BUILDING A CULTURE OF INTERAGENCY COOPERATION: NIJ AS CATALYST

BY **PAUL A. HASKINS**

A modestly scaled federal office among agency giants, NIJ has leveraged scientific knowledge and technical support acumen to transform the American law enforcement landscape. Tools that have revolutionized crime fighting and protected crime fighters are directly traceable to NIJ's innovation, research, and reputation within the criminal justice community.

Beyond empowering law enforcement and prosecutors across the nation with exceptional technology, NIJ has helped alter American law enforcement culture in significant ways — those familiar with its history point out — working to break down jurisdictional walls that long kept local departments from sharing information that could identify killers and spare prospective victims.

Historically, police departments operated in relative isolation from each other and from federal law enforcement agencies, observed James K. "CHIPS" Stewart, a former NIJ director (1982-1990). Then, in the 1970s and 1980s, a heightened need for interagency cooperation became evident as frightening new types and patterns of violent crime emerged.

In particular, by the late 1970s a string of brutal and seemingly inexplicable sexual serial killings had seized public attention and often left local law enforcement at a loss. That prompted NIJ to provide foundational support for a pioneering FBI initiative focused on elusive, and sometimes highly mobile, sexual serial killers. With an infusion of NIJ grant awards, the Bureau developed science-based methods to advance and professionalize criminal profiling of sexual murderers. The result — a new data set of serial killer characteristics associated with specific crime scene evidence — helped local law enforcement make sense of what often initially presented as baffling, "motiveless" crimes.

The NIJ-supported work by the FBI and its academic collaborators on serial killer profiling in that period inspired the current Netflix series "Mindhunter." In key respects, the business side of the docudrama is faithful to historical

fact, according to John E. Douglas, a retired FBI special agent and profiling program manager who directed the groundbreaking work with his colleague, the late Robert K. Ressler, another instructor with the Behavioral Science Unit of the FBI Training Division. The lead character in the "Mindhunter" cable drama, though fictional, is largely derived from Douglas's work with the FBI, which Douglas acknowledged in a recent interview.

Douglas and his FBI profiler colleagues built a special expertise in crime scene analysis, but a similarly confounding problem for law enforcement in that era was the nationwide spike in missing persons, Stewart said. Fate unknown — no body, no known crime scene. At the same time, the national "clearance rate" for solving murders was plunging, from close to 90% in 1960 to below 80% in 1970 (with a further drop to about 64% as of 2017), Stewart noted.

It had become evident in those years, Stewart said, that some groupings of missing persons cases were homicides likely committed by a single killer in different places. But individual law enforcement agencies lacked the means and pathways to mine critical, connecting evidence beyond jurisdictional borders. Stewart, who was a criminal investigations commander with the Oakland (CA) police before being named a White House fellow and then NIJ director, realized that to solve complex murders involving sexual assault, departments needed better connectivity on forensic evidence and other investigative data. "It became apparent to me that the police needed more tools," he said. "The jurisdictions literally were islands that were separated from everybody else. They had different file systems, and they really didn't talk very often."

NIJ's commitment to forging a more coordinated and resourceful response to complex, multistate crimes, Stewart said, led to the selection of the FBI as the most logical place to house and manage a new, computer-based violent crime data repository and investigative center where local law enforcement agencies could access shared violent crime data and expert advice and analysis. Stewart pointed out that NIJ also subsidized the appointment of police fellows to the FBI program — experienced investigators who could assist local departments on difficult homicide cases. The computer-based data repository and the beefed-up FBI investigative support unit would form key elements of the NIJ-supported National Center for the Analysis of Violent Crime (NCAVC).[1]

Looking back over more than three decades, Stewart and Douglas regard NIJ's working partnership with the FBI in the 1980s — for the higher cause of helping law enforcement manage difficult homicides — as a historic step in a new direction for both the research agency and the Bureau.

Douglas said, "There wouldn't be a National Center for the Analysis of Violent Crime today — there wouldn't be several dozen agents today — without NIJ, who rooted us and gave us the foundation to build upon."

The remainder of this article discusses (1) the science-based development and professionalization of criminal profiling expertise by the FBI in the "Mindhunter" era, made possible by NIJ grant support; and (2) NIJ's proactive role, starting in the early 1980s, in opening pathways for investigative cooperation among state and federal agencies in solving violent crimes.

