

A STUDY OF THE DETECTIVE ROLE IN A
METROPOLITAN POLICE SYSTEM

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I "close" a few homicide cases was futile, as he knew it would be, Sergeant Alexander legitimized my project in corners of the detective bureau where researchers may not ordinarily intrude. I cannot too lavishly cite his personal integrity, technical expertise, and constructive criticism of my work.

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I

INTRODUCTION

Apparent increases in crime during the last decade have been accompanied by substantially greater interest in the police as an agency of response and control among both scholars and policy makers. Much of the early work was done by sociological criminologists, but more recently political scientists, historians, operations researchers, management consultants, economists, and legal scholars have attempted to better understand the dynamics of police functioning in a democratic society. The majority of studies focus upon dimensions of the police role, e.g., discretionary elements in the enforcement process, upon organizational characteristics of police departments, police-community relations, or management problems in law enforcement agencies.¹ For the most part these analyses have derived from a

¹A modest sampling of these areas would include: Michael Banton, The Policeman in the Community (New York: Basic Books, 1964); Egon Bittner, The Functions of the Police in Modern Society (Washington, D.C.: U.S. Government Printing Office, 1970); David J. Bordua (ed.), The Police: Six Sociological Essays (New York: Wiley, 1967); H. Taylor Buckner, The Police: The Culture of a Social Control Agency, unpublished Ph.D. dissertation, University of California, Berkeley, 1967; John P. Clark and Richard E. Sykes, "Some Determinants of Police Organization and Practice in a Modern Industrial Democracy," pp. 455-494 in Daniel Glaser (ed.), Handbook of Criminology (Chicago: Rand McNally, 1974); Wayne R. LaFave, Arrest: The Decision to Take a Suspect Into Custody (Boston: Little, Brown, 1965); Peter K. Manning, "Observing the Police" (Appendix II), Police Work: Essays on the Social Organization of Policing, forthcoming; Peter K. Manning, Police Work: Essays on the Social Organization of Policing, forthcoming; Arthur Niederhoffer, Behind the Shield: The Police in Urban Society (Garden City, N.Y.:

consideration of the largest manpower complement in police departments, viz., uniformed officers assigned to patrol work.

By comparison little is known about the complexities of specialized police work referred to in most jurisdictions as criminal investigation. Bordua and Reiss have noted that the emergence of investigative work is a relatively recent event in the changing organization of police departments: "[M]ost modern police departments centralize the investigative function in a 'more technical' elite of the department -- the detective bureau."² There, police work based upon acquired technical knowledge and specialization increasingly bears the professional label, for as Bordua and Reiss further point out, detectives have the greatest discretion among all police to render a decision about a client (the suspect or defendant) that affects his fate.³ In many ways this feature makes investigative work an unusual profession, and its study as a set of occupational and social roles has been neglected.

Although many earlier accounts of police work touched upon the investigative function, particularly with reference to the ways in

Doubleday, 1967); Albert J. Reiss, Jr., The Police and the Public (New Haven: Yale University Press, 1971); Jonathan Rubinstein, City Police (New York: Farrar, Straus and Giroux, 1973); Jerome H. Skolnick, Justice Without Trial: Law Enforcement in Democratic Society, 2nd ed. (New York: John Wiley, 1975); Arthur L. Stinchcombe, "Institutions of Privacy in the Determination of Police Administrative Practice," American Journal of Sociology, 69 (September, 1963), 150-160; William A. Westley, Violence and the Police (Cambridge, Mass.: M.I.T. Press, 1971); and James Q. Wilson, Varieties of Police Behavior (Cambridge, Mass.: Harvard University Press, 1968).

²David J. Bordua and Albert J. Reiss, Jr., "Law Enforcement," in Paul F. Lazarsfeld, William H. Sewell, and Harold L. Wilensky (eds.), The Uses of Sociology (New York: Basic Books, 1967), p. 293.

³Ibid., p. 290.

which it differed from patrol activity, serious attention to this form of specialization probably dates from Skolnick's widely-acclaimed project on detectives' (and other police) response to the rule of law.⁴ Very recently interest in this area has generated a study of a California sheriff's department,⁵ a survey of management issues in criminal investigation,⁶ a set of guidelines for improving investigations,⁷ and a rational assessment of the contribution that police investigation makes to the achievement of criminal justice goals.⁸ The appearance of these projects markedly increases our knowledge of criminal investigation although their differing objectives and methodologies restrict the cumulative nature of their findings. Our analysis in the immediate project will use these recent studies, where appropriate, to interpret

⁴See Skolnick, op. cit. The field work for this project was done in the mid-1960's, and a second edition published in 1975 contains a chapter ("Epilogue") in which the author reflects upon social changes in the research setting and the reception given his book by the law enforcement community.

⁵William B. Sanders, Detective Story: A Study of Criminal Investigations, unpublished Ph.D. dissertation, University of California, Santa Barbara, 1974.

⁶Peter B. Bloch and Donald Weidman, Managing Criminal Investigations (Washington, D.C.: Law Enforcement Assistance Administration, U.S. Department of Justice, 1975).

⁷Bernard Greenberg, Felony Investigation Decision Model (Menlo Park, California: Stanford Research Institute, NILECJ grant number 75-NI-99-0021). A final report of this project is imminent.

⁸Peter W. Greenwood and Joan Petersilia, The Criminal Investigation Process, Volume I: Summary and Policy Implications (Santa Monica, California: Rand, 1975); Jan M. Chaiken, The Criminal Investigation Process, Volume II: Summary of Municipal and County Police Departments (Santa Monica, California: Rand, 1975); Peter W. Greenwood, Jan M. Chaiken, Joan Petersilia, and Linda Prusoff, The Criminal Investigation Process, Volume III: Observations and Analysis (Santa Monica, California: Rand, 1975). These reports will be referred to collectively as the "Rand Project."

field data obtained during intensive observation of a single, traditionally-specialized, but innovative police department. In that sense the present study is complementary to those conducted elsewhere.

For purposes of reducing this field research to manageable proportions, criminal investigation was broadly defined as the work done by police who specialize in collecting, preserving, and analyzing information that will (a) lead to the identification of a suspect (or suspects) in a criminal case, (b) connect that suspect to the crime, (c) cause the suspect to be taken into police custody, and (d) assist the prosecutor in preparing the case for trial. As opposed to line police officers, personnel who perform this function are referred to, and hold rank as, detectives.⁹

The main thrust of this project is to augment existing knowledge about criminal investigation in a large urban police department by examining the sequence of activities it comprises and the impact of investigators' work upon subsequent prosecution.

Complex patterns of interaction between investigators and citizens, other police, defendants, witnesses, complainants, prosecutors, and others were given close scrutiny in the study because it is out of this interaction that shared perceptions of detective work arise. Once the patterns of belief among investigators are identified, a great deal can be inferred about the occupational culture of this emerging profession, its sources of conflict, rewards, boundaries of

⁹Specifically excluded in this project were any of the other types of "detectives" celebrated in countless writings and films. Among these would be private detectives ("private eyes"), amateur sleuths, hotel detectives ("house dicks"), railroad detectives ("rail dicks"), insurance investigators, and most recently, investigative journalists.

performance, and relationships to other components of the criminal justice system.

Washington, D.C., was selected as the research site because first, its municipal police department had been receptive to research on past occasions and second, the department closely approximated in its structure and mission most others in medium and large cities. Washington as a city has a number of unique characteristics, as will be noted later, but the police services rendered there fairly resemble those in most other parts of the country. Therefore, the findings of this project can be extrapolated without unusual risks.¹⁰

*The results could be
 especially since
 that they are likely to be
 applied*

¹⁰A reliability check on my field observations was provided by inspection of transcripts from two conferences held in 1974 on criminal investigation by the Police Foundation, Washington, D.C. Numerous points of consistency were noted between the District and other cities, both in the procedures followed by investigators and in the problems which arose. I am grateful to Catherine Milton, formerly a staff member of the Police Foundation for making these transcripts available.

II

THE ORGANIZATION OF POLICING

A. The City and Its Crime

Policing the District of Columbia broadly approximates delivery of law enforcement services to most other medium and large cities in the United States, despite the fact that Washington is a federal municipality. The core city of a metropolitan area numbering over two million inhabitants, it borders both Maryland and Virginia and itself has a population of 757,000 distributed throughout an area of 61 square miles.

With reference to policing, three demographic features of Washington are conspicuous. First, it has changed greatly in its racial composition within the last 25 years. In 1950, the decennial census revealed that 35 percent of the population was non-white; by 1960 this figure had reached 54 percent, and it was 71 percent by 1970. This trend is noteworthy because data on arrests by municipal police show that in 1974, non-whites committed 93.6 percent of the Part I (serious, felony) offenses and 84.4 percent of the Part II (usually misdemeanor) offenses. Thus, most police activity resulting in, or potentially resulting in, an arrest is directed to non-whites. Second, a shift in the age structure of the District's population during the last decade-and-a-half has significantly increased the proportions of persons under age 24, most notably in the criminally-prone age group of

15-23 years.¹ Finally, the great majority of offenses committed by D.C. residents occurs within the geopolitical boundaries of the city.² These features of criminality in the District of Columbia are important to note for they suggest that the target of law enforcement -- essentially a young, non-white, non-mobile offender population -- make the analysis contained in this report most appropriate for cities resembling this one.

One of the principal features of Washington is its contrasts. Government buildings and grounds are for the most part architecturally sound and well-maintained while much other commercial, private-sector, real estate and facilities are deteriorating and neglected. Residential areas attracting affluent citizens are in stark contrast to numerous economically depressed, inner-city areas. An observer's perception of substandard housing, unemployed citizens, and widespread rootlessness is all too accurate in many sections of the nation's Capitol.

Few need to be reminded that Washington, like many other cities, suffered urban riots of major dimensions in the late 1960s. Jerry Wilson, appointed as a "reform" Chief of Police shortly thereafter, was to declare that "by late 1968 crime in Washington could accurately be described as almost completely beyond control."³ There is little question that the adversities of those times were systematically

¹Criminological studies made at least since the 1950s have established this age group as being most responsible for known criminal offenses in this country.

²See "The Mobility of Offenders in the Washington Metropolitan Area" (Appendix H) Final Report: Project TRACE (Tracking, Retrieval and Analysis of Criminal Events) (Washington: Government of the District of Columbia, Office of Crime Analysis, 1972).

³Jerry Wilson, Police Report (Boston: Little, Brown, 1975), p. 63.

exploited for support to massively reorganize and strengthen the police department, a tactic lauded by most responsible citizens who lived through that siege; but the city still bears scars from the turmoil, in terms of both racial strains and the profound destruction along three "riot corridors" which still await reconstruction.

B. The City and Its Law Enforcement

A number of law enforcement agencies in Washington qualify for the title "police." As would be expected, the Metropolitan Police Department (MPD) is the largest and has the broadest jurisdiction.⁴ The five contiguous suburbs -- Prince Georges and Montgomery Counties, Maryland, and Arlington, Fairfax County, and Alexandria City, Virginia -- closely coordinate their police departments with D.C. officials and all belong to a common on-line, regional, police data information storage and retrieval system.⁵

Specialized forces include the U.S. Capitol Police (which, for example, has about 1,100 officers), the U.S. Park Police, White House Police, the Executive Protective Service, central headquarters of the Drug Enforcement Administration (formerly the Bureau of Narcotics and Dangerous Drugs), the Washington field office of the Federal Bureau of Investigation, Alcohol, Tobacco and Firearms agents of the Treasury Department, and numerous agencies with jurisdiction limited to the zoo, Supreme Court, Smithsonian Institution, Library of Congress, and many

⁴Some of this discussion follows A Survey of the Metropolitan Police Department, Washington, D.C. (Gaithersburg, Maryland: International Association of Chiefs of Police, 1966).

⁵The Washington Area Law Enforcement System (WALEs), operational in its present form since 1972.

others that operate primarily as private security forces.

Our focus, the Metropolitan Police Department, was established by Act of Congress in 1861. President Abraham Lincoln sent a representative to New York City to study its organization and methods since the New York Police Department, itself modeled after the Metropolitan Police of London, was thought to be the world's leading law enforcement agency. That study, adapted in terms of local conditions, guided the formation of Washington's Department. The District's police force is considered to be very large per capita (65 officers for each 10,000 residents). By contrast, the police force in Cincinnati, considered progressive by most standards, has 33 officers per 10,000 population. Unusual demands placed upon the MPD, however, is seen by most observers as justifying this state of affairs:

The large crowds that periodically gather in Washington for the purpose of demonstration or attendance at some event impose exceptional manpower requirements. The presence of foreign embassies and other instrumentalities of national capital affairs also require manpower resources which are not susceptible to easy comparative analysis. Almost daily a dignitary's movements about the city require extensive police attention.⁶

The Metropolitan Police Department comprised some 4,500 sworn officers in 1974.⁷ As a group they are regarded by most law enforcement authorities to be innovative, traditionally-structured, and responsive to new guidelines on police procedures and defendants' constitutional

⁶Ibid., p. 8.

⁷The peak authorized strength was 5,100 in 1973. Budgeting constraints have recently reduced the force in D.C. as in most urban centers. Some critics argue for further reduction on the grounds that citizens are "overpoliced" and that some crimes are "overinvestigated".

rights established by the courts.⁸ The MPD was an early and aggressive leader in recruiting women (currently 6 percent of the force) and minority group members (about 40 percent) to police ranks.⁹ Further, it has been the object of successful efforts to unionize many employees, regularly conducts in-service training programs, including management seminars for administrators, and has established a general counsel's office which interprets legal opinions, revises policies and procedures, and provides liaison with other agencies.

