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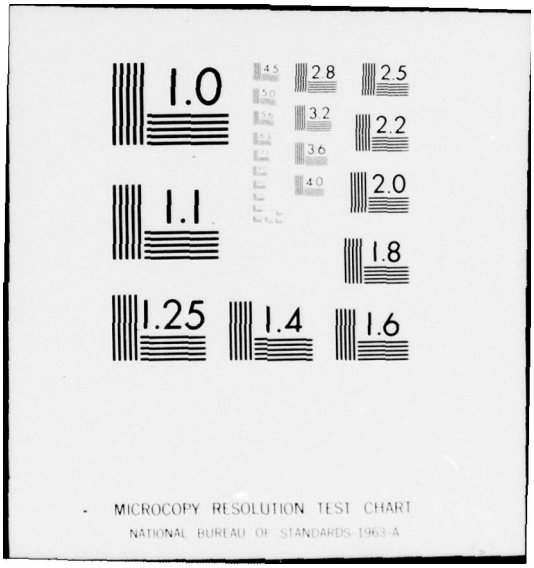
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(6) INSIGHTS FROM A POLICE INVESTIGATION STUDY:
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INSIGHTS FROM A POLICE INVESTIGATION STUDY: A POTENTIAL ADVERSARY ROLE FOR THE POLICE*

by

Peter W. Greenwood

It is still a somewhat novel idea that performance measurement or impact assessment has any role to play in the allocation of criminal justice, or more specifically, police resources. Manpower requirements and resource allocations have been historically generated by looking at workload requirements, which are represented by calls for service, crime rates, or caseloads. Deviations from traditional patterns of resource allocation within an agency are typically considered as innovations or special projects to be subjectively evaluated for future retention or full scale implementation. This traditional pattern of thought obscures any serious consideration of relative comparisons between conflicting uses of scarce criminal justice resources or analysis of the relative productivity of alternative functions which criminal justice agencies can perform. The few studies which have been performed in an attempt to learn more about the true impact of specific functions, such as the Kansas City Patrol Experiment, although plagued by methodological difficulties and challenged by the professionals, raise serious questions about the value of what were thought to be critical law enforcement functions.

In contrast to the requirements or historical trend approach to determining resource needs, criminal justice agencies actually have a great deal of flexibility in how they use their manpower. For the police, not all calls for

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*This paper has been prepared for presentation at the 1976 Annual Meeting of the American Society of Criminology.

service need be answered immediately; patrol levels and vice enforcement levels can vary, and reported crimes can be investigated on a selective basis. What the citizen/taxpayer should want to know is not how many calls were answered, or vice arrests made, or cases investigated, but what positive impact was accomplished by these efforts in terms of public safety or services rendered.

Several years ago, I, along with several other Rand colleagues, set out to answer this question in the area of police investigations. We were interested in the amount of effort devoted by the police to investigating reported crimes, how this effort was organized and carried out, and what it accomplished. We hoped to identify exemplary practices or more productive ways for investigators to operate. Our research efforts were supported by the National Institute of Law Enforcement and Criminal Justice.

At the start of this effort we had very little prior research to go on. There had been a few studies which had tried unsuccessfully to compare the effectiveness of different methods of organizing detective units, using clearance rates across departments as a measure of performance. There had also been some empirical modeling of the investigation decision problem--how to proceed on a particular case.

In carrying out our own research we pursued a number of data sources. A national survey of all departments exceeding 150 employees or serving populations over 100,000 was conducted to determine patterns of resource use, investigative procedures, personnel policies and special projects. Uniform Crime Report data on offenses, arrests and clearances was obtained from the F.B.I. and combined with the survey responses to provide gross performance comparisons among departments.

More than twenty-five departments which were identified as being progressive in their approach to investigative management, by their survey responses or in the opinions of our police consultants, were visited by our staff for observations and interviews of investigation personnel. In several of these departments special case samples were coded to provide detailed information on the efforts expended by investigators and the factors which led to a solution, if one was obtained.

In the course of our work, which lasted more than two years, we met on several occasions with an advisory board consisting of senior police officials to review our findings. We also met informally with groups of working investigators, from the departments which we had visited, to review our work.

The results of our research were somewhat surprising and their publication was disturbing to some police. From a research project which started out to identify and describe exemplary investigation practices, we ended up demonstrating that investigation efforts have only a marginal effect on the rate at which arrests are made. Our primary finding was that crimes are solved by the patrolmen who respond to the scene or the witnesses they talk to--not by the painstaking sifting of evidence or clever deduction. The detectives' role consists largely of processing the paperwork and bringing all of the necessary pieces of information together for prosecutorial purposes.

Other findings from the research were that:

- Investigators spend more time on cleared cases after an arrest than before. Much of their time is spent reviewing crime or arrest reports and completing departmental paperwork.

- Although some departments have increased dramatically the number of crime scenes from which they lift fingerprints, through the use of evidence technicians, these fingerprints still account only for about one percent of all case clearances due to a lack of processing capabilities.