Minding the "Mindhunters"

In their free time, travelers on business often opt for lighter fare such as sightseeing or relaxing with colleagues. Starting in the late 1970s, Douglas and Ressler went down a decidedly darker path in their off-hours on the road. They began frequenting nearby high-security prisons for long, exceedingly frank talks with some of the most notorious killers of the 20th century. The agents' tell-all interviews became a cornerstone of a unique, evidence-based FBI knowledge set on murderers' methods, motives, and relationships — based on the likes of California's "Co-ed Killer" Edmund Kemper; Charles Manson, master manipulator of the homicidal West Coast commune "The Manson Family"; New York's "Son of Sam" serial murderer David Berkowitz; and Richard Speck, the unrepentant psychopath who slayed eight student nurses in their Chicago townhouse.

In time, with support from NIJ, the FBI team narrowed its focus to sexual serial killers — individuals who assault and murder one victim at a time (some engaging in gross mutilation) over an extended period. The agents' finely honed criminal profiling acumen,[2] coupled with an instructive FBI data set of serial killer traits and techniques amassed from dozens of prisoner interviews, would equip police to unmask more repeat murderers hiding in plain sight.

Douglas recalled that when he joined Ressler in the FBI Academy's Behavioral Science Unit, he thought a more practical approach to the unit's criminal psychology pedagogy would be beneficial. He advocated for less instructional emphasis on the formal medical terms for various abnormal psychological states — he viewed them as not especially helpful for police trying to solve crimes — and more emphasis on the facts of specific known cases. Eventually, the FBI profiling team would develop its own, more-relatable terminology on serial killer traits and patterns (see sidebar, "A New Language").

Douglas and Ressler staffed the FBI Academy's "Road Show" — two- to three-week trips to train police in their own backyards. Douglas taught criminal psychology, but by then the course covered mainly criminal profiling, he said. When on Road Show detail, Douglas and Ressler often had extensive free time between classes. "I'm telling my partner Ressler, 'Listen, we have all this downtime. We're here in California, let's go to San Quentin — let's interview Manson. We're here in Vacaville [site of a California state prison hospital] — let's interview Edmund Kemper.'"

It was survival instinct that motivated Douglas to seek out the company of serial killers behind bars. "I wanted to learn," he recalled, "and, really, it was survival. I said, 'To be good as an instructor, I need to learn the facts of the cases.'"

With Ressler on board but no FBI support for the agents' off-the-grid enterprise, they were on their own organizationally and literally as they ventured off to prisons in the Road Show's vicinity.

"We had to get a good selection of killers. The Bureau was still skeptical — I'm talking in late '79, '80. They'd say, 'What are you doing, going out there interviewing Kemper — what the hell's the purpose?'"

But to Douglas, understanding the thinking of serial killers required getting close to those already in custody and engaging them on their terms. Recycling a metaphor used in the Netflix "Mindhunter" program, he said, "It's like truffles. You got to get down in the mud with them to understand. To me, it was just so basic. You go out and conduct the interviews from an investigative perspective."

Douglas is convinced, from the data he has seen, that at any given time between 35 and 50 serial killers may be operating nationwide, perhaps more.

A critical step in the evolution of the FBI profiling team's prison interviews was the team's introduction to researcher Ann Burgess, a psychiatric nurse then on the faculty of Boston College. She had heard of the early prison interviews and was intrigued. She persuaded Douglas and Ressler that structuring the interviews in a research framework and publishing the results would have a greater impact, Douglas recalled. Working with Burgess, Douglas's and Ressler's interviews moved from relatively informal, unstructured exchanges with inmates to scientifically solid research interactions that would support scholarly papers and yield a trove of high-value profiling data on serial killers.

"Ann Burgess came in and said, 'You guys have to professionalize what you're doing,'" Douglas recalled. "'It's fascinating — what you're doing is reverse engineering. You're using victimology and forensic sciences to come up with a course for the investigation. But you have to professionalize it — you have to publish, you have to go outside the police magazines and publish professionally. To do that, you guys are going to have to come up with an instrument, a protocol where you conduct these interviews that we can computerize. And then you'll have to interview at least 36 serial killers.'"

A New Language

FBI criminal profiling pioneer John E. Douglas recalled that Ann Burgess, a psychiatric nurse on the Boston College faculty, played a pivotal role in convincing the FBI "Mindhunter" profiling team to shift to a more structured approach in their interviews of sexual murderers in prison, facilitating a scholarly research framework that would attract essential grant dollars from NIJ.

