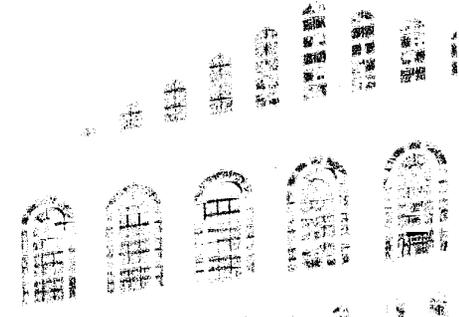


7-20-99

Law Enforcement Bureau

123805-
123809

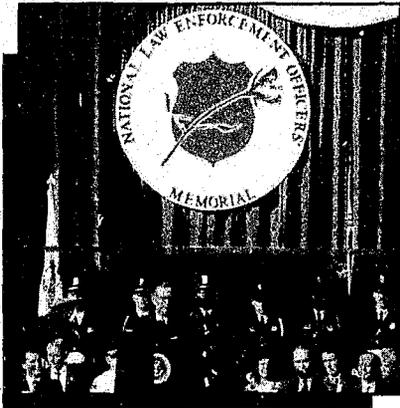


Faint, illegible text and markings scattered across the lower right portion of the page.

The Thin Blue Line



Features



Page 24



Page 26

- 1** **The Preliminary Investigation Process** 123805
By Gordon F. Urlacher and Robert J. Duffy
- 7** **Store Diversion Burglaries** 123806
By Robert P. Meiners
- 12** **Police Retirement: The Impact of Change** 123807
By John M. Violanti
- 19** **Managing Police Basic Training Curriculum** 123808
By Rene A. Browett
- 26** **Personal Liability: The Qualified Immunity Defense** 123809
By Daniel L. Schofield

U.S. Department of Justice
National Institute of Justice

123805-
123809

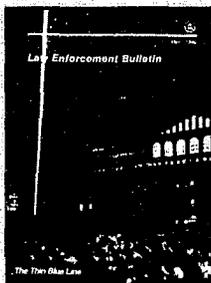
This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this ~~copyrighted~~ material has been granted by

FBI Law Enforcement Bulletin

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the ~~copyright~~ owner.



The Cover: During a candlelight ceremony at the proposed site of the National Law Enforcement Officers Memorial, a crystal blue laser symbolizes the "thin blue line" of protection law enforcement officers provide. See page 24. Cover photo courtesy of Walter Gundy.

ACQUISITIONS

United States Department of Justice
Federal Bureau of Investigation
Washington, DC 20535

William S. Sessions, Director

Editor—Stephen D. Gladis
Managing Editor—Kathryn E. Sulewski
Art Director—John E. Ott
Assistant Editor—Alice S. Cole
Production Manager—Andrew DiRosa

