

## MODULE 3 – HOW DID WE GET HERE?

### LECTURE 8 – PERSPECTIVES, AND THE BUREAUCRAT DETECTIVE

#### PERSPECTIVE, AND ANOTHER PERSPECTIVE

One might think that the similar trends in both public and private investigations organizations would be a good **lesson learned**, and a good indicator of what was to come if things continued along the same path. Well, maybe, but I guess lessons like this are just never quite that easy, especially if we don't remember them. Or maybe the police and the "**cream of the crop**" detectives are just **slow learners** and not very bright after all. Yeah, that must be it, **that's the ticket**, again~

Actually, I have another perspective to share here.

While there were always exceptions, **during my career** almost all of the special agents, detectives and investigators I knew and worked with were **committed** to their very core to the principles of honesty, integrity, justice and excellence. They wanted to do their job in the very best way they could, no matter when or where, whatever the time of day, personal hardship, sacrifice or whatever.

If someone asked, "Who will speak for the VICTIM?" they were **always the first** to stand up. If there was a tough job that needed doing, they led the way. I never had to ask more than once for volunteers, whether it was in Korea, Vietnam, Iran or Germany, or even in the US, no matter what, because volunteering was just part of the job. It was what they wanted to do.

I spoke of **speed limits** earlier. But it doesn't take too many abused children, mutilated bodies, or destroyed lives to motivate good detectives to go as hard and as fast as they can, pushing the limits as much as they dare, to serve justice.

Speed limits are there for **reasons**, and sometimes the reasons change, and sometimes the limits are exceeded. But that doesn't mean that you quit or walk away. Just be better, sharper, more effective the next time around.

So maybe detectives keep on making the same mistakes over and over again, but I don't think it's because they're stupid or **slow-learners** or don't know better. I think it's because **they do in fact know better**. They

know the consequences of failure to VICTIMS and society, and they try to do the best they can in the face of those risks – at least most of the time. And I’m sure you do the same, too, PRINCIPLED TRAVELER.

**“To strive, to seek, to find, and not to yield.”** <sup>57</sup> Those words by Tennyson still echo in my ears.

But sometimes the words **“right” and “best”** didn’t always have the same meaning **in hindsight** as when we first walked into harm’s way. And we all suffered the **consequences** – every time. And after a while, that becomes personal, and begins to **hurt**.

And on that thought, we will segue into the Bureaucrat Detective.

### **THE RISE OF THE BUREAUCRAT DETECTIVE**

With regard to police professionalization, in the 1930s and 1940s, the **Reform movement** continued to push for the strengthening of more centralized, bureaucratic police organizations that were largely independent of political influence.

The police continued to focus on **increasing controls** over officers, and on improving the efficiency of their organizations in administering and processing crime information. Burgeoning workloads forced agencies to prioritize reported crimes in order to respond sufficiently to satisfy public expectations.

As the CJ system became more **bureaucratized**, prosecutors and courts relied more and more on the police to manage and process the available information in an orderly way so they could dispose of it in a more efficient manner (this is otherwise known as CC). <sup>64, 65</sup>

As the professionalization movement continued, detectives were **increasingly constrained** in their tasks. They remained primarily reactive to crime, overtly responding to the locations of the ACTION and ESCAPE phases of Visible crimes after they were reported by citizens when the offender was already in the FUGITIVE phase.

However, they were forced to **change their relationships with sources** of crime information once again, away from the Inquisitor Detective tactics of coercion and abuse. This time they turned to a more professional and bureaucratic STYLE of efficiently collecting and managing crime information that was readily available from victims, witnesses, informants and suspects, who also were readily available and willing to provide information

regarding reported crimes. And if the info and the people weren't readily available, well, then, that's the end of it for the most part.

Their **GOAL** continued to be to **solve** crime (CUIISC), and their **STYLE** remained **reactive** and **overt**. But their **means** was an emphasis on the bureaucratic and legal management of information. Their **FOCUS** remained on **cases** and responding in the **FUGITIVE phase**, but their system was weighted toward **disposing** of cases in accordance **with the rules** - whether they were solved or not.

**Successful cases** began to look more like **cleanly and efficiently processed** cases, rather than solved ones. Thus, they were characterized as "**Bureaucrat Detectives**," and it was estimated that by the end of the 1940s, only 10 to 20% of local police investigators in the US continued to operate in a primarily proactive and clandestine way.<sup>65</sup>

OK, now, just to keep the record straight here, I did not coin the term "Bureaucrat Detective." That was done by someone else before me, and I'm just using the same term that person used in his research. So **back off!**

**After World War II**, Americans had pretty much seen what tyrannical dictatorships, excessive power and massive governmental forces could do to countries and to the world in general, and they pretty much had their fill of anything that **smacks of that**.

George Orwell's book "**1984**," regarding a future controlled by a totalitarian government, was published in 1949, and seemed to crystallize the public sentiment against such things.

