISHED FOR THE SEARCH.**

This means determining how extensively to search in terms of time, area and degree of intrusiveness (*the scope of the search*). The scope of the search requires that searchers consider the probable size and shape of the evidence they seek. This helps ensure that the search is 'reasonable' and not a violation of the searchee's rights. One would not search for "an elephant

in a matchbox.”

The size of the area to be searched should always be expanded somewhat beyond what the investigator thinks it to be: it is far easier to reduce the size of the crime/incident scene than expand it.

Walking around the perimeter of the scene may help in determining its boundaries. Such a practice can also uncover items or evidence, explosives or other hazards. Walking the perimeter in two directions can give one additional *visual angle* of the scene. This same technique works with searches of vehicles. With searches of persons, having the person turn around all the way gives the searcher a better view. It may be appropriate to have a suspect turn around slowly with their hands up so that weapons can be found.

### **III. THE ENVIRONMENT OF THE SEARCH MUST BE ASSESSED.**

Initially scanning the area, person or object to be searched is important as obvious items – or behaviors – may be observed. The scan can be better facilitated by walking around the search environment. Walking around provides visual angles. It also helps the searcher to better determine more precisely the size of the area to be searched. The scan should include the auditory and olfactory senses in addition to the visual.

Utilize the appropriate search patterns. These must be selected based upon the particular search problem. The environment of the search, the amount of time available to search and the number of personnel available are all factors to consider when selecting a pattern.

Crime or accident scene searches utilize strip and grid searches. A grid search pattern is doing a second strip search at a 90-degree angle to the first one. This is sometimes referred to as “double strip” pattern. Sometimes a circular or spiral search pattern is used moving outward from the center of the incident scene or moving inward from the perimeter.

The most common search pattern is probably a *priority search*. In priority searches there is limited time to search and so only the most probable areas and/or the most critical areas are searched. An active incident scene may have to be searched very quickly due to safety concerns. A suspect may be searched for weapons by checking their hands, waist area and ankle areas as these are both the most probable and critical areas for weapons to be concealed. A missing child in a retail store may be looked for at the exits and where there are any hazards. A vehicle that must be searched may start with the exterior of the vehicle and then move to the interior on the driver’s side as the vehicle may be moved and evidence could easily be destroyed. Searching the driver’s area helps to obtain evidence before it can be destroyed by tow truck operators (Ogle, 2004).

*Priority searches are the execution of inductive reasoning.*

In some search problems it may be necessary to subdivide the area into zones or sectors. Search personnel are assigned to individual sectors. Within each sector a specific search pattern is then employed.

Each search problem is different and requires a slightly different approach. Note that it may be appropriate to use more than one search pattern after the first pattern has been completed. Such an approach aids in the degree of thoroughness of the search.

#### **IV. EXERCISE CONTROL OVER THE SEARCH ENVIRONMENT.**

Isolate the area or person to be searched. This involves erection and enforcement of boundaries (access control) to the incident scene. With crime scene searches there are logs used to record whom had access to the scene and for what purpose they were there.

Appropriate verbalization and interpersonal communications is key to accomplishing this. Getting people to move away from an incident scene quickly and efficiently is key. With searches of personnel; having the searchee position themselves in a proper search position and interviewing them effectively regarding the presence of weapons or contraband on their persons is important. Gaining *cooperation* from searchees is the objective. Gaining information may also be an objective; this ties in with the principle of expansile significance: searchees may divulge information indicating more extensive criminal behavior than was originally suspected by the searcher.

Control over the environment can be attained in tactical searches of buildings by denying the suspect space with light. Lights are shined into spaces that have not been cleared so that the suspect/adversary cannot remain hidden. Suspects will not be able to move in the area undetected if it is lit up (Williams, 2005).

Stabilize the searchers. This is a key part of control over the environment. Keep them focused on the search and not distracted by other issues. Having a designated searcher and observer/recorder is part of how control is exercised. The division of labor as used in the “contact-cover officer” strategy should be employed in searches.

#### **V. THE SEARCH MUST BE SYSTEMMATIC.**

The searches should be controlled and organized with efficient use of time and personnel. The time should be set by the investigator or their supervisor and not dictated by those outside the chain of command (witnesses, clients, other managers, media, etc.).

There must be a system utilized. Searchers are to use the system continuously throughout the search. They are not to abandon the system or pattern simply because they get bored with it!

Investigative professionals – *searchers* – must be precise.

#### **VI. SPREAD OUT/OPEN UP THE PERSON, VEHICLE OR OBJECT TO BE SEARCHED.**

Gaining the greatest degree of visual access to the search environment is essential.

A person cannot be searched effectively if they are sitting in a chair with their legs crossed. A vehicle cannot be searched with the door only partially open. A suitcase cannot be searched

effectively by only opening it a little bit.

When searching a vehicle, person or bag, the searcher should remove and examine each item individually.

*Make the most of the workspace available or move to a different workspace.*

## **VII. SEARCH IN A THOROUGH MANNER – SEARCH THE ENTIRE AREA.**

**Searches are conducted to find something. They are not performed solely to comply with procedural requirements!**

Using an appropriate search pattern or patterns helps to ensure thoroughness. *To ensure optimal coverage; the search pattern should utilize a uniform system of measurement.* Searching an open field using an area as wide as one's shoulders is not as precise as searching a tile floor and using the tiles as a measurement of each strip that is to be searched.

Overlapping slightly each area to be searched also ensures a complete search. The grid search pattern used in crime scenes is an example of complete, 100% overlap.

Thoroughness also entails using the appropriate search tools. These include flashlights, mirrors, probes, magnets, metal detectors, explosive detectors, and dogs (drug, explosive, cadaver, arson). In most searches, flashlights are useful as visual aids. Shining light into a dark area illuminates it. Shining a light into a lighted area can help to make it more visible; almost like a magnifying glass. Additionally, a small flashlight can be used to look inside the pockets or purses of suspects as a probe so that nothing has to be touched. This reduces the chance of injury to searchers and mitigates the intrusion upon the searchee.

The entire area, vehicle or person must be searched. There may be more evidence, weapons, contraband, etc. within the search environment. The search should not be terminated after finding a single weapon or explosive!

## **VIII. DISTURB THE ENVIRONMENT AS LITTLE AS POSSIBLE.**

This is important for the preservation of evidence, for both safety reasons (weapons, hazardous materials, etc.) and human/public relations.

Use the senses in an appropriate manner. Vision is the primary sense used when searching. "Look – don't touch" is generally good advice. Vision can be enhanced with lighting, magnification and the use of *visual angles* – the viewing of something from various angles. Visual angles are used in tactical searches of buildings. Officers search in teams and each team member clears an area by observation and the use of light. Each area is broken down into angles or 'slices'. Note that this is the proper procedure for entering any scene: remaining in a position of cover and concealment to the greatest extent possible and then 'slicing' the area down like a pie. Each area is observed for safety hazards before entry is made.

There are some exceptions to this such as a search conducted during an emergency where preserving the environment is not a priority.

Another example would be “The Big Shake” done during weapons searches of suspects. This is where the searching officer (“Contact Officer”) grabs the front of the belt or waist and shakes it vigorously to dislodge any weapons that may be hidden.

Still another exception may be the sifting of soil for minute pieces of evidence at a crime scene. Note, however, that this is done very carefully such as at archeological excavations. Also note that documentation via photography/videography may be employed prior to disturbing the environment to preserve it in some manner. A basic rule of evidence handling is to always photograph evidence before touching or moving it.

### **IX. APPROPRIATE PERSONNEL MUST BE USED.**

Document and record the search. Using an observer, recorder or scribe can help to document the search. In searches of suspects there is a “Contact Officer” who questions, searches and if necessary handcuffs the suspect. The “Cover Officer” observes the search, intervenes if there is an imminent threat posed by the suspect and allows the “Contact Officer” to concentrate on the search. So too can videotaping the search. Still photos may also be appropriate in some cases – having a camera readily available is generally a good investigative practice.

Volunteers may be used in certain types of searches. This is not uncommon with missing persons in a wooded area. It has also been used for evidence searches over large areas. It may behoove investigative entities – police or security departments – to cultivate relationships with volunteer fire departments or civic organizations in case a large-scale search must be conducted. Scenario exercises can help foster this relationship. So too can an ongoing public or community relations program.

### **X. EVALUATE THE SEARCH EFFORT.**

Evaluate the search effort and determine when to terminate the search effort.

This can be done with an observer, “Cover Officer” or scribe.

Rooms that have been searched for explosives can be marked with tape across the door.

At some point the search is finished. It should only be finished when it has found the objects being sought; the entire area has been covered and the searchers can clearly articulate – and defend – why the search was terminated. Searchers may have to defend in a legal or quasi-legal proceeding why the search was terminated. They should be able to justify their reasons for doing so.