- For proactive strike teams which work undercover, we found that they could be effective against selected targets like heavy burglars or fences, but that their arrest productivity was often inflated with easy arrests passed on from other units.

As a result of these findings we suggested several reforms which might be tried in an attempt to improve police effectiveness. The principal ones were:

1) More selective screening of cases for investigation followup and early closure for those where solution appears unlikely.

2) Assignment of more investigative responsibilities to patrol commanders.

3) Increased capacity to conduct latent fingerprint searches.

Reactions among police officials to this study have been somewhat mixed. Although they take issue with some of our reforms, especially those which might lead to a reduction in manpower, many police administrators acknowledge that the study confirms impressions they have held for sometime. Yet, if they are pressed by their City Council or local budget administrator to trim personnel, they are understandably defensive.

Some departments are able to read the reports as a reconfirmation of their current practices, focusing particularly on those recommendations which are consistent with their own views. Finally, there are the investigators, many with more than 20 years experience, who cannot contemplate the notion of doing less than we are currently to apprehend offenders. A hypothetical question frequently raised is: Suppose your wife or daughter were raped, would you want us to suspend the case for lack of an early identification?

The one written commentary we have received on this work to date is an article published in the July issue of Police Chief magazine by Daryl Gates, Director of Operations for the L.A.P.D., and Lyle Knowles, a professor of public administration at Pepperdine University, purporting to evaluate our work.

In their evaluation these authors attempt to demonstrate that the Rand study is methodologically flawed and that the conclusions do not follow from the data. Yet these authors do not present a single piece of evidence, other than their own opinion, to suggest that our conclusions are incorrect. Instead,

they resort to a long list of criticisms which they claim undercut our findings.

For instance, Gates and Knowles repeatedly mention limitations in our data, such as limited sample sizes, which were not discovered by them, but rather were clearly described in our reports. They go on to assert that "...because of problems of control, accuracy, and consistency, most researchers would not have used these data" -- an observation which is sheer nonsense. If researchers must wait for data collected under perfect experimental conditions, any findings in the police area would be a long time coming, indeed.

Another fault which Gates and Knowles found with our sample is said to be that some findings are based on data from a small sample of police departments. Here the question is: In how many departments must researchers find similar patterns of data before these patterns may be considered to be representative of the National picture? Some of our findings had been previously reported by other researchers in studies of single departments. These studies could have been individually questioned on the grounds that the department studied might have been unique in some critical respect. But when, in our work, similar results emerge from several departments located in different parts of the country and having different organizations and procedures, they take on greater generality of interpretation.

Our reports did not assert that the study's findings applied to all departments. In fact, we presumed that exceptions exist, and we urged that each department, "assure itself of the relevance of our work to its situation."

Especially for types of information that are available in most departments, we showed how these data were tabulated so that others could replicate the analysis. It is our hope that this will be done in many departments in the near future so that firmer conclusions about generality can be drawn.

My reason for discussing the Gates and Knowles critique at all is that their response is typical of the reaction which many studies of police performance have received. Police administrators spend their whole lives praising their own performance, based on very little available data on crime rates and clearance rates, without considering issues of reporting bias, random fluctuations, or significance tests. But let someone outside the profession step forward with data which contradicts the party line and listen to the calls for more precise experimental conditions, more controls, larger sample sizes, etc. What one seldom sees (at least in public) is the police profession coming to grips with the basic issues raised by the research and considering policy alternative or additional research to clarify the matter.

So much for methodological critiques. The National Institute of Law Enforcement is now commencing a number of demonstration programs in police departments around the country to determine whether some of the reforms we and others have suggested are really desirable. At least one department, (Burbank, California) has implemented the reforms on its own. What I would like to do now is go back to one specific finding of our research and discuss some negative reactions to it which are typical, in another way, of responses to criminal justice research. I will then propose a constructive way of dealing with the issue which these responses raise.

A particular observation that we made in our report was that many detectives, and the police in general, take very little interest in a case after it has been filed by the D.A. In many departments a detective never communicates directly with the D.A., even though he completes numerous arrest reports for police administrative purposes. Often, the only information received by the D.A. on a particular case is the brief handwritten report of the arresting officer--delivered by a court liaison officer.

For many criminal justice proceedings, given the recent shift in emphasis from forced rehabilitation to equitable treatment, a description of the crime, the accused's participation in it, his prior record, and any mitigating factors are the principal elements in determining how the offender is to be treated. This is true in the filing of charges, plea bargaining, and setting of sentences. It is also becoming true in the setting of parole dates. If justice is to be served--whether this means sending a hardcore offender to a long term in prison or releasing a juvenile to his parents--the facts of each case must be fully developed.

As part of our investigation study we developed a checklist of 39 information items which might be pertinent to the prosecution of an armed robbery case. The list included such entries as:

- A description of the force used by the suspect.
- Whether or not the suspect was under the influence of drugs or alcohol.
- Whether the suspect was known to the victim.
- A description of the mug shot procedures used.

We applied this checklist to a sample of forty cases selected from two different California jurisdictions where the prosecutors were thought to exhibit contrasting filing standards. One was reputed to be quite strict in demanding complete information from the police; the other was considered to be much less demanding.

