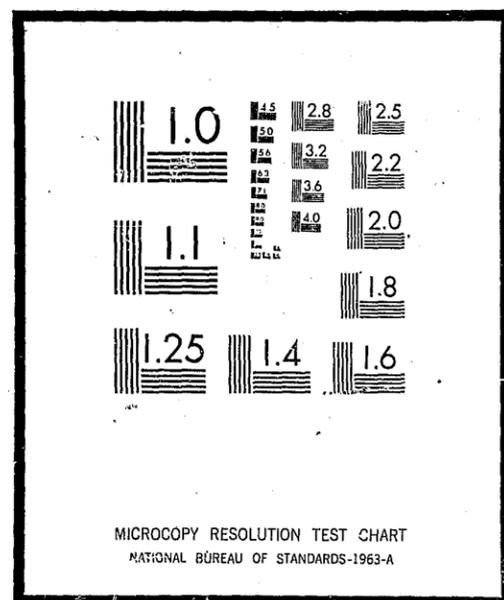


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ISSUES IN CRIMINAL INVESTIGATIONS  
THE LEAA IMPACT PROGRAM

(Law Enforcement and Criminal Justice)

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## Background

Of all the various agencies and operations which compose the total criminal justice system, the police criminal investigation function is undoubtedly one of the most crucial areas needing careful improvement and study. There has been very little significant research carried out in this area by social or political scientists who truly understand the complexities of this police function. The reader should be aware that several recent efforts have helped define problem areas, and that this particular discussion has been formulated with knowledge of these studies.<sup>1</sup>

The problems plaguing the investigation process involve not only the usually recognized detective division but also include the duties of the patrol officer. A brief preliminary discussion will outline patrol investigation problems; and, following that, a more extensive analysis of specialized investigation units will be presented. The problems affecting the detective function may be subdivided into two general divisions: operational (internal) and situational (external). Although the paramilitary police organization exerts a strong controlling influence on the performance of all officers, both the field patrolman and detective have extraordinary discretionary powers which they exercise in the line of duty.

Even though the patrol function is often perceived as a preventive or strictly apprehension oriented activity, it is a rare occurrence when the officer captures an offender "in the act" or even within a few hours after the commission of a crime. A major proportion of the patrol

officer's time is devoted to investigation, that is, the interviewing of witnesses, investigation of the crime scene, requesting specialized services, and the preparation of preliminary case reports. Very often the only record of a criminal incident is this initial report by the patrolman, since the investigator is either unable or chooses not to conduct a follow-up investigation.

Although police jurisdictions vary widely in their operational procedures, the "standard" burglary or robbery which is reported to the police will normally result in an initial report by the beat officer, which is then directed to an investigating officer for evaluation. The most severe breakdown in this process is the absence of cooperation and communication between the patrol officer and detective. Given that over 90% of all burglaries and robberies do not result in an "on-scene" arrest, the transference of information in this initial case report to the investigating officer is crucial to the success of any subsequent apprehension efforts.

Frequently the patrolman becomes detached from the investigation of a crime and is without the necessary motivation to collect the proper information. After making the preliminary report, he is required to return to his beat or respond to another crime report. He often never sees any other information on a crime which he has attended after he prepares and files the report. He may have developed or learned special skills through training classes which are left untapped and subsequently remain unused. He often senses that the detectives receive credit for most of the arrests which do occur, sometimes on

the basis of information he collected but absent the acknowledgment of his contribution. He is forced to handle the multitude of miscellaneous social service calls made by citizens, while the "elitist" detective is charged with duties (search, capture and arrest) that are perceived as the essence of "real" police work.

As defined in the foregoing paragraphs, it is this "interface" between the patrol and detective functions which creates many of the problems in the total investigation process. It should be recognized that the transition of personnel from the patrol level to the detective force is looked upon unfavorably by field officers, in that promotions are often considered favors to individual staff members. Although some departments select detectives on the basis of arrests made (uniform activity), and performance on written and oral tests, the overall selection process adds to the conflict between the two functions.

Many departments fail to train detectives in investigation skills after they have been chosen. "In-service" training is frequently relied upon to prepare new detectives, which does not necessarily guarantee superior competency of new investigators. Very often, the detective has rejected the pragmatic value of academic pursuits or special training classes and has selected a career path that relies heavily upon "street" knowledge, intuition, or a "feel" for the job. Any appreciation of scientific skills or capabilities (as with the crime laboratory) are dismissed with all other forms of training.

