

MODULE 2 - WHO ARE DETECTIVES AND WHAT DO THEY DO?

LECTURE 1 – WHO ARE THE DETECTIVES?

INVESTIGATORS

So Module 2 is where we begin to take a closer look at what little we know about just who the investigators are and what they do.

They say police work is basically excruciatingly boring 99% of the time, and interspersed about 1% of the time with moments of absolute sheer **terror**. Not everyone may agree with that statement (at least the percentages parts, anyway), and I personally think that criminal investigations is not like that. Although it has its moments of both boredom and terror, in my 26 years as an investigator I was constantly amazed at the extraordinary variety of things that I got to see and do on a regular basis around the world as a natural part of the job that most people never even dreamed of, not even on TV or in the movies!

But personal opinion aside, in investigations we have to deal with the **facts**. We can't make up the facts – it's our job to go out and find them and use them fairly and legally to solve crime. We have to try to re-create reality and present it in as fair, comprehensive and unbiased manner as possible, if we want to serve justice. Like they say on TV, **'We report, you decide.'**

So when we talk about detectives and crime and investigations, we want to try to separate the fact from the fiction. Sometimes the best we can do is rely on people's memories and what they say and opine. Based on our experiences in court, that can be fraught with **problem-o's** and undesirable outcomes, unless it can be **corroborated**. And even then there can be problem-o's sometimes. So over the past 50 years, it seems we've been turning more and more to science and **research** to help us uncover and substantiate facts.

What has been **presented** in this course so far comes mostly from the **research** conducted over the past 50 years. While the research is limited, old and sometimes seemingly contradictory, much of it has been supported, or corroborated. So it's just about the **best stuff** we've got to base our thoughts on and to make decisions with. In other words, it's a good a place to start. And we can always argue that, if you disagree with the research data, you need to back up your position with other data. Opinions are fine and necessary, but they're like, ah, noses – everybody has one. But data are usually more reliable. Some of the critical points revealed by research regarding the **police criminal investigation process** are reviewed next. ^{1, 6, 12, 13, 23, 30}

- The public is by far the **largest source** of crime information for the police. Yes, but you knew that already.

- The police detect by themselves only about **5%** of the Index crimes they deal with. You knew that too, right?

- The **patrol officer** plays a critical role in the investigation process, in that the preliminary investigation either clears the case or determines whether the crime will be screened out or further investigated.

- More than **80% of the cases cleared** by the police are the result of the identification of perpetrators when a crime is initially reported, on-scene arrests made by patrol officers, other patrol officer investigative activity, or information provided spontaneously by the public.

- As a consequence of all this, **police clear only about 20%** of the Index crimes reported to them.

- **Detectives play a critical role** in conducting follow-up investigations and post-arrest activities, and many of their duties require highly specialized skills.

- The **amount of information available** to police at the crime scene about people who commit crimes is mainly a function of the type of crimes and the circumstances in which they occur (i.e., some crimes may involve many witnesses and large amounts of physical evidence, but most crimes do not) (That's **the me-knife-body thingie** again).

- For most crimes, because the amount of **information at the crime scene is very low**, the capacity of the police to solve crime based on that information is generally quite limited. Our CONCEPTUAL FRAMEWORK helps us to understand why.

- Physical evidence is collected in **less than 10%** of police investigations, and much of the collected evidence is never submitted for analysis. Thus, in the great majority of police investigations, physical evidence plays a relatively minor role.

- A number of **investigative reforms** to improve agency clearance rates were tested in field studies since the 1970s, but they showed at best only a **marginal effect, as investigators had only a relatively minor**

impact on agency arrest and clearance rates to begin with. To put this finding in context, detectives normally do not get involved in unreported crimes, and they normally do not get involved in investigating the great bulk of reported crimes - the slam-dunks, lesser crimes, and preliminary investigation reports suspended due to insufficient information (unsolvable or whodunit cases). Thus, as detectives deal only with the small portion of the remaining reported serious crimes (the solvable or where-are-they ones) that are referred to them, they can only have a minimal effect on overall clearance rates.