The structure of Washington's Department resembles that of many other cities (see Figure 2-1). In a hierarchy headed by the Chief of Police, each of the four main bureaus (Field Operations, Administrative Services, Technical Services, and Inspectional Services) is commanded by an Assistant Chief. Most of the law enforcement activities familiar to citizens, i.e., "street policing," are performed by the five divisions of Field Operations.¹⁰

To provide a context within which police investigative work, the primary focus of this study, takes place, it will be useful to consider the organization of Field Operations. Its Patrol Division coordinates

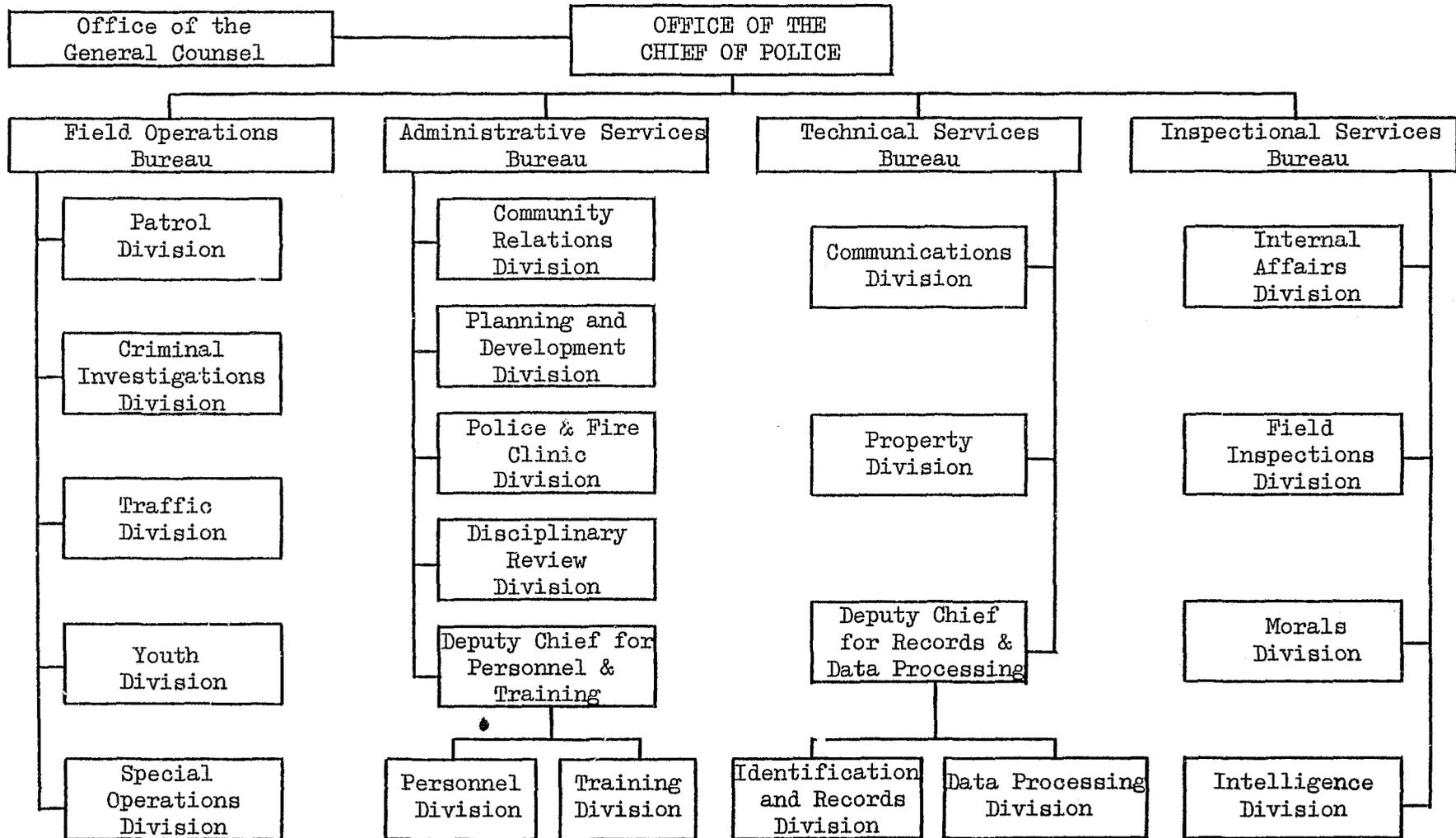
⁸Many MPD officers feel that their contemporaries located in mid-western or western cities, beyond ready surveillance by the Supreme Court in particular, operate with fewer constraints, at least in the short run. This is an intriguing hypothesis, but no evidence supporting or refuting it is known to exist.

⁹These figures are derived from the personnel file of the MPD, Washington, D.C. See Brian Forst and Judy Lucianovic, An Analysis of Police Operations from a Court Perspective (Washington, D.C.: Institute for Law and Social Research, 1976).

¹⁰Centralized investigations and suppression of drug law, prostitution, gambling, and liquor offenses are made by the Morals Division, Inspectional Services, rather than by the Criminal Investigations Division, Field Operations.

Figure 2-1

General Organization of the Metropolitan Police Department
Washington D.C.*



*Source: 1974 Annual Report, Washington, D.C.: Metropolitan Police Department, p. 4.

the seven police districts into which Washington is divided.¹¹ These are the basic geographical and operational divisions of the city, each headed by an Inspector, having its own performance measures taken at his discretion. Within its boundaries are found many types of policing: patrol work by uniformed officers on scooters, on foot beats, in marked "scout cars", vice control by undercover officers, investigation of reported offenses by plainclothes detectives, and suppression of street crime by non-uniformed ("casual clothes") tactical officers. Still other policemen specialize in recovery of stolen automobiles, conduct "raids" of premises by search warrant authority, process prisoners following arrest, or stake out ("plant") robbery-prone establishments such as financial institutions, liquor stores, supermarkets, and fast-food outlets. Perhaps least visible are officers who conduct the administrative activities of the stationhouse.

Substantial variation is found among the seven districts in terms of the number of calls for service, the size of population to be served, the geographical area comprised, and other features. Thus there is no "typical" district; but it is informative to examine briefly the organization of one police command, for it has many similarities to other districts as well as the dissimilarities noted above. First District ("1-D"), for example, centered approximately on the U.S. Capital, has a population of 81,000, is geographically small, and yet receives more calls for service (109,000 per year¹²) than any other district. The distribution

¹¹They replaced fourteen (obvious smaller) precincts in the late 1960s, a controversial move exacerbated by many unstable conditions in the city at that time.

¹²Annual Report (Washington, D.C.: Metropolitan Police Department, Part II, 1974), p. 12.

of police personnel in 1-D is as follows:

1	Inspector
4	Captains
17	Lieutenants
56	Sergeants
382	Officers

Most of these are uniformed policemen and policewomen. Some are "plain-clothes" officers assigned to the Tactical Unit, Vice Unit, or the Detective Unit.

The stationhouse¹³ is operated, of course, around the clock, where shifts ("tours of duty") are generally organized from midnight to 8:00 A.M., 8:00 A.M. to 4:00 P.M., and 4:00 P.M. to midnight. Not surprisingly, the most personnel are assigned to the day shift and the least to the midnight tour. A quick review of the calls for service suggests that the evening shift is busiest (45% of the total) for the city as a whole.¹⁴

Facilities allocated to First District are functionally divided according to the types of police activity requiring space. On the ground floor at the front are a complaint desk, a large clerical area used both by officers and civilian clerks, a communications room, and a counter for distributing and collecting radios, summons books, reports on incidents, keys to vehicles, etc. Further back are administrative offices, a squad room, temporary holding cells, and offices for tactical units. In the basement is a property room (for stolen goods and confiscated materials), lockers, and an assembly room. The second floor is given over to vice officers, detectives, and mobile crime officers (technicians

¹³First District has a substation ("1-D-1") located some distance away which provides many of the same services found at the main station.

¹⁴Calculated from Annual Report, p. 12.

who conduct crime scene searches and handle evidence). A parking lot at the rear of the main building supplies limited spaces for cars belonging to officers, but primarily stores the scout cars, police wagons, unmarked cruisers, and scooters assigned to 1-D.

Most visible of all activity at the stationhouse is the work of uniformed officers. Variouslly referred to as the "fundamental unit" or the "backbone" of police work, uniformed personnel have a strategically important role in determining whether crimes are solved and, equally critical, what feelings of satisfaction the public have about its department. More germane to this study, the first officer on a crime scene, usually a uniformed man or woman, often renders subsequent investigation of that crime fruitless or productive by virtue of what he does there. If one can identify a consistent finding among all the research and analysis of crime-solving, it is that the first officer is the key ingredient.

At the district level the officers who specialize in investigative work hold the rank of detective and have typically been promoted after several years of street experience in uniform. They are known throughout the department as "precinct" or "district" detectives, and are identified by their uniformed colleagues as "dicks" or occasionally "slick suit guys". It is quite apparent that they enjoy a special status, for they are not confined to the uniform, have a relative freedom from accountability, are not responsible for handling the "trivia" that is a patrolman's lot, and they are suspected (if it is not known) of having made an enviable reputation as street officers. Their quarters, the most remotely located, contribute to the detective mystique. Uniformed officers are not often given reason for appearing "upstairs" and what

transpires there is not regularly shared with patrol personnel.

Assignments given to district detectives may include a broad spectrum of crimes, but Department General Orders¹⁵ distinguish between two levels of investigative work. Offenses which involve minor injury or only moderate property loss to the victim are retained by district investigators for follow-up, while serious injuries, deaths, sex offenses, frauds, arsons, abductions, armed robberies, major burglaries, bomb threats, and check and credit card forgeries are assigned to detectives in the Criminal Investigations Division (CID) at headquarters. CID, then, is by design a more specialized investigative unit, having jurisdiction over the more serious or patterned crimes in the District of Columbia. These offenses by their very nature often require lengthy investigations. The distinction between district detectives and "downtown" detectives becomes moot in numerous cases each year where there is a joint investigation. Such instances combine the expertise and long-term availability characterizing CID officers with the personal contacts enjoyed by district officers who have an intimate knowledge of their area.

All criminal investigators have regular encounters with other police officers in specialized jobs vital to the detective function. For example, some work in communications as dispatchers, in the criminal records office where prior arrest reports are filed, in the property division where evidence is catalogued and stored for use in court, and in the lineup unit where witnesses and complainants may identify a suspect if an arrest has been made. The importance of his ties to these

¹⁵Official policy covering virtually every aspect of police work in the District is explicated in the General Orders.

evidence. As the length of time since the incident occurred increases, the probability of closing the case markedly diminishes.¹⁶ From a cost-benefit perspective, then, an investigator must be selective of those assignments which promise closure and "back-burner" all others.

C. The Criminal Investigations Division

So many organizational and operational features of the Metropolitan Police Department appear to have been modeled after London's Metropolitan Police that the decision to establish an investigative unit with city-wide jurisdiction probably had its roots there as well. Scotland Yard created a Criminal Investigation Department in the 1840s in response to the apparent need to follow circumstances of a case across district lines and even into the provinces.¹⁷ There appeared simultaneously a series of ranks, e.g., detective sergeant and detective inspector, which gave special recognition to policemen who had distinguished themselves. These too found their way into Washington's MPD, but in recent years the ranks have all but disappeared through retirements.

The rank of detective was created in the Metropolitan Police Department in 1862, a year after establishment of the force. No history of criminal investigation in the Department has been written, but scattered references suggest that most detectives received general assignments until the formation of a headquarters command. Three of

¹⁶This point, and variations of the same theme, is made repeatedly in the Rand study. See Peter W. Greenwood, Jan M. Chaiken, Joan Peter-silia, and Linda Prusoff, The Criminal Investigation Process, Volume III: Observations and Analysis (Santa Monica, California: Rand, 1975).

¹⁷See Sir Basil Thompson, "The Institution of a Criminal Investigation Department." Chapter X in The Story of Scotland Yard (New York: The Literary Guild, 1936), pp. 108-114.

the earliest units antecedent to CID were the Homicide Squad, the Robbery Squad (originated in 1931 with six detective sergeants), and the Sex Squad (begun in 1942). As recently as ten years ago, CID consisted of ten functionally autonomous units, each directed by a lieutenant, captain or inspector:

Homicide Squad	Robbery Squad
Special Investigations and Missing Persons Squad	Sex Squad
Check and Fraud Squad	Fugitive Squad
Auto Squad	Pawn Office
Identification Bureau	General Assignment Squad (including Safe Squad)

Following an evaluation of the MPD by the International Association of Chiefs of Police¹⁸ about that time, CID was reorganized into five components:

- Eastern General Assignment Section
- Western General Assignment Section
- Crimes Against Persons Section
 - Homicide Unit
 - Robbery Unit
 - Sex Unit
 - Evening Unit
- Special Investigations Section
 - Auto Theft Unit
 - Fugitive Unit
 - Check and Pawnshop Unit
- Administrative Section

About 100 investigators, or half the present complement in CID, were assigned to these units.

Despite changes in nomenclature (squads became units, then branches) the only major modification to CID during the past decade was the dispersion of general assignment investigators covering Eastern and Western halves of the city back to the precincts. Table 2-1 shows how CID is presently organized and staffed, together with the mandate given each

¹⁸A Survey of the Metropolitan Police Department, Washington, D.C. (Gaithersburg, Md.: International Association of Chiefs of Police, 1966).

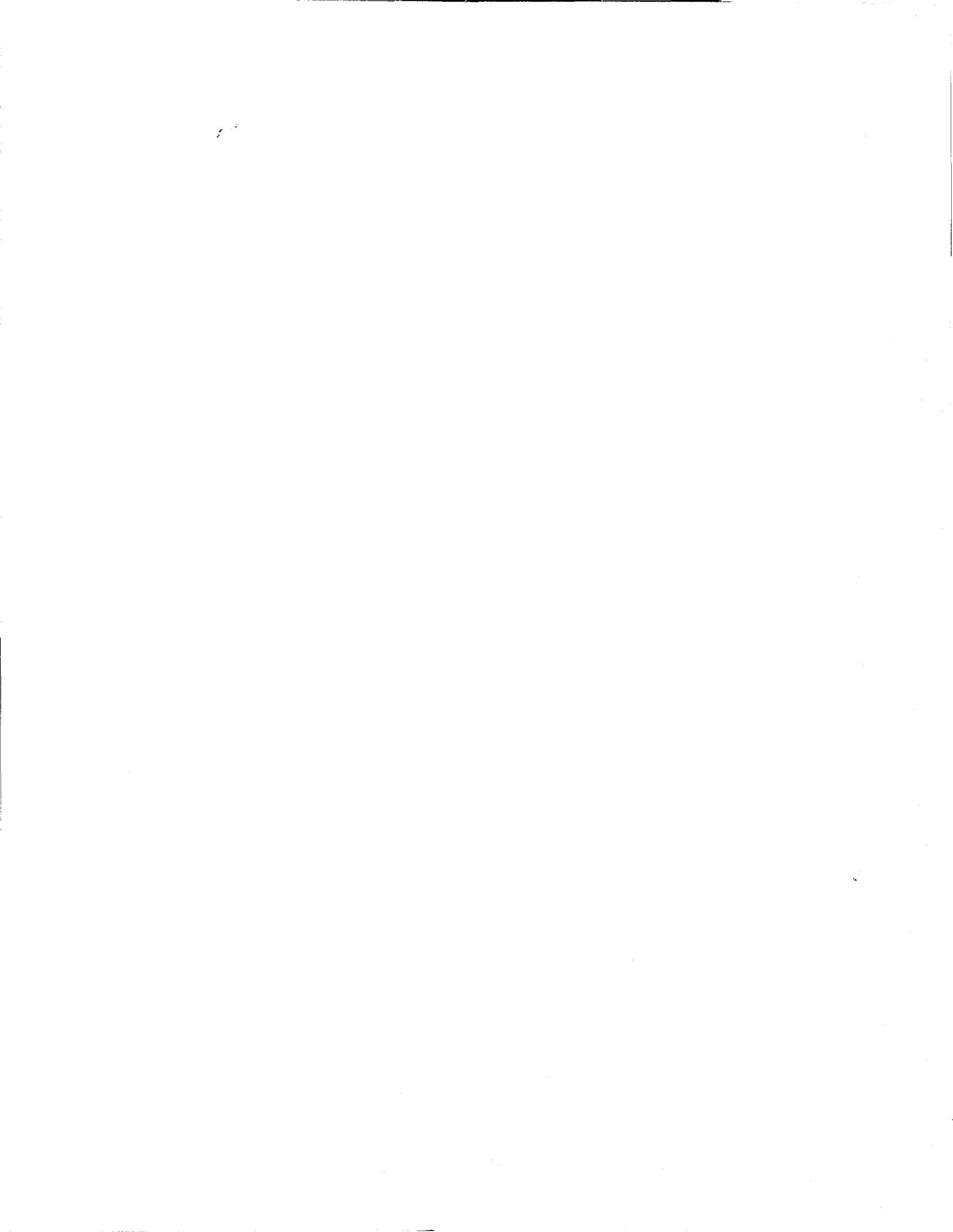


Table 2-1

Organization, Functions, and Workload of the Criminal Investigations Division (CID),
Metropolitan Police Department, 1974*