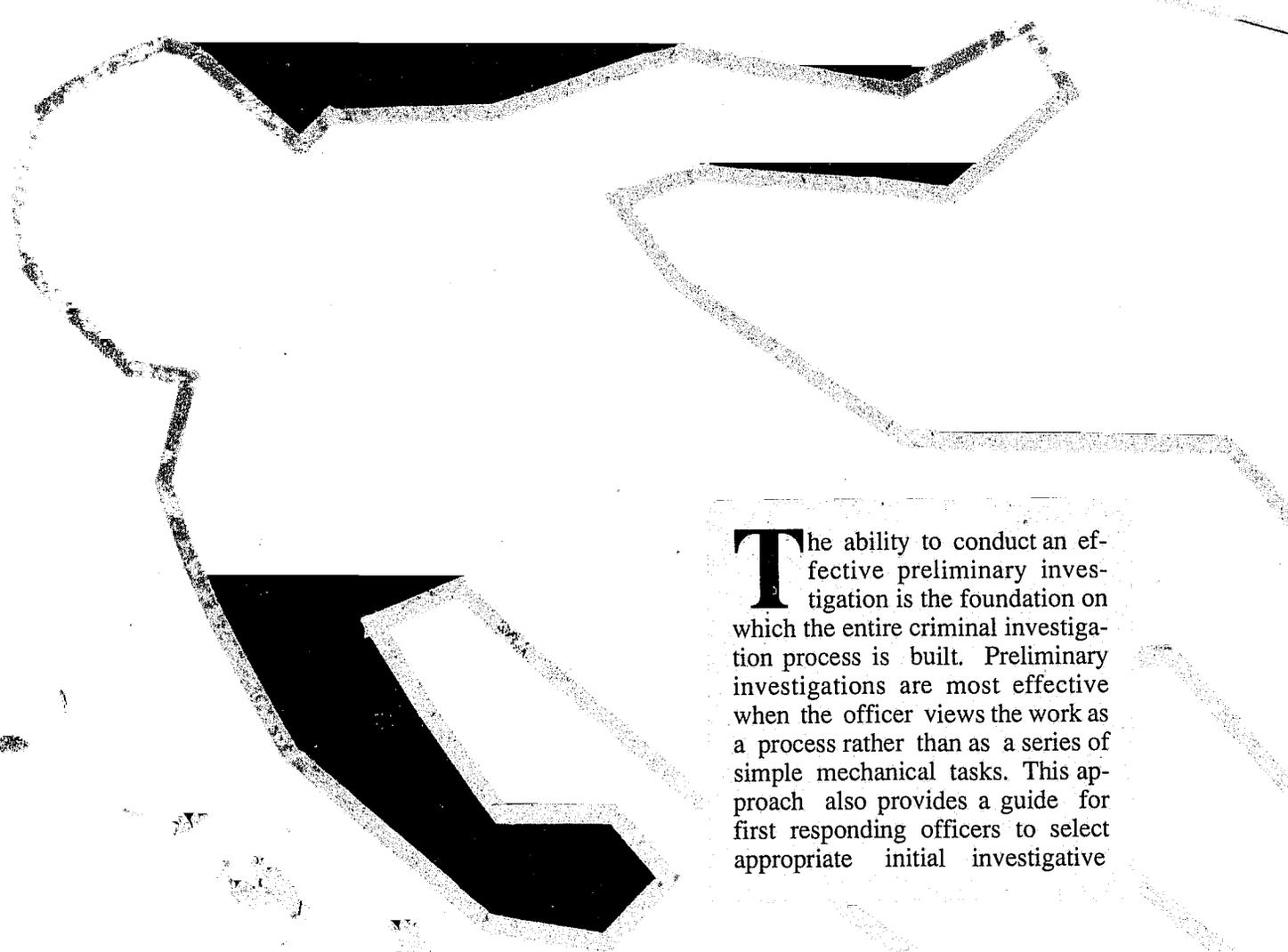
The Attorney General has determined that the publication of this periodical is necessary in the transaction of the public business required by law of the Department of Justice. Use of funds for printing this periodical has been approved by the Director of the Office of Management and Budget.

The FBI Law Enforcement Bulletin (ISSN-0014-5688) is published monthly by the Federal Bureau of Investigation, 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20535. Second-Class postage paid at Washington, D.C., and additional mailing offices. Postmaster: Send address changes to FBI Law Enforcement Bulletin, Federal Bureau of Investigation Washington, D.C. 20535.

The Preliminary Investigation Process

J. GORDON BRADY

ROBERT DUBOY



The ability to conduct an effective preliminary investigation is the foundation on which the entire criminal investigation process is built. Preliminary investigations are most effective when the officer views the work as a process rather than as a series of simple mechanical tasks. This approach also provides a guide for first responding officers to select appropriate initial investigative

procedures. Rarely are two crimes identical; so, there cannot always be a standardized set of procedures to follow in each and every case. But, by remaining creative and flexible, the officer can be responsive to the various factors which inevitably arise during a criminal investigation. Therefore, all police administrators and managers should concern themselves not only with how this process is being conducted within their respective departments but also what training and improvements could be used to ensure maximum results.

The primary training concern for management in this area should be to prioritize the first responding officer's options, so that the total time spent on the investigation can

be minimized and the results maximized. The recommended procedures set forth in this article are based on the Rochester, NY, Police Department's research into the preliminary investigation process, with specific emphasis on identifying the investigative strategies that were most effective in solving crimes. These procedures do not deal with every conceivable type of investigation, but they will ensure that investigations will have an increased chance of reaching their objectives—crime identification, crime solution and apprehension, and successful prosecution.

