
Investigative Strategy: The application of strategic principles to criminal investigations

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Abstract

Strategy is a wide collection of ideas and insights that have been used since time immemorial to face the 'fog of war'. In the last century the key concepts of strategy have moved into many other fields, such as economics and mathematics. The analysis presented in this paper applied the concepts of strategy to criminal investigations. In both fields a need exists to face and fight against a conscious opposition to win. In order to apply them to modern criminal investigations, the paper borrowed ideas from historical masters of strategy: Sun Tzu and Ernesto 'Che' Guevara; von Clausewitz, Lawrence 'of Arabia' and Mao Zedong; John Boyd and Miyamoto Musashi; Hagakure, 36 Stratagems, but also the doctrine of special forces. The paper analyses how investigations are affected by 'friction' and lack of resource; how detectives could proficiently use knowledge of the antagonist, surprise, deceptions and stratagems; how speed, rhythm and timing, but also the adherence to principles of invisibility, irreversibility and completeness, could help to improve the results of criminal investigations. One of the aims of this paper is to show that the study of strategy could effectively increase the ability of investigators to solve cases. We hope that the paper will trigger a debate about the incorporation of strategic thinking into investigative practice and training.

Keywords:

criminal investigations, strategy, strategic investigation, investigations strategy, tactics



Figure 1 — The agent wants to reach the objective. The easiest way is the direct one.

Some thoughts about strategy

'Strategy' has been defined in many ways by people who studied it: sometimes like an art, sometimes like a science, more often like both.

In defining what strategy is, it might be useful to explain what strategy is not. Strategy isn't 'praxeology', the study of human actions. Neither is it an easy way to find the best approach to do something, putting actions in the right sequence. It isn't either a collection of tips and tricks nor a wide and broader look, a deeper analysis, a vision, which help us to look forward in the future. All these features are maybe characteristics of a good strategy, but they aren't enough to define completely what strategy is.

For example, understanding how to climb a mountain, finding the best way to store books in a library, planning the economic balance for the next 10 years of our community; all these activities refer to 'static' elements, that need to build carefully an all-embracing plan

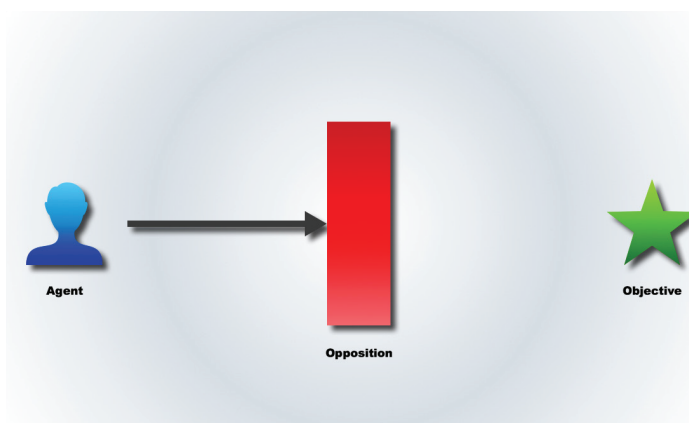


Figure 2 — The agent can't reach the objective if an opposition stands in front of it.

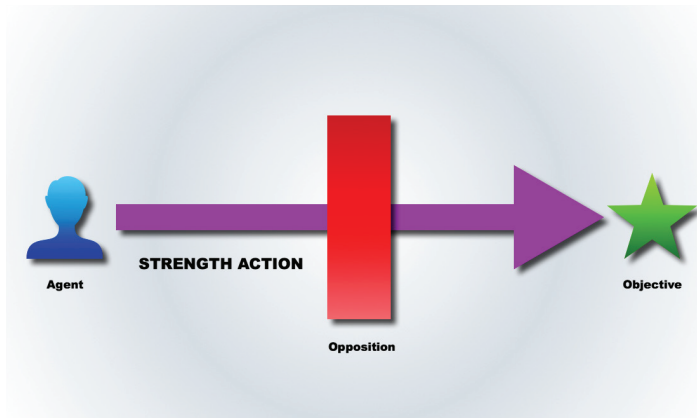


Figure 3 — To reach the objective the agent could use force, to break through the opposition. This could be called 'a strategy' but in fact doesn't have a strategic content.



Figure 4 — Otherwise, the agent could find a strategic solution

or programme, but which don't present the essential element of strategy: the existence of an active and conscious opposition.

The existence of this kind of opposition changes the rules of the game. Every action we take forces our 'enemy' to change his plans, and each change forces us to review our plans. Fighting a war, playing chess, catching a criminal, are all activities which involve an 'adversary' who wants the same things we want, or wants to stop us from reaching our goals, or both. So strategy is **intensely dynamic**, because the active and conscious opposition from our 'antagonist' changes steadily and continuously our plans.