The internal, formal organizational structure of the police agency determines the number of detective personnel who are on the staff.

Lack of adequate manpower is a constant complaint delivered by detectives, but it must be recognized that all divisions of the police make similar declarations. The policy of the department also dictates the manner in which the detective units are arranged. That is, one of the prime distinctions which divides investigation approaches is the "generalist-specialist" division.

In one configuration, the detective is charged with handling any number of different crimes, with no regard for type. This is often the case in departments with fewer than 1,000 sworn officers. Most large cities have constructed specialist units, arranged either on the basis of crime type (burglary, robbery, homicide) or the more general property versus personal injury crimes. Other organization issues include the centralization or decentralization of detectives. The cities which are being considered in the LEAA Impact Program will most probably have centralized detection divisions. This arrangement simplifies record keeping, coordination, and supervision but unfortunately also leads to a state where the detective does not become as familiar with crime patterns in sectors of the city, modus operandi of offenders, citizens and other sources of information.

The other static or structural conditions which create problems in the detection area are those permanent facilities within a department dedicated to the collection, transcription, storage and retrieval of crime information. The reports which a patrol officer or detective prepare will be circulated and possibly analyzed for various types of information. That is, each criminal incident contributes individually

to the total flow of information concerning crime trends, modus operandi of particular individuals or groups, fingerprints, photographs of offenders, weapons confiscated, stolen automobiles or other property. The effectiveness of any police agency depends largely upon its ability to store such information, and to have it categorized in such a manner that it is useful (retrievable) to interested persons on demand.

Very often the modus operandi or personal appearance (mug shot) files are arranged in a cumbersome, ineffective manner and as a result are seldom used effectively. Information concerning recidivists or released offenders can be extremely helpful to investigators, but not if it is stored in a manner that precludes efficient usage. Intelligence activities of any police investigation unit are often considered crucial to the overall success of detection efforts. Studies have shown that when asked what phase of their activities is most productive, yet needs added support, detectives request more funds for developing and maintaining informants - this is especially so in robbery investigations.

Another problem area exists in the writing, typing and general preparation of reports. Many researchers, including Ward, Misner, and Kenney, report that detectives sometimes spend up to 30% of their time sitting in the station typing out reports. Some jurisdictions studied maintained a 30 to 1 ratio of detectives to clerical staff. Frequently, local departments require detectives to return to the station to write and file a report after every crime or arrest, thereby significantly reducing their time in the field.

The existing relationship between the detective division and other special units, such as evidence technician divisions or crime laboratories, is very poor. Detectives have reported that they prefer to collect physical evidence at very important crime scenes because they do not trust the competence of evidence "specialists". Detectives suggest that the laboratory has "failed" them in the past and that it is not worth the extra effort to collect and submit evidence to the laboratory when results are predictably negative or inconclusive. Detectives fail to cooperate with the evidence technician staffs, and occasionally open hostility is evident between these two operations. Detectives characteristically demonstrate a jealousy over the involvement of other persons in "their" investigations and wish to maintain complete control.

It is crucial to note the level of cooperation between the crime laboratory and the detective unit, for the investigator exerts considerable power in determining if the laboratory will become involved in a criminal case. Even though evidence is collected from the scene of the crime, unless the case detective gives his approval, the evidence will remain stored and not examined by the scientist. Detectives frequently have little or no knowledge of the capabilities of the laboratory and therefore only call upon the laboratory as a "last resort".

Although not strictly an issue of "organization", the measures of performance which local departments maintain influence the complexion of the investigation effort. A classic example is the reliance upon "clearances" as an evaluation tool, which may result in individual

investigators spending an inordinate amount of time "clearing" a backlog of unsolved cases. The most frequently cited reasons for the inadequacy of this measure of effectiveness is that it only measures the proficiency of investigators in connecting suspects with crimes which detectives judge they have committed. An individual arrested for one crime may be persuaded to admit to committing several other crimes, thereby "clearing them", with the understanding that in return he will only be prosecuted for one offense or have the original charge reduced to a misdemeanor. Such "clearances" have minimal value to society.

