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The criminal investigator

Terry Goldsworthy, *Bond University*



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The Criminal Investigator

By Detective Senior Sergeant Terry Goldsworthy, Queensland

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“One should always look for a possible alternative and provide against it. It is the first rule of criminal investigation. It is of the highest importance in the art of detection to be able to recognise, out of a number of facts, which are incidental and which are vital. Otherwise your energy and attention must be dissipated instead of being concentrated.”

- Sherlock Holmes

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The words of Sherlock Holmes illustrate that it is the attention to detail that makes for a successful investigator. The investigator is a story teller, charged with telling the story of the victim in such a way that it is impervious to criticism or doubt. Many cogs make up the machinery of the justice system, yet the most important is the investigator who, without whom, many crimes would go unsolved.

It is the investigator who brings the threads of evidence together and combines them into a legally presentable and compelling brief of evidence that proves the guilt of the accused beyond reasonable doubt. So what does an investigation involve and what does the investigator do?

Defining an Investigation

When any crime has been committed, investigators are usually faced with the task of determining who is responsible for the crime and then bringing offenders to justice. Bennett and Hess (2000:3) provide a good definition of criminal investigation when they state it is a process of: “...discovering, collecting, preparing, identifying and presenting evidence [before a tribunal of fact] to determine what happened and who is responsible”.

Swanson et al (2000), and Bennett and Hess (2000) suggest that, further to the above, a criminal investigation:

About the Author



Detective Senior Sergeant Terry Goldsworthy has over 24 years' policing experience with the Queensland Police Service. He has served in General and Watch-House duties and in Traffic Branch before moving to the Criminal Investigation Branch (CIB) in 1994. He is currently stationed at the Gold Coast CIB where he is responsible for the management of serious investigations. Detective Senior Sergeant Goldsworthy has completed a Bachelor of Commerce, Bachelor of Law, Advanced Diploma of Investigative Practice, and a Diploma of Policing. As a result of his law studies Detective Senior Sergeant Goldsworthy was admitted to the bar in the Queensland and Federal Courts as a barrister in 1999. Detective Senior Sergeant Goldsworthy then completed a Master of Criminology at Bond University. He later undertook his PhD focusing on the concept of evil and its relevance from a criminological and sociological viewpoint. In particular, Detective Senior Sergeant Goldsworthy looked at the link between evil and armed conflicts using the Waffen-SS as a case study.

Detective Senior Sergeant Goldsworthy recently published his first book, titled *Valhalla's Warriors*, which examines the genocidal actions of the SS in Russia during World War II. He has also contributed chapters to the tertiary textbooks *Forensic Criminology* and *Serial Crime*, published by Academic Press. He has also written a chapter to the general crime book *Crime on My Mind*, published by New Holland Publishers Australia (www.newholland.com.au).

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- establishes that a crime has been committed (i.e. the death is a murder and not an accidental death)
- identifies and apprehends the suspect
- assists in the prosecution, and
- shows – at the same time – a nexus between the offender, the victim, and the crime.



Detective Senior Sergeant
Ron Iddles, Homicide Squad,
Victoria Police

Detective Senior Sergeant Ron Iddles of Victoria Police believes the intent of a criminal investigation is to: "...clear the innocent as well as establish the guilt of the offender. It must be aimed at the ascertainment of the truth and not carried out with the idea of manufacturing

evidence or extorting some admission and thereby securing a conviction. It is in the interests of the community that all crimes should be fully investigated with the object of bringing malefactors to justice and as such investigations must not be unduly hampered".

The Traits of a Criminal Investigator

Swanson et al (2000) argue that much of the success of an investigation depends on the investigator being self disciplined, professional and paying attention to detail. Peak et al (1998:165) put forward the following thoughts on what makes a good investigator:

"In addition to performing the usual investigative functions, investigators must be able to think logically, comprehend, and understand complex masses of data, communicate and relate well with other members of the agency, and understand the concepts of organised crime, intelligence collecting and civil liberties. They must also have self-discipline, patience, attention to detail, knowledge of the law and some understanding of scientific techniques. Deductive and inductive reasoning and decision making abilities are also assets."