Strategy takes account of these actions and reactions, of this recursion, pushing us to remain flexible and to develop appropriate plans to still achieve the objective.

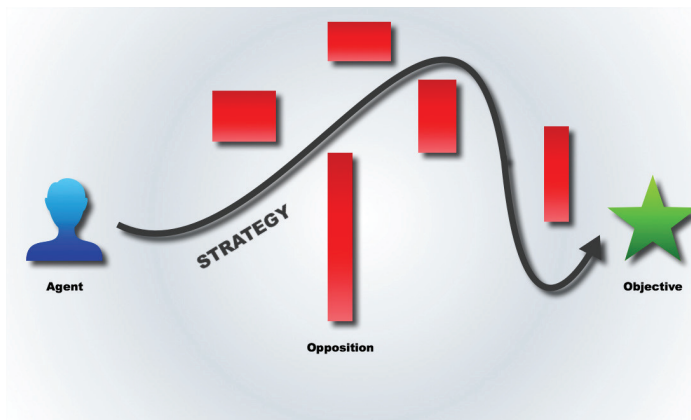


Figure 5 — Actually our adversary is conscious and dynamic, and so he will carry out counter moves.

The logic of strategy is not like a straight line and neither is it like a circle: it's more like a spiral moving in time from us to the adversary and back to us, while shifting itself a little every time. For this reason, the logic of strategy is called 'paradoxical' (Luttwak, 2001): it's anything but linear. Its language is very difficult to understand for people used to building solid but 'non-strategical' plans because strategy continually feeds on itself with complexity and with recursion, and requires also a 'liquid mind' ready to change in a flexible way.

Also, strategy is not about technique. Sometimes people use the adjective 'strategic' to describe some type of planes, missiles, rifles or instruments. These things can push their effectiveness far into space or time, but these capacities don't have anything to do with strategy (see below).

Finally, strategy is not tactics. It is very easy to confuse the two, because often strategic principles can be applied without any change also in the tactical fields. This feature of strategy is very interesting but also add complexity to the concept. Firstly, ideas, principles,



Figure 6 — If we follow a strategical principle, the best way to achieve our objective is also a longer way: this is the paradoxical logic of strategy.



Figure 7 — It's important that tactics sum each other up in a proper manner, to pursue objectives of strategy.



Figure 8 — Otherwise, if tactics are unable to support each other in a strategical way, it's impossible to reach the objective.

intuitions, rules of a 'level' of strategy influence that level in a spiral way, like we have explained above. Secondly they affect directly and strongly higher levels of strategy ⁽¹³⁾. So, for example, technical innovations and scientific discoveries about weapons change directly technical confrontation between attack and defence (i.e. spear-shield). But the changes in this technical level will soon influence the tactical level, affecting the way people fight with new weapons and armours. Also tactical choices made by leaders on the combat fields will clash one against the other, altering geometry and time-management on the battlefield, changing the strategical way to plan the entire war.

⁽¹³⁾ Many authors, many doctrines, considered a different number of levels in war. Tactical and strategic levels can be found in the ancient scripts. Russian doctrine and WWII practice introduced the operational level, placed in the middle of the first two, and afferent to carry out the operations. And finally strategy expanded in several subcategories: grand strategy (for national interests), theatre strategy, operational strategy, global strategy, grand tactics, and so on. On the other side, the lowest level, the technical, has interest for strategy. Today we referee to all this levels as 'levels of strategy'.

Some thoughts about criminal investigations

Investigation can be defined as the inquiry, the looking into, the examination of elements about something that is not known in order to ascertain facts or information. This search is not an aim in itself. The first phase, 'collection' of elements, serves for the second phase, finalised to assembly a 'reconstruction' and to understand as much as possible of what we are investigating about.

All different kind of investigations can be divided into two main groups. The ones that have an opponent who actively works to prevent us from achieving our goals (like criminal investigations); and the others, which don't have this kind of obstacle (like historical or scientific investigations).

Only criminal investigations will be considered here in this paper, because of the presence of a conscious opposition, of an active opponent, that is the linking element to strategy.

Here it's important to say something about our 'opponent'. In this paper it's irrelevant if the 'antagonist' is a single person, several people who jointly commit a crime or a group of criminals used to work together. The theoretical frame doesn't change neither if a conspiracy is uncovered nor if a criminal organisation is involved. The principles and ideas of strategy are so strong that they can be successfully applied to a wide range of 'adversary' types.