- Case clearance rates are much more heavily influenced by **cooperation** between citizens and the police and patrol officer activities. We saw that with the discussion about the police gateway.

The research generally agreed on the relative **ineffectiveness of the traditional**, reactive, case-oriented style of police investigations (which is respond to reports of crime, conduct preliminary investigations, screen out cases with insufficient information, conduct follow-up investigations as appropriate, and either clear or cease further investigation). Yet the police have really not changed that basic process very much for at least the past four decades. Operating within the constraints and limitations placed on them by the public, they consistently provide the same results both when the amount of crime increases and when it decreases.

In essence, we **don't know very much** about crime in the US, but we do know that it is **costly** (\$1 trillion plus a year), and we know the police investigation process is relatively **ineffective** in dealing with most of it, to say the least. The little research that has been done about criminal investigations was done mostly in the 1970s and 1980s and is outdated. But it's all we've got. And there doesn't seem to be any interest in doing anything about that, at least in the foreseeable future. So we're probably gonna have what we've already got continue on into the near future, anyway.

But aren't police investigators the "**cream of the crop**?" Aren't they specially selected for the job? Aren't they the experts, the specialists, the "**crime fighters**" who are highly motivated, intelligent and relentless in the pursuit of criminals? Just **ask 'em**, and they'll tell you! **Modesty** is not often a prized virtue among detectives. Isn't that why they handle the most serious crimes? Aren't they always the most handsome and beautiful ones on all the TV shows (except maybe **Columbo**)? So how can it be that they are not effective at what they do, despite all that CC vs. DP stuff? With all this in mind, let's take a closer look at what the little research that is available says specifically about detectives.^{13, 31}

WHAT ELSE THE RESEARCH SAYS

- For at least the past four decades, investigators have comprised **about 17%** of local police agencies (that's municipal and county agencies in case you forgot). Not much change there, even though many agencies constantly complain that their detectives are short-handed and overworked.

- Most of them receive **little or no formal training** in investigations, and rely instead upon on-the-job training. Not much change there over the past four decades, either, even though police agencies control their own training programs, and have substantially increased training in many other areas of policing.

- Most are assigned to police headquarters (as opposed to field units) and are **generalists** (investigate most types of crime, as opposed to specialists, who investigate only one or a few crime types).

- Most are closely **supervised, reactive and case-oriented**, as opposed to proactive and offender-oriented.

- Most investigate the more **serious crimes** and carry **heavy workloads**.

- Their primary job is **talking to people** (largest source of crime information).

- In 1977, they spent 45% of their time on **non-case** (or administrative) work, 26% on processing **post-arrest** activities (those are the solved/slam-dunk cases), 22% on **unsolved** (or whodunit) cases, and 7% on **solvable** (where are they) cases. **So in addition to the fact that most crimes are never referred to them for investigation, they only spend less than one-third of their time investigating the unsolved crimes that are referred to them.** For those SHARP-EYED TRAVELERS amongst us who caught that this data was collected in 1977, congratulations. Because that four-decade old data is the latest, the best, and the only data of its kind that we have.

- Their **primary characteristics** are intelligence and psychological fitness, and they possess many different job skills.

GOALS

The police identified the following internal and external goals of investigations: ³¹

Internal goals include:

- Investigate all serious crime
- Prosecute suspects
- Clear cases
- Convict suspects
- Protect victims and witnesses
- Provide support/feedback to victims
- Recover/return property

And External goals were identified as:

- Protect the public
- Citizen satisfaction
- Maintain community support
- Secure justice in the community

In practice, many of these goals are **task-oriented, reactive and ambiguous**. There's no strong focus or clear consensus regarding the most important goals, and often there is very little, or no, effort to evaluate how effective the police are in accomplishing them.