<u>Unit</u>	<u>Number of Investigators</u>	<u>Responsibilities</u>	<u>Cases Assigned</u>
Homicide Branch	55	Homicides, suicides, accidental deaths (due to asphyxia, falls, fire, drug overdose, poison, drowning), most natural deaths (e.g., in a residence or a nursing home); any suspicious deaths; all "serious" shootings, beatings or stabbings, i.e., where the victim may die.	Homicides 298 Suicides 79 Natural Deaths 1,783 Accidental Deaths (Asphyxia, falls, fire, overdose, poison, drowning) 144 Undetermined Deaths 58
Robbery Branch	53	Armed robberies (i.e., excluding those without a weapon); robberies combined with other crimes, e.g., sex offenses; robberies suggesting a pattern or <u>modus operandi</u> , e.g., taxicab drivers or supermarkets; kidnapping (usually abduction in the course of a robbery) and extortion cases.	Armed Robbery 4,588 Kidnapping, extortion 35
Sex Offense Branch	34	Rape (including attempts), sodomy, carnal knowledge, bigamy, abortion, incest (the latter three are very rarely reported to the police), and sex offenses committed upon children.	Rape and attempts 811 Other offenses 90

Table 2-1 -- Continued

<u>Unit</u>	<u>Number of Investigators</u>	<u>Responsibilities</u>	<u>Cases Assigned</u>
Burglary and Pawn Section	15	Burglaries with losses over \$1,000 (mostly Burglary II -- burglary of an unoccupied residence or commercial site); patterned burglaries; receiving stolen property; arson; bombings; bomb threats; suspicious fires; enforcement of regulations governing pawnshops and second-hand dealers.	Burglaries 1,037 Bomb threats or bombings, arson 527
Check and Fraud Section	15	Embezzlement; false pretenses; making and passing "bad" checks, worthless documents; confidence games and other swindles.	All cases 3,619

*An Administrative Section numbering twelve officers and a Major Violators Section with nineteen officers bring the CID total to just over 200. Many of these perform criminal investigative work. The Major Violators Section identifies recidivists, examines cases of defendants who were on bond, parole, probation, work release, furlough or other programs and were rearrested, and conducts court-ordered lineups.

branch, and its workload. The actual activities of detectives working out of CID are often incidental to the solution of a crime. Homicide detectives, for example, respond to any serious shooting, cutting, or other form of assault. Reports taken both at the scene and at the hospital number several hundred every year, yet few will eventuate in a homicide case. Similarly, robbery investigators may "plant" (stake out) a liquor store which is expected to be held up, or may plant a parked automobile which was used in a robbery-shooting case. As crimes occur and new assignments are received, each detective reviews the cases he is working and, if appropriate, reassigns priorities. An important exception to this operational procedure occurs when the branch commander assigns an investigator to a particular case, relieving him of further new assignments.

As we have noted elsewhere, there is a total of some 200 detectives working out of the seven police districts. These are supplemented by CID officers and by policemen holding investigator status who are assigned to the Internal Affairs Division, the Consumer Fraud Division, the Traffic Division, the Youth Division, the Strategic Operations Division, and the Morals Division.¹⁹

There is some evidence that MPD officers perceive a stratified order among detectives in the Department based upon the type of investigative work performed. Since many promotions to CID are made from the district investigative units (but not vice-versa) and since CID cases are normally more serious than those retained in the districts, CID is widely thought to have the more expert, highly professional

¹⁹Of these, Morals detectives have work patterns most closely approximating district and CID investigators.

staff. Many district investigators, however, contend that they have no aspirations to CID, and at least one CID commander feels that the district detective unit commander's job is the best in the Department.

Within CID, moreover, there is considerable sentiment that units dealing with crimes against the person (Homicide, Robbery, Sex Offense) are more prestigious than those which investigate crimes against property (Burglary and Pawn, Check and Fraud). Greatest consensus is found with respect to the proposition that homicide detectives follow the most technically-demanding, painstaking, thoroughly-documented and physically exhausting line of police work. Yet many officers feel that the unusual status accorded to homicide investigators is not justified by the personal investment required of them. Others claim they would not take an assignment to Homicide because they find lifting bodies, inspecting wounds, and attending autopsies personally distressing. On the other hand, a sizeable number of policemen contend that they would resist appointment to the Sex Offense Branch because they would anguish over rape victims and sexually abused children, or they reject the Check Squad because analyzing forged documents and unraveling swindles are not "real" police work. In the final analysis, an officer who finds himself in a CID branch will usually become dissatisfied, if at all, for reasons other than being in the wrong place, for his experience as a street officer over a period of years gives him considerable understanding of various detectives' roles.

Handwritten note:
The only place
a better place

III

THE RESEARCH METHOD

At the time of grant application I approached the Metropolitan Police Department with the idea that field work for the study be done under their auspices. As a Department which is thoroughly conversant with research, a number of questions were asked about the objectives of the project, confidentiality of sources, and qualifications of the investigator for making field observations. In due course approval was obtained for the project to begin, subject to funding by the Law Enforcement Assistance Administration. In addition, two valuable suggestions were made: (1) the investigator should obtain a year-long waiver (release) of liability, required for riding in police vehicles and/or being on police-operated or owned premises,¹ from the office of the General Counsel, and (2) the investigator should be enrolled in some type of police training, which would provide familiarization with the organization of the Department, with the D.C. Code, police procedure, and the forms of specialization among Department personnel.²

¹Washington's MPD requires a waiver, usually only valid for one tour of duty, executed by each participant in its Ride-along Program. Since I would be observing in many parts of the Department and on all three tours of duty, having to sign individual waivers would have been prohibitive.

²This idea originated when I told the Commander, CID, that before embarking upon a study of correctional officers in a Federal penitentiary, I had taken the training course given to new employees at the

Regarding the first suggestion, I assumed "any and all risk and liability for damages, losses, personal injuries, or death which I might suffer or sustain" for the entire grant period. As it turned out, I was asked only once, on the first day of field work among uniformed officers, if I had signed the standard waiver. The second suggestion resulted in my enrollment in a two week Homicide Investigation School, conducted by the Homicide Branch at the MPD Training Division. The course was an intensive, sophisticated review of death investigation for experienced detectives, with a heavy emphasis upon the contributions of forensic pathology. Although I took extensive notes and reviewed them carefully, there were many times in the course when the technical discussions were meaningless to me. There were, however, several advantages to having attended Homicide School: (1) MPD officers whom I later met held the School, and thus anyone who had been through it, in high esteem, (2) it gave me a rough familiarity with police terminology and abbreviated rules of procedure as they are characteristic in the District, (3) I met a number of detectives from the MPD and agents from other law enforcement agencies who were to be valuable contacts during later field work,³ (4) in the course of numerous inquiries, I developed a concise, plausible explanation for who I was and what my research project entailed, and (5) officers and administrators from the Homicide Branch, who conducted the School, had a chance to observe me, with

prison. We rejected the possibility of my going through the MPD police academy as being too time-consuming and somewhat irrelevant to the focus (police investigative work) of my research.

³Being their "token" college professor, incredibly naive about police work, and seated near the coffee pot were fortuitous.

the consequence that my access to their offices, personnel and files was assured.⁴

When the time came to begin my field observations it was suggested that I spend a period with uniformed officers on the streets. Arrangements were made with the First District commanding officer and several weeks of field work ensued with one- and two-officer patrol units, "casual clothes" (tactical), and auto intercept (auto squad) officers. I then began accompanying district detectives, after which I focused my research upon the Criminal Investigations Division for the duration of the grant period.

A. Participant Observation as a Method

The legacy of participant observational studies in the social sciences is extensive and well-known.⁵ Having made field observations over a lengthy period in another setting, I selected this method because I felt comfortable in the role and because it often uncovers sources of data which may otherwise remain undisclosed. There is general consensus among methodologists that a prudent

⁴I participated in two other training events, both of short duration: a conference on armed robbery, held by the MPD Robbery Branch for East Coast law enforcement agencies, and a firearms re-qualification course designed for MPD sergeants. Both gave me exposure to policemen on those rare, informal occasions when their official duties are less demanding.

⁵Comprehensive discussions of the merits and liabilities of observational research are: Rosalie H. Wax, Doing Fieldwork: Warnings and Advice (Chicago: University of Chicago Press, 1971), esp. pp. 3-55; Robert W. Habenstein (ed.), Pathways to Data: Field Methods for Studying Ongoing Social Organizations (Chicago: Aldine, 1970); Albert J. Reiss, Jr., "Systematic Observation of Natural Social Phenomena," in Herbert L. Costner (ed.), Sociological Methodology, 1971 (San Francisco: Jossey-Bass, 1971), pp. 3-33; and Norman K. Denzin, The Research Act: A Theoretical Introduction to Sociological Methods (Chicago: Aldine, 1970), esp. Chapters 9 and 11.

investigator will "triangulate" measurement processes,⁶ in this case by converging data from informal interviews, field observations, intra-Departmental memoranda, training materials, general orders, summaries of statistical trends, investigative reports, in-house analyses of "open" cases, and "jackets" (files) on closed cases.

Observational studies of the police are of course no longer as unusual as they were even a decade ago.⁷ Among the best-known are Skolnick's⁸ work on a California department and Rubinstein's research on Philadelphia police.⁹ Neither of these professes to be a full ethnography of a law enforcement agency since the concept of a "policeman" generically refers to many different styles and specializations within policing. Skolnick wrote at length comparing robbery, burglary, and vice enforcement detectives, focusing in particular upon clearance rates. Rubinstein, on the other hand, examined the occupational dimensions of police patrol, the intricate relationships between uniformed officers and the citizens they police, and the importance of spatial knowledge to the policeman.

⁶See Eugene J. Webb, Donald T. Campbell, Richard D. Schwartz and Lee Sechrest, Unobtrusive Measures: Nonreactive Research in the Social Sciences, Chicago: Rand McNally, 1966, for a statement on multiple methods of data collection. See also Norman K. Denzin, "Unobtrusive Measures: The Quest for Triangulated and Nonreactive Methods of Observation", The Research Act: A Theoretical Introduction to Sociological Methods, Chicago: Aldine, 1970, pp. 260-293.

⁷For a representative listing of research on police organizations done by social scientists see Peter K. Manning, "Observing the Police" (Appendix II), Police Work: Essays on the Social Organization of Policing, forthcoming.

⁸Jerome H. Skolnick, Justice Without Trial: Law Enforcement in Democratic Society, New York: John Wiley, sec. ed., 1975.

⁹Jonathan Rubinstein, City Police, New York: Farrar, Straus and Giroux, 1973.

My field work, in contrast, sought to better understand the organization of investigative work and the operational procedures employed by detectives.

B. Technique, Assets and Liabilities of Observational Research

Advice on how to conduct oneself in the observational mode, and what problems may be encountered, is found in a variety of sources.¹⁰ Like Skolnick and Rubinstein, I assumed the demeanor and appearance of a plainclothes officer, with the intention of introducing as few changes in my locus of observations as possible. After an initial period when my presence and identity needed explanation, I became distinctly aware that officers were saying things and acting no differently than before I entered their vicinity. Many policemen, then, reacted to me as a fellow officer and a few expressed surprise when they learned that I was not.

Like Rubinstein, I immersed myself deeply in the police craft, varying my exposure to working policemen by selecting many different cruisers as they went onto the streets, and making myself a virtual "partner" to the officer I accompanied.¹¹

¹⁰ Among these are William B. Sanders (ed.), The Sociologist as Detective: An Introduction to Research Methods (New York: Praeger, sec. ed., 1976), esp. "IV: The Ethnography", pp. 177-207; Jack D. Douglas (ed.), Research on Deviance (New York: Random House, 1972); Robert W. Habenstein (ed.), Pathways to Data: Field Methods for Studying Ongoing Social Organizations (Chicago: Aldine, 1970), esp. Bernard Beck, "Cooking Welfare Stew", pp. 7-29, and Howard S. Becker, "Practitioners of Vice and Crime", pp. 30-49; and William Chambliss, "On the Paucity of Original Research on Organized Crime: A Footnote to Galliher and Cain", The American Sociologist, 10 (February, 1975), 36-39.

¹¹ Unlike Rubinstein, I did not carry a weapon. Some officers suggested that I should obtain permission to be armed on the grounds that a gun would symbolize MPD sponsorship of my research, but more

Everyone understood that I was a criminology professor on leave-of-absence under an LEAA grant to do a study of the problems which cause case attrition in the courts. Being a professor did not incur the negative reaction found in some quarters since many MPD officers were attending college-level criminal justice courses under the Law Enforcement Educational Program (LEEP), and they were gratified to find an academician "on the streets, seeing it like it is." Generally speaking, the LEAA grant connection was beneficial, although an occasional policeman complained about the misexpenditure of LEAA funds, or wanted to know why the LEEP funds were no longer plentiful.

In each of the investigative units I came to be identified as "one of them." A few officers suspected that I was from the Internal Affairs Division, and one asked to read my grant proposal. I was, as one detective put it, "a cop without the paperwork."