In Australia, the training of investigators has been standardised to some extent, with most state police services requiring investigators to have minimum lengths of service before being allowed to move to plain clothes duties. When taking up a position in a detective's office, the officer is required to undertake specific training in relation to criminal investigation duties. In Queensland this takes the form of three phases of detective training which total 10 weeks of intensive study in both the theory and practical aspects of criminal investigations. Once completed, the officer is able to apply for detective status if they can produce sufficient

Detective Training in other Jurisdictions

In NSW, an aspiring investigator must have two years' police service before making application for 'A' list duties which, if successful, must be performed for at least three months. The investigators then sit before a panel of established investigators (the Bull Ring) where they must answer a number of knowledge-based questions.

If successful at the Bull Ring, the prospective investigators are then placed in a local detective's office for 12 months where they continue to learn and also participate in the Detective Education Program (DEP). After 12 months – and provided the investigators pass the DEP – the designation of detective is awarded.

Outside of its community policing operations, in 1995 the AFP abolished the detective title when all police became known as Federal Agents. However, the issue is being revisited with a view to re-introducing formalised investigative training and recognition. Victoria Police officers must firstly apply for the Field Investigator's Course and then be deemed suitable by an Assistant Commissioner. They must then work in a detective's office generally for three months, and then apply for a position as a detective. Once accepted, an aspiring detective must then complete the detective's course and, if successful, is awarded the designation of detective.

The WA Detective Training Program consists of two parts. Part one is the Detective Investigation Training Course, a two-week intensive course conducted by Foundation Training and coordinated by Detective Training School, followed by the complex three week 'investigative component' course.

Part 2 commences with applicants being placed into a Workplace Development and Assessment Program where they go through a number of rotations between specialist squads and detective offices over a two-year period (full time). During this period they are focusing on identified investigation knowledge, skills and attitude while attaining competencies for the Advanced Diploma of Public Safety (Police Investigations).

Once Part 1 & 2 are completed, they are then fully qualified as a detective.



practical work examples and have a minimum of three years' plain clothes duties. If successful in this application the officer is given the designation of detective and is also awarded an Advanced Diploma in Investigative Practice. Most police services will have a generic Criminal Investigation Branch (CIB) or the like in regional areas. Specialist units will exist for specialised crimes such as sex offences and murders in commands separate from the regions. These are crimes that will require more expertise and by their very nature will usually be more complex and protracted. The specialist units act as support to the general CIB units that will still undertake the majority of the investigation in most jurisdictions in Australia.



Detective Sergeant Brad Jackson of the Project Anticus Team, WA Police

Note: *Project Anticus is reviewing the way WA Police conduct inquiries, with a view to guiding the manner in which all future investigations will be conducted.*