## **MISSING PERSONS**

Searches for missing persons are commonly conducted. There are various types of missing persons including those who are “going missing” or have “gone missing,” such as runaways and fugitives from justice. There are also witnesses who must be located. One could make the argument that missing persons investigation is a generic investigative function.

Some fundamental concepts involving missing persons are:

1. Obtain a complete physical description of the person
2. Gain as much information on the background and behavioral history of the person
3. Look at the missing person’s immediate past
4. Begin the search at the place where the missing person was last seen
5. Utilize technology – online searches, video footage, access records – that may aid the search

Missing persons investigation is a composite of other investigative methodologies. Search principles, background investigation, social network analysis and timelines are all used in missing persons investigations. As missing persons investigation is generic; researchers should develop more guidelines regarding its theory and execution (practice).

## **INTELLIGENCE**

Intelligence is the collection, correlation, analysis, and dissemination of threat information to assist in a favorable outcome against an adversary. In the law enforcement and security realms, intelligence is a fundamentally different form of investigation. It requires many of the same skills and techniques to develop an understanding of an adversary and how best to defeat them. In law enforcement, criminal intelligence is used to better understand the criminal environment within or facing a jurisdiction. It is related to Crime Analysis in its efforts to understand and forecast activities. One of the newer trends internationally in law enforcement is Intelligence Led Policing, which uses the intelligence process as a “force multiplier” to better utilize enforcement resources. Within the private sector, intelligence operations are carried out for essentially two purposes: economic espionage and protective intelligence. Economic espionage includes competitive intelligence efforts that one organization uses against another to improve their market position. Protective intelligence is a little used concept of attempting to detect threats beyond the perimeter. This may take many forms but to be effective it must include all aspects of the intelligence process as well as a liaison with law enforcement agencies. Important constitutional and statutory protections exist for the U.S. citizen to limit the potential for abuse by law enforcement or private collection efforts.

Due to the continuously changing nature of crime/loss/terrorism threats, “intel” will become increasingly important. Appropriate responses to threats can only be formulated after an accurate appraisal of those threats has been made. Patrol officers will aid in collecting information. They must have a working knowledge of crime/loss/terrorism scenarios so that they can observe and report the indicators. Intelligence specialists or intelligence analysts must review the information

and interpret it. There will be an increasing need for intelligence analysts in government, law enforcement and security departments. Persons with computer skills will be in demand.

Managers must know how to effectively use intelligence. They must be aware of how it can help them deploy resources. They also play a role in educating their employees and clients about intelligence collection efforts from adversary organizations. All personnel within an organization that needs to keep things secret must be aware of intelligence collection techniques in order to maintain secrecy. Employees within law enforcement, military and competitive private business organizations are key players when it comes to securing information. The World War I saying, “loose lips sink ships,” is an example of this. Individuals designing a system to protect against identity theft must have some appreciation of adversary intelligence collection methods. They must understand basic techniques such as stealing mail, going through trash and using ruses over the phone to gain information.

### CRIME ANALYSIS

Crime analysis is a system for identifying short-term patterns of criminal behavior and characteristics associated with that behavior. The “what,” “where,” “who,” and “how” of criminal activity is studied. Such information is useful for solving crimes that tend to repeat themselves. It is also a necessity for resource allocation; knowing the type and volume of criminal activity can enable managers to deploy patrols, set up electronic surveillance, schedule Loss Prevention Agents, etc.

The basic functions of crime analysis are:

1. ***Crime pattern detection***, such as crime type by time, day, season, etc.
2. ***Crime-suspect correlations***, so that a specific suspect can be linked to a particular crime.
3. ***Target profiles*** to determine likely future crimes.
4. ***Crime forecasting*** for an area so that future crime rates can be predicted.
5. ***Exception reports***, which indicate areas where an amount of crime occurs above a specified norm; areas that are out of control are then identified. COMPSTAT as developed by the New York Police Department is one example of this. In retailing, exception reports indicate unusual point-of-sale activity by cashiers or high numbers of returns by certain customers.
6. ***Crime trend forecasting***, where future trends in criminal activity can be identified.
7. ***Resource Allocation*** – targeting and prioritizing investigative resources must be based on hard data. So too must protective resources such as increased manpower allocation.

Crime analysis – or more correctly, a component of it - was used by Scotland Yard in the latter 19<sup>th</sup> Century. They had modus operandi (method of operation) typologies for various criminals:

“***Tail Buzzers***” were pickpockets who stole snuffboxes and pocket-books from coat pockets.

“***Star Gazers***” were burglars who cut the panes of glass out of shop windows.

“***Mobsmen***” were pickpockets who had great manual dexterity; they were also called “light-fingered gentry”



“*Wires*” were pickpockets – this term is still used today.

“*Snoozers*” thieves who slept at railway hotels and stole passenger’s luggage in the morning.

“*Dead Lukers*” – those who stole coats and umbrellas from passengers at dusk or on Sunday afternoons.

In 1886, Inspector Thomas Byrnes, Chief of Detectives of the NYPD wrote *Professional Criminals Of America*. This book described the modus operandi and physical descriptions of hundreds of American criminals. Byrnes general typologies of criminals were as follows:

**Bank Burglars** – these criminals broke into safes. Byrnes was fascinated by the various methods employed and the ingenuity involved. Bank burglars were at the top of the ‘criminal career ladder’; possessing “patience, intelligence, mechanical knowledge, industry, determination, fertility of resources, and courage – all in a high degree” (Byrnes, 2000, p. 2).

**Bank Sneak Thieves or Bank Sneaks** – those who used diversions to steal money from banks.

**Forgers** – these individuals used counterfeited checks to defraud banks.

**Hotel and Boarding-House Thieves** – thieves who stole from hotel rooms. These burglars would defeat door locking mechanisms to gain entry to the rooms. They also collected intelligence on their targets by reading newspapers to learn about wealthy individuals who might be staying in the hotels.

**Sneak and House Thieves** – burglars who targeted households. Some collected intelligence on their victims by attending balls and seeing who had the most expensive jewelry; stealing wedding gifts from newlyweds after learning of their weddings in the morning newspaper. Some were “second-story” thieves who entered second story windows while the residents were downstairs at dinner.

**Store and Safe Burglars** – safe crackers who preyed on store safes. Some were “blowers” ; using explosives to gain entry. Others used drills to gain access to the locking mechanisms.

**Shoplifters and Pickpockets** – shoplifters stole from stores; Byrnes noted that they generally did not steal expensive items but increased losses to the stores by stealing vast numbers of inexpensive items. Pickpockets worked in groups in many cases. A “mob” being three or more pickpockets working together. Some pickpockets were “wires” who stole watches after the victim was jostled or crowded. Byrnes called pickpockets members of the “light fingered fraternity”.

**Confidence and Banco Men** – “con” men who preyed on wealthy individuals using a variety of schemes. A pleasant personality and good ‘salesmanship’ were the principal attributes of these crooks. Some worked alone; others with an associate or two.

**Receivers of Stolen Goods** – “fences” who bought and then re-sold “swag”. Some of these individuals had legitimate businesses as a cover or front.

**Sawdust Men** – swindlers who used letters to victims offering to sell them counterfeit currency or bonds. The victims of sawdust men were often unwilling to report the offense!

**Frauds in Horse Sales** – “horse sharps” who often used newspaper advertisements to lure victims into buying valuable horses at a discount. The horses were either worthless or the victim was tricked into making payment to someone who was not the real owner.

August Vollmer utilized “beat analysis” in the Berkeley Police Department in the 1920s. This data examined the activity on a police officer’s beat. In the 1930s, Northwestern University Traffic Institute developed analytical techniques for assessing traffic flow. These techniques were prototypes of contemporary crime analysis.

In the 2nd edition of “Police Administration,” published in 1963, O. W. Wilson coined the term “crime analysis” (Massachusetts Association of Crime Analysis, n.d.). In 1968, the Law Enforcement Assistance Administration (LEAA) was created by the U.S. Government. Grant monies were given to cities that had a system of crime analysis in place. Obviously there was some incentive to record crimes so that federal funding could be obtained. In the early 1990s, Jack Maple and others developed Compstat within the NYPD. This gave impetus to data driven police activity. It also sparked a new age in establishing and assessing police productivity via quantitative analysis. Today, crime mapping is performed by many police departments. Many corporate security departments also track incidents using CAPIndex (CAPIndex.com) and PPM2000 reporting software (PPM2000.com). College students should note that taking certain Geography courses on Geographic Information Systems can benefit persons who wish to move into intelligence analysis roles. Students learn useful data analysis skills that can be applied to crime mapping. This is a sought after skill by some organizations. College interns who have this skill will find easier placement – at positions that are often paid internships. College graduates will be better able to compete for Crime Analyst and Intelligence Analyst jobs as they become available.