In the more strict jurisdiction, on the average, 45 percent of the items were covered. The average coverage was only 26 percent for the other one. The more strict jurisdiction had a substantially lower dismissal rate and much higher proportion of defendants pleading guilty to the original charges.

As a result of these findings, one of the recommendations put forward in our report was that post-arrest investigations for all serious felonies be placed under the direction of the prosecutor, since their primary purpose is to develop information that will be required in court. This particular recommendation has not generated much enthusiasm on the part of either the police or the prosecutors. The police don't want to lose the resources and the prosecutor doesn't want to assume the responsibility. This reaction from the participants in a system which charges with a felony only half of those arrested (Los Angeles) and convicts only one-third of those arrested (Washington D.C.) makes one step back and reflect on what is taking place.

The criminal justice system in many jurisdictions is in pretty rough shape; it fails to deal effectively with either the criminals or their victims. On this point, there is a pretty fair consensus among judges, police chiefs, and correctional administrators. In isolating the causes of this failure, any agreement is much harder to achieve.

When you ask a police chief why he doesn't prepare better cases for the prosecutor--physical evidence, witness statements, crime scene photographs, etc.; he will respond that such efforts would be wasted. He will argue that the prosecutor only wants airtight cases to protect his precious conviction rate. He will argue that for cases where a conviction is not assured, plea bargaining is the order of the day to avoid a trial. If you ask the chief why he has had no impact on crime, he will respond that the D.A.'s filing policy, lenient bail and O.R. procedures, and judicial sentencing policies put most criminals right back on the streets with only a slap on the wrist. Most policemen absolve themselves of any responsibility for what happens to a defendant in court.

If you ask judges or prosecutors why so many cases are dismissed or why they allow defendants to plead guilty to charges which are significantly lighter than those with which they were initially charged, they will defend their actions by describing their caseloads, the congestion in the courts and the need to dispose of cases without going to trial. They will also contend that many of the cases which the police bring in as serious felonies are in reality, much less severe than they initially appear (arguments over money rather than actual robberies). They will also claim that many witnesses are reluctant to cooperate, or the evidence presented by the police is often not sufficient to sustain a conviction if the case were to go to trail.

In Washington, D.C. one federal judge defended his actions in letting a large number of defendants, who were awaiting trial, free on very small

bail (or on their own recognizance), some of whom had extensive prior records, by arguing that since the police made arrests in only a small percentage of the reported crimes, releasing those few offenders who were arrested would not substantially affect the number of potential offenders who might commit future crimes. The Chief, of course, responded by arguing that many of the defendants set free were responsible for a large number of crimes and that the potential pool of offenders at any one time was much less than the total number of offenses reported.

In each of these controversies, who is the public to believe? The fact of the matter is that our legal system relies on adversary proceedings to resolve conflicting issues of fact. Yet within the criminal justice system, for most cases, there are no natural adversaries--just a partnership of common interest, all devoted to disposing of each case with the minimum amount of effort.

Many victims have no real concern with what happens to the defendants after their immediate reaction to the crime. They are only concerned with their safety in the future. Empirical evidence suggests that many victims or witnesses are easily discouraged by continuances, parking problems, or other difficulties associated with appearing in court.

The police have many other concerns, including new cases. Their incentive is to get their officers out on the street--not have them tied up in court. They leave the disposition of the defendant up to the D.A.

Of course the D.A. wants to maintain his conviction rate. The judges want to move their calendars. Everyone wants to get rid of the case as quickly as possible.

One approach to revamping the way this process works is that adopted by LEAA in its career criminal program. In a few test jurisdictions, prosecutors have been supported in setting up special career criminal units to provide special handling for career criminal cases all through the process. This usually involves a single attorney assuming responsibility for each case rather than the assembly line practice followed in most large prosecutor's offices.

But, suppose some police chief is unhappy with the normal state of affairs. Suppose he would like to see defendants plead guilty to those offenses with which they are charged or brought to trial. Suppose he cares about how they are sentenced. What can he do?

For one thing, he can accept the natural adversary position which our system provides for him to play. If he believes that the prosecutor or the judges are not behaving in the public interest or within the spirit of the law, he can confront them publicaly--not on a case-by-case basis in which they argue over how a particular defendant should have been handled, but based on a systematic examination of how the system is functioning.

It is not uncommon to hear police administrators say unfavorable things about their prosecuting attorney, the defense bar, or the court. These negative feelings come out even stronger from the typical rank and file police officer.

But how many police departments monitor or publish information on how their cases are disposed of--very few. How many systematically solicit feedback from the prosecutor on why cases are rejected or the charges reduced? How many keep track of the sentences their arrestees receive, controlling for offense type or prior record?

All of this information is in the public domain. Its collection and examination would not be unethical or counterproductive. The only people now served by the obscurity with which the current system operates are those whose jobs are made easier by it. The police administrator has within his power and his resources the capability of collecting that information which would either confirm or deny what are now taken as his own self-serving opinions. He has it within his own power to finally disentangle and distinguish his own performance from that of the rest of the system.