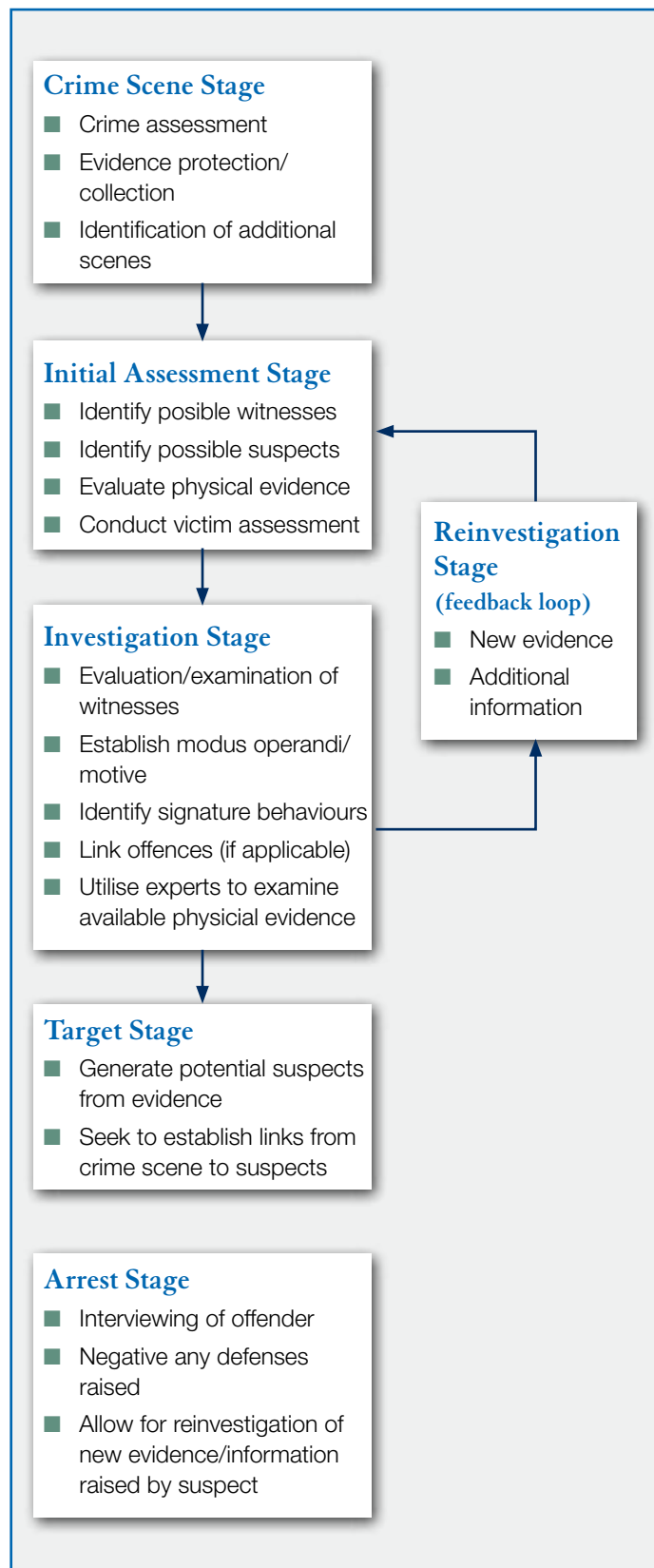
“A good detective has an inherent desire to establish the facts by combining the attribute of tenacity with objectivity.”

-Project Anticus Team

The Investigative Process

How should the investigator approach a crime? Is there a model or process which the investigator can undertake to bring an investigation to a successful conclusion? At this point in time there is no definitive or standardised investigative model in use within most Australian police services. Certainly it is basic knowledge and practical experience that dictates how investigations are usually approached. An investigation can be likened to a series of gates, at each of which certain evaluations and judgments must be made before proceeding to the next (Swanson et al 2000:23). But what if an officer does not possess sufficient experience to know how to approach an investigation? In that case an investigative model would clearly be of use to show how an investigation should be approached. In the following model (see diagram adjacent) it was decided to adopt a generic form. The main reason for this is that in generic form the model is organic and can adapt to meet the differing requirements of various investigations (e.g. there will be elements in a rape investigation that do not apply to a burglary investigation, such as a medical examination of the victim and possible locations of evidentiary specimens).

Using such a model allows the investigator to follow a clear and logical series of steps or stages that can assist the investigator in bringing the investigation to a successful conclusion. Bennett and Hess (2000) argue that it is essential that an investigation be conducted in a logical sequence and that all actions undertaken are legally defensible. The importance of this tenet cannot be



underestimated as one legal flaw in the early stages can lead to a total disintegration of the case later, the saying: "...fruit from the poison vine" holds true in this respect. All evidence stemming from an earlier unlawful act can be subject to findings of inadmissibility at trial later.

Bowker (1999) states that an investigative plan can be used to focus the investigation to ensure all offence elements are addressed. It



can also assist by ensuring investigators avoid duplication, coordinate activities, provide stability and communication and finally it can also be a training aid to inexperienced staff.

The use of this model allows investigators to focus on the overall goals of the investigation by clearly setting out the path they should follow to achieve these goals. Both Bennett and Hess (2000) and Swanson et al (2000) support the idea of a preliminary investigation, and a subsequent follow up investigation. In the model put forward the preliminary investigation would include the crime scene stage and the initial assessment stage. The follow-up investigation would consist of the investigation stage, target stage and arrest stage.

To produce a model which allows for, and deals with, any eventuality would make the model too cumbersome. The model is designed to be simple to use and to provide investigators with an easy to understand series of stages that can easily be adapted to the crime under investigation. All of the stages listed below can be applied to any investigation.