There are both formal and informal types of crime analysis. Each has its place in the arsenal of the criminal investigator or manager. Each can be mutually supportive of the other:

1. **Formal** - using computerized databases that are commercially available such as Excel, Access, and i2 Analyst Notebook. This is the primary method of conducting crime analysis today; years ago the mapping of crime activity was represented on maps with different colored pins (red for felonies, blue for misdemeanors, yellow for accidents).
2. **Informal** – the exchange of information between individuals (networking) or as group discussions – these are key also in many instances; data may not be linked together between different investigative organizations. There will always be a place for professional networking and ‘talking shop.’ Regular meetings of investigators from different organizations are productive; the U.S. Postal Inspectors, local police detectives, corporate security departments and credit card company investigators all have a role in identity theft investigation. Retail loss prevention agents, district attorneys offices, police detectives and some federal agency investigators are concerned with Organized Retail Crime (ORC).

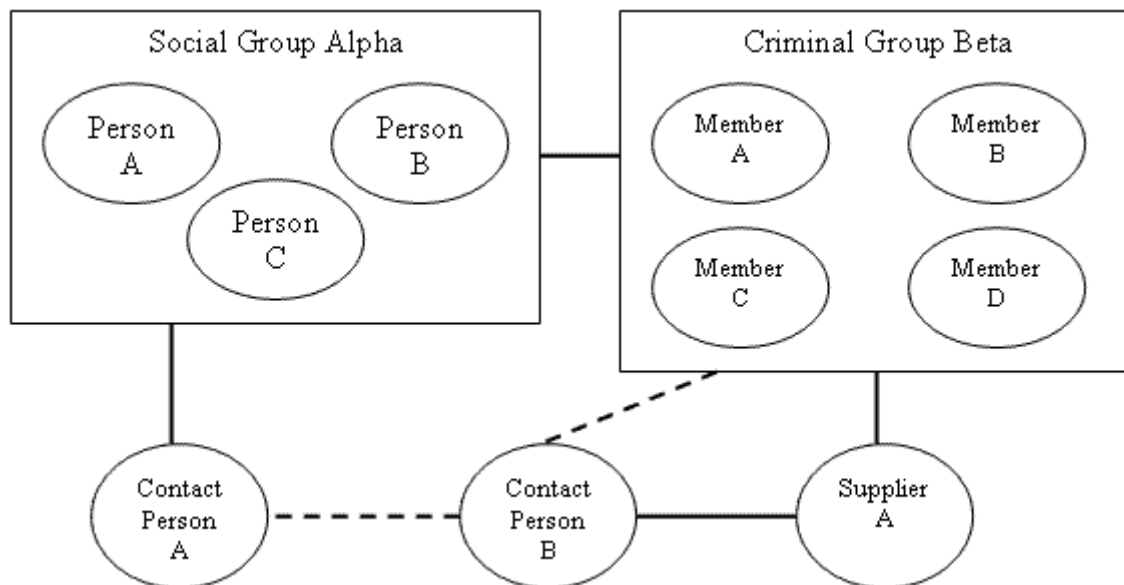
## SOCIAL NETWORK ANALYSIS

Social network analysis is a systematic method of analyzing social, financial or hierarchical relationships. These relationships may be between:

1. Individuals and other individuals
2. Individuals and groups
3. Groups and other groups
4. Groups and targets or criminal attacks that have taken place

Social network analysis visually depicts relationships via diagrams. It is used in the investigation of organized criminal activity. It can be employed with gangs, terrorist cells or to discover the parties in a fraudulent scheme. Contemporary data management programs can visually display all manner of relationships. Manual drawings of circles, boxes and lines can also help to identify and describe a social network. Solid lines indicate confirmed relations; dotted lines signify unconfirmed relations.

Below is an example of a visual depiction of a fictional social network. In this example, boxes represent groups and circles represent individuals. The solid lines are confirmed connections between persons or groups, while the broken lines are suspected, but unconfirmed, relationships. This example is based on some of the most commonly found symbols, but diagrams include different styles and sometimes include more complex symbols with an explanatory legend.



The above example of a social network analysis could be more simple or more complex depending on the context and depth of the investigation. Note that complex depictions can be overwhelming to the viewer (supervisor, jury, task force members, etc.). For this reason it may be better to display relationships

## FINANCIAL INVESTIGATIONS

Financial investigations is an area of investigation with great career potential. Currently, \$44 billion is lost every year in the U.S. to fraud (Rosoff, Pontell, & Tillman, 2002). Forensic accounting, a method of investigation, is one of the best ways to combat this loss. Obtaining the CFE (as discussed in the “Investigation” introduction section), while not an entry-level designation, is also an excellent career builder within the rubric of financial investigations.

Financial investigations may merge into other types of criminal activity. What begins as a financial inquiry can lead to additional criminal behavior. In some cases this is serious crime; in others it is simply illegal falsification. As an example of the latter, Martha Stewart was not convicted of insider trading but of lying to investigators. Within organizations financial wrongdoing may not be criminal but may be a civil wrong, a policy violation or an ethical lapse.

Conversely, traditional organized crimes such as drug distribution may be investigated and prosecuted via financial investigative techniques. The infamous gangster Al Capone was prosecuted not for murder or violation of the Volstead Act (sale and distribution of alcoholic beverages) but evasion of income tax.

Financial investigations can perhaps best be conceptualized of by viewing the knowledge components of the CFE Program; each component of which plays a vital role in the conduct of financial inquiries:

### **Criminology and Ethics**

### **Financial Transactions and Fraud Schemes**

### **Investigations**

### **Law**

*Ratio analysis* is an accounting technique used to determine a variety of aspects concerning an organization’s fiscal functioning. Financial investigators use it to see possible criminal activity. Ratio analysis employs various financial ratios as statistical indications of possible money laundering or tax evasion. These ratios may also be used to uncover fraudulent “bust out” schemes (see the restaurant scam in “GOODFELLAS”). Ratio analysis is one type of intelligence. It is employed along with social network analysis to investigate organized criminal activity.

It is important to note here that organized criminal activity is often hidden by and allied with “front” organizations. Piercing the veil of the “front” can be an essential step towards investigating the criminal activity behind it. Once the veil is pierced or there is a predication (an initial concern upon which to base a hypothesis) of criminal activity, financial experts must be brought in. Generally, a Certified Public Accountant will become involved. In some cases, outside consultants may be appropriate.

In financial investigations, criminal investigation meets accounting; one may start with behavioral cues and proceed into a financial analysis or vice versa. Both criminal investigators and accountants must work together.

Financial investigation often involves a background investigation of a vendor or supplier. *Due diligence* – reasonable efforts to verify facts; a thorough vetting (screening) of the vendor or supplier must be performed.

Financial investigations are generally more precise than other types of investigations. They may also be more complex. A flow chart (see “Intelligence Investigation Flow Chart” section) and/or social network analysis (see “Social Network Analysis” section) is often created when a financial investigation is performed.

Taking an accounting course to see if they like it is not a bad idea for a college student. A double major or a minor which incorporates Accounting can also prepare one for financial and fraud investigations. “**Accounting is the language of business**” – if one can’t speak the “language”; then they can’t do “business”!

### BEHAVIORAL/ENVIRONMENTAL ANALYSIS

A method used to analyze a crime or accident (incident) that broadens the scope of the inquiry to more completely assess an event. Behavioral/environmental analysis can be used to assess an event by dividing the event into phases. In the example below a series of questions are formulated to inquire about a theft.

1. *Pre-event (theft)*

- (a) *Who had access to the item?*
- (b) *Who knew of the item?*
- (c) *Insurance?*
- (d) *Has the victim made prior reports?*

2. *Event (theft)*

- (a) *Time of occurrence?*
- (b) *Place of occurrence?*
- (c) *Value?*
- (d) *How was item taken?*

3. *Post-event (theft)*

- (a) *When was theft discovered?*
- (b) *Who discovered it?*
- (c) *When and to whom was it reported?*
- (d) *Likely marketability – who would buy it? Who would fence it?*

An accident investigation would look at pre-event conditions such as unsafe conditions present and personal factor causes such as inattentiveness, intoxication or fatigue. Mechanical condition (lighting, ambient noise level, friction coefficient, etc.) would be analyzed. Event factors, such as

the behavior that occurred during the event (often an unsafe act), would be identified. Post-event information (injuries, damage, reporting of the accident, etc.) would be assessed.

The important point is to create *paths of inquiry* and develop from those paths specific questions.

## INVESTIGATIVE TECHNIQUES

There are a variety of investigative techniques or methodologies that are employed. Successful investigators must know their strengths and weaknesses so that each method can be used appropriately.

