

# TELEMASP BULLETIN

## TEXAS LAW ENFORCEMENT MANAGEMENT AND ADMINISTRATIVE STATISTICS PROGRAM

March/April 2003

Volume 10, No. 2

### Measuring Investigative Productivity

*This is the first of a three-part series on the investigative function. Part II will examine case clearance practices and criteria. Part III will examine caseloads.*

#### Malaise in the Profession

The mystique of the police detective is all but a thing of the past. The halcyon days of a detective as incredible super sleuth are over. For better or for worse, uniformed patrol officers are now at the center of policing. No one in Washington D.C. talks of putting more detectives on the street. When a police officer is invited to sit in the gallery next to the First Lady during a state of the union address, it is a beat officer, not a detective, who receives the honor. The *Dragnet* TV series is as antiquated and laughable to today's generation as its contemporary *I Love Lucy*. Fox TV's programming for the current generation does not consist of following detectives around filming them taking notes.

Indeed, it could even be said that there is malaise in the profession of investigative law enforcement. The effects of several nationally prominent crimes upon the image of detectives has been devastating. The O.J. Simpson case tarnished the image of investigators everywhere,

fairly or unfairly. The Jon Benet Ramsey case is still fodder for Jay Leno jokes about the competence of the Boulder Police Department, fairly or unfairly. The Washington D.C. Metropolitan Police Department detectives still do not know who killed Chandra Levy. Salt Lake City detectives are castigated by the national media for "ignoring obvious leads" in the Smart case. In Baton Rouge, citizens at a town hall meeting rail about investigative "incompetence" in finding the city's serial killer. Those within the profession know that the characterizations derived from these cases are grossly unfair. But these cases are indeed forming public perception regarding the competence of police detectives.

Even within the profession of law enforcement itself, the status of investigations has been waning for two decades. The national trend is toward an investigative role as an assignment, not a promotable rank. Investigations have increasingly become decentralized in major agencies, with investigators reporting to a patrol commander, not a separate investigative hierarchy. Patrol as the backbone used to be seen by many as only rhetoric. But patrol is now indeed the backbone in many agencies, with investigators assigned to neighborhood *patrol* districts, and even drawing patrol shifts. As the current dominant policing theme, community policing focuses upon patrol and/or prevention, not crime solution. And one cannot help

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but notice that more and more police chiefs are wearing a uniform instead of a suit.

The opening salvo on the status of investigations was the Rand Criminal Investigation Study (1975). The study sought to determine if differences in training, staffing, workload, or procedures had an effect on arrest or clearance rates. It was a classic "meta" analysis. The finding that received all the attention was that detectives are not the embodiment of Sherlock Holmes, but "glorified clerks for the district attorney." The results are probably overstated, but subsequent analysis and several evaluative settings have, by and large, confirmed the Rand results published 20 years ago—there is no clear relationship between investigative staffing or technique and clearance rates. The question that is then raised is, "How do we measure productivity?"

### **The Productivity Issue**

At the core of the productivity issue is the difficulty of isolating "productive" investigative effort versus "nonproductive" investigative effort. The reality is that there is a lot of mundane, routine unglamorous work involved in investigations. Super sleuthing is indeed rare. Instead, an enormous amount of time is spent simply finding someone, preparing a file for the prosecutor, waiting in court, driving from point A to point B, telephoning victims, and, last but not least, filing meaningless supplements. Police agency efforts to engender better public relations by keeping victims informed of progress on a case have only compounded the problem. The reality is that the vast majority of cases in an investigator's caseload in a given month see no progress. Investigators who are assigned offenses that have already occurred (reactive investigators) spend a substantial majority of their time on activities that cannot be tangibly and directly linked to solving a crime.

To the extent that the efforts of reactive investigators are difficult to link directly to crime solution, proactive units are even more notorious for failing to document the linkage between effort and outcome. Narcotics units spend months getting ready to make "the big

bust." But the big bust never seems to come. Gang units spend an enormous amount of time gathering information about who's who, what the gang colors are, and what the gang signs are, all without any tangible linkage to solving a particular offense. Intelligence units are notorious, of course, for keeping all the intelligence to themselves. It is difficult to point to the direct impact of a detective in an auto theft unit spending time on salvage yard inspections. Repeat offender units were the rage in the early 1990s, but have all but disappeared now. Agencies universally point to a lack of arrest productivity as the reason.

Beyond these inherent problems that are imbedded in the very role that investigators are expected to play is the fact that in many agencies investigations are indeed a "place to hide." Our inability to quantifiably measure productivity makes it easy for someone who is seeking to ride out a few years until retirement to hide in these roles. Although this cannot be documented, the observations of many in the police profession are that agencies do indeed develop a tolerance for this pattern. It gets the older cops off the street, away from the stress, and rewards them for 19 years of loyal service. The practice of using the detective role as a slide into retirement may not be widespread, but it is prevalent enough to create cynicism about detective productivity.