My paperwork, of course, was the recording of field notes. Some researchers have commented that note-taking in the presence of those being observed is ill-advised. My experience suggests the opposite: only rarely did I notice that an officer was more than casually aware of my scribblings, but this may have been because criminal investigators take notes themselves on scenes, during interviews, and at the office. While they were recording the details needed for official reports, I made notations about the scene, how it was "worked" by the investigator, the role(s) of other

importantly, if an officer I was with came under fire, he would not feel under obligation to protect me. This never became an issue for although I saw weapons removed from holsters quite often, not once was one fired in my presence.

police, what problems arose, and what technical details were required for a completed investigation. On two occasions I committed the impropriety of leaving my notes in the presence of policemen, but they probably did not examine them.

In the company of detectives, I learned to respect the regimentation of working hours (including overtime if a case required it, as was common in homicide investigation), to eat quick but irregular meals, and to control my apprehension when "expediting" (with emergency lights and siren) at high speed across a part of the city. With them I responded to bank holdup alarms, attended lineups, handled dead bodies, stopped stolen automobiles, interviewed gunshot victims in hospital emergency rooms, and attended a score of autopsies. We "planted" (staked-out) a piece of luggage containing a machine gun at the bus station, booked prisoners, obtained names, addresses and automobile license numbers from informants, confiscated stolen property, "turned up" (arrested) wanted fugitives, had cases "papered" (accepted for prosecution) at the U.S. Attorney's office, and showed a "spread" (of photographs) to robbery victims.¹²

Much of police work, including references to the criminal law and technical procedures, is reduced in conversation to a specialized jargon. In this respect policing shares certain attributes with other occupations. To the untrained outsider, however, what a policeman sees, and the course of action he takes, have little

¹²I learned quickly to stay close to the officer I was accompanying, since we often encountered district policemen who didn't know me. I was soon given an MPD armband for use on scenes where crowds and other police wearing their shields conspicuously might have questioned my presence.

meaning unless the vernacular through which he communicates with others is understood. Everyone, of course, is street-wise enough to know about a "wheel-man", "rap-sheets", or "zip-guns". Policemen, like other specialists, organize much of their conversation around a shorthand, efficient argot, and I found that by mastering that vocabulary, my ability to make sense of their exchanges was enhanced. Thus, I came to know about the "60 minute rule", ATF, an "M.O.", lividity, a "163", robbery/PBS, and the "torch".¹³

Equally important as assimilating the terminology of police work is learning how a policeman sees the streets. An officer's perception of people, movement, order, sounds and structure is qualitatively different from that of the ordinary citizen.¹⁴ He is attuned to how things conventionally appear, so that any divergence from customary expectations is given special attention. Thus, when a person (especially a young male) is seen running on the street, a clean car is bearing dirty license plates, or no customers or salespeople can be seen through the windows of a store open for business, a policeman makes further inquiry. As the city undergoes transition

¹³These refer to, respectively, a D.C. regulation that enables police to bring a subject resembling the suspect to the scene of a crime for possible identification without warrant if it is done within sixty minutes of the offense; the Alcohol, Tobacco and Firearms Division of the Treasury Department; a "mental observation" case, i.e., a disoriented or disturbed person; the skin discoloration upon death caused by blood settling to the lowest parts of the body; a PD 163, Prosecution Report; robbery/pocket book snatch; a professional arsonist.

¹⁴Three excellent accounts of this phenomenon are Bruce Jay Friedman, "Lessons of the Street," Harper's Magazine (September, 1971), pp. 86-88 ff; Jonathan Rubinstein, "Territorial Knowledge and Street Work," City Police (New York: Farrar, Straus and Giroux, 1973), pp. 129-173; and Bruce McCabe, "On the Vice Beat," The Atlantic, 223 (March, 1969), pp. 122-126.

from daylight to darkness, the police officer's expectations of it change as well. He believes that as the evening grows later, those persons he encounters on the streets are for the most part other policemen and thieves.

The researcher observing police work will not ordinarily understand this view of street life and may in fact think the policeman's attitude is inappropriately cynical.¹⁵ My experience in doing field work for this project led me to ask officers why they were struck by certain irregularities. I found that they were often unconscious of their search for the incongruous; it was a routine activity of policing. Their prior exposure to street people, where witnesses to a crime often "didn't see nothing", or "spin" the investigator with fictitious names and nonexistent addresses, reinforces the belief that most incidents can be deceiving.

Observational research, as other modes of inquiry, has assets which make it attractive and liabilities which limit its productivity. It permits the investigator to obtain an intimate acquaintance with the attitudes, beliefs, and behaviors of his subject population. Observers in a participant role, if skilled, can have less intrusion effect upon the unit of their study than is characteristic of other methods. Moreover, participant observation allows the researcher to follow contours of his problem which may not have been anticipated at the outset. That is, the design of the study is continuously modifiable as new dimensions of the problem are discovered, or new sources of data appear. A major consequence is that a properly

¹⁵Rubinstein's discussion ("Suspicious", pp. 218-266) of this is comprehensive.

conducted observational study can suggest relationships and hypotheses which may be subjected to more rigorous test and verification later.

There are serious limitations to participant observation, and sources of unreliability and invalidity which can undermine the most ingenious, resourceful observer. There is, for example, a tendency for sampling to be opportunistic (no estimates of sampling error can be made), for observations to be descriptive rather than interpretive or analytical, for the observer to overparticipate,¹⁶ and for casual extrapolation to be made from one event or process to similar ones elsewhere or at other times. This variety of police research involves riding with officers for extensive periods of time in cruisers, and there is a distinct tendency toward losing objectivity. Reports of observational studies on police systems have consistently noted an ideological shift to the extent that investigators become police apologists.

Finally, it should be noted that observational studies are likely to encounter ethical and even legal problems.¹⁷ I was of course

¹⁶It is not unusual for the researcher to experience "role engulfment" in a lengthy project. As he becomes more knowledgeable about the routine of activities he is studying, others will increasingly view him as a colleague and may expect him to take on responsibilities that they have. I was aware of overinvolvement several times when officers had me join them in a foot chase after a suspect, asked me to drive the cruiser, or requested that I handle the radio.

¹⁷The most exhaustive analysis of a researcher's obligation to reveal information from his study is Paul Nejelski and Lindsey Miller Lerman, "A Researcher-Subject Testimonial Privilege: What to do Before the Subpoena Arrives," Wisconsin Law Review, 1971 (4), pp. 1085-1148. For an enlightened discussion of other issues in the relationship between a researcher and the organization he studies, see National Advisory Committee on Criminal Justice Standards and Goals, Criminal Justice Research and Development: Report of the Task Force on Criminal Justice Research and Development (Washington, D.C.: U.S. Government Printing Office, 1976), pp. 134-154.

asked my opinions on a range of controversial topics, e.g., capital punishment, marihuana use, busing, homosexuals and racial quotas for recruitment and promotion in the Department. More serious than these obvious tests of my values were subtle attempts to discover what I was learning about other policemen, about Departmental "inside" decision-making, and about other operating units of the Department. It was known that I had access to the full range of personnel and offices, and could ask questions or raise issues that would be considered inappropriate of an employee. For the most part I spoke candidly of my beliefs, avoided argumentation, disclosed nothing about conversations with, and observations of, others, and disregarded gossip.

In conducting the field research for this project I attempted to collect information which would illuminate the investigative function in police work. The eventual quality of the analysis is a direct function of the skill with which observations were made, the access gained to sources of information, and the imaginativeness of the researcher.

IV

AN ANALYSIS OF THE INVESTIGATOR ROLE

Thus far we have examined the nature of crime in Washington and the structure of police operations in the seven Districts and at centralized headquarters. We now turn to a consideration of how detectives investigate reported crimes and what factors are critical in their investigations. Further, we will be interested in detectives' perceptions of the citizens they police, and the prosecutors and courts whom they serve.

A. The Sequential Nature of an Investigation

The impetus for police investigation is provided, of course, by a complaint alleging violation of the criminal code. This task has traditionally been managed by investigative specialists, often designated plainclothesmen, although some authorities in the field of law enforcement feel that uniformed officers from the patrol division should increasingly be used in this regard.¹

¹One approach, termed "team policing", combines investigative and patrol functions and makes criminal case closure a team responsibility. For a report on this experimental program in seven cities, see Lawrence W. Sherman et al., Team Policing: Seven Case Studies (Washington, D.C.: The Police Foundation, 1973). An annotated compendium of works on this concept is James M. Edgar et al., Team Policing: A Selected Bibliography (Washington, D.C.: National Criminal Justice Reference Service, Law Enforcement Assistance Administration, United States Department of Justice, 1976).

An investigator's primary objective is to construct a plausible, sophisticated case against the accused, even though he or she may not be immediately identified or taken into custody. The methods and tactics used are expected to conform to standards established by the criminal court.² Infrequently, this process results in a finding of innocence for persons wrongly accused.

Investigations of alleged crimes are derived from a comprehensive strategy formulated and periodically modified by Department administrators. It is useful to distinguish strategy -- the planning decisions which specify methods of executing certain police activities -- from tactics -- the processes by which those decisions are actually operationalized or implemented. Strategy and tactics are both formally enunciated in Washington's Metropolitan Police Department;³ tactical discretion is at once possible and expected.

See also the National Advisory Committee on Criminal Justice Standards and Goals, A National Strategy to Reduce Crime (Washington, D.C.: U.S. Government Printing Office, 1973), which recommends that "case preparation specialists" be utilized to insure that evidence which may lead to the conviction or acquittal of a defendant be competently prepared for review by the prosecutor. It should be pointed out that detectives are not always police department employees: In some jurisdictions they are attached to the prosecutor's office, and in some municipalities death investigations are made by the coroner's office.

²There is a sizeable literature on criminal investigation written for police personnel and administrators. Most of it qualifies as textbooks, handbooks, or reviews of "fundamentals". For an excellent listing see Appendix A (pp. 147-150) and the Bibliography (pp. 177-182) of Peter W. Greenwood, Jan M. Chaiken, Joan Petersilia, and Linda Prusoff, The Criminal Investigation Process, Volume III: Observations and Analysis (Santa Monica, Cal: Rand, 1975).

³MPD's general orders specific to detective work are "Investigators" (201.24), and "Procedures for Conducting Investigations" (304.1). Particular types of offenses, e.g., "Investigation of Sex Crimes" (304.6), or "Procedures for Handling Armed Robberies (other than Street Robberies)" (308.9), may warrant detailed policy.

Among detectives in the District, case preparation is thought to require unusual care since both the language of statutes and the rules of criminal procedure afford accused persons substantial due process protections.

In the vast majority of instances, a criminal case is assigned to an investigator on the basis of prior police activity. Reports of an unconscious person, a robbery, a gunshot victim being treated at a hospital, or a suspicious fire all require that follow-up of the initial notification be made. When a uniformed officer first responds to a scene, he will determine whether jurisdiction will be assumed by District or Headquarters (CID) detectives, and whether to request immediate assistance from specialized units from the latter. For example, if the communications dispatcher sends a scout car to the location of a liquor store whose manager claims to have been robbed at gunpoint, the scout car officer will request a Robbery Cruiser be notified. While the uniformed officer takes his initial report on the offense, Robbery Branch detectives will start their investigation.

As one would expect from an examination of Table 2-1, the cases processed by CID Robbery, Burglary, and Check and Fraud Branches are too numerous for immediate, individualized attention. The same situation is characteristic of the Districts, where a large case volume combined with the generalist (rather than specialist) nature of District detectives produces backlogged assignments. Only in the event of death, rape (euphemistically called "criminal assault" on the police radio), attempted rape, or other serious crimes such as armed robbery, critical injury assaults, major burglaries, bombings,

or arson does mobilization of CID detectives appear warranted on immediate basis. Thus, many worthless document offenses, burglaries, larcenies, and robberies may have transpired a matter of days before an investigator can follow up the initial report.

Assignments given to detectives become their responsibility until the case is closed (normally by the arrest of a suspect), suspended, exceptionally cleared, or unfounded.⁴ In any given Branch of CID there will be great variation in the rate with which cases progress. Some will require that detectives follow numerous, promising leads, while others seem fruitless from the start. A case often involves recovery of a weapon for subsequent testing and analysis, interviewing and taking statements from witnesses, obtaining arrest and search warrants, and a review of criminal records. Crimes which are given close attention by the media, involve substantial monetary loss, or are sex- or homicide-related usually divert additional police resources. Policemen will be "detailed" to assist with a "canvass" of possible witnesses to an offense, or the crime scene search unit (mobile crime) will prepare photographs and sketches of the scene, lift fingerprints, and gather and preserve evidence. On rare occasions an investigator can request consultation on the case by an Assistant U.S. Attorney (AUSA), who will ensure that

⁴Closed cases, then, are "cleared by arrest". Cases are suspended when "every reasonable avenue of investigation has been exhausted and further effort is meaningless". Exceptional clearances are limited to such instances as the offender committing suicide, a deathbed confession (if the offender dies), confession by a subject already in custody or serving sentence, etc. Cases are unfounded if an investigation proves to be groundless, that is, the offense reported was in fact never attempted or committed.

its preparation follows legal requirements.⁵

Investigators, like other policemen, are sensitive to the evanescence of cases, i.e., the reduction in their probabilities of closure as time passes. Thus, it is critical for detectives to develop promising leads before suspects can change their clothing, dispose of automobiles, or arrange alibis.

Assuming that an investigation results in arrest, and that the case is "papered" (accepted for prosecution) and proceeds to trial, the documentation compiled by a detective will often be subject to close scrutiny in the courtroom. The notes he made on the scene, affidavits filed for warrants, and his storage and retrieval of evidence may all be challenged. Moreover, he can expect that his testimony, reflecting intimate knowledge of case details, will be attacked. And even if a conviction is obtained, his work on the case may be reanalyzed in an appellate court. The care with which a detective has reconstructed a crime and the extent to which evidence corroborating his theory is successfully argued, then, are significant indicators of his professional expertise.⁶

B. Selection, Training and Deployment of Detectives

The rookie officer who has just completed training at the

⁵Additional assistance may be obtained from the Major Violators Section of CID, where important cases can be given intensive, individualized pretrial preparation. Its personnel will interview witnesses, sequence testimony, and coordinate laboratory and other expert analyses.

⁶We are assuming here that unusual problems do not arise during trial, e.g., careless or incomplete questioning by the prosecutor, unconvincing or inconsistent testimony by a witness, or evidentiary difficulties, all of which may operate independent of the investigator's skill or persistence.

Police Academy quickly finds himself unprepared for many subtleties of street work. He finds that he must be alert to departures from patterned regularities in street life and he discovers, not in the statistical sense, but personally, that criminal occurrences are not randomly distributed in his assigned beat. Under the hypothesis that exposure to the street for some years is prerequisite to making a "good policeman", administrators typically make appointments to their detective bureau from among experienced officers. A policeman working the streets will have been under supervision from his sergeant as he disposed of numerous complaints and incidents. Equally important, the quality and promptness of his paperwork will be known. Theoretically, then, detectives are selected for their proficiency at police work and are thought to be capable of managing complex, intellectually demanding investigations.