1. **Interviews/interrogations yield the most information in investigation.** Regardless of technological advances, most information will usually come from people. Persons wishing to become proficient investigators must be serious students of interviewing and interrogation (focused interviewing). Additionally, higher-level investigative tasks performed by corporate security, police detectives, state or provincial investigators, federal investigators or military investigators involve interrogation. Being proficient at interrogation is a necessary skill for advancement in many investigative/security organizations.

2. **Informants often provide basic leads.** They may initiate the investigation. Without a tip or lead from an informant, many investigations would not ever get underway. They are much easier and less expensive than undercover operatives in providing information on the workings of an organized criminal group. Certain types of investigations, such as narcotics, are almost wholly dependant upon informants. There are many types of informants and the good investigator uses them effectively. With the added power of the Web there are increased opportunities to utilize informants via tip lines. Tip lines from the general public, employees of an organization or students in a school are seeing added usage. Web posting of pictures of missing or wanted persons can aid an investigative inquiry. So too can news media broadcasts or the dissemination of photos within a college or workplace via digital imaging.

Informant programs using anonymous tip lines are often used in concert with reward programs. These may be funded by non-profit organizations or offered by private firms on a contract basis. In the latter case the tip line provider assume all administrative control.

Patrol officers should get to know people in their areas and develop a productive, professional relationship with them. If the officers know what is normal in an area they are better able to detect abnormalities that may indicate crime or loss scenarios. If the officers are approachable, people in the patrol area are more likely to tell them about problems or unusual situations. "Salesmanship", effective human relations and polished public relations are 'part and parcel' of professional investigation.

3. **Neighborhood Canvass is simply a thorough, systematic check of a neighborhood for possible witnesses.** It is the interviewing of large numbers of people; as many people as possible to uncover leads. Canvasses demonstrate to the public that a thorough investigation is being conducted. They may also aid in recruiting informants if the investigators are courteous and leave behind a business card; investigators may receive future information from the people

they initially contacted during the canvass.

4. **Undercover investigation, “assuming a role” or “secret service work,” as the Baldwin-Felts Detective Agency termed it (Velke, 2004), is used to provide a professional view of a closed social network that is involved in criminal or unauthorized activity.** Historically, undercover investigation has also been used by adversary organizations as a means of intelligence collection. This has taken place in spying operations against governments, industrial espionage and other sectors. Undercover investigations can be used by an adversary organization as an intelligence gathering and/or disinformation technique. Velke (2004) discusses the United Mine Workers Union training 42 “organizers” in 1913. These persons worked in pairs with one of them recruiting union members while the other posed as an anti-union miner. Once the pro-union miner found a job they would feed their supervisors disinformation about anti-union miners, thus labeling them as pro-union. The anti-union men would lose their jobs and be replaced with pro-union men who feigned anti-union sentiments. Obviously positive vetting (screening) of employees and other counterintelligence efforts need to be followed if organizations don’t wish to fall prey to such schemes.

Today, undercover investigation is often used in workplace crime/Human Resources investigations as well as street level drug dealing. It is problematic at best to employ and is not used for concerted, organized criminal activity as internet databases can be consulted by criminals to check up on suspected agents. Additionally, serious criminal networks often have formal or informal rites of passage, which may require committing crimes. Undercover operatives may simply not be able to do this and so cannot penetrate the network. Private investigative firms that specialize in undercover are often the first or second job an investigator gets right out of college. These pay well as the agent receives both the salary at the workplace where they are employed as well as some additional pay from the investigative firm. There are also expenses paid so that the overall compensation package is substantial. This can, however, lead to a dilemma: spending more money than their cover story or target group role will support. Agents should always be mindful of spending more money than their cover would indicate they have. In the Mollie Maguire case, McParlan explained his apparent affluence - he often treated to drinks – as coming from “shoving the queer” (currency counterfeiting) (Pinkerton, 1973). Single, college educated persons who are gregarious enough to infiltrate a criminal network and don’t mind frequent re-location are well suited for UC assignments. Undercover investigators must not tell anyone who does not have a clearly demonstrated “need-to-know” that they are investigators. They must continuously ‘live a lie’ and this may be very stressful over time. Partially for this reason, they do not stay in UC for very long. This creates some problems with the proficiency of the agents, as they do not gain enough experience to become highly polished.

As undercover is specialized and hazardous (physically, emotionally and legally), it should only be conducted by organizations that specialize in it. Agents should also be trained. Employers should have a standardized training program; more than simply “showing someone the ropes.” Case studies and role-playing should be a part of the instructional process. Employers should make every effort to prepare agents for the roles they will be assuming. Individuals agents should seek out and participate in training whenever possible.

Communications, command and control of agents is an issue with undercover. The operative

must be able to report information in a timely manner; in the Mollie Maguires case and later cases investigated by Baldwin-Felts, reporting was a major problem. The subjects could discover reports or the information could not be relayed quickly enough to thwart criminal activities.

So too are issues with command and control. Supervising an agent is difficult. The supervisor should be an experienced agent and should be available 24/7. There should always be an alternate contact that the agent can get in touch with should the primary supervisor be unreachable. Agents should report every 24 hours at a minimum.

In a similar vein, supervisors should spend some 'face time' with agents. They should continuously assess the agent for signs of stress. They should be alert to the possibility that the agent may become too involved with the group being penetrated. This can begin as confusion about one's role and values. It can escalate into the agent siding with the target group or as the British Army phrased it during their colonial warfare period – "going native."

Another method of supervision is to double up the agents assigned to a case. Having several agents in an environment unbeknownst to each other aids in detecting inappropriate agent behavior. It also helps to gather corroboratory evidence; something very important when case goes to a labor arbitration or court hearing.

For those that do work private UC for a lengthy tenure there is a developmental benefit to be had. A substantial period of time in a variety of workplaces makes the investigator evolve into a sort of management consultant. They become familiar with various types of operations and gain an understanding of management – and how to manage. Astute UC's should always bear this in mind and make the study of management, supervision, operations, workplace socialization, investigation and related issues a priority. Getting to know the language of an industry or social group one is attempting to penetrate is an essential step toward developing a credible cover story. It is also an educational experience. Private sector undercover agents must, of necessity, be able to articulate management concerns to management. Their inquiry focuses on workplace crime; but also encompasses the broader rubric of workplace loss. Wasted time, ineffective supervision and poor work methods should all be noted by a UC.

In public sector UC there is also a relatively short tenure with most agents. Agents are recruited who can most effectively blend into the criminal social network being investigated. These are usually younger police officers. Undercover is often a 'stepping stone' to other investigative employment. It broadens the investigator by providing some degree of expertise within a specialized form of investigation.

Persons wishing to work undercover should be willing to relocate. They should also develop new skill sets such as knowing how to operate a forklift, drive a truck, etc. Generally speaking, they are gregarious; skilled at socializing with others. The Pinkerton agent James McParlan was successful in the Mollie Maguire investigation because he could sing, dance and tell stories. He could also do various things to earn money (Pinkerton, 1973). In short, he could fit in easily.

Undercover operatives should tell no one about the assignment except those who have a clearly demonstrated need-to-know. Many undercover operations become exposed early on. This can be



due to a breach in confidentiality: “when two people know something it is no longer a secret.” It can also occur because of suspicion on the part of the target group. In some cases the target group has been penetrated previously.

Undercover operatives must also understand the amount of time required for these operations. They should be patient and “go slow” on the assignment. Rushing to gain the confidence of someone is almost certain to result in failure. Agents must not expect results right away. Neither should the parent or client organization managers. Expecting results right away on the part of an employer or client is a common mistake; just as an operative attempting to infiltrate too readily.

*Undercover takes time.*

Future uses of UC may include private investigation of government agencies; temporary employment (temp agencies), long-term care facilities and child care facilities. Assessments of dishonesty, discrimination and abuse may be made; especially in view of the fact that penetration of some of these social networks is fairly simple due to their high employee turnover rates.

Current information on UC, loss prevention, Sarbanes-Oxley (“Sarbox” or “SOX”) and related topics can be obtained through Business Controls Inc.’s web site ([www.businesscontrols.com](http://www.businesscontrols.com)) and through their complimentary email newsletter.