So the next few decades were pretty much of a **post-war wake-up call** for our CJ system. This was the time of the Korean and Vietnam wars, anti-communism, the civil rights movement, political assassinations (John and Robert Kennedy, Martin Luther King), Watergate, hippies and massive demonstrations and riots, among other things. Big changes were in the air, again. **Never a dull moment**.

Oddly enough, I spent much of this time in **Korea and Vietnam**, and more than once, after reading my weekly Stars & Stripes newspapers, I wondered whether or not I was safer overseas than in the US! In Vietnam, every now and then the front page of the Stars & Stripes showed a map of the US with little icons of fires scattered around it. We didn't know what icons were then, but we recognized them as fires. Turns out, those were the locations of riots in cities around the US. **Geez**.

## LEGAL REFORMS

Anyway, during the 1960s and 1970s we had a “**few**” **legal reforms** worth mentioning. The Congress and the US Supreme Court, especially the US Supreme Court, issued a number of rulings that forced the police into greater compliance with the **due process** requirements of the Bill of Rights (the first ten amendments to the US Constitution). For those of you interested in the Congressional and Supreme Court decisions affecting police and investigations, I’ll just mention some of the more significant ones here.<sup>65, 66</sup>

- Mapp v. Ohio, 1961. The exclusionary rule applies to both federal and state governments.
- Gideon v. Wainwright, 1963. The right to legal counsel if you can’t afford a lawyer.
- Escobedo v. Illinois, 1964. In-custody right to counsel.
- The Civil Rights Act, 1964. Forbids employment discrimination based on race, color, religion, sex, national origin.
- Miranda v. Arizona, 1966. Inform the suspect in custody of legal rights.
- Age Discrimination, 1967. Prohibits employment discrimination regarding age limits for hiring and retiring.
- Terry v. Ohio, 1968. Police can stop and frisk based on reasonable suspicion without a warrant.
- US v. Robinson, 1973. Police can search a person without a warrant if under legal custody arrest.
- Beckwith v. US, 1976. Non-custodial interviews by police do not require a Miranda warning.

As you can see from the list, **citizen protections** were increased with regard to unreasonable searches, self-incrimination, the right to legal counsel, etc. After World War II and the atrocities that made history there, the Congress and Supreme Court’s rulings seemed like a natural response.

These rulings had the effect of **prohibiting many of the coercive methods** used by Inquisitor Detectives to obtain confessions from suspects, and at the same time they reinforced the methods used by Bureaucrat

Detectives that promoted the efficient processing and disposition of crime information as the main GOAL, rather than solving crime.

Essentially, the **means became more important** than the ends. Just run your case properly, write it up neatly, and rely on the system to deal with it. If you catch someone, it usually means more paperwork, but that's OK every now and then. Just remember, you may not get paid for working overtime. This was turning out to be a job, rather than a career or a calling.

Thus, the "halcyon" (?) days of the Government Spy, the Secretive Rogue, and the Inquisitor Detective styles were gradually becoming **memories of the past**, and the case-oriented FOCUS, the reactive STYLE, and the means-oriented information management processing of cases, altered the GOAL of solving them.

The CUIISC process, or as we called it earlier, the Traditional Investigation Process, became the traditional way of investigating reported crime. Among local agencies, the model of the **Bureaucrat Detective** became firmly entrenched, and has continued its reign as the dominant detective model right into today. I'm not sure that detectives today would enjoy being called "Bureaucrats," **but hey**, as I said, I didn't invent the term, I'm just reporting the research. And, for 26 years, I was one.

### **SO THAT'S HOW WE GOT HERE!!**

So **there you have it** – take note. **That is essentially how we got here.** In Modules 1 and 2 we asked, "WHERE ARE WE?" and "WHO ARE DETECTIVES AND WHAT DO THEY DO?" Now, half-way through the "HOW DID WE GET HERE" module, we can begin to understand why we are where we are and why we do what we do. **Easy-peasy!**

But we're not quite done yet.

All the great legal changes of the US Supreme Court provided **greater protection** to the public, and, by constraining the police and detectives, actually provided greater protection to them by limiting their "speeding" and other dastardly things that they used to get into trouble for doing. Greater protections were provided for criminals also by constraining the police and strengthening criminal rights within the legal system.

**But ----. But----. What about the VICTIMS?**

Now who speaks for them, **eh**? And who cares?

Crime costs us over one trillion dollars a year in economic and human losses, and all the stakeholders in the CJ system seem to have **greater protections** afforded to them than the ones who bear the greatest burden and suffer the most.

### **NOW WHO SPEAKS FOR THEM?**

Oh, never mind. Victims are usually **poor, scared or dead**, and they don't grab too many headlines - right? Besides, this isn't a course about victims anyway. We've got other, more pertinent, things to talk about here. Ah yes, like the student's all-time favorite fun and games time – a quiz!!! That's more important - right? **No comment? What? I can't hear you.**

So we just went through a bunch of detective models and goals and such. What I want to do now is take a minute to consolidate some of the information presented into a little neater package, so we can apply it better in the future. You've probably never seen a quiz like this one before in the next lecture, but see if anything in it helps you to grasp the information better, OK?.