Many departures from this model are evident among Washington's detectives. Some who hold investigator status were at one time "temporarily detailed" from uniformed ranks or from district detectives to CID for special purposes. Others were promoted on the basis of their exemplary conduct under stress or for having closed an important case. The Branches comprising CID appear to contain many investigators who were highly-regarded plainclothesmen in their Districts. In any event there is no single, formally-designated track from patrol work to the detective bureau.

The same system of ranks found in Patrol and other Divisions of the Department is characteristic of detectives. Appointment is at the rank of Detective II, with possible promotion to Sergeant, Lieutenant, Captain, and Commander, Criminal Investigations

Division, successively.⁷ As was noted before, a few officers considered extraordinarily valuable in past years were promoted to Detective Sergeant, Detective Lieutenant or Detective Captain, but only a few remain on the roster of personnel.

It is evident that many persons recruited to police work aspire from the outset to plainclothes assignment. For them, working the streets in uniform is an apprenticeship during which they hope to avoid offending any officials who may influence their prospects for advancement, avert personal injury, and distinguish themselves as "good cops".⁸ Other persons entering police work either have no preference for the plainclothes role, or once did but discovered that advancement opportunities are more numerous in the uniformed ranks.⁹ Any officer with even two or three years of experience knows that detectives spend a good part of their day off the streets, usually handling paperwork. Many officers are unwilling or unable to make the transition that would be required. Thus, a good "street man", aggressive, arrest-minded, and highly knowledgeable about his assigned sector of the city, does not necessarily make a good

⁷The general orders contain a discussion of promotion from Detective II to Detective I; at the time field research was underway, sentiment was expressed that a few "senior" investigators in CID would be promoted. Financial constraints in the Department soon obviated that prospect.

⁸In the New York Police Department, promotion to plainclothesman from uniformed status is referred to as "getting out of the old bag". Demotion of a plainclothesman, conversely, is almost always back to uniformed rank.

⁹An intermediate category of officers, the "old clothes" or "casual clothes" tactical unit, consists of policemen out of uniform but assigned to the Patrol Division. Considered a prestigious duty, especially among young officers, it focuses upon street crime.

investigator. Similarly, a good detective, methodical, perseverant, and tolerant of clerical duties, may not be an effective street officer.

Appointment to detective status is followed as soon as practical by enrollment in an Investigator Training Program¹⁰ for four weeks.

Topics covered at the Training Division are:

Principles of Investigation	Techniques of Interrogation
Investigator's Notebook	Introduction to Speechcraft
Perception	Law -- Rules of Evidence
Techniques of Interviewing	Statements
Initiating the Investigation	Law -- Eyewitness
Crime Scene Investigation	Identification
Warrant Affidavits	Courtroom Tactics
Law -- Search and Seizure	Courtroom Demeanor
Progressing the Offense Report	Questioned Documents
Telephone Security	Conducting Raids
Scientific Aids	Organized Crime
Range (Firearms)	Homicide Investigation
Electronic Surveillance	Sex Unit
Bombs and Explosives	Fugitive Squad
Photography	Auto Theft Unit
Informants	Secret Service
Central Records -- Report	Recorded Sources of Information
Writing	Techniques of Surveillance
Check and Pawn Section	Practical Surveillance
Arson Investigation	Problems
Burglary Section	Conducting a Canvass
Narcotics	Background Investigation
Robbery Branch	Modus Operandi Section
	Procedures of Arrest

In addition to the obvious technical information imparted to new investigators, the training program is a source of conventional wisdom about police errors, defendants, the courts, trends in criminal behavior, and the United States Attorney's office. Lectures, which might otherwise be intolerably ponderous, are liberally

¹⁰Washington's MPD is apparently unusual in this regard. The Rand study reports that most cities relegate all instruction to "on-the-job" training and subsequent refresher training. See Jan M. Chaiken, The Criminal Investigation Process, Volume II: Summary of Municipal and County Police Departments (Santa Monica, Cal: Rand, 1975).

sprinkled with "war stories", ribald jokes, and sage advice. A participant in training thus undergoes an intensive socialization in the beliefs, attitudes and values of detectives. He finds that the content of this socialization converges upon his conceptions as a uniformed officer, but many subtle distinctions are apparent. He is still a policeman but these new dimensions of his occupation are accompanied by shifts in ideology.

Most specialized of all is in-service training offered to selected officers by the Criminal Investigations Division. Designed for experienced personnel, typical examples are courses of two weeks' duration in homicide investigation and sex crime investigation.

Homicide School topics are:

Homicide Unit Operations	Homicide Investigation
Statements -- Witnesses & Defendants	Crime Scene Search
Bondage & Autoerotic Deaths	Ma'squerade Deaths
Sexual Deviation Relative to Homicides	Sex Crimes Related to Homicides
Industrial Deaths	Investigation of Narcotic Deaths Relative to Homicides
Investigation of Unusual & Natural Deaths	Anatomy
Fire Deaths	Investigation of Arson and Fire Related Deaths
Death by Electrocution	Mobile Crime Laboratory Functions
Homosexuality and Homicides	Forensic Pediatrics
Investigation of Sex Related Homicides	Investigation of Infant and Battered Child Deaths
Suicide Shooting	Suicide Poison & Overdose
Suicide Cutting & Stabbing	Fall Deaths
Suicide Jumping and Fall Deaths	Deaths in Police Custody and Police Shootings
Lectures on Wounds, Ballistics & Special Techniques	Demonstration on Ballistics, Patterns and Velocity of Firearms
Asphyxia	Time of Death
Blunt Force Injuries	Practical Problem
Cutting & Stabbing	Radical Groups and Assassinations
Introduction to Forensic Pathology	
Investigating Asphyxia Deaths	

Training in the investigation of sex crimes, on the other hand, includes:

Sex Offense Branch Operations	Sex Crimes re: D.C. Code
Statements & File Jackets	Patterns of Sexual Behavior
Prosecutions of Juvenile Offenders	Preservation of the Crime Scene and Collection of Evidence
Child Molesters	Interviewing Children
Interviewing the Sex Crime Victim	Federal Bureau of Investigation
Telephone Technology	Laboratory Hairs -- Fibers -- Serology
Papering Cases	Emergency Procedures at D.C.
Tracing Suspects	General and Treatment of the Rape Victim
Health Department Followups	Latent Fingerprint Section
Gyn. Examinations of Sex Victims	Treatment of Juvenile Victims
Interviewing the Rapist	Incest
Battered and Sexually Abused Children	Sex Murder Investigations
Venereal Diseases	Search Warrants, Arrest Warrants
Prosecution of Sex Offenses	Court Ordered Lineups
Modus Operandi Files	Rape as Viewed by a Defense Attorney
Sexual Deviation as a Police Problem	Artist Drawings and Composites
Rape Crisis Center	Psychological Makeup of a Rapist
Experiences of a Rape Victim	Practical Problem
Sex Crimes	
Saint Elizabeths Hospital	
Interview with Mental Patients	

Classes for these courses enroll officers from each of the Districts composing MPD, from CID, and from other police jurisdictions.

Lecturers are drawn from MPD, of course, but also from the United States Attorney's office, local hospitals, the Medical Examiner's office, the F.B.I., and the Armed Forces Institute of Pathology.

These schools have sophisticated curricula and able lecturers; participants generally view the training offered as a unique opportunity to sharpen their skills. They also make valuable contacts with investigators from other areas who may be helpful on a case later.

The work of criminal investigation in Washington conforms to the schedule of other policing there. Detectives work one of the three tours of duty, arriving well before "roll call" to

familiarize themselves with happenings during the previous shifts. Most of CID officers and representatives from each District attend the "lineup" held at 7:30 a.m. in Headquarters. There, arrest reports for most¹¹ suspects taken into custody and booked in the central cellblock during the previous twenty-four hours are individually read and the arrestees are then presented for viewing. Pertinent information on the suspect's current charge, arrest history, address, age, m.o., aliases, and associated firearms, automobiles or drugs is announced. Each officer is given a mimeographed sheet listing the morning's subjects, e.g.,¹²

Fredericks, Anthony K.	NM	7-14-55	UNA	805 16th St. NE
Calvin, Porter S.	WM	2-21-58	Asslt w/I to Rape	4127 Idaho Ave. NW
Daniels, Ricky	NM	Refused	RSP	Refused
Beavers, Willie	NM	3-6-52	Burglary II	703 Canal Rd. SW
Campbell, Victoria L.	NF	12-5-50	ADW Gun	1417 Kingman Pl. SE

After viewing the offender any investigator may request him or her for questioning. This activity, known informally as "snatching" a prisoner "off the block", can provide information on criminal events in the suspect's residential area, or can probe the subject's knowledge of other open cases with a similar m.o. "Deals" are frequently offered by detectives to elicit information but most suspects, who know they will very likely be released on bond or personal recognizance at their arraignment a few hours later, are

¹¹Midnight shift officers screen out minor offenders who would be of no interest to the lineup.

¹²All identifying information is fictitious, but these cases accurately resemble the array seen at lineup. The data are: name given (not always the true identity), race/sex, date of birth, offense (UNA: Uniform Narcotics Act; RSP: receiving stolen property; ADW: assault with a deadly weapon), and claimed address.

too street-wise for this ploy. On occasion, such as an open homicide case involving a sawed-off shotgun, every subject arrested with such a weapon will be "plucked" for questioning. Since the offender population in the District is highly recidivistic, many of the defendants seen at lineup are familiar to detectives from prior contact. This is particularly true of those arrested for prostitution (male and female) and drug possession.

Following the morning lineup, investigators return to their units -- either the Districts or the CID Branches -- where short meetings are usually held before they begin the day's activity. Here, procedures (especially if they are new) are reviewed, cases are "progressed", new assignments for investigation are given, and police vehicles¹³ are made available. At this point the detectives of a given Branch deploy themselves in varied routines. Some will be interviewing prisoners from lineup, while others will remain in the office to type reports. Those going onto the streets may simply cruise the city until mobilized by the communications dispatcher, or may interview a witness or examine new evidence pertaining to an open case.¹⁴

¹³Unmarked cruisers are the objects of institutionalized complaints. They are often not in their assigned spaces, necessitating a search of the parking areas, and are always in short supply. Moreover, the vehicles are invariably low on fuel and the radio becomes inoperative with alarming frequency. CID cruisers are comparatively new but they suffer the usual deteriorative effects of around-the-clock police service.

¹⁴Little or no differentiation is made among cruisers on the streets except for two assigned to the Homicide Branch. They are Cruiser 311, the Homicide "hot car", and Cruiser 312. The communications dispatcher will activate Cruiser 311 for a "man down", "unconscious person", or a "serious injury", and if the victim is taken to a hospital, 311 and 312 will decide which takes the scene and which follows the victim.

A working detective can draw upon several resources as the occasion warrants. He will often have a partner, but can request assistance from another police unit at any time.¹⁵ His accessories include both standard equipment issued to him by the Department and supplementary weapons thought to be desirable in the absence of a uniform symbolizing his authority. Detectives routinely carry a .38 caliber revolver (usually "snub-nosed", i.e., with a two-inch barrel), six (sometimes twelve) rounds of extra ammunition, handcuffs and key, badge and identification folder, a blackjack ("sap"), keys (including one which fits police callboxes), and his investigator's notebook for recording information from crime scenes, interviews, etc. Depending upon which assignment he is working, he may additionally take a "spread" of photographs (including one of the suspect in a case) to show witnesses, a file ("jacket") of documentation on an offense, and a flashlight.

Although detectives engage in a series of activities which corroborate public conceptions of their work as dangerous, or which may generate threats to their authority as police officers, observations suggest that they do not often use the weaponry they carry. As Buckner¹⁶ has noted, however, some policemen assume that their credentials will not sufficiently control many situations. They may thus prefer to carry a second gun, high-velocity, hollow-point ammunition, a small cannister of tear gas, or a set of brass

¹⁵Broadcasting a "10-33" call -- "policeman in trouble" -- brings immediate and decisive help.

¹⁶H. Taylor Buckner, The Police: The Culture of a Social Control Agency, unpublished PhD. dissertation, University of California, Berkeley, 1967, pp. 230-231.

knuckles.¹⁷ The most risky situations, e.g., the "turn-up" of a subject named on an arrest warrant, mandate participation of a two-person scout car and a uniformed sergeant.

Investigative work requires that detectives, to a much greater extent than other policemen, become knowledgeable about specialized facilities associated with the Department. Homicide detectives, for example, will routinely be familiar with hospital emergency rooms where victims of shootings, stabbings or beatings are taken, and they claim a "second office" at the medical examiner's building, where they attend autopsies and consult with the forensic pathologists. Sex offense investigators are regularly drawn to rape crisis centers administered by hospital staff and acquire a sophisticated knowledge of the medico-legal aspects of rape. Detectives may work closely with the Questioned Documents Section, which obtains handwriting samples ("exemplars") from suspected offenders and analyses handwriting on checks, money orders, hotel or motel registrations, pawn slips, motor vehicle registrations, robbery or extortion "demand" notes and other documents pertaining to criminal cases. It is possible to trace locations of fugitives, witnesses or suspects through Haines directories, which cross-index telephone numbers to addresses and addresses to names. Further, a gun confiscated by street officers may be connected to an open case involving a shooting with assistance from the Firearms Section, which examines, catalogues and test-fires weapons.

¹⁷ Many departments specifically prohibit these but the freedom of accountability enjoyed by detectives means that violations rarely come to the attention of administrators.

As was noted earlier, detectives theoretically have access at any time to the resources of the prosecutor's office for advice during an investigation. In practice, however, the prosecutor is rarely involved prior to arrest of the subject. Most often this is after a complex homicide or sex crime, an extensive conspiracy, or a widely-publicized incident. Most detectives feel they know how to avoid the usual police errors which can arise in probable cause, search-and-seizure, and evidence handling situations. Some have the impression that to consult with the prosecutor as the investigation proceeds is a sign of insecurity or incompetence.

C. Images of Investigative Work

It is not likely that modifications in traditional detective work will be among the changes seen in police departments over the next decade. As the Rand report notes, major contributions to the unique status enjoyed by detectives are less supervision, plain-clothes attire, greater financial remuneration, and control over one's work pace.¹⁶ Further, an investigator's work is considered more interesting and satisfying by a majority of other policemen because he can pursue cases to their conclusion, even though many (for certain types of crime, most) cases are not ever solved.

Detectives seem inclined to preserve their distinctiveness, although sometimes unwittingly, in ways that suggest aloofness and pretentiousness to their uniformed peers. As the Rand Researchers noted:

¹⁶Peter W. Greenwood, Jan M. Chaiken, Joan Petersilia, and Linda Prusoff, The Criminal Investigation Process, Volume III: Observations and Analysis (Santa Monica, Cal: Rand, 1975).