Otherwise it's important to distinguish between investigations directed only to the past (a typical case is the classical homicide investigation) and others directed to the future (like those involving drug dealing or terrorism). Obviously, every investigation involves either research about the past as well as expectations about the future, but the latter one is much more important for strategic planning, because the past is now written while the future will depend to some extent on what the 'antagonist' chooses. For example, at the start of the investigation of a homicide, most of the early activities do not involve any direct contact with the 'adversary'. Detectives will search for clues and evidence, will analyse phone and surveillance records, and so on. But when detectives will begin to interview people, their actions could reverberate far away from them (because of people talking with other people, or the press writing about inquiries, etc. ...). Then the 'adversary', even without direct confrontations, could understand that detectives are doing 'something', and maybe also anticipating what they do.

Strategy applied to investigations

Von Bismarck (probably never) said: *'Fools say that they learn by experience. I prefer to profit by others' experience'* (Liddell Hart, 1961: 3). Strategy, a complex and deep discipline, has its origins in the military world with the aim of building a complex set of principles that could help future generations in the difficult and changing environment of war. History has taught us that strategic principles work and work well, so the insights and methods of strategy successfully migrated to the worlds of economics, psychology, diplomacy, mathematics and to many other fields (Bozzo, 2012). So we think that their application to criminal investigations can effectively be useful and successful.

The general objective of this work is to apply ideas, principles and methods of strategy to criminal investigations, in order to obtain an advantage during their execution.

The frame of our study is a criminal investigation against an active and conscious opposition (one, two or several people) here referred to as the antagonist or adversary. This opposition generates a conflict that must be won. Our moves have effects and the adversary has two choices: staying still (because of unawareness, misunderstanding or conscious resolution) or manoeuvring against us (in all the many possible ways).

In the later sections we will discuss piece by piece all the different facets of the strategic world.

Friction

After the Age of Enlightenment many authors tried to describe war in a scientific way, assuming it was a mechanical system obeying mathematical laws. They failed. Only one of these authors achieved immortality by introducing a fundamental concept of strategy: friction (Clausewitz, 1832).

Because of friction, a real machine will never achieve the efficiency supposed by theory. At the same manner the 'war machine', composed of men, vehicles, weapons, logistics and many other parts, will never live up to what is idealised in the plan. A fighter must face fear, lack of information, exertion and chance, and all of them increase friction.

Equally, friction affects investigations. A surveillance camera out of order, a witness moved abroad, an ill detective, the company which could give information gone bankrupt. We could list many incidents which are able to dramatically change the proceeding of an investigation. The more complex the inquiry, the more friction we have to deal with.

Daily life repeats itself continuously and so friction naturally decreases to very low levels. Instead wars and crimes appear every time in a different way, in a different place, with differ-

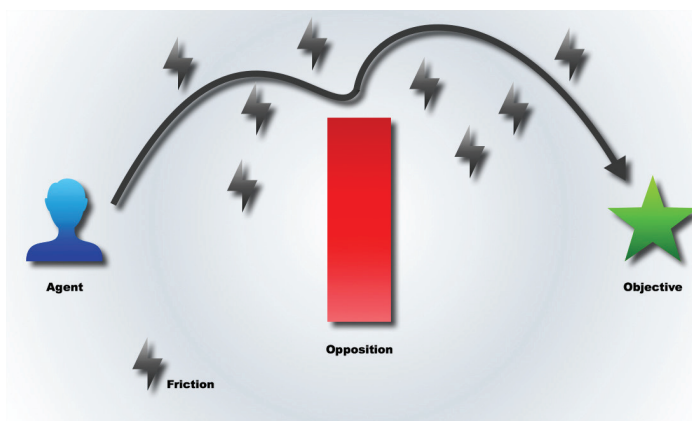


Figure 9 — Friction forces agent to change his plans.

ent problems, and therefore friction plays a major role in strategy, because the surrounding environment is so different from the social life environment.

We can't eliminate friction, but we can minimise it. The key word is habit (Clausewitz, 1832), and especially getting accustomed to difficulties, experience in overcoming obstacles, good and realistic training. But also the fortitude to achieve and accomplish the feat can help us to face friction (Tsunetomo, 1906). Finally it helps to have a simple, elegant and flexible plan, which aims to reduce the discrepancy between what we aspire for and what we get. Then simplicity becomes a fundamental guideline in strategic thinking (Clausewitz, 1832), through limitation of objectives, use of intelligence and exploitation of available innovation (McRaven, 1996). During investigations simplicity can help to control the unexpected and achieve goals faster.

Limited resources

Uncertainty is a typical fact in the world of strategy. It's impossible to have a complete and certain view of the 'battle' field and this implies that nobody can be sure to obtain his goals. While uncertainty increases friction, a good plan can deal with this 'dark blanket' (Sun Tzu, circa 500 BC), this 'fog that clouds views and minds' (Clausewitz, 1832).