5. **Shopping Service (or *honesty shopping* or *integrity shopping* or *mystery shopping*) is used by management of a retail or service business.** With shopping services a person poses as a customer or prospective customer in an attempt to gain information useful to management. This short-term undercover work is often performed using contracted agents. Some retailers use managers from other stores to provide additional management perspective to the operation as well as a professional development opportunity to the manager. In some cases there are teams of privately contracted investigators used to observe and record theft by cashiers or bartenders. There are various opportunities to “shop” on a part-time, occasional basis. Getting to know organizations that do this type of work can lead to some rewarding part-time employment. Shopping services are performed for one of the following purposes:

- a. **Honesty checks of bartenders, cashiers, etc.** Dishonest bartenders can easily pocket cash from customers and deprive the bar owner of extensive sums of money over time. Such losses may be examples of expansive significance. The same is true of cashiers. There may be direct theft for themselves or unauthorized discounts to friends or any one of a number of schemes. Exception reports and CCTV are part of the investigative methodology for such issues. Shopping services are another. ***Integrity tests*** are a type of honest shopping used in various employment settings such as retail and public policing. With integrity tests there is information about dishonest behavior on the part of an employee. The employee is then provided with an opportunity to commit a theft by not turning in all the money in a lost wallet, etc. This is not entrapment as it merely provides an opportunity for theft; it does not include an inducement or active encouragement to commit the theft.

b. **Customer service assessments of waitresses and sales personnel.** In these cases a meal is ordered and a report written regarding the timeliness of the service, courtesy, whether or not the customer was told about specials or discounts, etc. Positive reports from ‘shoppers’ fed back to employees serve as good motivational tools. Negative information may be used to stop a substantial ongoing erosion of customers from continuing.

c. **Compliance with organizational policy by store, amusement park, hotel, restaurant personnel or government employees such as dispatchers.** Obviously if cashiers don’t check and verify prices annual losses can spiral upward. Loss control is especially critical in a business where the net profit margin is small. Amusement park personnel must effect positive relations with children and parents; they must be alert to safety issues such as not allowing small or disabled children on specific rides. Hotels are in the hospitality business yet sell alcohol and rent rooms to people. Obviously safety procedures are important. Restaurants serve food to customers. They must retain their customers and ensure that sanitary procedures are used in food preparation. Government agencies provide services to the public. They must also be efficient; observing organizational policy helps ensure that this occurs. Dispatchers and police officers must receive information from the public and handle it appropriately. Shopping services can help identify problems with procedural compliance in all of these work environments.

6. **Auditing is a check or inspection on some aspect of a business operation.** Audits are performed by investigative and supervisory personnel in many cases. Conducting audits gives one the opportunity to learn a substantial amount about operations. They are good career builders. Audits are of one of several types including financial or procedural. Financial audits are performed by persons with an accounting background (CPA, CFE). Procedural audits may be performed by an investigator or supervisor. These audits assess how closely procedures are being followed. Thefts and other losses often occur – at least in part – due to non-compliance with procedures.

7. **Surveillance is a commonly performed investigative activity.** It may be used to detect crime or unauthorized activity; develop intelligence on a location or person (see what is going on), obtain information (probable cause) for arrest or search warrants or safeguard someone who may be faced with criminal attack (VIP, undercover officer) It is often covert but in public places may be overt such as in the deterrence of shoplifting, public order offenses, etc. Persons who know how to place CCTV cameras have a valuable skill set and are in demand. Some basic classifications of surveillance are:

a. **Plant or stationary surveillance.** Sometimes this is referred to as a “stakeout”.

b. **Mobile surveillance (“shadowing” – a term developed by Pinkerton) by foot or vehicle or bicycle or aircraft.** Within mobile surveillance there are *loose tails* and *rough tails*. Loose tails are where the subject of the surveillance must not be aware that he or she is being followed. All efforts are made to not be “burned”. Rough tails are where there is little concern if the subject is aware of the surveillance. *Check tails* are used by the subject to see if he or she is being followed. “Truck tails” are mobile surveillances of

trucks to see if they are making their designated pick up and delivery schedules.

**c. Contact surveillance using transmitters (“bumper beepers”) or dyes that stain a person’s hands after contact with an object.**

Of note is the fact that there is also counter-surveillance – a check tail is an example of this. There are Technical Surveillance Countermeasures (TSCM’s) that are performed when a person or organization suspects they are being surveilled by an adversary. These require sophisticated equipment, systematic search techniques and a commitment to ethics. Private investigators have an obligation to check out their clients. Doing ‘sweeps’ for ‘bugs’ that may be located in a drug dealer’s residence is hardly ethical.

**8. Profiling can be of several types such as the psychological characteristics of serial offenders to help in identifying them (Criminal Personality Profiling).** The inductive process of developing a psychological profile has traditionally been predicated upon an in-depth analysis of the crime scene to determine offender characteristics. Once the profile has been developed, a deductive process of focusing the investigation begins.

Profiling can also include geographic or geo-profiling of an area to help pinpoint a suspect’s residence. A simple example of geo-profiling was the map drawn by actor Jack Nicholson in the film THE PLEDGE. The map showed crimes and the areas they occurred in. These techniques have been used with some success and will be of greater utility in the future. Sophisticated databases will enable future investigators to do more in terms of finding suspects through scientific analysis of behavior.

**9. In some cases tracking can be an important aspect of crime scene investigation.** All crime scenes have an exit point. Additionally, behavioral/situational analysis studies post-event activities. Both concepts tie in with the tracking of an offender. Obviously, missing persons investigations may utilize tracking in some cases. Tactical Self-Defense Services (TacticalSelfDefense.com) teaches classes in this.

**10. Data Searches are important and will become even more so.** Databases that can be accessed by patrol officers are expanding. Databases aid investigators in finding and following a paper trail. Also databases may be linked. Task forces enable investigators to share information from their own databases with those of other task force members. Obviously legal standards such as the Fair Credit Reporting Act, Privacy Act and Health Information protection and Portability Act must be complied with. At all times.

**11. Raids are increasingly conducted, particularly in narcotics offenses.** They are performed to arrest suspects, seize evidence, recover stolen property or intervene in threatening/unsafe conditions. Raids are inherently dangerous and provide a marvelous breeding ground for civil liability. **Raids are tactical operations that become crime scenes.** One must plan for tactics in a highly fluid situation and then collect evidence with methodical attention to detail! Quality surveillance helps in performing safe, quality raids. An old military saying goes, *“time spent in reconnaissance is time well spent.”*

12. **Task Forces are also used more and more as time goes on.** Pinkerton had an early task force during the Molly Maguires investigation in the 1870s using the Coal and Iron Police (a private police force) teamed with Pinkerton (contract security and investigative service) agents. The idea behind task forces is the sharing of resources and areas of expertise among different investigative agencies. In an arson investigation, the task force could consist of local police, state police fire marshals, insurance company investigators, local fire department and BATF personnel. Organized Retail Crime task forces pursue criminal groups nationwide. Some have even made apprehensions on thefts at competing retailers! Such an approach is necessary when dealing with multi-jurisdictional crimes committed by traveling criminal groups and terrorist groups who cross borders and collaborate with like-minded organizations. It is also necessary for pursuing individual serial killers, robbers, shoplifters, con artists and others who operate over a wide geographic area.

13. **“Cold Case” investigation is a series of techniques that is becoming increasingly important.** “Cold Cases,” or cases that have gone unsolved, are cases that are old and generally have no good leads. They have been investigated with increasing frequency in recent years. Many major cities have Cold Case Squads in their Homicide Investigation Divisions. Scientific advances such as DNA analysis have enabled many old cases to be revisited. In addition to science, sometimes increased media attention and/or the coming forward of people with information rejuvenates cases. Additional witness may begin to appear. The “Ghosts of York” murder cases from 1969, which were solved in 2001 (Henry Schaad and Lillie Belle Allen) is an example of the effect of persons coming forward and media coverage (a 30 year anniversary story on the killings). *All of these factors indicate that investigative professionalism will be under greater scrutiny than ever before.*

## MANAGING INVESTIGATIONS

Supervising and managing investigations is crucial if investigations are to be cost-effective. Having clearly articulated investigative objectives is an obvious first step. Investigative planning should begin by asking the following questions:

**“What Do We Know?”**  
**“What Don’t We Know?”**  
**“What Do We Need to Know?”**

The information garnered from addressing these questions builds on the investigative objectives; creating a roadmap for information collection. It can, and should, be revisited periodically to help ensure that the investigation is ‘on track.’

Some other considerations for managing investigations are:

1. **Select and assign investigators properly.** Develop a profile of what an ideal investigator looks like – after having conducted a job task analysis. Research the job so that an accurate portrayal of what the person does on the job is obtained. When ASIS International was developing the Certified Professional Investigator designation, there was an extensive role

delineation study conducted.

Get the right investigators and assign them to the cases they are best suited for. Sir Robert Peel, Howard Vincent and J. Edgar Hoover all had strict selection standards in place. Contemporary police departments and federal investigative agencies go to extensive lengths to weed out persons who may have character flaws. Police departments may seem (to the applicant at least) to be more intent on *eliminating* applicants than selecting them! And only after several years of **quality patrol performance** may someone become a police detective in most organizations.

**2. Train investigators to be competent in what they are tasked with.** They must have specific training in the investigative areas they are working in; not just be experienced investigators. A narcotics investigator needs to know about various drugs. An auto theft investigator must know vehicles and their marketability. While the European approach to this has been to use specialized training courses; Americans have traditionally relied upon “time-in-grade” as a means of developing investigators. Today there are a myriad of specialized courses available that an investigator can take advantage of so that “time-in-grade” is not the sole developmental strategy. There are also professional organizations that can aid learning informally via networking with knowledgeable persons and reading specialized professional periodicals that are part of the membership package. Organizations also offer seminars, courses, access to research, etc.