"Ann was pushing us for the professional journals," Douglas, a retired FBI special agent who is now a consultant and author, said in a recent interview. "We're getting all this research data that now we begin publishing in professional journals — psychological journals, criminology journals."

NIJ first funded the FBI Mindhunter profiling work near the end of the 1970s.[1] In ensuing years, various combinations of the FBI profiling team members and academic collaborators — led by Douglas, his FBI behavioral sciences colleague Robert K. Ressler, and Ann Burgess — would publish more than a dozen science-based works establishing psychological and behavioral traits of sexual murderers associated with a variety of crime scene evidence.

NIJ grant support became a constant in that scholarship. "We had no trouble," Douglas said. "They were part of everything we published. We needed the funding."

To build an adequate data sample, Burgess told Douglas and his partner Ressler that they would need to complete no fewer than 36 structured interviews of sexual murderers, most of whom were serial killers. Collaborating with Burgess, Douglas and Ressler developed a 57-page prisoner interview protocol, a form with questions about the overall crime, the victim, and the offender. Ressler and Douglas directed the profiling unit's laboratory, and Ressler and Burgess managed the NIJ grants that funded the expanded prison interviews, data collection and analysis, and related scholarship.

The initial NIJ grant, Douglas said, financed the team's expanded field agenda — covering interviews of three dozen killers incarcerated across the country — and supported its prolific scholarship.

As the FBI team built its profiling arsenal in the 1980s, a portrait of the serial killer in particular cases could emerge more readily. One theory that proved to have high utility was that certain crime scene evidence was associated with a powerful, but hidden, sexual motive anchored in an active fantasy life.[2]

Among the many influential research discoveries by Douglas, Ressler, and Burgess, together or in various combinations with other agency and academic collaborators, were the following:

1. *Isolation of "organized" and "disorganized" murder types.* A study based on the 36 sexual murderers who were interviewed (25 of whom were serial murderers) established the validity of an investigative theory dividing those individuals into two groups, "organized" and "disorganized." Organized offenders tended to have a high birth order, average or better intelligence, inconsistent parental discipline, and poor work performance, although they were socially adept. Their crime scene typically had a semblance of order, and the offender was calm after the crime. The victim was often a stranger. The disorganized offender, in contrast, was typically of low intelligence or low birth order. He was in a confused or distressed state of mind at the time of the crime. He was usually sexually incompetent

and socially inadequate, living alone or with a parental figure. The disorganized murderer was impulsive under stress, locating a victim in his own geographic area.[3]

2. *Correlation between abuse in childhood and mutilation in sexual crimes.* Ressler and a research team reported, in a study of sexual murders, a relationship "approaching significance" between early sexual abuse and later sexual deviations, including sexual sadism, with the ultimate expression of the murderer's perversion being mutilation of the victim. Sexually abused murderers were more likely to mutilate victims, after the victim's death, than were murderers who were not sexually abused.[4]
3. *Fantasy underlying four major phases of sexual murder.* Ressler and Burgess reported that the sexual fantasies of sexual serial killers can be so vivid that they provide the impetus for sexual violence against victims of opportunity, driving the murderer's actions through at least four phases: planning and thinking about the murder, the murder itself, disposal of the body, and post-crime behavior. "Discovery of the body is very important to the overall fantasy, and the murderer may even telephone or write to police."[5]

Summarizing the impact of NIJ on the FBI's sexual killer profiling work in that era, Douglas said, "It just professionalized us, and we came up with a whole new language for law enforcement."

Notes

1. The FBI profiling team's receipt of news of an NIJ grant is the culmination of episode 4, season 1, of the Netflix "Mindhunter" series.

2. Ann W. Burgess, Carol Hartman, Robert K. Ressler, John E. Douglas, and Arlene McCormack, "Sexual Homicide: A Motivational Model," *Journal of Interpersonal Violence* 1 no. 3 (September 1986): 252.

3. Robert K. Ressler and Ann W. Burgess, "Crime Scene and Profile Characteristics of Organized and Disorganized Murders," *FBI Law Enforcement Bulletin* 54 (August 1985): 18-25.

4. Robert K. Ressler, Ann W. Burgess, Carol R. Hartman, John E. Douglas, and Arlene McCormack, "Murderers Who Rape and Mutilate," *Journal of Interpersonal Violence* 1 no. 3 (September 1986): 273.

5. Robert K. Ressler and Ann W. Burgess, "Split Reality of Murder," *FBI Law Enforcement Bulletin* 54 (August 1985): 7-11.