If we could know and do anything, anywhere, anytime, we wouldn't need a strategy. But in the real world supplies are restricted and so the limitations of resources are essential elements of the strategy itself. Our task is to minimise waste and bad management, and rightly prioritise the goals we want to reach. Limited resources so emphasise the essence of strategy: making choices.

In the investigative field it can happen that only a few people have to face different fronts; some of which seem very promising while others less. But it often happens that priorities overturn each other. All investigative agencies have limited resources (men, vehicles, time and money) and this forces to consider wisely the prospects of success of every inquiry and furthermore to revise that evaluation whenever it's necessary.

Also the single inquiry suffers from forced choices, because of limitation of resources that implies to give up some investigative actions on behalf of others, even if this leads to obtaining less evidence.

Knowledge of the adversary

As seen, logic of strategy is 'paradoxical', because it doesn't follow the ordinary and straightforward way we might expect (Luttwak, 2001). In fact, we and our 'antagonist' will actively react to the mutual attacks with reciprocal counter-moves. To accomplish successfully this task the knowledge of our antagonist is fundamental (Sun Tzu, circa 500 BC). Understanding *how* he/she thinks and decides can help us to deduce *what* he/she thinks. This lets us find the paradoxical lines of our reciprocal interaction, which improve completeness of our information and reduce uncertainty and thus friction.

To understand a criminal, you have to know his environment, his background, his lifestyle and his beliefs. To forecast how people may respond to solicitations you have to get used to having to do with different kinds of people, because humans can react in a lot of strange and unpredictable ways.

For example, during an investigation involving wiretapping, the suspect may react to appropriate stimulation. But kind and intensity of those reactions could be very diversified: an emotional person, unused to crime, may talk a lot to all his friends, when instead an experienced criminal will avoid any conversation. To forecast criminal behaviour, we need to take into account not only personal background, but also the social disvalue rather than prestige of the committed crime: a suspect of child abuse will hardly confide his secret to anyone, while a histrionic robber may find pleasure while boasting of his successes.

Surprise

Knowledge of the adversary isn't enough to contrast effectively his opposition. We have also to change our approach to the fight. This change means that we have to shift from our old type of thinking (static) to a new and different view (dynamic). It's really important to decide where to concentrate our efforts: where the antagonist is unprepared (Sun Tzu, circa 500 BC) and where he doesn't defend himself (Sun Pin, circa 350 BC), to remove his options and to reduce its freedom of action (Liddell Hart, 1967). To obtain the most significant impacts we have to choose our methods wisely (Musashi, 1642), to be accurate in our details but at the same time to maintain a broad view (Tsunetomo, 1906). The indirect approach requires choosing the line of least expectation, exploiting the line of least resistance, but especially not acting while our opponent is on guard and not renewing an attack along the same line or in the same form after it has once failed (Liddell Hart, 1967).

All this planning must not harden our mind and we must remain ready to seize the opportunities, even if they appear unexpected (Sun Tzu, circa 500 BC). During investigations for one kind of crime, it may happen that we uncover a different felony. Obviously it's impor-

tant to evaluate the seriousness of the two criminal offences, and the jurisdiction on them, but at the same time we shouldn't close our view only on our primary task, otherwise we could lose a cheap chance to *'pilfer a goat'* (Stratagem XII — Anonymous, circa 500 AD).

Gaining **surprise** is a good way to bypass the antagonist, but surprise **costs** (Luttwak, 2001). In fact, to obtain surprise we need to use some resources, diverted away from our primary task, which becomes harder to gain. The cost of surprise carries with it the added risk of failing in our primary action. In history many warriors and theorists, for fear or scepticism towards its costs, avoided surprise, deception and stratagems, while few men built on them their fame and success.

If we want to pursue and seek surprise, we can use a lot of ways: diversion, stratagems, speed, rhythm and timing. But also the variation of the methods, that can affect all levels of fight, is effective. At a technical level, the change of methods can obtain a sure and rapid win. For example, when wiretapping was first used in investigations it worked very well in collecting evidence, but after a while criminals understood the nature of the threat and changed their habits. They shifted to safer methods of communications like writing on paper (downgrading) or social networking (upgrading). But with technical progress even internet software has been intercepted without too many hardships, and so criminals turned back to be easy preys; but soon the cycle started again when they found new ways to avoid wiretapping, and so on. This sequence of cyclical phases is typical of the contraposition between attacks and defences (effect 'spear-shield'), which shows continue rollovers between the supremacy of one over the other, it's inherent in the nature of strategic world (Joxe, 1991). This effect propagates itself to the superior tactical level, because the change in the use of techniques influences the way of fighting and so affect the tactics. So any changes in the way of conducting battles spread their effects up to the strategic level (Luttwak, 2001).