The second major section pertaining to investigation work is generally outside formal organizational and policy control and is composed of the individual decision-making activities in which the detective routinely engages. For example, how does the detective decide to investigate a given robbery? What are the criteria which the officer uses to "close" the file on one case, or which may mean that he goes to the scene or possibly spends weeks on the solution of another? The New York City Rand Report pointed out that very often cases are followed up by detectives that should be inactivated immediately since the chances for solution are extremely remote. Factors such as the injuries received during a robbery by the victim will often influence the detective to carry out a superficial investigation, although he realizes chances for solution are practically nil. Unless the monetary value of stolen property is high, or injuries to the victim severe, the detective will probably not conduct an investigation.

Detectives will explain that through years of experience they develop an ability to identify cases which will result in a positive pay off (arrest) and those which, regardless of efforts expended, will remain unsolved. Such "losers" are inactivated or closed as soon as practically possible.

How detectives carry out investigations has not received major attention by researchers but recent reports have identified particular problems and deficiencies. The President's Crime Commission reported that detectives should work singularly and that manpower is wasted when two or three work together. Frequently, investigation divisions are subdivided into plainclothes patrol details, follow-up investigation, "stake-out" units or "tailing" functions. Tactical or special squads of detectives are sometimes formed to handle specific crime "waves", but one does not really know if these units assigned to suppressing specific crime in certain areas is actually successful.

#### Implementation Procedures

Based upon the background material presented in the first section, several programs will be designed and, with the consultation and cooperation of the local police agency will be incorporated into the investigation process. Proceeding thru the original analysis, one first focuses on the role of the patrol officer in the criminal investigation function. Based upon literature searches and discussions, a "team policing" concept will be proposed, which depends upon a combined specialist-generalist approach. In order to get the patrol officer more

involved in the investigation process, each patrolman is a part of a team composed of possibly 6 to 10 officers who are responsible for a specific geographical sector of the city. Each of the officers, though, will have a specialized ability in one aspect of criminal investigation. For example, one of the officers may develop superior competence in the tracing of stolen property and will be called in by other beat officers when they need specialized knowledge in this area.

Patrol officers will have greater latitude in pursuing the progress of an investigation and will not be immediately cut off from an investigation the instant a detective intervenes. The detective will serve as a resource in the solution of cases which are beyond the scope of the patrol officer's time or abilities. The detective will be required to engage in more supervisory activities and to coordinate investigations while making use of the field officer. There should be training programs to prepare the beat officer in this function, and such provisions will be arranged.

There will be a major effort to reduce the time required of beat officers and detectives in writing, preparing and filing case reports. Depending upon the conditions in the selected cities, the addition of dictation equipment and clerical staff should allow the officer to spend a greater proportion of his time engaged in investigation activities and much less time at the typewriter. City police departments have tested a multitude of reporting arrangements and the system which appears to be implementable and has the promise of freeing manpower with a minimum expenditure of funds will be incorporated.

There will be a major effort devoted to the design and implementation of a more complete and usable information storage and retrieval system. Once again, depending upon time and money constraints, and the existing department configuration, a system which will store investigation case reports, but which will also have the capability of offering a rapid and effective feedback of information on request, will be installed. A plan to improve the existing M. O., personal appearance, criminal associates, and recidivists file should result in the more effective utilization of information collected by officers.

This necessarily leads to another program effort which should address the deficiencies in the training of both patrol officers and detectives. Officers should be required to take coursework and update their knowledge of general investigative procedures at the appropriate junior college, university or police training academy. An investment in advanced training in interviewing, crime scene inspection, or possibly the analysis of crime patterns will focus on developing the potential of the individual policeman upon whom the success of the entire investigation effort is dependent.

There are specific activities of the detective staff which should be examined and possibly eliminated. For example, using several detectives in a single automobile cuts down appreciably on the overall investigative effectiveness. Recent studies have demonstrated that plainclothes patrol activities of detectives is perhaps the most productive form of investigation in terms of making "on scene" arrests. As another example,

the employment of strategies such as "stake-outs" and "tails" are usually quite unproductive and should be reduced or eliminated.

A concerted effort must be made to establish stronger ties between the detection staff and the crime laboratory. The lack of cooperation which is often present between these two operations serves to impair the utilization of valuable information sources. Detectives and patrol officers should be required to gain a better understanding of the capabilities of the laboratory and the types of evidence forms which are most useful. In conjunction with the criminalistics phase of the impact program, the overall scientific evidence procedures should be enhanced.