Douglas and Ressler were persuaded that a scholarly framework might attract the program dollars they lacked. The plan worked — an initial grant award supporting the structured interviews followed.

The FBI's interview-driven research project on serial killers was a natural fit for NIJ, given the science agency's support of earlier research using inmate interviews to gain insights into criminal conduct. For example, in 1975, as NIJ focused on career criminals, the RAND Corporation received a grant to interview 49 male armed robbers from a California prison, all of whom had served at least one prison term.[3] In fact, behavior-related research had been a core element of NIJ's founding statutory mission under the Omnibus Crime Control and Safe Streets Act of 1968.[4] That seminal legislation codified the 1967 recommendations of the President's Commission on Law Enforcement and Administration of Justice, and the federal government went into the business of basic criminal justice research for the first time.

Besides enabling a full slate of interviews with serial killers for the profiling project, NIJ helped pay for the expansion of the FBI's Behavioral Science Investigative Support Unit, and many more agents were hired, Douglas noted. The unit, with Douglas as its chief, grew to a staff of 43.

Once FBI leaders were persuaded that the profiling team's work created a valuable crime-solving tool, Douglas said, "the directors were very supportive." By August 1985, in the Director's Message section of a special issue of the *FBI Law Enforcement Bulletin* about the profiling team's scholarship,[5] then-FBI Director William Webster acknowledged that one of the first tasks of the FBI's new National Center for the Analysis of Violent Crime was "to collect a data base on serial murders. We believe this is one area where a nationwide approach would best serve the needs of local authorities because many of these murderers are highly mobile in their violent criminal activities. The assistance rendered by the Behavioral Science Unit of our Training Division in developing profiles in unsolved homicide cases has been recognized by local authorities across the country. It is now an integral part of the Center."

Douglas stressed that criminal profiling is one technique that augments conventional investigative methods, but it will never replace them. "It became a viable investigative tool — something to consider," he said. "It is not a substitute for a thorough and well-planned investigation. It may reinforce your investigation or you may have to refocus the investigation." At times, Douglas said, the profiler needed to advise the investigators, "You're really taking this investigation in the wrong direction."

Forging a Culture of Cooperation

Stewart recalled that by the early 1980s, the nationwide proliferation of unsolved homicides and disappearances — in the sole jurisdiction of local police — presented a new opportunity for NIJ to facilitate centralized sharing of evidence and crime analysis among law enforcement agencies.

Over the ensuing decades, a new culture of cooperation among law enforcement agencies at all levels emerged, Stewart said, allowing better equipped, informed, and coordinated agencies to rely less on guesswork to fight crime. "Local law enforcement is becoming better because they have more objective, rigorous tools to assist them, so it is no longer the seasoned hunch and the grueling interrogation that may identify these predators," Stewart said.

Stewart said he was mindful of the FBI Academy staff's profiling prowess when, after he was named NIJ director in 1982, members of an NIJ advisory board urged the Institute to create a central repository of unsolved homicides, where local police could get expert guidance on their cases and study corresponding crimes from other jurisdictions.

Stewart recalled, "We had this gigantic need. There was an aspect here that the police didn't know about — that the FBI didn't know about — where a rigorous, analytical look at this would really bring some discipline to something that was highly atomized, basically. It was spread out all over the United States. We didn't know anything that was going on."

Stewart continued, "Nobody had been coding murders in ways that say, 'What are the key discriminators that might separate a serial murderer, or a victim of a serial murderer, from an opportunity crime?' We were so desperate that investigators would go to the adjacent jurisdiction's library and look at old newspapers from the surrounding community — to look at old crimes and see if they had any kind of pattern." At the time, Stewart said, most local homicide investigators had no idea that the FBI was already trying to assemble behavior patterns derived from crime scenes into a research-based system to better identify related serial murders.

When he approached the FBI about housing the new violent crime repository program, FBI Academy leadership agreed, Stewart recalled, but with one condition: that the centerpiece would be a new

NIJ-funded supercomputer that could receive and analyze huge volumes of violent crime data. Terms of the eventual "grand compromise" between NIJ and the FBI, Stewart said, were that "we'd pony up for the supercomputer, they would come up with the square footage and three people plus an analyst, and we'd have approval over all data collected." As part of the compromise, NIJ and the FBI agreed that local homicide investigators would serve as "fellows" to enhance the database's utility and educate police about the benefits of the research, Stewart said.