Change can vice versa begin at the high strategic level. We could on purpose elaborate a new strategic way of acting to obtain surprise, and then pack some suitable tactical tools, which maybe could require new technical elements. This inverse way happens less often, in fact only a great strategic can orchestrate so complex a task. It could happen for example when a strategic plot is built against crime, starting with a large view plan, the introduction of new and powerful laws, which requires special teams, special investigative techniques, special equipment.

The surprise can be interpreted as a suspension of strategic concept (Luttwak, 2001). In fact, strategy deals mainly with prediction of antagonist behaviour and construction of a smart deployment able to disjoint the antagonist force. But when our opponent is taken by surprise, our task is easy: the road ahead is clear to the target. Strategy works to obtain surprise, but once obtained its logic is useless, until the surprise runs out alone and we need to deal newly with strategy.

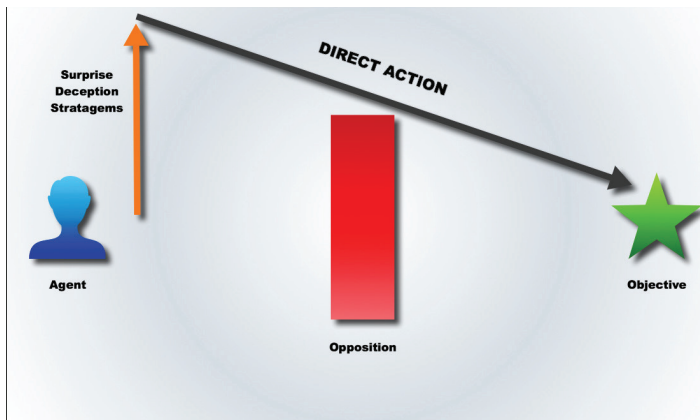


Figure 10 — Surprise in a suspension of the entire predicament of strategy. If the surprise reaches its goal, the strategy is (for a while) no longer useful and the agent can go straight forward towards the objective.

Deception

To get surprise one can resort to deception. Warfare is the way of deception (Sun Tzu, circa 500 BC) but also criminal investigations (when the law allow us to do so) feeds on it. In fact, if our antagonist has a clear and reassuring view of our confrontation, it will be very hard to move freely and to reach our objectives. Thus, we have to masquerade everything.

Deception can be of several types, according to magic theory ⁽¹⁴⁾ (Rampin, 2005), but the principles are two: to hide the truth, or to put out a falsehood. This can then be done by action or by omission, which in criminal investigations is a very important resource, because it allows us (usually) to avoid breaking the law.

Three useful tools that again arise from illusionism, help us to hide or to show what we want. The first is misdirection: the opponent's attention is pushed elsewhere while we lay our trail. The second is timing: time is used to lower the antagonist's defences (for example: showing the same thing several times and then applying a slight change, or waiting with patience for the right time to act to obtain the best effect, or changing the rhythm, or synchronising the various converging branches of an operation). The last tool is scripting, that works if we are able to build a story that is credible for the adversary. It's important to calibrate the story on the foe's capabilities; with a low level antagonist we have to build a complete and solid plot, while with a smart opponent we must work on a story full of holes that the adversary should fill by himself, reinforcing in that way his trust in what he hasn't got by others but has built on his own.

⁽¹⁴⁾ The military and intelligence made large use of deception and sometimes also of magicians. Soviet *Maskirovka* was an art able to move in one day thousands of tanks, but fake tanks, and to hide real tanks within metres from the enemy. The British 'A' Force during WWII enlisted counterfeiters, illusionists and screenwriters to build from nothing false combat units, fake attack plans and amazing stories of all kind for the enemy.

Deception helps us to achieve the unpredictability (Sun Tzu, circa 500 BC), that casts doubt on the adversary and makes his information incomplete and inaccurate. Deception allows you to *'create something out of nothing'* (Stratagem VII — Anonymous, circa 500 AD).

Undercover operations obviously require the highest level of deception among all investigative techniques, also because of the intense contact with the antagonist. But all inquiries can benefit from deception and from the 'fog' that can be projected on our foe. Deception is also of staggering use during interviews, controlled deliveries and other situations of direct contact with criminals.

Stratagems

To induce deception and surprise you can use stratagems which have existed in war from the beginning of time. They should not be confused with strategy. Stratagems are only a little part of the strategic insights and in particular they are the complementary element of planning. In fact, planning must have a rigid core which could prevent strategy to fully express its flexible characteristics. Stratagems instead 'live in murky waters' (Anonymous, circa 500 AD); a stratagem causes rapid and unpredictable changes which could make up the loss in adaptability and originality produced by a too rigid plan.