But **here's the thing** – this is actually **common** for most government agencies. Remember, they deal with **complex human social behaviors** and their responsibilities are typically **multi-faceted** and often pose a real **challenge** to measure comprehensively.

Also remember that most local police agencies are generally **responsive to the communities** they serve, and the extent to which they pursue their goals is to a considerable degree a reflection of the community support and interests. It seems the more agencies diverge from what the community wants, the more they find themselves in conflict with expressed community interests, and the less support they receive from the community, especially if the community itself is strongly divided on various issues. And we saw before, the success of the police is very closely tied to their relationship with the public.

ELEMENTS OF PROOF

The elements of proof of a crime are the **specific types** of information needed in court to prove the crime.^{1, 6,}

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The elements for each type of crime are **defined by law**.

Police investigators use the elements as a **guide** for what their investigations must prove.

Proving the elements of a crime is a **goal** of investigations.

Investigators tend to use a “**probable cause**” (or **PC**) standard (that means “reliable information indicating that ...a specific person is likely to be guilty of a crime,”¹ p291) to prove a crime .

When a case goes to court, it is the job of the prosecutor to **prove** the elements.

Prosecutors must use a higher standard of proof than the police. According to the law, they must demonstrate that the offender committed the crime “**beyond a reasonable doubt**” (or **BRD**), rather than Probable Cause, or PC.

If a prosecutor doesn't think the police investigation can meet the BRD standard, then he/she will **likely not take** the case to court. This is one of the major reasons why **almost half** of the cases “solved” by police and referred to the prosecutor are not prosecuted. Other reasons may include absence/unavailability of the offender or witnesses, “absconding,” and things like that, you know, or legal or evidentiary issues, etc.

So “slam dunks” may sometimes **not be quite as slam-y - dunk-y** as the police may think when scrutinized in more detail by a keen-eyed prosecutor using the BRD standard.

DOCUMENTATION

Documentation is critical in investigations.³³

It creates a **permanent record** of information. Using only memory to recall it is not sufficient, permanent or reliable. Information must be accurately documented in order to be preserved and passed on for future use in legal proceedings (or for inclusion in one of those big crime data bases we mentioned, **heh-heh!**).

Documentation is a **record** of what was done or not done. It's used to probe, examine, build on, corroborate, develop new information, incorporate into data bases, replicate, etc., throughout the CJ process.

Crime and information collected occur in the present. They are perishable. Documentation is a more **durable artifact**, or container, which is used to preserve info for future use.

If something is not properly documented, it will likely be **lost and not recoverable** for future use. For example, if you don't enter fingerprints or DNA or other types of information into some sort of data base, their

availability for later use will be limited. Or, if you don't **remember** what FARMLAMB or MRRABLVA stand for, and you didn't make a note of it, those acronyms will not be available to you for later use. **Hint, hint.**

Obviously it is impossible to document everything, but it is the detective's job to **properly and fully document** an investigation. The detective has to decide what is important. It's kind of like taking notes in class – you don't want to miss anything that may be on the test, but swamping yourself with masses of notes can hide the key points of the course. **SO DON'T SCREW UP!!!**

Documentation can take **many forms**: note-taking, photography, audio and videotaping, sketches, lab reports, etc.

As decisions are made to document information, four words to keep in mind are – **NEAT, ACCURATE, CLEAR and LEGIBLE**. Problems in these areas detract from the value of the information. Especially if you can't even decipher your own handwriting. And that can be a real **pain in the butt** to try to explain to your supervisor, or worse to a prosecutor – or to a VICTIM. Often when a doctor prescribes medicine for me in an illegible handwriting scrawl, I ask him/her to read the prescription to me. And when I get the prescription filled, I double check to make sure that it's the right one. If I'm so suspicious of the illegible handwriting of doctors, then how can I commit the same error when I document my investigation?

Next up is a review of some of the main investigative techniques used by investigators – the "WHAT DO THEY DO" part.