Five hundred cleared burglaries were studied to determine which factors, such as witness identification of a suspect and/or

vehicle, fingerprint identification, or a random search, led to the solution of the crime. Through this research,¹ those investigative strategies, which proved to be most productive, were identified.

This research also concluded that the success of criminal investigations can be greatly improved by implementing a new overall preliminary investigation strategy. Thus, the preliminary investigation becomes a police department's first step and can determine the department's overall success rate in solving crimes.

OBJECTIVES

The preliminary investigation is the police agency's first response to a report that a crime was committed. As in every investigative effort, the primary objective is to determine who committed the crime and to apprehend that person. Therefore, the first responding officer collects evidence which will help identify the individual responsible for the crime and which will lead to the subsequent arrest and conviction of that person. Unfortunately, this simple, but extremely vital, objective is often forgotten.

All too often, the first responding officer acts as nothing more than a mechanical report taker, when, in fact, such reports are vital to the preliminary investigation. Every police officer who conducts these investigations should remember that this work, completed during the early stages, uncovers much of the usable and pertinent information regarding that particular case.



Chief Urlacher



Lieutenant Duffy

Chief Urlacher and Lieutenant Duffy are with the Rochester, NY, Police Department.

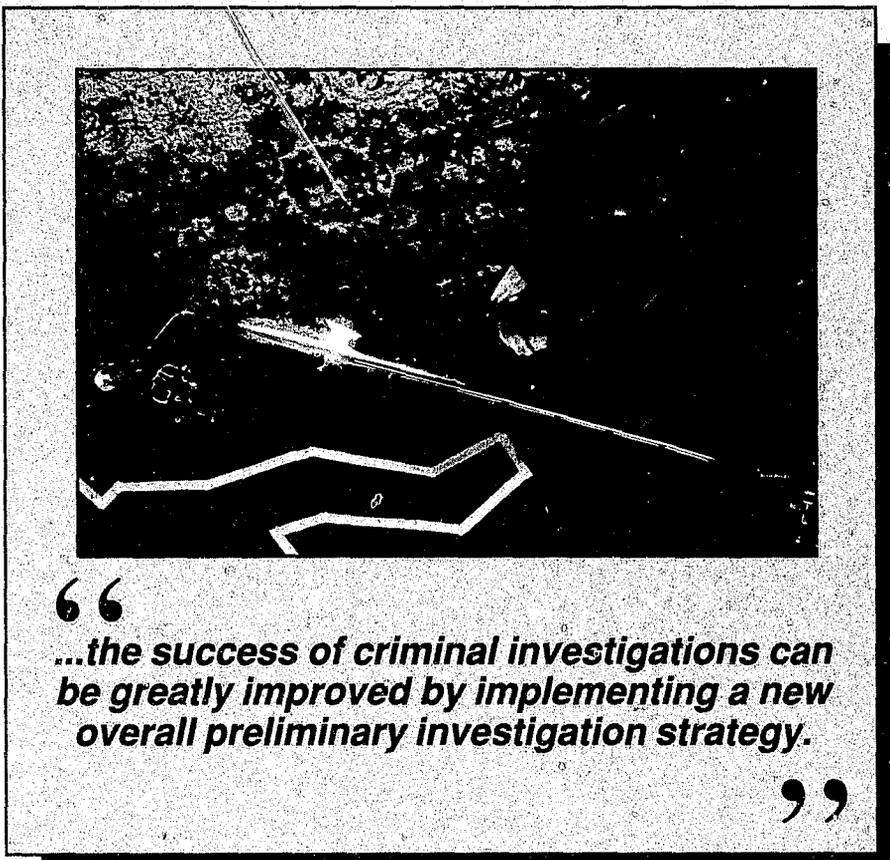
FRAMEWORK

The framework of the preliminary investigation is based upon several major areas which the first responding officer must address. Completing the activities within these areas is the objective of the preliminary investigation and will help guide the first responding officer. The first step is to decide if an offense has actually occurred. The second step is to identify the victim and the time and place in which the crime took place. Then, the officer should identify any solvability factors that could lead to the successful conclusion of the investigation. A solvability factor is information about a crime which can provide the basis for determining who committed the crime.