Stratagems are very important and their use can greatly change the effectiveness of our action, because 'who is skilled in designing tricks is nearly inexhaustible' (Sun Tzu, circa 500 BC). In every field of knowledge (war, chess, law ...) lives a wide tradition of stratagems for that specific sector, but there are also strategic guidelines about their general composition. One of the most famous collection are the *36 stratagems* (Anonymous, circa 500 AD), considered by Mao Zedong too dangerous for publication. We have already seen applications of some of these stratagems in the text, but let us look carefully at two of them which are of special value for criminal investigations.

Stratagem XIX, *'Remove the firewood from under the cauldron'* (Anonymous, circa 500 AD). It's impossible to touch the cauldron when is hot, so we have to move our attention to the origin of the heat and attack it. At the same manner when we deal with a bandit or a criminal organisation which is too difficult to attack directly, one way is to cut off the sources of its strength: money, friendship, weapons, workers ...

Stratagem XXVIII, *'Pull down the ladder after the ascent'* (Anonymous, circa 500 AD). The power of this stratagem lies in its relentlessness. If we are able to push and lead the antagonist in an apparently safe direction, thus putting him where we want him, we can then derive the greatest advantage. For example, when we aren't able to find the 'den' of a criminal, where we know he holds important evidence of his guilt, the only way is to bring him to lead us to the stash (combining here also with Stratagem III, *'Kill with a borrowed knife'*), faking a non-existent danger.

But stratagems aren't confined to oriental culture. During WWII the British Army showed the world not only how many stratagems it was capable of using (Howard, 1995), but mostly the opportunity to use them at both the tactical and also the strategical level (Luttwak, 2001).

Time (and OODA loop)

Everything about strategy deals constantly with time, although from different perspectives.

The first most obvious thing we have to consider is that time is irreversible, so whatever we do, we can't go backward. Furthermore, limited resources force us to choose priorities and we have thus to give up something to get something else; time lost in this way is irretrievable.

Speed is also very important in strategy, especially when being outnumbered, as it is the case of the Special Forces (McRaven, 1996). Also in investigations speed is crucial because the flow of time changes the state of crime scenes and erases the evidence. Furthermore, over time the power of criminals continues to grow, especially if it's fed by a constant flow of money. So it's often better to operate quickly, however speed must not be overstated, because it must be compensated with other important factors (first of all safety).

Rhythm and timing are also critical in clashes with the foe (Musashi, 1642): if we fail them, we risk losing in spite of our superiority.

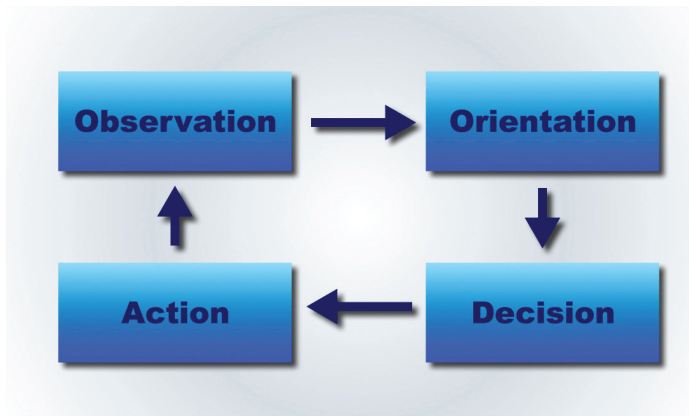


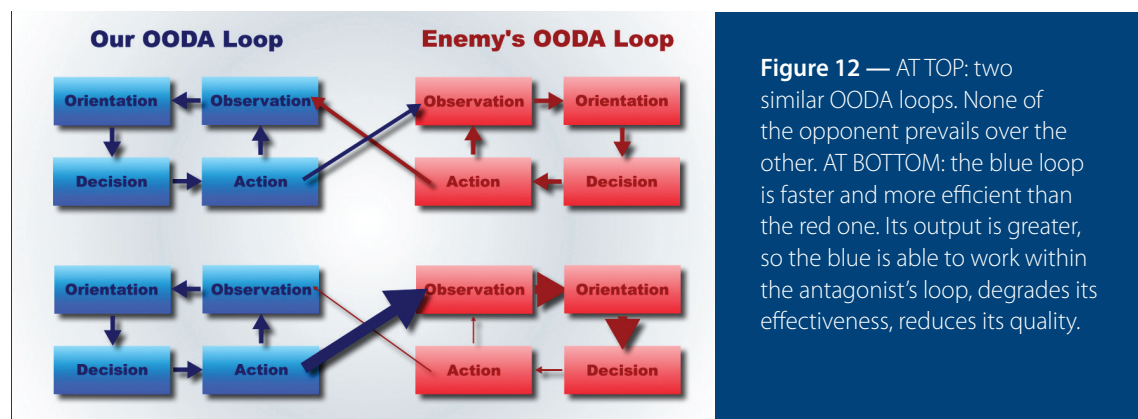
Figure 11 — OODA loop.