### **Productivity Measurement Options**

Clearance rates are, of course, the primary means by which investigator productivity is measured. However, clearance rates are imbued with measurement difficulty. First of all, there are two basic types of clearance—clearance by arrest and clearance by exception. While the clearance by arrest statistic is clearly preferable, it is widely accepted that clearance by exception counts as well. Making a bust that clears one burglary is not equivalent to making a bust that clears one hundred. The clearance by exception statistic is an important overlay to clearance by arrest as a proxy measure of the importance of the arrest. It is a way to sort an arrest of a 16-year-old stealing his first car for a joy ride from the arrest of members of a professional auto theft ring stealing hundreds of cars a year. Unfounded cases also fall into this category, and it is certainly good

detective work to ascertain that a crime indeed did not occur. That having been said, clearance by exception is the epitome of fuzzy math. The criteria for clearing a case by exception varies by jurisdiction, by investigative unit within a jurisdiction, and by individual investigators. The highest standards for clearance by exception requires some tangible independent evidence that an offender arrested for one offense indeed committed the other offenses that are being cleared by exception. At the other extreme are situations where an apprehended burglar at 2:00 a.m. is in the precinct station nodding, "Yes I did it," to every address that is read to him.

Beyond definitional issues, clearance by arrest or exception varies enormously according to circumstance. It varies by the type of case—domestic violence cases are virtually always cleared while theft of auto wheel covers almost is never cleared. Clearance varies by the type and size of jurisdiction. Crimes are more difficult to clear in large urban areas than they are in small towns where the list of usual suspects is reasonably short. Finally, clearance rates vary by the standards of proof required by agency and prosecutor policy and tradition. The issue was mentioned above with regard to standards for clearance by exception, but applies to clearance by arrest as well.

Given the problem with using clearance rates as a productivity measure, it is often suggested that prosecutor acceptance rates be used instead. However, this statistic has its own set of shortcomings. First, it obviously varies by county. The standards for acceptance employed by one prosecutor's office may be dramatically different than the standards employed by another. This makes inter-jurisdictional comparison of the relative efficacy of investigations impossible. Second, even within the same county, district attorney acceptance rates will vary over time. Changes in the office personnel or changes in the political climate will cause the rates to change. It even varies by the individual assistant prosecutor reviewing the case. Shopping for a friendly ADA is common practice and testimony to the phenomenon. Thus, various value sets, prosecutor workload, pressure from courts, reaction to defense bar, reaction of political opponents,

#### **Houston:**

- Generally relates to the success of prosecuting cases
- Quality of investigations
- Thoroughness of investigations
- Timeliness in completing an investigation
- Lieutenants and captains review caseloads and SOPs covering case types
- Essentially: Keeping the caseload "moving" and prosecutions

#### **Fort Worth:**

- Reviews case rejections from DA and why
- Monthly work sheet reviewed by sergeant for evaluation

#### **Arlington:**

- Adherence to policies; e.g., contacting the victim within two days of case being assigned
- Arrests and clearances
- How the caseload is managed

#### **Austin:**

- Sergeants do case management which also serves as a good evaluation tool (i.e., can see what and how investigators perform)
- If problems, sergeants prepare a "Performance Improvement Plan"

#### **El Paso:**

- All cases audited every 30 days (printout from RMS)

#### **Figure 1. Investigator Performance Evaluation**

and the amount of pressure to win a high percentage of cases cause this statistic to fluctuate widely. None of this has anything to do with police investigator productivity or the quality of case preparation—making acceptance rates at least as problematic as clearance rates as a measure of investigative effort.

#### **Inappropriate Expectations**

It is not merely the public who struggles with the detective mystique. Within the profession of policing there is reluctance to accept the fact that the real role of detectives does not resemble Sherlock Holmes.



The Rand study characterized detectives as glorified clerks for the district attorney. That is an unfair characterization. Investigation is more than simple clerking. Granted, as was discussed earlier, there is a great deal of mundane work embedded in criminal investigation. But it is not all mundane. Moving a case from a standard of probable cause to a standard of beyond reasonable doubt, (i.e., preparing a case with a known offender for court presentation), is a sophisticated and respected role. This investigative function comes much closer to representing "real detective work" than cold case clearance. Over 25 years ago, Sanders (1977) characterized detective work as best thought of as a craft. Like a craft, there is a body of knowledge that is difficult to transmit in a classroom setting. Like a craft, a long apprenticeship is necessary to become proficient. Like a craft, intangible personality attributes have as much to do with success as any acquired body of knowledge. And like a craftsman's quality piece of art, most police managers have difficulty defining good detective work but know it when they see it.