The status of the detective division has often inhibited the profitable exchange of information between detectives and uniformed personnel, and has been instrumental in transforming the detective division into an almost independent department.¹⁹

Although police administrators sometimes appear distressed over the hiatus between their investigators and their uniformed officers, the very spatial arrangement of precinct stationhouses and a centralized headquarters serves to reinforce the distinction.

Most detectives are aware that any compartmentalization will in the long run impair their effectiveness in working the streets. Not only will they have to solicit information about assigned cases from uniformed officers who made the initial reports, but they will also initiate contact with informants who can be knowledgeable. The "distance" between a plainclothesman and the uniformed force is to very great extent a matter of personal style. Although not a widespread practice, some detectives routinely "give" arrests to uniformed officers accompanying them on "turnups". This charitable gesture implies that the uniformed policeman will reciprocate by channeling any information subsequently picked up on the streets to his benefactor.

Experienced investigators have learned to cope with limited success in their jobs. The most rational (although exceedingly troublesome) index of their expertise as policemen is the progress of cases from arrest, through trial (or a guilty plea) to conviction. One of the pervasive beliefs in the Department is that if enough manpower, time and resources could be mobilized, virtually every

¹⁹Ibid., p. 6.

reported crime could be solved. Since that state of affairs is unlikely, detectives systematically evaluate the closure prospects for each assignment and invest their energies and talents in the most promising. Knowing that this policy will eventuate in a perfunctory follow-up of many larcenies, burglaries, and robberies, detectives obtain residual satisfaction from those cases which do close.

Greatest satisfaction is perhaps derived from being given a case so complex and multidimensional that the investigator works it exclusively. For example, he may handle an armed robbery of an armored car deliveryman where the monetary loss, m.o., and paucity of clues suggest an "inside job", or may be assigned a felony-murder case in which the victim was fatally wounded by a holdup man as he was approaching a bank night depository. Coordinating this type of investigation is said to compensate for those numerous "routine" assignments that have no prospects of closing.

Public conceptions of the criminal investigator's role frequently combine selected attributes of the amateur sleuth, the private investigator, and the police detective. Long fabled in novels, motion pictures²⁰ and most recently in several television series, detectives have a mystique exclusive to their occupation:

The media image of the working detective... is that of a clever, imaginative, perseverant streetwise cop who consorts with glamorous women and duels with crafty criminals. He and his partners roam the entire city for days or weeks trying to break a single case, which is

²⁰For an absorbing account of the role movies have played in the imagery of detective work, see William K. Everson, The Detective in Film (Secaucus, N.J.: Citadel Press, 1972).

ultimately solved by means of the investigator's deductive powers. This image is the one that many investigators prefer -- perhaps with a degree of sanitizing. They would concede that criminals are rarely as crafty or diabolical as depicted in the media, but may not quarrel with the media characterization of their own capabilities.²¹

The concept of a "detective mystique" has intrigued observers for a good number of years. Written accounts are divisible into those which defend the concept on the grounds of its functional properties and those which contend that the mystique contributes to divisiveness and ambiguous records of accomplishment. Reporting upon recent conferences held by the Police Foundation, one authoritative study holds that:

[T]he prevailing view among managers of detectives was that adequate supervision requires overcoming the 'detective mystique', the attitude that detectives are uniquely talented individuals, superior to all other officers. It causes detectives to treat all other police employees as inferiors and leads them to resent any attempt to monitor and direct their activities. This mystique is the cloak of mystery into which a detective sometimes draws when trying to account for his activities -- as when a pleasant two-hour stint at a bar is described as 'cultivating informants'.²²

The Bloch and Weidman study of managing investigative resources in six cities suggests additionally that piercing the mystique may not be inconsistent with providing constructive, supportive

²¹Peter W. Greenwood and Joan Petersilia, The Criminal Investigation Process, Volume I: Summary and Policy Implications (Santa Monica, Cal: Rand, 1975), p. 5.

²²Peter B. Bloch and Donald R. Weidman, Managing Criminal Investigations (Washington, D.C.: Law Enforcement Assistance Administration, U.S. Department of Justice, 1975), p. 27. See also Donald R. Weidman, Improving Police Investigation Through Better Management (Washington, D.C.: The Urban Institute, 1974).

direction to detectives:

Competent personnel need not be subject to detailed scrutiny of their every move. The more skilled and highly motivated the investigator, the less necessary and more wasteful such scrutiny would be. The core of an accountability system is that the supervisor be aware of the size and difficulty of the workload of each investigator and his success in responding to that challenge.²³

Supervisors (officials) in the Metropolitan Police Department essentially control workload size and difficulty but measuring investigative success, as we shall see later in this report, is quite another matter.

There is feeling in some quarters that many activities engaged in by detectives are anachronisms from the early days of police work or simply conform to the public stereotype of what a detective should be like. Oftentimes, no logical reason exists for certain practices although an important confounding factor is the necessity for performing investigative rituals because crime victims expect them. Thus, a burglary case with no distinctive entry clues and stolen merchandise which has no serial numbers or other identifying characteristics might justify fingerprinting and searching at the scene only because the burglary victim expects some kind of specialized police attention. On the other hand a plainclothesman will usually extend an investigation beyond its apparently logical limits because he believes in aleatory events, i.e., those unanticipated, anomalous occurrences which sometimes (though rarely) close a case. Thus, a case that has exhausted all investigative avenues is reopened

²³Bloch and Weidman, p. 27. Emphasis mine.

because of a phone call from an informant, a recovered weapon, a conversation overheard in prison, or responses to close questioning of a suspect in another jurisdiction. Such cases are numerically so infrequent as to become legendary, but they reinforce the belief that, technically speaking, no unsolved crime should ever be considered closed.

D. Some Observations on Investigative Technique

Efforts have been made in recent years to explain some of the patterns found in police work on the basis of officers' personalities. Among the first was Niederhoffer's study of New York City policemen, which suggested that cynicism and authoritarianism were dominant characteristics of the police personality.²⁴ This was followed by Skolnick's analysis of the policeman's "working personality", a less social psychological orientation which showed how danger and authority produce suspiciousness and social isolation, respectively, among officers.²⁵ Regardless of whether certain identifiable characteristics are, or become, personality attributes, or whether they are simply incorporated into the police role, patterned regularities are observable. To a very large extent, the effectiveness

²⁴Arthur Niederhoffer, Behind the Shield: The Police in Urban Society (Garden City, N.Y.: Doubleday, 1967).

²⁵Jerome H. Skolnick, Justice Without Trial: Law Enforcement in Democratic Society, 2nd ed. (New York: John Wiley, 1975). See especially Chapter 3, "A Sketch of the Policeman's Working Personality". This chapter is essentially identical to the one in the first edition (1966). Most recent is Tifft's study indicating that policemen value friendly relations with the public, but that the constraints of their work produce suspicion, distrust, and cynicism. See Larry L. Tifft, "The 'Cop Personality' Reconsidered", Journal of Police Science and Administration 2 (September, 1974), 266-278.

of an officer will depend upon his capacity to acquire or develop certain skills. If he is assigned to investigative work, some of these skills become more critical than among uniformed policemen.

It is widely thought that the detective bureau should consist of investigators with complementary forms of expertise. On the one hand, this means that detectives should be recruited from the full range of areas -- precincts or districts -- which make up the city, since personal contacts usually ensure greater cooperation from those areas when special needs arise. It means, on the other hand, that investigative acumen should be heterogeneous, i.e., that detectives with specialties in crime scene search, interviewing hostile or reticent witnesses, knowledge about automobiles, firearms, drugs, gambling or prostitution are valuable contributors to the investigative process. Given the technologically advanced state of modern police work, it is improbable that a detective can develop expertise in more than a few specialties. He can, for example, contribute his understanding of serology or ballistics to the preparation of others' cases, and draw upon his colleagues for similar technical support.

Detectives in the Criminal Investigations Division most closely resemble this ideal. Certain officers have Department-wide reputations for securing critical evidence from scenes, interviewing "whores", "queers", "drunks", and "junkies", unraveling swindles and confidence games, taking statements from rape victims, "squeezing" informants, and coordinating documentation in complex, lengthy investigations. Many are verbally adroit, or more colloquially, "hip with the mouth".

Part of the original justification for deploying detectives as partners was that they could combine complementary skills. If partners work over an extended period of time they establish a routine reflecting their unique abilities. Thus, one partner may take extensive, detailed notes in the field, while the other questions subjects and observes. One may retain case details easily, while the other has a memory for faces and names.

The solution of most open cases requires that an investigator be a theoretician. Some detectives have little aptitude for reconstructing a crime, much less closing a case, while others view the challenge of an open case as a logical exercise. The latter assign probabilities to certain events, exclude many possibilities, and make inferences from available knowledge.

One expectation which arises from the detective mystique is that investigators are, or should be, more perceptive, clever, manipulative and deductive than their uniformed counterparts. To this end, a fairly standardized set of techniques is found among working detectives, at least some of which are taught in the Investigator Training Program. A few examples will show how these techniques may be useful for the solution of a crime.

First, there are suggestions about the way to properly interview²⁶

²⁶In the lexicon of police work, yesterday's "interrogation" is today's "interview". An interview with a person suspected of committing a crime or who is suspected of concealing information pertinent to an investigation is expected to obtain a confession (an acknowledgement of guilt), to induce an admission (a self-incriminating statement of complicity), to learn facts and circumstances about a crime, to learn the identities of accomplices, to recover evidence, or to discover details of any other crimes. [Adapted from "Interrogation", Investigator Training Program (Washington, D.C.: Metropolitan Police Department, 1973) 7.

a suspect or witness. Detectives are advised to minimize, rationalize, and project. One's choice of words is designed to minimize the crime by referring to murder as a "shooting" or "cutting", burglary as a broken door or window, and rape as intercourse or "having sex". It is thought that the impact is thus lessened and the suspect is better conditioned to respond. Similarly, comparison with other crimes is exaggerated, e.g.:

If the suspect has committed an armed robbery say: 'It's not as serious as you think; you didn't shoot anyone did you?'

If the individual shot someone say: 'It's not as serious as you think; you didn't kill him did you?'

The offense can at once be rationalized and have blame projected upon others by the investigator suggesting that:

'If that woman hadn't been dressed to go around teasing men, she wouldn't have been raped.'

'If the man hadn't flashed his money he wouldn't have been robbed.'

'If the store owner hadn't bucked when you told him to give it up he wouldn't have gotten shot.'

Plausible scapegoats for what the offender did are the boss who fired him, the girl friend (or wife) who was unfaithful, the pusher who got him hooked, or the poverty conditions that didn't give him a chance in life.²⁷

Second in the repository of investigative techniques is a set of tricks and bluffs. Enormous variations occur both among detectives

²⁷An excellent discussion of rationalization and its use to neutralize norms regarding order and morality is Gresham M. Sykes and David Matza, "Techniques of Neutralization: A Theory of Delinquency", American Sociological Review, 22 (December, 1957), 177-178.

with respect to their skill in using these ploys, and in the vulnerability of suspects or witnesses to them. Some devices are so simple that they prove ineffectual with all but the most easily intimidated, naive, confused, or apprehensive persons. Examples here involve the use of handcuffs, an apparent warrant, and splitting cosuspects or codefendants. In the first case a detective sitting or standing close to the subject produces his handcuffs and idly squeezes them, making the ratchets click. A person who is lying or uncooperative is thus "threatened" with arrest. The second ploy involves an interview with a suspect or reluctant witness in police facilities. Tucked inside the detective's coat pocket is an "arrest warrant", at the top of which is typed the subject's name and other identifying information. As the officer explains how important the person's information is to the matter at hand, he draws back his coat "revealing" part of the "warrant". He then points toward his "Sergeant" (actually another plainclothesman) and confides that his superior insists on someone being "locked up" soon unless the information materializes. Third, a pair of suspects is immediately separated, statements are taken from both, and they are compared for discrepancies. Each suspect is then reinterviewed and asked about certain "inconsistencies" (real or contrived). The "weaker" of the two is told that the other individual has implicated him as the major figure in this offense. It is hoped that the weaker one will retaliate with the truth.

Other bluffs and tricks may require a faultless script and skilled choreography. Examples in this category are the promise of a negotiated plea, locating a suspect, and the good guy/bad guy

bluff. First, the investigator may suggest to the defendant that he can intercede with the prosecuting attorney to have charges ancillary to the primary offense dropped, or may argue for a reduction in charge (e.g., from burglary to receiving stolen property) in exchange for cooperation. Such transactions between the detective and the offender are not recorded, of course, and "slippage" in the reciprocity has been known to occur. The detective, for instance, may never intend to approach the prosecutor with such a proposal, or may know in advance that it would be unacceptable. In most cases the defendant's part of the "contract" is an indent to the investigator's, but occasionally a suspect will require assurance from the prosecutor that he will honor such an arrangement.

A second, more complex scheme is designed to locate a wanted subject. When information develops about a suspect whose whereabouts are unknown, his wife or girlfriend can sometimes be induced to reveal the location. Usually two visits by police are required. On the first, inquiry about the suspect produces the expected negative reply. Response to the second visit, by an investigator, is a little more hostile, at which point the officer produces a photograph of an attractive, well-dressed female. He explains that this woman is known to be associated with the suspect, and asks the wife/girlfriend if she is a friend or relative. Further suggestive comments relate to the frequency with which the suspect and this unknown woman have been seen together, the obvious expense of her stylish attire, etc. The investigator then leaves his card and returns to his office, where he hopes to receive a phone call about the individual's location.

Yet another bluff illustrating the importance of subterfuge in criminal investigation is referred to as good guy/bad guy. This method for compromising unwary persons has received wide exposure in television and motion picture dramatizations. Recent versions explicit racial or ethnic differences among detective "partners". An excellent illustration of this device is found in Barbara Gelb's research on the Manhattan Homicide Task Force, where police seek an interview with Jenny, the classmate of a murdered student:

Jenny's apartment was on the top floor and all three detectives were slightly winded by the time they climbed the six flights of litter-strewn stairs. The closed doors on each landing were scarred by graffiti.

They knocked on Jenny's door.

'Who is it?' asked a woman's voice.

'Police.'

'Who? Who is it?'

'Police.'

'I don't believe you.'

Finally the door opened a crack. Rosenthal held up his shield. Grudgingly, the woman opened the door wider. The three detectives squeezed through into the small kitchen that served as entryway. Beyond it was a slightly larger living room, curtained at one end to conceal the bedroom.

'Are you Jenny's mother?' Rosenthal asked.

'Jenny doesn't want to talk to you,' the woman said, glancing anxiously toward the bedroom. All three detectives had taken note of the burnt spoon and pile of used matches on the kitchen table; Jenny's mother was a drug user.