**3. Documentation systems for managing the investigation must be utilized.** These include such documents as case file formats, contact sheets (which track all the contacts made to people as the investigation progresses) and case work sheets (which track an investigator’s time for client billing purposes). These documents enable supervisors to assess whether investigations are being done in accordance with policy (case file formats); whether the investigator is actively working on the case (contact sheet) or how many hours have been spent and will be billed to a client by a private investigative firm (case work sheets). Documentation systems also aid new investigators who are assigned to the case as they have some orientation regarding case history.

**4. Investigators must manage coordinated relationships with other persons and organizations.** This could be a formal arrangement such as a task force or the more common scenario where there is informal collaboration. Many investigations involve multiple entities. A simple example is currency counterfeiting. A cashier or bank teller notices a bogus bill and calls the manager. The store or bank’s security department may be notified, as may a shopping center security force where the store or bank is located. Local police are notified. State police may be notified. The U.S. Secret Service is notified.

**5. Supervision of investigators should utilize on-the-job visits, reviews of reports and statistical analysis.** Compstat did a lot to establish statistics as a measurement of police performance in New York City during the 1990s. Statistics are important; but a more complete review should be obtained using an array of supervisory assessments. Metscher (1999) advocates a monthly review/counseling program where a supervisor spends 15-20 minutes with each agent. Such frequent sessions provide better support for an annual performance review. They also give the investigator a more immediate feel for how they are doing. In addition; these sessions may better pinpoint areas of training that the agent should complete.

## SUCCESSFUL INVESTIGATIONS

According to Tyska and Fennelly (1999, p. 96), a successful investigation is one in which:

1. **A logical sequence is followed.**
2. **All available physical evidence is legally obtained**
3. **All witnesses are effectively interviewed.**
4. **All suspects are legally and effectively interrogated.**
5. **All leads are thoroughly developed.**
6. **All details of the case are accurately and completely recorded and reported.**

## WHY INVESTIGATORS FAIL

Sometimes the reverse perspective gained by assessing failure adds to our understanding of something. By assessing some of the reasons why investigators are not successful we can avoid problem behaviors. It is also useful as a form of “self-check” to identify one’s own characteristics so as to evaluate individual career potential.

1. **Failure to be systematic.** Not selecting a system to conduct searches or other types of inquiries and/or not following that system. *Investigation is science married to art.* As science it is systematic. As art it is intuitive.
2. **Failure to be thorough.** Taking shortcuts. Being lazy. Not persevering when evidence does not simply appear. Investigations take patience and persistence. In many instances information is not readily apparent.
3. **Failure to present the case effectively.** Report writing and presentation during testimony are critical competencies for investigators. Poor presentation impacts all individuals involved in the investigation. All the time and effort spent on the case can be wasted. Such a situation can undermine the trust and loyalty of the investigative entities that are being worked with. It is unacceptable. Investigators must take public speaking courses, pay attention to detail and prepare their cases in a professional manner.

A problem may arise with testimony as in many instances testifying in a legal or quasi-legal (disciplinary hearing, workman’s compensation hearing) is a rarity. Investigators simply don’t get enough practice to become proficient. Education and training efforts must address public speaking/presentation. A few minutes per day “shadow speaking” in the bathroom mirror can aid in developing presentation skills.

4. **Failure to manage time and other resources.** Time management is crucial to effective investigation. *A large portion of case management is time management.*
5. **Failure to be humble** – “good” people often do not become “great” people because they can’t manage their egos. Investigators who are egotistical can’t get people to cooperate with them. They also let arrogance impede their decision making with the result being that they do stupid things. Sometimes their careers end in scandal.

6. **Lack of expertise in a certain area.** Investigating beyond one's limitations is always fraught with danger. Investigators should recognize their limitations and seek to develop new areas of expertise. They should not hesitate to call on experts in specific fields if this is necessary.
7. **Prejudice.** Investigators who work the same types of cases and see the same behavior patterns over and over again tend to become prejudiced. Additionally, some criminal behavior conflicts with the investigator's personal value system. The investigator is disgusted with the criminal and ceases to be objective. Remaining objective and open minded is essential to a professional inquiry.

## PROFESSIONAL ASSOCIATIONS

Professional associations have had a major impact on the development of investigation. Historically they have fostered the exchange of information and developed education, training and certification programs. They have guided the development of investigative practice to an appreciable extent. Professional organization membership is essential for networking opportunities, job leads, resume building and benefits (publications, research assistance, discounts on health and life insurance, etc.). There are very few investigative jobs available at the entry level through a civil service process.

1. ASIS International  
<http://www.asisonline.org>
2. Association of Certified Fraud Examiners  
<http://www.acfe.org/>
3. National Association of Investigative Specialists  
<http://www.pimall.com/nais/home.html>
4. Insurance Adjustors Resource Center  
<http://www.adjust-it.com/>
5. National Association of Legal Investigators  
<http://www.nalionline.org/>
6. Northwest Association of Forensic Scientists  
<http://www.nwafs.org/>
7. National Federation of Paralegal Associations  
<http://www.paralegals.org/>
8. International High Technology Crimes Investigation Association  
<http://www.htcia.org/>

9. Information Systems Security Association  
<http://www.issa.org>
10. International Association of Computer Investigative Specialists  
<http://www.cops.org/>
11. International Association of Law Enforcement Intelligence Analysts  
<http://www.ialeia.org>
12. International Association of Crime Analysts  
<http://www.iaca.net>
13. International Information Systems Security Certification Consortium  
<http://www.isc2.org>

### INVESTIGATIVE CAREERS

There are a variety of investigative career options. Often investigators do not work for the better-known agencies; the U.S. federal government probably has less than 40,000 investigators. Getting a job with the FBI is not a common career path! What can occur is that there are investigative jobs in *smaller* organizations or larger organizations that have *small* investigative staffs.

Additionally, many jobs have investigation as one of several functions. The job title may not specify "investigator"; but investigation may be a large part of the job. Retail loss prevention departments are a prime example of this. Insurance adjustors are another. Police officers in small organizations often perform a lot of investigative work, as they must handle a case from start to finish. Supervisory personnel in any type of work environment perform investigative functions.

It is important to note the most common investigative careers, as they are common starting positions for individuals new to the field. Currently, private detectives and proprietary investigators in the United States earn an average salary of about \$30,000 (CollegeGrad, n.d.). Most of these individuals are employed by department stores and security/detective agencies, but some are self-employed. The median salary increases with position, with security & loss prevention directors earning around \$80,000. Additional information on careers in security can be obtained through [careerclusters.org](http://careerclusters.org) or through ASIS International.

One example of a possible career evolution comes from a former CEO of Wal-Mart. After several years in the security industry, one individual began his long career with Wal-Mart in the company's security division in 1978 (Wal-Mart Stores, Inc., 2004). After years of hard work and "out-side-the-box" thinking, he received several promotions. By creating a network of relationships with superiors and maintaining positive ties with subordinates, this man managed to live the ultimate dream and worked his way from the bottom to the top of the career ladder. While most security officers will never see promotions of this scale, it is a perfect illustration of how opportunities for career advancement exist for educated and productive protection officers.



A few considerations on successful investigative careers are provided below.

1. **Assess employer requirements (“boxes”) that job candidates must fit into.** Is there a requirement for the investigator to be armed? Are all investigators hired via civil service? Are there physical health standards (i.e., vision) that applicants must have? Does the organization hire investigators from outside or are they all internally selected? Does the job (crime lab technician or crime scene investigator) require a specialized degree such as biology or chemistry? Are the only people hired former police or government investigators? Understanding the formal, stated requirements for a job is a necessity. So too is a grasp of the unstated, *informal* requirements. Informal requirements will provide a portrait of the type of person the organization is hiring.
2. **Develop oral and written communication skills.** Investigators must be consummate communicators. Persons seeking a career in investigation must be able to demonstrate these proficiencies in an efficient manner. Interrogation training is often sought by employers. It can be obtained from Reid or Wicklander-Zulewski . So too is demonstrable evidence of writing ability (having taken writing courses, being published, having worked as a writer or editor, etc.)
3. **Network!** Membership in ASIS International is probably the best place to start for full-time undergraduate or graduate students. Internships and part-time jobs are another opportunity. Few investigative jobs are advertised in the newspaper. One must get to know and be known by others in the business to find the best jobs. Sometimes there are positions available at the county level that are not civil service (no tests, veterans preference or residency requirements). These may be with the Medical Examiner or Coroner; the County Detective, the Dept. of Children and Youth, etc. An in-depth assessment of a county government may lead one to a job. A similar situation exists with state and federal governmental agencies: there are a small number of investigative jobs with many different organizations. One must research and network to find them. Carefully selecting a college internship can lead one into an investigative position as the supervising agency gets to know the intern and may offer them employment in the future.
4. **Another option may be to volunteer to do investigative work.** This may be for an enforcement agency that needs people for short-term undercover or surveillance functions. An animal welfare organization may also have need for volunteers to do investigative work. Genealogy research and journalism are also investigative in nature. There may be volunteer opportunities to perform these functions. Valuable experience and networking opportunities can be obtained through volunteer work. Note that in many areas a private investigator must be licensed. In the U.S., Canada and Europe there are laws regulating the conduct of investigative services on a fee basis. One must always comply with relevant laws wherever they are employed; volunteer work cannot be a façade for evading private detective licensing requirements!
5. **Develop specialized expertise (narcotics, underwater, polygraph, explosives, etc.)** These skills are sometimes called for on investigative assignments or as permanent skill