**San Antonio:**

- Civilian Case Analysts review and screen cases before sending them to the DA

**Arlington:**

- Civilians make and file cases
- Civilians handle forged check cases under \$450

**Austin:**

- Civilians handle cases with low solvability factors

**Several cities:**

- Use civilians to work in all aspects of domestic violence cases

**Figure 2. Examples of the Use of Civilians**

Difficulty in defining productivity is compounded even further by the deterrence argument. It may be true that follow-up investigation on unknown suspect cases seldom results in an arrest. But the deterrent effect of an occasional arrest may be substantial. Offenders communicate with one another. A single case where

an offender was tracked down by persistent detectives removes the aura of invincibility from burglars, auto thieves, and armed robbers. We cannot, of course, quantify that effect. But it is perfectly legitimate to argue that the time invested in 20 cases for follow-up may be worthwhile if even one results in an arrest.

**Austin:**

- Three-week new investigator course operated by APD academy

**El Paso:**

- Developed a "Basic Investigator's Manual"

**Houston:**

- New investigator teamed with a veteran (FTO) for 40 hours
- Checklist of skills and duties used to assess experiences

**San Antonio:**

- 40 hour academy
- FTO investigator

**Plano:**

- Basic Investigator School
- A recognized interview school

**Figure 3. Training Detectives**

**Caseload Issues**

The difficulty in ascertaining productivity creates serious problems in ascertaining what an appropriate investigator caseload might be. There is enormous variation in the time dedicated per case by the type of offense. In many jurisdictions, for example, the domestic violence caseload is four times the standard crimes against person caseload. For domestic violence cases, offenders are virtually always known, and case preparation seldom involves physical evidence (excepting photographs of injuries). There is an enormous gap in a caseload of offense of this type versus fraud investigation. Caseload within a given offense category might vary again by the impact of the specific subcategory of offending behavior upon victims. We are not as likely to pursue vigorously bad check cases against grocery stores that are sloppy about

verifying the validity of the check as we are against check writers who victimize the elderly. There is additional variation depending upon the political import of an offense. Political import in this context is not necessarily used with a negative connotation but rather refers to the relative social impact of certain offending behaviors. A computer virus, for example, may not be inherently an offense which strikes us as heinous. However, the enormous impact upon society is such that vigorous pursuit in prosecution of those who plant viruses is called for. Finally, caseload might vary legitimately by the probability of a successful solution for a type of case. Solution of theft of wheel cover cases has such a low probability of occurring that almost universally reactive investigation to such events does not exist. Caseload in this instance consists of report filing, primarily for insurance purposes. If the offense is to be attacked, it will be by proactive efforts to curtail the secondary parts market.

In his insightful work, *Solving Crimes: The Investigation of Burglary and Robbery* (1983), Eck observed that quantification of probability of solvability was nearly impossible. He suggested instead that cases be categorized into one of three types: those that cannot be solved with a reasonable amount of effort; those that have already been solved by circumstance and require only the suspect to be apprehended; and those that, with a reasonable amount of effort might be solved, but certainly will not be solved without such an effort. It is, of course, the last category that we typically think of as “real detective work.” No one has made any effort to firmly calculate the percentage of cases that fall into the third category, but it is certainly safe to say that it is very low—perhaps no more than five percent. Managing caseload under this model consists of dedicating some time to screening out the cases in the first category—those that cannot be solved; a fair amount of time dedicated to the second category, preparing solved cases for court; while saving as much time as possible to be dedicated to the five percent of cases where some effort might make a difference in clearance. Efforts to guide decision making in this respect through “solvability models” have not worked. The SRI investigative decision model postulated two decades ago (Greenberg, 1972) is

#### **Arlington:**

- Decentralized investigators
- One for every patrol beat (no mandatory rotation except narcotics)
- Consistent with the Arlington geographic policing philosophy

#### **Plano:**

- Service Standard Index
- Based on number of new cases assigned along with the average time needed to investigate an offense
- A study was done to determine these levels
- Examples of caseloads per month based on SSI
  - Forgery = 17 cases
  - Family Violence = 25 cases
  - CAPers = 25 cases
  - Burglary = 32 cases

#### **Dallas:**

- Detective Staffing Model
- Command staff and chief agree on basic daily caseload expected for various crime
- Largely based on monthly caseload analysis
- If caseload is >20% above recommended for six consecutive months, personnel are added (ideally)

**Figure 4. Investigations Staffing Allocation**

simply not employed. Agencies that attempted to employ a quantifiable follow-up model found that it failed miserably to sort important cases from unimportant cases. All follow-up effort ended up being dedicated to cases where the victim knew the offender. Although some cases of this nature certainly merit investigative effort, (e.g., domestic violence), no investigative follow-up decision model should screen out to put in the file cases involving stranger-to-stranger armed robbery.