These concepts of time are wonderfully condensed in Boyd's theory (Boyd, 1987 — Osinga, 2007) of OODA loop ⁽¹⁵⁾. It starts with the observation of the environment, of the information and of the evolving circumstances. Orientation is based on analysis and synthesis, in which our experiences, our culture, our traditions and our being are also included. All this leads us to take a decision which, once taken, becomes action. That is not the end, because action changes the environment and brings us back to a new observation, restarting the loop. Don't forget that our adversary treads an identical loop and the key for success is to operate inside the opponent's decision loop. Control of speed, rhythm and timing lets us tread the OODA loop faster than the adversary and this lowers the quality of our opponent's loop, overloading his system and disrupting his ability to react, and this takes us to victory. The strength of this simple idea is that it works at every level of strategy, from technical to tactical and up to grand strategy.

Also in investigations we can find the same complex dynamic of two loops that try to influence the opponent's decision loop. For example, at the beginning of the confrontation, the contrast between us and our opponent grows slowly, but when we are able to collect massive amounts of evidences and to cut the foe's attempts to operate, adversary's system collapses quickly against itself.

Irreversibility

The time dimension of strategic dynamics brings us to a natural but really important result: the irreversibility of investigative acts.



⁽¹⁵⁾ It is interesting to note that Boyd's ideas were born as a result of his winning fighter pilot activities. In the same manner, Musashi came to the theorisation of strategy starting from his winning sword fights. This shows that strategy principles very often work also at lower levels then can be discovered at low levels and are later generalised to higher levels.

Inexperienced operators could think that searches, wiretapping, interviews and forensic sciences are like choices on a menu. During investigations we may choose one or the other, according to the situation and the 'taste'. This is not the true.

Every action we take have to be carefully thought through, because once done it's irretrievable and a lot of opportunities are burnt.

Also, our opponent feels directly the effects of some acts of investigations. For example, in a simple way, if we search a suspect's house, that may well change his way of acting, affecting the continuation of our inquiry that could be absolutely contaminated. This is the reason why every action must be carefully assessed and, with a broad view, this is one of the basic reasons why strategy counts during investigations.

Invisibility

Ancient theorists of war built strong strategy theories, but all of them failed in predicting the ability of the few to win over the many. After Napoleon and the Restoration, guerrillas warfare started to be used widely in the world. T. E. Lawrence 'of Arabia' was the first to systematise the principles of guerrilla warfare (Lawrence, 1921 and 1927). It was he who caught the essentials of the matter: absence of a front, technique of 'hit and run', stock up by the material subtracted from the adversary and so on. He also outlined the key strategies used by the men involved in this kind of warfare: mobility, flexibility, resistance, intelligence, cleverness, knowledge of territory, courage. It's amazing to find out that these are also the qualities of the modern ideal investigators.

Mao Zedong expanded Lawrence's principles of guerrilla warfare. Mao used to attack only when he had overwhelming numerical superiority, starting with small goals and then moving to more complex objectives, like in the game of Gô (Zedong, 1936). The success of his method created a school, so other principles were added to the original, especially initiatives and instant decisions in the face of new situations (Giap, 1961) and the preference for night attacks (Guevara, 1960).

All these kinds of moves are well suited for investigative activities. Also, the absence of a 'front' makes guerrilla warfare much more similar to an investigation, rather than to classic war. Invisibility is a fundamental characteristic of investigations, because any knowledge on the part of the antagonist of our moves lets him gain a strategic advantage. Invisibility and irreversibility are thus closely connected.

Invisibility is achieved also by security. All the decisions of the investigative team must remain confidential, because obviously the best way to know the adversary's intentions is to monitor them at their source. There are many ways in which information can leak out of a team: careless talking too much with friends, press or informer, losing papers, missing to

handle asymmetry during interviews, but unhappily also illegal access to databases and corruption.

Completeness

To conclude this discussion, we have to face an argument that apparently is against strategy, but is instead a necessary part of its application to criminal investigations. The 'principle of completeness' states that investigators have to search in all directions and to explore all possibilities, in order to obtain a complete view of the field investigated (Curreli and Minisci, 2011). The law, in Italy, doesn't expressly states this principle, which arises instead from the jurisprudential processing ⁽¹⁶⁾, while e.g. in the United Kingdom this principle is stated in the Criminal Procedure and Investigations Act 1996 ⁽¹⁷⁾.