Determining if an Offense Has Occurred

The preliminary investigation begins when the call to respond has been received. At this time, the officer should verify that the offense has actually occurred and should become mentally prepared prior to arriving on the scene. The officer should also formulate questions to be asked, as well as decide which response factors are appropriate to the type of crime that was committed. The responding officer should also keep a watchful eye for any suspicious activity while en route to the scene.

It is always good practice for the first responding officer to make a quick, visual survey of the scene upon arrival. Then, the officer should determine if there are any injuries and identify and locate the



“

...the success of criminal investigations can be greatly improved by implementing a new overall preliminary investigation strategy.

”

witnesses in the event that the suspect has already fled the scene. In addition, the officer must always take measures to ensure that all remain at the scene until they can each be interviewed.

Identifying and Assisting the Victim

Another initial task in the preliminary investigation is to identify the victim. This can be relatively simple since the victim is usually the complainant and the first person the officer approaches. In many instances, such as in cases involving burglary, the victim provides the most useful information; however, for those victims who have been as-

saulted or robbed, the information given may have limited value because of the effect of traumatization.

To be a victim of crime, no matter how insignificant it may seem, is often an extremely traumatic experience. Therefore, sensitivity and nonjudgmental support from the preliminary investigator will not only help calm the victim but will also enable the officer to establish rapport and will make the job of collecting information much easier. Once rapport has been established, the officer should proceed with a specific line of questioning that will help obtain the information needed to solve the crime.

The first responding officer should also document the crime by asking the following questions:

- Was the lapse of time between the crime's occurrence and the notification of police normal?
- Are there discrepancies in the statements of either the victims or witnesses?
- Does the physical evidence support the facts of the crime related by the victim?

Identifying Solvability Factors

Not all crimes can be solved, no matter how much investigative effort is put forth. In fact, with more and more crimes being committed

each day, many police agencies find it difficult to provide even minimal investigative assistance to low priority crimes. Therefore, it makes sense to allocate resources only to those crimes which have a chance for solution. This is why solvability factors are so important. They provide a valid guide to the allocation of scarce resources.

Through data collected by the Rochester Police Department, it was determined that at least one of the following 12 solvability factors must be present in order for the case to be solved. If at least one of these factors was not present, the crime was not solved. The 12 solvability factors, defined by the Rochester Police Department, include:

- Witnesses to the crime
- Knowledge of the suspect's name
- Knowledge of where the suspect can be located
- Description of suspect
- Identification of suspect
- Property with traceable, identifiable characteristics, marks or numbers
- Existence of a significant method of operation
- Presence of significant physical evidence
- Description of the suspect's vehicle
- Positive results from a crime scene evidence search
- Belief that crime may be solved with publicity and/or reasonable additional investigative effort
- Possibility and/or opportunity for anyone, other than the suspect, to have committed the crime



“

...sensitivity and nonjudgmental support from the preliminary investigator...will make the job of collecting information much easier.

”

The job of the preliminary investigating officer is to scrutinize each one of these factors to determine which, if any, exist. And, in order to ensure that the officer had expended adequate effort in every possible area, it should only be necessary to look at the solvability factors identified. Since crimes have little chance of being solved unless

these factors have been identified, it becomes clear just how important the duties of the preliminary investigating officer really are. The success of the follow-up investigation, if one is necessary, depends heavily on how the preliminary investigation was conducted and on the information uncovered during the initial phase.

Communicating the Circumstances of the Crime

If the case is not closed immediately by an arrest, the work of the preliminary investigating officer concludes when a decision is made to continue or halt the investigation. At this stage, the officer must ensure that the information obtained is as complete as time and circumstances will permit, and that it is properly documented, because further efforts by the police department or agency will depend upon it.