### **Measuring Productivity—The Result**

Our inability to effectively measure outcome or even to establish reasonable workload parameters results in a focus upon process rather than result. That is, the tendency is to substitute measurement of means for measurement of ends. Hence we assess investigator productivity by whether supplements are filed on time,



the quality of writing in reports, whether victims are called back, the case filing rate—regardless of the quality of cases, and ultimately whether the investigator appears to stay busy. It is not that some of these measures are not legitimate, for example—we want victims to be called back, but ultimately they are not sufficient. They provide us no real insight upon how time should best be spent by investigators.

## Investigations Ignored

In preparation for a LEMIT Executive Issues Seminar Series, this author invited the commanders of the investigative divisions of several large Texas agencies to a curriculum development workshop. Twelve agencies sent their investigative commanders. An agenda had been prepared designed to elicit information about current practices—for eventual inclusion in the Executive Issues training. At the end of the scheduled day-and-a-half meeting, we had not progressed half way through my agenda. The participants were so engaged with exchanging information among themselves that my well-organized agenda might as well have been made into a paper airplane. Quite obviously, however, the meeting was a success in its own right. As a result, we scheduled a second “curriculum development meeting,” giving participants more time to both exchange insight with one another and assist us with curriculum development.

This experience is direct evidence of “investigations ignored.” Investigative commanders have not had a forum to exchange experiences. So much attention has been given to community policing, with its focus upon patrol, that investigations have received scant attention. Review the dates in the Reference List of this Bulletin—almost all references are dated in the 1970s and 1980s. It is not that I just pulled all the old, faded, and dusty books and reports from my shelf without bothering to check for recent literature. The literature on managing criminal investigations all but stops in the mid-1980s.

*TELEMASP Bulletins* cannot fill the void of literature and training in investigations management. However, we will attempt to contribute some current insight regarding clearance criteria and caseload in the next two issues.

- **Cold Case Squad**
  - Dallas, Austin, San Antonio, El Paso have squads
  - Fort Worth has volunteers look at cold cases
  - Post-Conviction Review Squads
- **“Spotlight”**—Police departments working with probation to do intensive home visits of probationer
- San Antonio and Bexar County: **Project VINE**—Victim notification of offender being released from jail
  - Investigators can also use this to track offenders
- Austin: **TOPS**—Top 25 Offender Program
- **Direct Report Filing**—Networked computer system to permit electronic case and report filing to district attorney
- Houston: **Teleconferencing** for preliminary hearings
- **Digital line-ups**
- El Paso: **Consortium of Law Enforcement and Private Security (CLEPS)**
  - To enhance the communication and coordination of law enforcement and private security
  - Both investigation and prevention oriented
  - Security personnel trained in:
    - \* Most effective way to call in a report
    - \* Crime scene protection
    - \* Elements of offenses
    - \* Report writing

**Figure 5. Innovations in Texas Investigative Approaches**

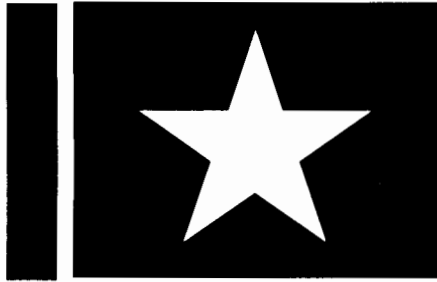


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### Attendees at Management of Criminal Investigations Curriculum Development Workshop

- Captain Brad Lancaster  
Amarillo Police Department
- Deputy Chief David Pugh  
Arlington Police Department
- Commander Duane McNeill  
Austin Police Department
- Commander U.B. Alvarado  
Corpus Christi Police Department
- Lieutenant David Elliston  
Dallas Police Department
- Captain Michael Czerwinsky  
El Paso Police Department
- Lieutenant Mark Krey  
Fort Worth Police Department
- Commander Jody Lay  
Garland Police Department
- Assistant Chief Jerry Jones  
Houston Police Department
- Lieutenant Ismael Alardin  
Laredo Police Department
- Captain Tommy Ashley  
Plano Police Department
- Deputy Chief Richard Gleinser  
San Antonio Police Department



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TELEMASP Monthly Bulletins,  
ISSN 1075-3702, are produced  
under an agreement with the

**Police Research Center**

Sam Houston State University  
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