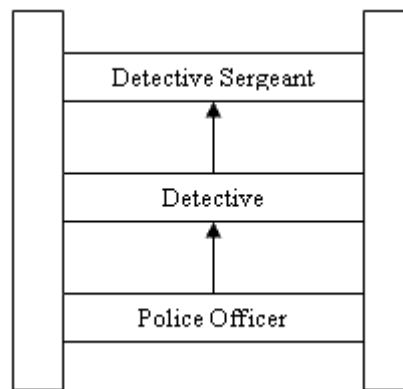
sets on a job. Often one's hobby can be utilized to develop expertise. Obviously photography, video and computer research are sought after skills.

6. **Develop knowledge of foreign language and culture—a liberal arts degree is a real plus!** As investigations move across ethnic lines and international borders; knowledge of foreign cultures and languages will become a greater necessity.
7. **Develop expertise in related areas (security, safety, fire protection, hunting, retailing, banking, etc.).** Investigators must understand the environment they are investigating (game law violations, retail theft, bank fraud). They must also be able to take on jobs where they are not solely investigating (apprehending persons, conducting security surveys or performing safety inspections). They must be able to withstand being downsized. If one can only do investigation; they are very limited in terms of career mobility. They are also limited in terms of career longevity.
8. **Develop computer and financial knowledge.** Fraud is the crime of the future. It may be the greatest threat to the American way of life. Studies have shown that persons who are Certified Fraud Examiners (CFE's) command higher salaries (Anderson, 2004). Internet crimes such as stalking, pornography, pyramid schemes, harassment, hacking and theft are growing rapidly. Identity theft is getting more and more common. Also missing persons investigations (and there are many types) are often performed using data base searches.
9. **Develop legal knowledge (criminal and business law and labor law).** Investigators should be able to address all legal issues in the work environment in addition to the state criminal code! Civil recovery is commonly used by retailers as a means of reimbursing them for security expenses. These laws allow merchants to obtain money from shoplifters through a civil process. This generally involves the sending of a civil demand letter to the shoplifter who can pay the money or face civil prosecution. And civil prosecution can be devastating to one's credit worthiness! Civil demand is just one example of legal knowledge; the Sarbanes-Oxley Act is another. Passed in the wake of the Enron and other notable frauds, Sarbanes-Oxley requires publicly held corporations to institute a system of financial controls. Additionally there are requirements to report crimes committed within the corporation. "SOX" is a major issue within many corporations as complying with it is burdensome. Astute, career-minded investigators will develop some familiarity with SOX. Administrative and labor/employment law are also important for investigators to know about. Suffice it to say that investigation and law are inextricably intertwined.
10. **Be willing to take on new projects.** One must be prepared to do more to survive and grow within an organization. No employer pays people to only do what they want to do. Many investigative personnel are assigned to new and different tasks. These should be welcomed for the professional growth opportunities they offer.
11. **Be well read and well-rounded.** Investigations can take one in many different directions. The greater one's level of general knowledge; the better off they will be. Persons who don't like to read or have a wide array of interests and experiences will have

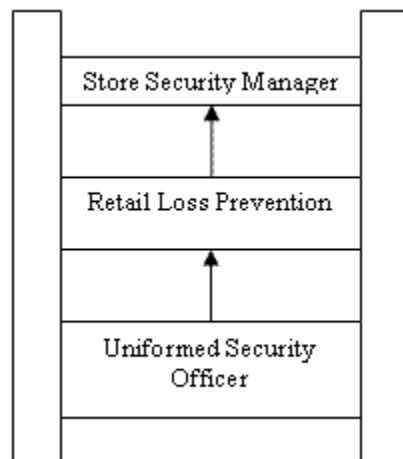
difficulty in performing investigations.

12. **Understand the ‘career ladders’ associated with investigation.** Criminal Justice majors will start as undercover investigators or doing surveillance for private investigative firms. Many investigators will begin as patrol officers in a security or police department. They will perform some investigative functions and perhaps move into a dedicated investigative position. Those with degrees in Biology or Chemistry and a minor in Criminalistics may start working in a crime laboratory.

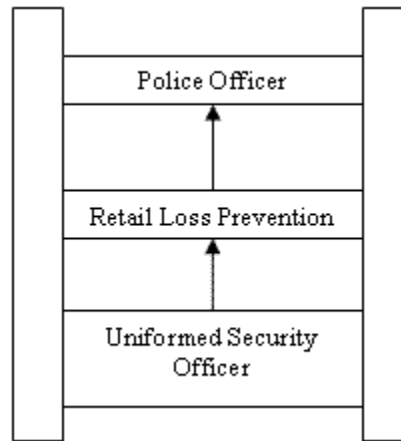
*This career ladder represents the most common career progression in investigation by individuals reaching the level of police officer:*



Retail loss prevention is a ‘fast track’ to investigative duties in terms of interrogation of employee thieves. In retail environment interrogation experience is readily available. Retail loss prevention and investigation deal with shoplifting, accident investigation, Human Resources issues, assaults, robbery/burglary and internal theft (embezzlement). Additionally, Organized Retail Crime (ORC) investigation open up networking as this crime is sophisticated and multi-jurisdictional; involving receivers/fences, distributors, thieves and other ‘players’. ORC investigators interact with various police detectives, federal agents, state police, RCMP, district attorneys offices and corporate LP personnel.



Many individuals begin their career in the private sector and later become police officers.



12. **Retail loss prevention opens up innumerable career opportunities.** See LPJOBS.COM for a nationwide listing of job openings in the retail sector. The site also provides access to articles on retail security, investigation and management. It may behoove the job seeker to set up files on Retail Loss Prevention. These files would contain both current and historical information relating to the topic. They would be used to help the applicant prepare for job interviews. They would also assist the newly hired Retail Loss Prevention Agent with gaining a greater understanding of their work environment at a faster rate. One cannot effectively provide security or investigative tasks without an in-depth understanding of the environment being secured or investigated. Files can help in this regard. Additionally, having files could aid in targeting future research efforts and moving into managerial positions. After all, “the Boss” wants answers and those who can provide them will advance within the organization.
13. **Be willing to travel and relocate.** One must be ready to go where the jobs are. Undercover investigation involves relocation; sometimes frequent relocation. Federal or state investigative positions and corporate security positions also mean moving elsewhere. Some retail loss prevention personnel travel extensively as team members involved in combating Organized Retail Crime, conducting surveys and training store personnel. *Persons wishing to progress within retail loss prevention must move above store-level management.* This involves some amount of travel and possible relocation. Some investigators may be involved in doing advance work in executive protection or may have to travel with the principal being protected. Sometimes background investigators must conduct in-person interviews with references; necessitating scheduling an appointment and going to see the reference. Missing persons investigators, skip tracers and bail investigators may have to go to the location of the person they are investigating. So too must police and government agents involved in apprehending fugitives. Transporting prisoners may also require extensive travel. While not exclusively an investigative function; police detectives, sheriff’s deputies, deputy US Marshals and contract security personnel may be involved in prisoner transport.

14. **Sometimes career planning can be facilitated by elimination.** The process is similar to taking a multiple-choice test. First, eliminate the obvious incorrect options. Then determine which is the correct one. In career planning, eliminating the things that are undesirable or ill-suited can help clarify career goals. What remains are desirable paths to follow. Identifying the key components of those paths; the 'steps on the ladder' is what remains to be done.
15. **Developing secondary career objectives may be a wise option.** Picking a secondary objective which can utilize the competencies and qualifications of the primary one gives one a better chance of realizing a career objective. If the primary objective cannot be attained –and there are numerous reasons why this may occur – the secondary objective can be. This approach provides for a better development of qualifications over time.