At the end of the preliminary investigation, a decision should be made as to whether there are sufficient leads to solve the crime. The implications of this are obvious. If the preliminary investigation has been thorough, then the recommendation to continue investigative efforts will be based on valid data, and the collection of material for later court presentation will begin. But, if an improper preliminary investigation has been conducted, a faulty decision could be made, or later court action could be unsuccessful.

Identifying Complete and Incomplete Investigative Tasks

However, before the recommendation to continue or terminate the investigation is made, it is im-

perative that the maximum possible effort has been made to identify all of the solvability factors. The officer should feel confident that all potential witnesses have been sought, a thorough crime scene search has been conducted, and every reasonable investigative effort has been made. At this point, a recommendation for further inves-

“
The success of the follow-up investigation...depends heavily on how the preliminary investigation was conducted....
”

tigative effort can be made, provided that the officer believes that a follow-up investigator will not duplicate prior efforts.

IMPROVING PRELIMINARY INVESTIGATIONS

One tactic that can be used to improve the quality of the preliminary investigation process is to place greater emphasis on collecting evidence. Physical evidence is valuable in corroborating identifications made through other means. However, few agencies have the resources to send trained evidence technicians to all crime scenes, and few have developed policies defining when technicians should or should not be sent. As a result, technicians are over-used, the quality of their work declines, and more

evidence is collected than necessary.

Therefore, each police agency should develop guidelines for the use of evidence technicians in routine cases, such as robberies and burglaries without serious injuries or extremely high losses. The criteria should also take into account that when a crime scene is processed, physical evidence will be more useful if and when the suspect is later identified. Therefore, evidence technicians should be used when:

- A suspect is arrested at or near the scene and physical evidence from the crime scene will be useful in the prosecution
- A suspect has been identified but not arrested, and physical evidence can be used to corroborate the identification
- There are sufficient leads to make it possible that the suspect will be identified, and physical evidence should be collected to corroborate any future identification
- There are peculiar circumstances to the crime, indicating that it may be part of a pattern. And, physical evidence may be useful in corroborating the identification of a suspect traced through investigation of other crimes in the series.

Devoting more effort to canvassing neighborhoods for witnesses can also enhance the preliminary investigation process.



“
**...solvability factors...provide a
valid guide to the allocation of
scarce resources.**
”

Witnesses are extremely important in identifying suspects and leading to arrests and convictions; yet, patrol officers often fail to canvass neighborhoods near crime scenes in order to locate those witnesses who were not at the crime scene when the officer arrived. Relying solely on victims and witnesses immediately available at the crime scene obstructs the effectiveness of further investigative efforts.

In addition, one infrequently used source in preliminary investigations are department records. In some cases, officers may believe they are “tied” to their vehicles and that records are difficult and time

consuming to locate. To increase the accessibility to these records, police managers should design and implement record systems which can be accessed through enhanced radio and telephone communications.

Instructing patrol officers how to make greater use of informants can also have tremendous benefits. Informants are particularly useful in identifying suspects; however, patrol officers rarely use them, perhaps because they lack the skills to cultivate and maintain informants. Store owners, businessmen, delivery people, as well as ordinary citizens, make outstanding sources of information, but are often over-

looked. More often than not, the officer patrols in a reactive manner, making little effort to leave the car to get to know the people within a patrol district. By implementing the “directed foot patrol” concept, whereby officers must patrol on foot within a designated area of their beat, officers can get to know the local citizenry and develop useful informants.

CONCLUSION

In summarizing ways to improve the preliminary investigation process within a department, it is absolutely necessary that management instill among patrol officers, through training and supervision, the concept that the preliminary investigation process is so much more than merely writing a mechanized report. The preliminary investigation should be conducted methodically and should be a source of pride for police officers.

Each officer should realize that the manner in which the preliminary investigation is conducted reflects on the overall performance as a police officer, and also serves as a showcase of personal investigative skills. Helping to implement positive attitudes and behaviors such as these can only enhance the overall outcome of the preliminary investigation process and the success of the entire law enforcement organization. **LEB**

Footnote

¹ Peter B. Bloch and James Bell, *Managing Investigations: The Rochester System*, (Police Foundation).