The three detectives, with no visible signal, fell into ritual poses. Clifford leaned against the wall and kept quiet. Rosenthal assumed a hectoring tone. O'Connell was sweetness and light.

ROSENTHAL: 'Come on, now, call Jenny. She has something to tell us.'

MOTHER: 'She's sleeping.'

ROSENTHAL: 'How do you expect us to do our job?'

MOTHER: 'The cops came around before, bothering us. I'm willing to help, but ...'

ROSENTHAL: (very gruff): 'Well then, why

don't you?'

O'CONNELL: 'O.K. Matty, calm down.'

ROSENTHAL: 'Well, for God's sake, what kind of an attitude is that? (He seemed to be losing his temper.)

O'CONNELL (sternly): 'Matt, will you please shut up!'

ROSENTHAL (advancing on the mother): 'No, let me talk, I know what I'm doing.'

O'CONNELL: 'Keep quiet, I said.'

ROSENTHAL (shouting): 'Okay, okay, I'll keep quiet.' He stormed out, slamming the apartment door behind him.

O'CONNELL (in honeyed tones): 'Excuse him, please, he's just not himself today. He's having some personal problems.'

The mother, thoroughly intimidated by Rosenthal, was so relieved to be rid of him that she turned gratefully to O'Connell and said, 'Sit down, I'll get Jenny.'²⁸

A final technique refined by detectives is the cultivation and use of informants. Sentiment about the role of informants in police work ranges from those who feel there is no more compelling example of "perverse incentives" in our society, to those who hold that there is no more effective way to solve crimes. This discussion will be limited to the role informants play in the investigative process, their motives, and the protections afforded them.²⁹

²⁸From Barbara Gelb, On the Track of Murder (New York: Morrow, 1975), pp. 177-178.

²⁹The literature on informants in police work is voluminous. See, e.g., Skolnick, Chapter 6: "The Informer System"; Peter K. Manning, Police Work: Essays on the Social Organization of Policing, forthcoming; Peter K. Manning and Lawrence John Redlinger, "Invitational Edges of Corruption: Some Consequences of Narcotic Law Enforcement", in Paul Rock (ed.), Drugs, (New York: E.P. Dutton, Society Books, 1976); Gary T. Marx, "Thoughts on a Neglected Category of Social Movement Participant: The Agent Provocateur and the Informant", American Journal of Sociology, 80 (September, 1974), 402-442; James Leo Walsh, "Research Note: Cops and 'Stool Pigeons' -- Professional Striving and Discretionary Justice in European Police Work", Law and Society Review, 7 (Winter, 1972), 299-306; William F. McDonald, "Enforcement of Narcotic and Dangerous Drug Laws in the District of Columbia", Drug Use in America: Problem in Per-

The standard law enforcement perspective on informants could be stated as follows:

The traditional shortcut to the solution of a crime or to the location of a wanted person is the informant.... It is safe to say that a great percentage of important cases are solved by means of informants. The social level of the informant will vary with the nature of the offense on inquiry. The Investigator must know his way about the bars, carry-outs, restaurants, pool halls and other hangouts of his area. He must fraternize with people at all levels of society: bartenders, "fences", cabdrivers, doormen, waiters, maids, janitors, window cleaners, private security forces, night watchmen, deliverymen and in general, all those who see their fellow citizens from a special vantage point.³⁰

This statement suggests that the locus of informants is typically in the netherland of a city: economically-depressed areas, where inexpensive bars, decaying hotels, second-hand furniture stores, pawn shops and male entertainment centers are characteristic. Detectives³¹ concentrate upon "night people" and "street people" for their information, with the classic sources of information being homosexuals, taxi-drivers, prostitutes, drug addicts, night

spective, Appendix, Vol. III Technical Papers of the Second Report of the National Commission on Marijuana and Drug Abuse (Washington, D.C.: U.S. Government Printing Office, 1973), pp. 651-665; and Charles E. O'Hara, "Chapter 12: Informants", Fundamentals of Criminal Investigation, 3rd ed. (Springfield, Ill.: Charles C. Thomas, 1973).

³⁰Adapted from "Robbery Squad Working Manual", Criminal Investigations Division, (Washington D.C.: Metropolitan Police Department, n.d.).

³¹Cultivation of informants is of course a traditional activity among policemen. Its practice is by no means exclusive to detectives although the greater flexibility of their role makes it easier for them to meet with a prospective "smitch" and to assure protection of his or her identity than would be the case of most uniformed officers.

clerks, and bartenders. The reasoning behind this assumption is that they are most likely to have contact with stolen merchandise, fugitives, professional thieves, violence-prone individuals, and persons displaying sudden wealth.

The motives for revealing information, often at substantial risk, are numerous. An investigator soon learns to determine the validity of information, since the possibility exists that it is being volunteered as a diversion or that he is being set up.³²

Some of the usual motives for snitching are:

1. Civic-mindedness. Although rarely encountered in recent years, this public-spirited citizen seeks to make a contribution to crime-fighting or wants justice to prevail.
2. Revenge. Persons in this category have a "score" to settle against someone who informed against, or otherwise victimized, them.
3. Elimination of competition. Among persons engaged in questionable enterprises, eliminating competitors by using the police is not only sound business management but a rewarding con as well.
4. Fear. Some persons will provide information to reduce their endangerment or loss of property.
5. Financial gain. This category of informants is remuneration-minded. They usually have an immediate need, e.g., for drugs, which can be met by cash payment.
6. Improvement of compromised circumstances. These

³²For both of these reasons, some departments require that informants be met by at least two detectives. See Bloch and Weidman, p. 26.

³³Informants in the District are so valuable that cases in which they are involved as defendants are sometimes dismissed (on motion of the Assistant U.S. Attorney) to ensure their provision of information on other matters. When a detective finds that one of his

informants know the investigator can request that minor charges be dropped, e.g., if the informant is being held for parole violation, or is addicted to drugs and must obtain release from jail, or serious charges can be reduced.³⁴

Information obtained from snitches has many guises, including the ownership and locations of cars used in crimes, the true ("good") names and locations of suspects, the addresses where stolen goods or contraband (e.g., firearms or narcotics) may be found, or details of how a specific crime "went down". The affidavit for an arrest or search warrant based upon an informant's allegations ordinarily details the minimum amount of data which an investigator feels is necessary for that warrant to be issued. The following example shows how details furnished by a snitch are obscurely stated yet it leaves the distinct impression that this particular informant has been trustworthy in the past:

On Saturday, July 19, 1975, Detectives Gilley and Worwood of the Homicide Branch met with a reliable informant. This informant has been used by the Metropolitan Police Department Homicide Branch on several different homicide cases. On two of these occasions information supplied by this subject has resulted in arrest and later convictions of the perpetrators in those killings. During this meeting with the informant, he advised the detectives that the above named defendant was one of two men who committed this crime. The informant also stated that to the best of his knowledge on the same day as the shooting the subject had returned to his home with a large sum of money in his pocket.³⁵

"snitches" is in jail, he usually inquires about an early release. It would be interesting to know how many of the cases not processed or otherwise "dropped" in a given year are in fact "tradeoffs" for informants' testimony.

³⁴Some of this discussion follows O'Hara.

³⁵All identifying information in this affidavit is fictitious, but it is based upon an actual case in the Homicide Branch.

Under the assumption that "money talks", detectives will often "spread some greenbacks" (distribute five- or ten-dollar bills) to selected informants after a serious crime has occurred. Leads purchased in this manner are not much more expensive than the usual "fee", twenty or twenty-five dollars, paid to an informant.

Informant payments can be arranged three ways: a detective can make the expenditure out-of-pocket, he can "pass the hat" among his colleagues (who have sometimes obtained donations from him) or he can requisition funds from the Department. The decision is based more upon his estimate of whether the snitch would be insulted by payment from official sources than upon his personal finances at the moment. If the officer opts to requisition Departmental funds, he submits a form to his Branch Commander stating the need, the amount of money and a coded designation for his informant. Thus, a fee of \$25.00 may be requested for "Robbery Branch Confidential Employee No. 3". The true identities of snitches are among the most guarded secrets in police work, known in nearly every case only to the unit Commander and to the detective.³⁶

We have examined at close hand the role of criminal investigation. It will now be useful to show how that role relates to prosecution and to the criminal court.

³⁶The term "vest-pocket snitch" conveys the reluctance of policemen to reveal the identity of their informant even to other policemen. In CID, if a detective is working a case in Northeast Washington and has little personal knowledge of the area, he may find another investigator with snitch connections there and ask that he "put the word out". Information obtained in this manner is conveyed from detective to detective, protecting the identity of the source. Bloch and Weidman report that detectives have even been known to lease electronic "beepers" so that if an informant wants to contact them (and not other police personnel) they can do so through an answering service (p. 26).

DETECTIVES, PROSECUTORS, AND THE CRIMINAL COURT

The work of a detective is profoundly affected by his encounters with the citizens he polices, his experiences with the prosecutor's office, and the progress of his cases in court. Regardless of how skillfully he approaches his task or the quality of his completed product, certain problems will arise regularly. Some of these relate to the public being served, others have as their source the expectations of police administrators, and a few are inherent in the constitutional safeguards afforded defendants.

Investigators, like other policemen, tend to differentiate between two sets of the city's citizens. The first is a basically law-abiding public -- productive, stable, responsible -- although occasionally beset by problems.¹ The second, widely referred to as the "criminal element", consists of street thieves, professional criminals, and of course defendants. Each of these deserves a closer analysis.

Although detectives understand most of the values and beliefs of law-abiders they are distressed by an apparent apathy toward

¹It has been noted by other observers that police officers tend to conceive of citizens as problem-ridden because that is usually the nature of their contact with them. Thus, years of street work responding to problem behavior calls into question the concept of a "normal" person.

crime and a frequent uncooperativeness with investigators. The ordinary citizen is often victimization-prone in metropolitan areas, yet upon suffering a criminal offense he may refuse to assist police who have responded on his behalf. Interestingly, the Rand report suggests that the public thinks police forces have crime under control, and that if the average citizen knew how little impact the resources of law enforcement have operating by themselves, greater assistance might be forthcoming.²

Vignettes illustrating how policemen become cynical about the citizens they serve are observable on a daily basis in the District, e.g.:

A Homicide cruiser is dispatched to Central Hospital for a shooting case brought to the emergency room. The victim, a black woman suffering two gunshot wounds in the abdomen, is receiving emergency treatment. She is asked: "Who shot you?" After the question is repeated several times by the detective, she replies, "They say it was Leroy Williams". Subsequent investigation cleared Williams and the victim would offer no additional facts later.

A Robbery Branch cruiser is requested to investigate a holdup of a liquor store. According to the scout car officer on the scene, the robbery took place five minutes before. As a lookout is being put out on the air, detectives approach the manager for questioning a unit from the Mobile Crime Lab arrives and searches for fingerprints to no avail. The store manager, claiming an \$800 loss, is highly agitated over the number of police on his premises and the absence of customers. After giving vague and often contradictory answers to questions from detectives, he announces that he wants nothing to do with the investigation and that his only thought is how to get rid of the police so he

²Peter W. Greenwood, Jan H. Chaiken, Joan Petersilia, and Linda Prusoff, The Criminal Investigation Process, Volume III: Observations and Analysis (Santa Monica, Cal: Rand, 1975).

can 'open for business as usual'. Back on the streets, a uniformed Sergeant comments that he is dubious of the loss claimed and will 'give odds' that the case will never be papered.³

Skepticism about the "criminal element", as would be expected, is routine. Nearly every officer has been on the scene of a serious shooting or cutting where a dozen or more persons were present, yet upon questioning, no one witnessed the incident, could give a physical description of the assailant, or noted his route of departure.

Investigators are equally suspicious of statements given by suspects. To illustrate, the following scenario is said to occur with monotonous regularity:

Q: "What have you been getting into lately?"

A: "I works every day and I don't never do no wrong." (Variation: "... and I don't never snoot no dope.")

Q: "Where are you working now?"

A: "Well... I'm unemployed at the present, but I'm looking for a job."

Q: "Where are you locking?"

A: "Around, you know, lots of places."

Just as plainclothesmen develop preconceptions of the citizenry, they learn that "trouble" is almost routinely predictable in a few establishments and residential areas occupied by those citizens. To experienced investigators, certain hotels and bars are "good for" numerous serious crimes each year, as are certain "known" geo-

³Names used in these episodes are fictitious, although the events are based upon true incidents.

graphical areas.⁴

Fully aware that they are powerless to cope with crime when they are not wanted and will not receive assistance, many detectives believe that the criminal element is committed to an m.o. that will eventually receive "justice". A deserving suspect is sometimes said to have gotten "curbstone justice", i.e., be shot by a policeman during commission of an offense, be killed in jail, commit suicide, or be "hit" by someone else on the streets. More often, "justice" is thought to prevail when prostitutes get beaten, robbed or raped, homosexual lovers cut each other viciously over jealousies, drug dealers have no ethical or moral norms regarding their competition, and gamblers "rip each other off".

Another variety of problems faced by detectives, quite different from those posed by the public, can be attributed to the need for police administrators to be accountable. Branch Commanders, themselves answerable to the chief of detectives in CID, must address the issue of productivity. At the District level, the Lieutenant in charge of detectives reports on productivity to the Inspector.

There has long been dissatisfaction with the traditional measure of police "output", arrests, and its collective analog, "clearance rates".⁵ Inter-city and intra-city comparisons are

⁴Among the most notorious at the time of field research were in and around the intersections of 4th and M Streets, N.W., and 13th and T Streets, N.W.

⁵A good critique of the problems in compiling and using clearance rates is: Jerome H. Skolnick, "The Clearance Rate and the Penalty Structure", Justice Without Trial: Law Enforcement in Democratic Society, 2nd ed. (New York: John Wiley, 1975), Chapter 6. See also Joan L. Wolfle and John F. Heaphy (eds.), Readings on Productivity in Policing (Washington, D.C.: The Police Foundation,

inevitable for types of crimes, subunits within the department, etc. Thus, a high clearance rate suggests that crimes are effectively being "solved", when in fact this measure says nothing about the prospects of a defendant being convicted and punished, or about the victim's satisfaction with follow-up by the police and prosecutor.

Despite the known deficiencies in using arrests to measure productivity, this index continues to be popular.⁶ Cases are closed, as was discussed earlier, by arrest of the subject or by an outstanding warrant for a suspect's arrest. Some units in the Department generate the expectation that a fixed proportion of new assignments, e.g., 30%, be closed in a given month. Investigators who have a "bad" month, by receiving many "dead-end" assignments or a few time-consuming ones, will usually become apprehensive over their performances. Some detectives are said to "make" their "quota" in such a crisis by closing several cases on a "snitch" who has been induced to "take a fall". Nostalgic references are even heard in CID to the "Willie Pye" method of case closure,⁷ although it is no longer an acceptable procedure.