The computer would be the heart of a program known as ViCAP — the Violent Criminal Apprehension Program, with Ressler serving as its initial program manager. ViCAP today "maintains the largest investigative repository of major violent crime cases in the U.S.," according to the FBI's ViCAP webpage.[6] As acknowledged by both Stewart and FBI profiling manager Douglas as well as an analysis featured on the Office of Justice Programs website,[7] critics have noted that more than 30 years after its inception, ViCAP could be a more robust investigative tool. Coding of crime input by local jurisdictions is complex, and participation is voluntary. The number of local and state agencies using ViCAP remains limited.

At the same time, Stewart pointed out, the ViCAP initiative represented a historic NIJ-FBI partnership — "unprecedented," Stewart termed it — helping pave the way for a stronger culture of cooperation and vital data-sharing throughout the law enforcement world. That critical connectivity further solidified with NIJ-led advances in forensic DNA matching technology, again with NIJ at the forefront, Stewart noted. A more recent, high-profile example of NIJ and the FBI working synergistically to improve law enforcement and victim support is the NIJ-FBI Sexual Assault Kit Partnership, a joint effort to improve the collection and processing of quality DNA in sexual assault cases.[8]

As to the sustained impact of NIJ, Stewart said, "NIJ changed the world in an amazing way. It became a game-changer — in the way that [NIJ] leveraged new and developing technology and analysis."

About the Author

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Notes

1. NCAVC also received material support from two other U.S. Department of Justice entities, the Office of Justice Programs and the Office of Juvenile Justice and Delinquency Prevention, as then-FBI Director William Webster acknowledged in 1985. "Director's Message," *FBI Law Enforcement Bulletin* 54 no. 8 (August 1985).

2. Criminal profiling paints a picture of an unknown offender using probable traits derived from a close analysis of the crime itself and the crime scene. In a 1986 article in the *FBI Law Enforcement Bulletin,* Douglas and his co-author shared the FBI definition:

   > The profiling process is defined by the FBI as an investigative technique by which to identify the major personality and behavioral characteristics of the offender based upon an analysis of the crime(s) he or she has committed. The process generally involves seven steps. (1) Evaluation of the criminal act itself, (2) comprehensive evaluation of the specifics of the crime scene(s), (3) comprehensive analysis of the victim, (4) evaluation of preliminary police reports, (5) evaluation of the medical examiner's autopsy protocol, (6) development of profile with critical offender characteristics, and (7) investigative suggestions predicated on construction of the profile.

   John E. Douglas and Alan E. Burgess, "Criminal Profiling – A Viable Investigative Tool Against Violent Crime," *FBI Law Enforcement Bulletin* 55 no. 12 (December 1986): 9.

3. National Institute of Justice, *25 Years of Criminal Justice Research,* Washington, DC: U.S. Department of Justice, National Institute of Justice, December 1994, 26, NCJ 151287, https://www.ncjrs.gov/pdffiles1/nij/151287.pdf.

4. 42 U.S.C. § 402(b)1-3.

5. Webster, "Director's Message."

6. Federal Bureau of Investigation, "ViCAP Missing Persons," webpage, https://www.fbi.gov/wanted/vicap/missing-persons.

7. "[T]he VICAP experience provides lessons that can inform regional data management and sharing. First, it is important to build bridges between various information systems to reduce duplication of effort. Investigators and analysts prefer to enter all case information at one time. Local and state agencies are reticent to participate in shared databases

when additional reporting is involved. Next, personnel should be available to maintain the information system. … Only a handful of states have legislation requiring mandatory reporting to national databases within 30 days." Bureau of Justice Assistance, "Regional Information Management and Sharing for Crime Analysis," *Crime Analysis Toolkit,* Washington, DC: U.S. Department of Justice, Bureau of Justice Assistance, 2017, https://it.ojp.gov/CAT/Documents/RegionalInformationManagementandSharingforCrimeAnalysis.pdf.

8. National Institute of Justice and Federal Bureau of Investigation, "The NIJ-FBI Sexual Assault Kit Partnership – A Research Initiative for Unsubmitted Sexual Assault Kits," webpage (last modified January 11, 2016), https://nij.gov/topics/law-enforcement/investigations/sexual-assault/Pages/nij-fbi-sak-initiative.aspx?utm_source=eblast-govdelivery&utm_medium=eblast&utm_campaign=nij-fbi-sak.

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