Crime Scene Stage

The crime scene stage deals with the initial response of police to the report of an alleged crime. Rossmo (1997) states that the focus of any police investigation is the crime scene and its evidentiary contents. Often the first few minutes or hours will be crucial in determining the success or otherwise of the investigation. Saferstein (1998:38) argues: "It is the responsibility of the first officer arriving on the scene of a crime to take steps to preserve and protect the area to the greatest extent possible." Turco (1990) suggests that the final outcome of an investigation rests on thorough police work being conducted at the crime scene.

It is incumbent upon investigators to ensure that the scene is protected. This should be done by giving clear direction to police on site to preserve the scene until trained investigators physically arrive. The first phase involves cordoning off the scene from the public and police who don't need to be there. The investigator should remain in control of the scene at all times for it is the investigator who will be taking the matter before the court and it will be the investigator who will be answerable for all actions taken in relation to the crime scene. While some forensic services or crime scene officers may argue they have control of the scene, in reality this is not the case. The forensic service personnel process the scene at the direction of the investigator.



The next phase of crime scene management commences with the investigators making an initial assessment as to how the crime scene will be treated, i.e. is it a crime scene or is it a non-criminal event? (e.g. suicide versus homicide). Once this has been done, investigators should conduct a thorough examination and ensure that all evidence is protected and collected. The initial preservation, collection and recording of physical evidence are important to the success of any investigation.

In New South Wales police were called upon to investigate the serial murder of a number of elderly women in Sydney called the "Granny Murders".

"One of the problems experienced by the homicide investigators in the 'Granny Murders' was the interference with crime scenes...persons acting in good faith, washed blood and other forensic material away from crime scenes prior to notification and arrival of police, so as to alleviate



the anxiety that could be caused to other elderly people.”
(Hagan 1992:136)

Particular attention should be given to determining if this is the only crime scene or whether there are secondary crime scenes that need to be located.

“Investigators will have only a limited amount of time to work a crime site in its untouched state. The opportunity to permanently record the scene in its original state must not be lost. Such records will not only prove useful during an investigation but are also required for presentation at trial...”
(Saferstein 1998:38)

Geberth (1996) states that upon arrival at the scene, it is important that investigators implement crime scene procedures, including providing direction to the investigation. To facilitate this, an investigative team should be nominated, which should consist of an arresting officer, a corroborating officer and an exhibit officer. This procedure is standard with most police services for investigation of major crime. The exhibit officer is responsible for protection and collection of exhibits, through to the examination of exhibits and their final production in court cases. The arresting officer and corroborating officer will be responsible for interactions with suspects and will have final responsibility prosecuting the matter to trial. This team should be overseen by a senior detective who has a broad management role in ensuring that the investigation progresses in an orderly fashion and maintains focus and direction. Part of this role is also ensuring that a Major Incident Room (MIR) or command post is established to support and manage investigative functions both at the crime scene and also the later stages of the investigation.

Initial Assessment Stage

At this point, trained investigators should have control of the investigation and begin to identify possible witnesses and suspects. They should begin with assessment of physical evidence located with a view to assisting with suspect identification and by prioritising the most important evidence (e.g. DNA located at a scene is powerful evidence as compared to an unidentified item of clothing).

It is also at this point that investigators should familiarise themselves with the victim by interviewing them, if still alive, or alternatively by compiling a profile if they are deceased.

The profile should include the history of the victim, associates, criminal links, family and financial records. This is important as the characteristics of a victim can provide links to possible suspects; in particular inferences may be able to be drawn about the offender's motive, modus operandi and signature behaviours, (Turvey 1999).

Having done this, the investigators should then begin the process of suspect generation having regard to the evidence available to them and the information known about the victim.

Investigation Stage

It is at the investigation stage where the true challenge begins. The investigator must attempt to reduce the suspect pool by firstly establishing motive and then identification of signature behaviours. Turvey (1999:447) defines signature behaviour as: “those acts committed by an offender that are not necessary to complete the offence”. The identification of signature behaviours



will also allow investigators to link offences that are being committed by the same offender in the case of serial offences. If no signature behaviours are present in the crime then investigators will need to prioritise suspects based on the evidence available and potential motives.