If investigators restrict their perspective, they will find only what they are searching for, and maybe they will not see and not discover anything different from what they need to accuse the suspect. Completeness means to follow each lead, to expand in all directions, to take every chance.

It could seem 'anti-strategic' to follow all the possible lines of inquiry, instead of focusing efforts on the original track, considering that resources and time are limited, that we are looking for surprise and deception while chased by fog and friction. Simplicity would suggest us to cut useless branches and it's surely a good idea not to waste resources for useless activities.

But, a complete inquiry is much more genuine and solid and, even if it apparently goes against the economy of strategy, 'strategically' the efforts made during investigations will avoid a lot of effort during and after trials, caused by miscarriages of justice.

Conclusions

Strategy is a wide system of ideas and insights that can help a fertile mind to face something that is unpredictable and chaotic, but full of relationships and connections. The ability to see the links can make the difference between victory and defeat.

During criminal investigations the 'fog' is thick as it is during a war, and the aim of this paper is to demonstrate that strategic principles can be useful for detectives in understanding how to conduct the inquiry.

⁽¹⁶⁾ This principle was settled by *Sentence number 88 of Italian Constitutional Court*, 28 January 1991, but could find its foundation in the articles number 326 and 358 of *Italian Code of Criminal Procedure* (D.P.R. number 447, 22 September 1988).

⁽¹⁷⁾ S.3.5.: '*When conducting an investigation, the investigator should pursue all reasonable lines of enquiry, whether these point towards or away from the suspect.*'

This is usually work that people learn by doing, while the theoretical studies are limited to law, psychology and criminology. Instead we think that the study of strategic principles can be very useful because it can change the minds of detectives, focus their brains, speed up results and can also avoid committing basic mistakes.

Strategic principles are not laws or rules, but are rather ideas that can help us to take the right decision at a critical moment. However before reaching their effectiveness, those principles have to be properly absorbed by the mind and thus a good training is absolutely necessary.

We have seen in this paper that:

- strategy deals with the contrast to an active and conscious opposition;
- typical characteristics of strategy are its paradoxical logic and the recursion between our plans and our adversary's plans;
- investigations can be opposed to a single criminal, a group of people or a criminal organisation;
- investigations can be oriented to the past, to the future or both. These options about people and time obviously changes our approach to investigations;
- the existence of an active and conscious opposition during investigations leads us to use strategical principles.

We have then seen that:

- 1) Everyday facts, chance, lack of information, exertion and fear can cause plans to fail: this results from *friction*. We always have to deal with friction and the only weapons we have are habit, experience, fortitude and training.
- 2) Also *limited resources* affect our work and make uncertainty grow, so we have to prioritise our tasks.
- 3) To reduce uncertainty we have to build an extensive *knowledge of the antagonist*, which lets us forecast our suspect's behaviour.
- 4) Also *surprise* and indirect approach lets us gain advantage over the antagonist, and this implies that we have to maintain our plans flexible. Surprise, which is a suspension of the strategic concept, has a cost that we have to evaluate.
- 5) *Deception* is a way to obtain surprise, by the use of misdirection, timing and scripting.
- 6) Also the use of *stratagems* can help us to obtain deception and surprise.

- 7) *Time* is an essential element of investigations and the right choice of speed, rhythm and timing is critical. The domination in the *OODA loop* can also give us supremacy over the antagonist.
- 8) Time also counts in investigations because of its *irreversibility*. In fact, an investigative action, once made, cannot be undone.
- 9) To avoid irreversibility, it is essential to maintain '*invisibility*' until you decide to uncover your presence.
- 10) Finally, *completeness* of investigations is not only a moral and ethical imperative, but also a strategic value.

Much more that this could and should be said on investigative strategy and more authors could be cited, but the teachings of the few men mentioned in this work, who lived in such different eras and cultures, have helped us during real criminal investigations and so we have selected them for gratitude before admiration.

We then close this work with an important and timeless consideration about limits of strategic thinking: the ultimate determinant is the man with the badge. This man is the final power. He has the control. He determines who wins ⁽¹⁸⁾.

⁽¹⁸⁾ Original quote is: '*the ultimate determinant [...] is the man [...] with the gun. This man is the final power [...]. He's the control. He determines who wins*' (Wylie, 1989: 77). This refers to the fact that strategy and tactics can affect war but, at the end, is the simple soldier with his gun who makes the hard job, who does what the commander needs to gain victory. Equally, strategy in criminal investigation encounters a limit because is the man with the badge who works in the field, who is finally able to catch the criminal.

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