Evaluation Procedures

As noted before, the traditional and most widely used indicator of investigative success has been the "clearance rate". While it will be difficult to replace this measure with others, a significant effort must be made to collect data which more accurately evaluates the investigation function. The New York City Rand Institute, in a recent report, selected an arrest index which essentially was "an estimate of the probability that any particular case assigned to the detectives for investigation would result in at least one arrest."

Undoubtedly the "clearance rate" was developed to compensate for those cases where a single person was responsible for several crimes, where a single arrest would not demonstrate the condition that one

arrest essentially solved perhaps ten or fifteen crimes. Every effort should be made to use a evaluation measure that gives credit to a department for successful investigation activities. For example, more credit should be given an arrest which leads to a conviction than one where the person is eventually released, either for lack of evidence or based on judicial acquittal. One could actually interpret the arrest of a person eventually found innocent as a "net loss" to the individual and the community in general.

The impact program is designed to address the crimes of burglary and stranger-to-stranger street crime. Present arrest and clearance rates compiled by the Uniform Crime Reports, note nationally that often only 20% of such crimes are actually solved, cleared, or result in arrest. The percentage of these apprehensions which actually result in a conviction, without a reduction in the original charge, is even less. By increasing the effectiveness of the investigative details of the patrol and detective divisions, the likelihood that such target crimes will result in an arrest and proper conviction should increase.

Consultant Details

The staff of the Institute and the police technical assistance division of LEAA should provide the necessary expertise to design and deliver the investigation program. Of crucial importance to the success of this effort is the cooperation of the chosen police agencies. One cannot expect to present a program area such as this to the local

department and expect that they will immediately incorporate it into their existing structure. Even the Research and Planning Divisions of local agencies have an extraordinarily difficult time in altering the present structure and informal routines developed by investigative staffs over the last several decades. The policy makers of the local departments must be considered as key components of the planning process, and be requested to offer their own evaluations of existing investigative practices. The LEAA representatives should be prepared to "hammer out" the final suggestions in conference with the local police representatives.

Implementation Schedule

It is estimated that, in a two year program, the first three to four months be devoted to the analysis of existing operations, and an estimation of the feasibility of each suggested alteration in the investigative process. Intensified training programs should, if possible, be started immediately and continued throughout the duration of the project. Periodic evaluations of changes, perhaps bi-monthly, should be considered an integral phase of the program so that areas which appear to be faltering can be adjusted. There should be significant improvements which are identifiable, after approximately twelve months of actual operation.

Cost Details

|      |  |                                 |                |
|------|--|---------------------------------|----------------|
| I.   | Training and Education                     |                                 | 150,000        |
|      | A.   | Patrol staff members            | 100,000        |
|      | B.   | Detective Personnel             | 50,000         |
| II.  | Physical Information Storage and Retrieval |                                 | 100,000        |
|      | A.   | Acquisition of filing equipment | 75,000         |
|      | B.   | Time required by staff          | 25,000         |
| III. | Consultation                               |                                 | 50,000         |
|      | A.   | Staff                           | 30,000         |
|      | B.   | Evaluation                      | 20,000         |
|      |  | TOTAL                           | <u>300,000</u> |

1/ The following project reports and books are recent, and extremely valuable additions to the criminal investigation field:

Arthur Niederhoffer, Behind the Shield: The Police in Urban Society (Garden City, N.Y.: Anchor Books, 1969).

James Q. Wilson, Varieties of Police Behavior (Cambridge, Mass.: Harvard Univ. Press, 1968).

David J. Bordua, The Police: Six Sociological Essays (New York: John Wiley and Sons, Inc., 1967).

Wayne R. LaFave, Arrest: The Decision to Take a Suspect into Custody (Boston: Little, Brown and Co., 1965).

Arthur Niederhoffer and Abraham S. Blumberg, editors, The Ambivalent Force (Waltham, Mass.: Ginn and Co.; 1970).

Richard H. Ward, "The Investigative Function: Criminal Investigation in the United States," (D.Crim. Dissertation, School of Criminology, University of California, 1971).

Jerome H. Skolnick, Justice Without Trial (New York: John Wiley and Sons, Inc., 1966).

Gordon E. Misner and William F. McDonald, Reduction of Robberies and Assaults of Bus Drivers, Volume II: The Scope of the Crime Problem and Its Resolution (Berkeley, Calif.: School of Criminology, 1970).

Peter W. Greenwood, An Analysis of the Apprehension Activities of the New York City Police Department (New York: The New York City Rand Institute, 1970).

**END**