Signature behaviour is different to modus operandi, which are those acts which the offender has to complete in order to successfully carry out the crime, (Turvey 1999). Witness accounts will also need to be closely examined at this stage and evaluated as to the assistance they can provide in generating a suspect. In this stage investigators should be ensuring that trained experts are evaluating all available physical evidence. Further to this, consideration also needs to be given to any matter that might require re-investigation as a result of information obtained during this stage. These matters would be dealt with by a feedback loop which allows for re-investigation of any new leads.

A timeline should also be completed initially in relation to the victim's last 24 hours; this can be extended if required. This will aid in understanding the movements of the victim and also contribute to potential motives as well as assisting in reducing suspect pools to those with opportunities to commit the offence by comparison with the timeline.

Target Stage

Having carried out a thorough examination of the crime scene, investigators need to generate potential suspects from evidence available during the target stage.

The investigators should test the veracity of this evidence by seeking to establish links between the suspect and the crime.



Detective Superintendent
Hans Rupp, Commander
Homicide Squad,
State Crime Command,
NSW Police Force

“Criminal investigation is simply a search for the truth. If you find the truth, you will solve the crime. It is to be compared to a jigsaw puzzle. The more pieces of the puzzle you complete the clearer the picture becomes. It must be remembered however that you don't need to complete every piece of the puzzle to reveal the picture and ultimately solve the (crime) puzzle.”

-Detective Superintendent Hans Rupp,
Homicide Squad, NSW Police Force

All available evidence needs to be channelled into providing a nexus between the suspect and the victim, both in relation to time, place, and motive.

It is at this point that investigators need to be fully conversant with the investigation as a whole and they should be evaluating the importance of information gathered by the investigation with regards to generating potential suspects. The investigator should be developing an investigative/interview plan so that, when the



suspect is confronted, the investigator is clear of the direction and purpose of the action or questioning that they will undertake in the arrest stage.

Arrest Stage

Having identified the suspect during the target stage, the investigators will need to decide whether or not to take affirmative action. This could include search warrants, surveillance, or bringing the suspect in for questioning. It would also include making a decision as to what form of action needs to be taken having regard to the nature and strength of the evidence. Although by this stage there is usually sufficient evidence to link the offender to the crime, it can be the case that the suspect offers new evidence/information. This could necessitate re-investigation. For example, if the suspect indicates that on the day of the offence he was driving a vehicle the investigators were unaware of, then this vehicle would have to be seized and examined.

These stages are necessarily organic and fluid in nature because they need to be able to change to meet the requirements of various types of investigation. It is for this reason that the above explanation of the various stages has been limited to a basic level. A key point of the above stages is that they are all aimed at gathering and using information that is relevant to the investigation.

But how should investigators determine what information is relevant and what is not?

Investigative Relevance

All investigations need information, but not all information is relevant. The Report of the Royal Commission on Police Powers and Procedures (1929:22) stated:

“The principal feature of the initial investigation into a crime is usually a widespread search for information”. How do investigators determine what information is relevant to an investigation? The answer is found in the examination of a basic investigative tenet. Many investigators – including myself – were taught that, when approaching an investigation, the investigator should be able to answer the following questions at the conclusion of the investigation. The questions are: who, what, where, when, why and how. These can be referred to as the six basic investigative questions.

These can be expanded to: the state of Australia it was committed in; who did it; what they did it; where they did it; when they did it;

why they did it; and how they did it. In general, most investigators are able to answer what, when, where and how at an early stage in the majority of investigations. The ‘who did it’ and ‘why they did it’ aspects are those usually unanswered. Canter (1997:486) states that investigators are usually faced with a situation in which the available information is constrained.

It is constrained by the fact that the investigator has: “...only an account of what has happened, who the victim is, where it took place and when”. It could be suggested that any information or input that assists in answering one of the above investigative questions is investigatively relevant and could be useful to investigators.

When examining a crime scene, including the victim, the investigator may have some information regarding the kind of person who committed the offence. Once the evidence at the scene has been collected - referred to as the “What” of the crime – the investigator may be able to determine the “Why” of the crime; that is, the motivation behind each crime scene detail and for the crime itself. A basic premise of investigation is that if the What and the Why of the crime can be determined then the Who will follow.

In its most basic form, information can be said to be of investigative relevance if it assists in the identification/apprehension of an offender.