1970), and Peter W. Greenwood, Jan M. Chaiken, Joan Petersilia, and Linda Prusoff, esp. "Measuring Effectiveness", Chapter 3. The Rand report advocates the development of incident-oriented rates, which take into account the type of clearance and note the role, if any, played by investigators in the clearance, rather than time-oriented rates.

⁶"Box scores" of arrests, month-by-month, are posted on some units in the Districts.

⁷Willie Pye, according to Department lore, was a burglar active twenty or thirty years ago in Southeast Washington. When he was ultimately arrested, numerous open cases were "closed" on him without checking to see if evidence of his involvement could be established. To "Willie Pye" a case, then, was to close it on a plausible, recent arrestee whose m.o. was similar.

Alternatives to the use of arrests as a measure of productivity in police work are not easily found. If, as some have suggested, cases are traced beyond arrest to final disposition, a number of confounding factors is introduced. Among these are the relationship of the arresting officer to the prosecutor, the quality of evidence in the case, the defendant's plea, cooperation of witnesses, and the credibility of the complainant. The measure most frequently proposed to replace arrest quantity as indicative of effectiveness is arrest quality. Several operational definitions of this concept are possible but the one most widely researched asks: Does the arrest survive initial screening? In the District of Columbia, those which do are "papered".

In 1972, a Case Review Section was created in the Metropolitan Police Department to perform three essential tasks: (1) to maintain accurate records of the cases in which prosecution was declined ("no-papered") and the reasons behind this decision; (2) to determine in what areas cases were being no-papered as a result of police error or inadequate police performance; and (3) to determine in what areas no-papering resulted from system-wide problems, whether in the prosecutor's office, in court, or elsewhere.⁶

⁶ Descriptions of the case review function and findings from an analysis of no-papered cases are found in Geoffrey M. Alprin, "D.C.'s Case Review Section Studies the 'No-Paper' Phenomenon", The Police Chief, 40 (April, 1973), 36-41, and David Austern, "Analysis of the District of Columbia Case Screening Section" (Washington, D.C.: Metropolitan Police Department and United States Attorney's Office, n.d.). A discussion of how screening and special case processing can strengthen the prosecutor's office is found in W. Jay Merrill, Marie N. Milks, and Mark Sendrow, Case Screening and Selected Case Processing in Prosecutors' Offices (Washington, D.C.: Law Enforcement Assistance Administration, U.S. Department of Justice, 1973).

Recognizing that it would be advantageous to follow arrests in the District to their disposition, PROMIS, the Prosecutor's Management Information System, was developed for the Superior Court Division of the United States Attorney's office in 1971. It contains data⁹ on adult arrests (both serious misdemeanors and felonies) with details on offenses, arrests, prosecution decisions, and court disposition. Sophisticated analyses of PROMIS data done by the Institute for Law and Social Research, Washington, D.C., have assisted in the determination of several policy-related issues.

As a federal district, Washington has an unusual court system. Violations of the D.C. Code are designated for Superior Court if they are felonies or serious misdemeanors, while other misdemeanors (e.g., disorderly conduct, many traffic-related offenses) go to the Corporation Counsel. Violations of the U.S. Code (e.g., federal firearms or narcotics offenses) are handled in U.S. District Court. The prosecution of cases in both courts is conducted by the United States Attorney's office.

The trajectory of cases in D.C. Superior Court can be visualized from the stages shown in Table 5-1. Of particular interest are the points at which case mortality, or attrition, can occur, for one of the greatest concerns reflected by detectives (and other policemen) is "dropped" cases.

The prosecutor, in these instances an Assistant United States Attorney, is of course conviction-minded. He will screen cases using evidentiary standards which his experience suggests will produce a

⁹For example, 17,534 arrests were brought to D.C. Superior Court in 1974, of which 14,865 were by Metropolitan Police Department officers. The remainder were brought by U.S. Park Police, U.S. Capital Police, etc.

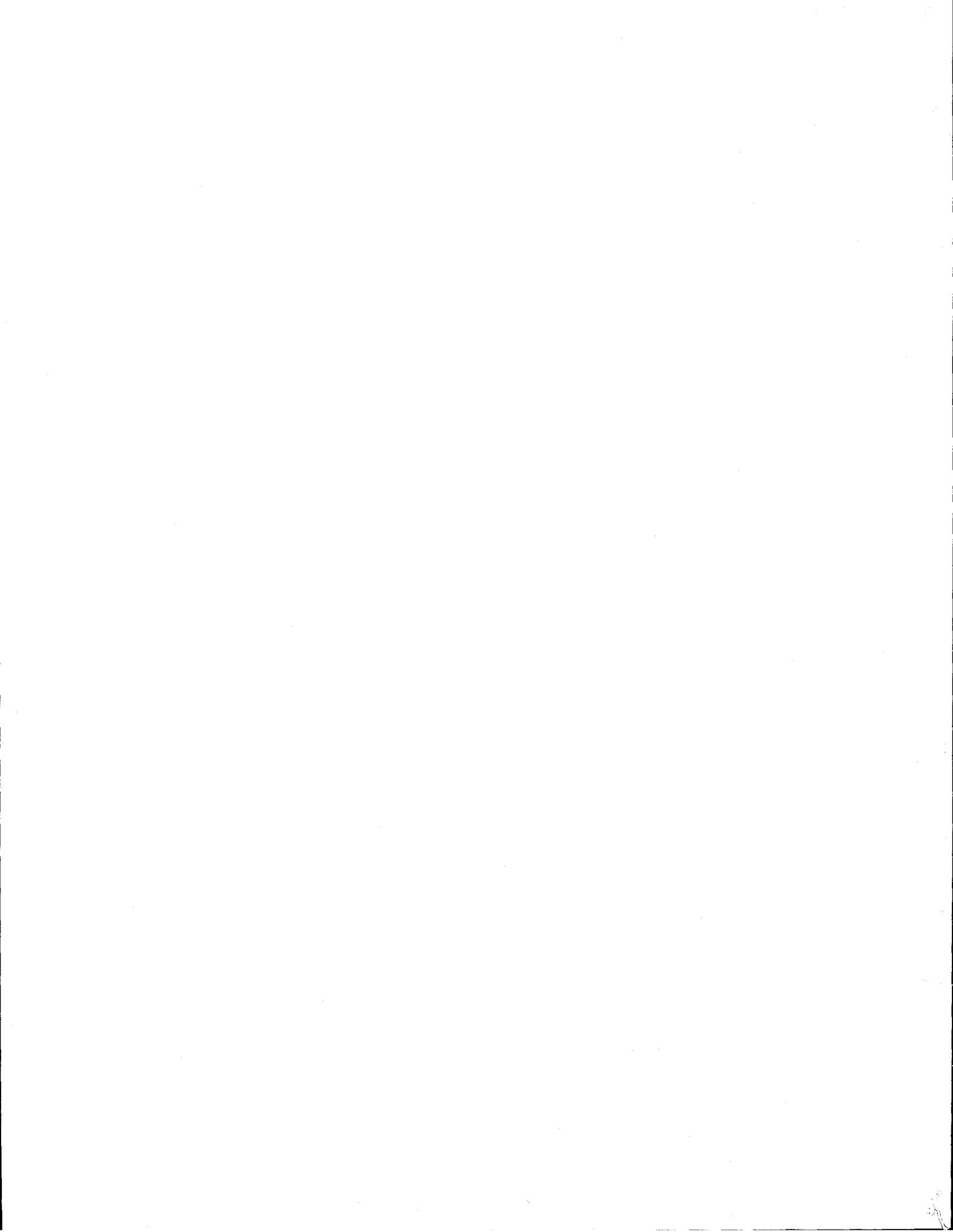


Table 5-1

Defendant and Case Flow Through the D.C. Superior Court¹⁰

<u>Stage</u>	<u>Activity</u>
Arrest	Arrested person brought to Central Identification Bureau ("central cellblock") for booking, fingerprinting, photographing, assignment of ID number. Records search often reveals a deceptive offender's true name if he has a previous record in the District. Police Prosecution Report (163) compiled.
Screening	<p>On afternoon of or morning following arrest, the officer presents his case to Assistant United States Attorney (an AUSA hereafter). Examining the 163, interviewing the officer, witnesses, and reviewing the defendant's "rap sheet" (if any) AUSA decides what charge (if any) will be placed. Review by an experienced, supervisory AUSA is made.</p> <p>If charged, the case is "papered" as a felony "complaint," or a misdemeanor "information." If "no papered" (around 20% at present time), reasons are documented and defendant is released.</p> <p>"No papering" at this stage is <u>one</u> of three methods by which police see their cases "dropped" by the courts.</p>
Arraignment or Initial Hearing	Conducted to present charges against the defendant, arrange his pretrial status (personal recognizance, bond, detention), assign him counsel if he is indigent, and set his preliminary hearing date. His plea to each charge is entered and he may request a jury trial.
Felony Preliminary Hearing	Demonstration that there is probable cause to believe that a crime was actually committed, and by the defendant. Failure to do so results in dismissal, which is the <u>second</u> type of decision to drop a case. If probable cause is found, the case is bound over for presentment to a grand jury.

Table 5-1 -- Continued

Stage

Felony Grand Jury	<p>Grand jury decisions are to return an indictment, or to refuse indictment (ignoramus). The AUSA may also request dismissal of a case pending before the grand jury. Assignment of the case is made to a felony trial judge.</p> <p>A motion to <u>Nolle Prosequi</u> a case can be made by the prosecutor at any time in a misdemeanor case and in a felony before presentment to the grand jury. This is the <u>third</u> form of case dropping (nol pross, or nolle) referred to by police.</p>
Felony Arraignment	<p>As in stage 3, the court assigns counsel if necessary, determines the release status of the offender, asks the defendant to plea to each charge, receives his request for a jury trial, and sets a trial date.</p>
Felony Trial	<p>Disposition of the case takes the form of conviction or acquittal. Trial is often postponed at the request of the prosecutor, the court, or the defense.</p>
Felony Sentencing	<p>Sentence and/or fine is levied by the court.</p>
Misdemeanor Trial	<p>Determination of guilt or innocence, as in stage 7, is made.</p>
Misdemeanor Sentencing	<p>If guilty, the defendant is sentenced and/or fined.</p>

conviction. If he suspects that the facts of the case are not what the officer claims, that the complainant is not credible,¹¹ witness problems will develop, violations of search-and-seizure are apparent, or the requirements for probable cause were not met, he will no-paper the case, discuss the decision with the officer, indicate the reason for his decision on the court jacket,¹² and refer the rejected arrest to the Case Review Section.¹³

When cases are declined at this point, it is sometimes said that they "lacked prosecutive merit". To policemen, whose occupational skills are honed on the streets, have some emotional investment in their arrest, and who are largely untrained in the law, this concept, and the larger phenomenon of "dropped" cases, is elusive. In the absence of tangible, unambiguous criteria of "prosecutive merit", officers are inclined to suspect that cases are being dropped because the prosecutor is young, fresh out of law school and lacking in trial experience, because he is politically liberal and thinks policemen are overzealous, or because the prosecutor's ambitions are premised upon a 100% conviction rate.¹⁴

¹¹It is not surprising that many complainants in the District have police records and/or reputations for drug abuse, dealing in stolen merchandise, firearms use, prostitution, assaultiveness, or emotional instability.

¹²Some screening prosecutors decline to indicate on the court jacket that the case is being rejected because of police error when in fact it is. They reason that (a) they have to relate to police productively over periods of months, even years, as arrests are submitted and the prosecutor doesn't want to alienate the officers, and (b) the consequences of noting police error upon an officer's promotional chances or ratings of his job performance are not known.

¹³After study and analysis, cases are occasionally resubmitted for screening.

¹⁴Especially widespread is the belief, not without some basis,

Later, of course, case attrition can occur through a nolle pross by the prosecutor, rejection by the grand jury, or dismissal by the judge. By far, most case mortality occurs prior to grand jury presentment, with about 40% dropped at initial screening.

Special mention should be made of the problems encountered with witnesses. Many police have had the experience of obtaining witness names and addresses on a crime scene only to discover later that they were inaccurate. Sometimes this arises because bystanders don't want to get involved and deliberately "turn" or "spin" the officer with invalid names and addresses.¹⁵ In other cases police fail to remove the witness from the presence of the defendant before interviewing him. Further, witnesses often complain that they were not adequately briefed on what would be expected of them in court, or that they were never notified of where or when to appear for trial.¹⁶ Finally, there is good evidence that many witnesses are intimidated by the defendant, who is unlikely to be held in pretrial custody, or his relatives or friends.

that the United States Attorney's office can be an important "stepping stone" to "Connecticut Avenue" law firms. This conception of the prosecutor is not unrelated to the enormous power he is delegated. For a critical discussion of his office, see Herman Schwartz and Bruce Jackson, "Prosecutor as Public Enemy", Harper's Magazine, 252 (February, 1976), 24-26 ff.

¹⁵ Addresses often turn out to be vacant lots or warehouses; more than one witness has listed his address with police as 1600 Pennsylvania Avenue.

¹⁶ For a discussion of these, see Gerald M. Caplan, "Improving Criminal Justice: A Consumer's Perspective", Judicature, (February, 1975), 345-349, and the report of an exhaustive study of witnesses done by the Institute for Law and Social Research: Frank J. Canavale, Jr., Witness Cooperation (Lexington, Mass.: D.C. Heath, 1976).

A concluding observation about investigators and case attrition should be made. Since the decision to paper an arrest at initial screening reflects, primarily, quality police work, it was suspected that detectives would more consistently have their arrests accepted than other policemen. Plainclothesmen are more experienced, on the whole, and are more discerning of those merits a screening prosecutor demands in a case. The PROMIS data on CID detectives¹⁷ bears this out, showing that their arrests are significantly more likely to be accepted than those made by officers assigned elsewhere. These cases accepted for prosecution from CID tend to involve more serious offenses, as the nature of CID investigations suggests, and prospects of their being dropped later due to police-related problems (e.g., "police officer fails to appear at a court proceeding", "unlawful search and seizure", or "inadmissible confession") are significantly less.¹⁸ These findings should be interpreted in light of the possibility that highly motivated, not just skilled, officers are selected into CID Branches.

¹⁷ PROMIS does not, unfortunately, identify which of the arrests brought to the U.S. Attorney's office by District policemen were made by detectives.

¹⁸ Analysis of arresting officers and their case outcomes is contained in Brian E. Forst and Judy Lucianovic, An Analysis of Police Operations from a Court Perspective (Washington, D.C.: Institute for Law and Social Research, 1976).

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