## CONCLUSION

**Investigation is essential to the pursuit of justice. Poorly performed investigations cause injury to victims, suspects, members of the courtroom workgroup, and society as a whole.**

**The study of Investigation needs to branch out beyond police investigation. This paper and the Crime and Loss Investigation Program of which it is a part are tied in with policing. Further investigative research could branch out from there and incorporate other disciplines/domains/fields of study. These could then be incorporated into police investigation. Such an approach would add substantially to the study of investigation. Cross-fertilization between disciplines is a positive step toward the development of a profession.**

**More historical analysis needs to be performed. There is a paucity of historical research in the investigative domain. Similarly, there is scant inquiry in the related topics of law enforcement and security. A field of study cannot become a discipline without knowledge of its history. Investigative researchers should effect a liaison with historians so that accurate historical information can be obtained and historical lessons learned.**

**History is part of theory. Just as historical study needs to be done, so too does research into investigative theory. This paper introduced theory related to searching, as well as the principle of expansile significance. More needs to be done in this area. The theoretical underpinnings of investigation need further exploration.**

**Career planning and advising regarding investigation - and allied areas - needs to improve. There are simply too many opportunities available that meet the needs of job seekers of which the job seekers are unaware. At the same time there are also numerous courses and programs for educating and training investigators that may not be addressing the real needs of job seekers, employers or society as a whole. Critical analysis is needed on the part of students (especially those seeking careers in Investigation), writers and teachers.**

**This paper was written as an introduction to investigation. It is the first paper to be read when beginning the International Foundation for Protection Officer's Crime and Loss Investigation Program. It is a first step. The reader is encouraged to take additional ones.**

### FOR MORE INFORMATION

AST Corporation's HITS Institute ([www.hits.astcorp.com](http://www.hits.astcorp.com) and [www.astcorp.com/fletc](http://www.astcorp.com/fletc)) offer a multitude of investigative, security and law enforcement programs. These programs are interactive CD-Rom and web-based.

The Professional Security Training Network ([www.pstn.com](http://www.pstn.com)) offers a variety of video instructional programs for protection officers, corporate and private investigators.

York College Special Programs Office Protective Services Programs ([www.ycp.edu/services/index.html](http://www.ycp.edu/services/index.html) or [special-programs@ycp.edu](mailto:special-programs@ycp.edu)). There are programs and certifications available that may be of interest to those wishing to pursue an investigative career.

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### REFERENCES

Anderson, T. (2004, December). The earnings factor. *Security management*, 48(12), 36-45.

Associated Press. (2002, May 3). *FBI was warned about flight schools*. Retrieved July 29, 2005, from: <http://www.cbsnews.com/stories/2002/05/15/attack/main509113.shtml>

- Association of Certified Fraud Examiners. (2005). Retrieved July 29, 2005, from:  
<http://www.cfenet.com>
- Babbie, E. (2004). *The practice of social research* (10th ed.). Belmont, CA: Wadsworth/Thompson.
- Barefoot, J. K. (1995) *Undercover investigation*. Newton, MA: Butterworth-Heinemann.
- Becker, R. (2005). *Criminal investigation* (2nd ed.). Boston: Jones & Bartlett
- Bennett, W. W., & Hess, K. M. (2004). *Criminal investigation* (7th ed.). Belmont, CA: Wadsworth/Thompson.
- Bloy, M. (n.d.). *The Metropolitan Police*. Retrieved on July 23, 2005, from:  
<http://www.victorianweb.org/history/police.html>
- Brandl, S. (2004). *Criminal investigation*. Boston: Pearson Education.
- Bratton, W. & Knobler, P. (1998). *Turnaround: How America's top cop reversed the crime epidemic*. New York: Random House.
- Byrnes, T. (2000). *1886 professional criminals of America*. New York: Lyons Press.
- California Peace Officers' Association. (1988). *Criminal intelligence program for the smaller agency*. Newport Beach, CA.
- Carte, G. E., & Carte, E. H. (1975). *Police reform in the United States: The era of August Vollmer, 1905-1932*. Berkeley, CA: University of Berkeley.
- Chang, D. & Fagin, J. (1985). *Introduction to criminal justice: Theory and application* (2nd ed.). Geneva, IL: Farley Court of Publishers.
- CollegeGrad. (n.d.). *Career information: Private detectives and investigators*. Retrieved June 30, 2005, from <http://www.collegegrad.com/careers/servi23.shtml>
- Cumming, A., & Masse, T. (2004, April 6). *RL32336 -- FBI intelligence reform since September 11, 2001: Issues and options for congress* [Electronic version]. Retrieved July 25, 2005, from: <http://www.fas.org/irp/crs/RL32336.html>
- Dempsey, J. (2003). *Introduction to investigations*. Belmont, CA: Wadsworth/Thompson.
- Department of Homeland Security. (n.d.). History: Who became part of the department?. Retrieved July 24, 2005, from:  
<http://www.dhs.gov/dhspublic/display?theme=59&content=4081>

- Dwyer, K. (2005, June 12). *Sometimes it feels like somebody's watching me*. Retrieved June 21, 2005, from: <http://www.newsday.com/business/ny-bzkitchen429945jun12,0,6562788.story?coll=ny-b...>
- Farris, J. (1988). A model for police intelligence units. In M. Palmiotto (Ed.), *Critical issues in criminal investigation* (2nd ed.) (pp. 79-100). Cincinnati, OH: Anderson.
- Ferraro, E. F. (2000). *Undercover investigations in the workplace*. Woburn, MA: Butterworth-Heinemann.
- Gilbert, J. (2004). *Criminal investigation*. Upper Saddle River, NJ: Pearson Prentice Hall.
- Hall, A. (1989). *The crime busters: The FBI, Scotland Yard, Interpol: The story of detection*. Seacaucus, NJ: Chartwell.
- Leonard, V., & Moore, H. (1978). *Police organization and management* (5th ed.). Mineola, NY: Foundation Press.
- Mackay, J. (1996). *Allan Pinkerton: The first private eye*. New York: John Wiley & Sons.
- Massachusetts Association of Crime Analysis. (n.d.). *A history of crime analysis*. Retrieved July 23, 2005, from: <http://www.macrimeanalysts.com/articles/historyofcrimeanalysis.pdf>
- Metscher, R. (1999). Investigations. In S. J. Davies & R. R. Minion (Eds.), *Security supervision: Theory and practice of asset protection* (2nd ed.) (pp. 281-292). Burlington, MA: Butterworth-Heinemann.
- National Commission on Law Observance and Enforcement. (1971). *Report on the police*. New York: Arno. (Original work published 1931)
- Ogle, R. (2004). *Crime scene investigation and reconstruction*. Upper Saddle River, NJ: Prentice-Hall.
- Osterburg, J. & Ward, R. (2004). *Criminal investigation: A method for reconstructing the past* (4th ed.). Cincinnati, OH: Anderson.
- Parkhurst, W. (1992). *True detectives*. New York: Crown.
- Pinkerton, A. (1973). *Mollie Maguires and the detectives*. New York: Dover. (Original work published 1877).
- Purpura, P. (1991). *Security and loss prevention: An introduction* (2nd ed.). Stoneham, MA: Butterworth-Heinemann.
- Reith, C. (1956). *A new study of police history*. Edinburgh, UK: Oliver & Boyd.



- Rosoff, S. M., Pontell, H. N., & Tillman, R. H. (2002). *Profit without honor: White-collar crime and the looting of America* (2nd ed.). Upper Saddle River, NJ: Pearson.
- Seaskate, Inc. (1998). *The evolution and development of police technology* [Electronic version]. Retrieved July 29, 2005, from: <http://www.nlectc.org/txtfiles/policetech.html>
- Slate, J. & Steinberg, R. (1991). *Lawmen, crimebusters and champions of justice*. New York: Mallard.
- Swanson, C. R., Chamelin, N. C., & Territo, L. (2003). *Criminal investigation*. New York: McGraw-Hill.
- Trlica, J. (2005). The USMA national theft database: Providing a valuable theft-prevention solution to the retail industry. *Loss prevention*, 4(3) 95-96.
- Tyska, L. & Fennelly, L. (1999). *Investigations: 150 things you should know*. Woburn, MA: Butterworth-Heinemann.
- Velke, J. A. (2004). *The true story of the Baldwin-Felts detective agency*. U.S.: J. Velke.
- Wadman, R. C. & Allison, T. A. (2004). *To protect and to serve: A history of police in America*. Upper Saddle River, NJ: Pearson /Prentice Hall.
- Wallace, W. (1971). *The logic of science in sociology*. New York: Aldine de Gruyter.
- Wal-Mart Stores, Inc. (December 6, 2005). *Tom Coughlin to retire as Wal-Mart vice chairman*. Retrieved July 23, 2005, from: <http://www.walmartfacts.com/newsdesk/article.aspx?id=579>
- Williams, G. (2005). Dominator: A building entry attitude. *Tactical response*, 4(2), 68-71.