The Ability to Communicate

The ability to communicate is crucial. The investigator must possess the social skills to form a relationship with the suspect. While much of criminal investigation could be regarded as a science, it is the crucial ability to form a rapport with the suspect that is an art. As a senior investigator, I have seen many detectives fail in this regard and this has resulted in a stymied investigation or a weakening of the prosecution case due to the suspect refusing to be interviewed. The role of rapport building with the suspect is yet another tactical tool that investigators should use in their quest for information about a crime and evidence against a suspect.

Even though various acts of Parliament throughout the country, such as the *Police Powers and Responsibilities Act (QLD)*, the *Law Enforcement Police Responsibilities Act (NSW)*, and the *Crimes Act (Victoria)*, provide suspects with a whole range of safeguards such as the right to silence and the right to a solicitor etc., they do not prevent a good investigator talking to the suspect on a whole range of issues not related to the crime. Inexperienced or bad investigators can be stymied by this legislation and only talk to the suspect about the crime or, worst, not interact with the suspect at all. The good investigator is able to build a rapport with the suspect and will more likely obtain an interview with the suspect. This is because the rapport-building process allows the investigator and suspect to humanise their interaction.

The Media

The influence of the media cannot be underestimated. In any high-profile investigation, the application of public and political pressure by the media can be enormous. This will be the job of the investigation manager to control and resist.

The media is a great investigative tool and it should be used as such.



The investigation manager and investigative team will need to decide the tactical advantage for which they will use the media. Whilst many investigators refuse to co-operate with the media at all, if they can, this is in fact a negative response and fails to utilise a powerful tool. The media can be used to apply great tactical pressure to suspects and can be used to drive the search for information from the public as it is often the information from the public that solves a crime.

Conclusion

Criminal investigation is a very important function of policing and is rarely out of the headlines or the public's imagination. Whether an art or a science, the criminal investigator must possess a variety of skills that range from the analytical and organisational to the ability to form relationships with people who have committed the most serious of crimes. It is for this reason that criminal investigation is one of the most challenging areas of policing in which to perform duty.

Reference List

- Bennett, W and Hess, K. (2000) *Criminal Investigation*, Wadsworth, Australia.
- Bowker, A. (1999) 'Investigative Planning: Creating a Strong Foundation for White-Collar Crime Cases' in *FBI Law Enforcement Bulletin*, Vol 68, No. 6 June pp. 22-25.
- Canter, D. (1997) 'Psychology of Offender Profiling' in *Criminal Detection and Psychology of Crime*, Eds. Canter, D and Alison L, Ashgate Publishers, Great Britain.
- 'Duties of the Police in the Investigation of Crimes and Offences – Obtaining of Evidence', The report of the Royal Commission on Police Powers and Procedures 1929, London, The Home Office, pp 22-41 in *Criminal Detection and Psychology of Crime*, Eds. Canter, D and Alison L, Ashgate Publishers, Great Britain
- Geberth V.J. (1996) *Practical Homicide Investigation: Tactics Procedures and Forensic Techniques*, CRC Press, Boston.
- Hagan, M. (1992) 'Special Issues in Serial Murder', conference paper presented as part of a group of papers titled *The Police Perspective*, 12-14 May 1992, Canberra.
- Peak, K, Evans, S, Adams, F and Ashby, H. (1998) 'Recruiting and Testing Criminal Investigators: A job related approach', *The Police Chief*, Vol LXV, No. 4, April, pp. 165-168.
- Rossmo, D. (1997) 'Place, Space, and Police Investigations: Hunting Serial Violent Criminals', in *Criminal Detection and Psychology of Crime*, Eds. Canter, D and Alison L, Ashgate Publishers, Great Britain.
- Saferstein, R. (1998) *Criminalistics – An Introduction to Forensic Science*, Prentice Hall, New York.
- Swanson, C, Chamelin, N and Territo, L. (2000) *Criminal Investigation*, McGraw Hill, Boston.
- Turco, R. (1990) 'Psychological Profiling', *International Journal of Offender Therapy and Comparative Criminology*, Vol. 34, pp. 147-154.
- Turvey, B. (1999) *Criminal Profiling: An Introduction to Behavioural Evidence Analysis*, Academic Press, London.