

**The Bill Blackwood
Law Enforcement Management Institute Of Texas**

Solvability Factors;
Managing the Criminal Investigation Function
Through Early Closure

**A Policy Research Project
Submitted in Partial Fulfillment
of the Requirements for the Professional Designation
Graduate, Management Institute**

by

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ABSTRACT

The modern chief of police or investigations division commander is faced on a daily basis with questions concerning closure of investigative case files. It is imperative that agencies have a clear and understandable policy in relation to which cases should and can be assigned for follow-up investigation. This policy research project is intended to provide law enforcement and local government officials with guidelines for utilizing solvability factors to determine the need for expenditure of additional resources for follow-up investigations. Information contained in this policy research project has been obtained through publications, police department policy manuals, interviews and survey data. This project indicates that utilization of solvability factors in determining the need for follow-up investigation will enhance the department's criminal investigation function by providing justification for allocation of resources to those cases with a potential for clearance.

Introduction

This project is designed to evaluate the use of solvability factors as a tool for determining the need for follow-up investigations of criminal cases. It is also intended to reflect the enhanced allocation of criminal investigation personnel resources due to the use of those solvability factors.

The problem addressed in this paper is the excessive case loads currently assigned to criminal investigators in most law enforcement agencies. More specifically, this paper is concerned about those cases assigned without solvability factors that have very little chance of reaching a prosecution stage. These cases are currently assigned for no other reason than "that's the way it has always been done".

This project is intended to provide information to law enforcement local government officials who are concerned about the allocation of investigative resources. The information will ultimately affect the general public through law enforcement agency policies adopted as a result of this research. This project utilizes information obtained from current police policy manuals, publications, interviews, surveys and other research projects reflecting police practices.

The intended outcome of this project is to provide a basic foundation for a department policy utilizing solvability factors as a tool for managing the criminal investigation function. By completing this research project I hope to establish clear and convincing evidence that using solvability factors can help a criminal investigations manager to determine which criminal cases should be given consideration for assignment to an investigator. This research further indicates that there are a significant number of cases which have no chance of ever reaching the prosecution stage and therefore should be

removed from the investigative process at the onset. With the above information in mind, the criminal investigations manager will be able to allocate his or her resources on those criminal cases with potential for prosecution.

Historical, Legal, and Theoretical Context

The process of criminal investigation, probably the most glamorous aspect of the police service to the general public, has been a tradition-bound operation since the nineteenth century. For every major crime it has been assumed that a "follow-up" investigation is required, even if the chances of apprehending a suspect are almost nonexistent. The evaluation of performance has been casual, and the work has often been routine. (Hastings, 211).

The concept of conducting a follow-up investigation of all cases is not new. Since the inception of modern police practices it has been common for the patrol officer to conduct a preliminary investigation of all crimes reported by citizens. This role alone brings about the common statement "Routine Report". It should be duly noted that under these same standard police practices the "detective mystique" is alive and well. Why? Because they traditionally conduct the "real investigation" on all cases with little information being provided to other divisions of the police department. The cooperation of different service divisions within a police agency has not always been the norm nor is that necessarily so in today's environment.

The criminal investigation process is one of the most important responses to the problem of crime. The success of criminal investigation has a direct impact on the amount of crime in a given community. While an effective criminal investigative process involves a coordinated effort among many units in the police agency, primary responsibility rests with the patrol and investigative units. (Hastings, 211.)

It is apparent that in the past some law enforcement agencies did not utilized resources in a cooperative manner, nor were they creative in the allocation of follow-up investigation

assignments. During the 1960's and early 1970s the fiscal issues were addressed by throwing more money at the problem and officers were added to both patrol and investigative functions. But Hastings points out in his "Criminal Investigations." Local Government Police Management, that productivity and resource utilization was not the primary goal. What the profession saw at the time was a significant increase in all current police services and the addition of new programs. Additionally, a large amount of the money tossed at police departments finally went into salary line items. This represented the first drastic pay increases for the profession in many years.

Since the mid-1970's many cities have found it increasingly difficult to adequately fund the broad range of services developed during the previous fifteen years. Even though calls for police service, and crime, have continued to increase, most cities have been unable to continue to fund increased police operations. Indeed, a number of large police forces throughout the country have made significant reductions in police personnel. (Hastings, 213.)

In earlier years investigative operations were judged solely by the result-that is, whether the criminal was apprehended. There was little concern with the operational procedures followed or with whether police adhered to the procedural rules of law. As a result of a series of Supreme Court decisions in the 1960's, it is now generally accepted that, regardless of investigative objectives, police must adhere to certain measures concerning individual rights. (Hastings, 213.)

The impact of those decisions made it necessary for procedural rules of law to be followed and strictly adhered to. Therefore, a complete change in the concept of the criminal investigative activity was required. The fiscal limitations, personnel limitations and legal ramifications caught up to police departments during the 1970's. This resulted in a specific requirement to work smarter and be more productive in the investigative area.

It then became apparent that personnel and financial resources could better be utilized in a much more valid fashion such as enhancing the strength of those cases which were to be presented to the District Attorney for prosecution.

In the Rio Vista, Texas police department the value of case screening is described in Chapter 40 of the Policy and Procedure Manual.

SECTION 6 CASE SCREENING

A. VALUE OF CASE SCREENING

The proper management of criminal investigation functions are necessary in law enforcement agencies to achieve maximum efficiency with minimum expenditure of resources. Case screening is a tool that can be used to effectively manage these functions. Case screening:

1. Facilitates making a decision concerning the continuation of an investigation based on presence or absence of solvability factors and the expertise and good judgment of the case screener.
2. Provides for assessing the value of continued investigation so investigative resources are limited to the most potentially productive cases.
3. Screens out the predictably unsolvable cases.
4. Involves the review of each initial investigation in terms of probability and successful conclusion. (Rio Vista Police Department Policy Manual, Rio Vista, Tx. January, 1998 40-4, 40-5.)

Review of Literature or Practice

In 1975, The Rand Corporation completed an extensive research project concerning the criminal investigation function of 25 different law enforcement agencies. Three significant findings came out of that project.

1. Described wide range of inefficiencies in traditional investigative concepts.
2. Patrol officer role in initial investigation underrated.
3. Criminal investigator role in follow-up overrated. ("Managing the Criminal Investigation Function" 4).

One of the most significant recommendations of that project centered around the criminal investigation efforts and utilization of resources. A significant reduction in investigative efforts on crimes without known suspects would be appropriate for all but the most serious offenses. (Hastings, 214.)

During the late 1970s the Stanford Research Institute also looked extensively at the criminal investigation function. A total of three very critical findings came out of that project.

1. Demonstrated importance of information collected immediately by the initial investigator.
2. All criminal cases do not have equal potential for solution.
3. Recommended case screening focused on presence of solvability factors-which are defined as elements of the crime that experience and study have demonstrated are most likely to contribute to case solution. ("Managing the Criminal Investigation Function" 4-5).

In 1971 and throughout that decade the Rochester, New York, Police Department undertook a study of the Managing Criminal Investigations (MCI) Program. Under a grant from the Law Enforcement Assistance Administration (LEAA) that department was awarded \$117,000 for the initial project. The initial phase of the project was the analysis of 500 previously solved cases to determine the common factors leading to the solution of each crime. Key elements necessary for the successful investigation were identified. Those key elements were called "Solvability Factors". (Nalley, II-8).

The Rochester Police Department identified the following "Twelve Solvability Factors":

1. Witnesses to the crime;
2. Knowledge of a suspect's name;
3. Knowledge of where a suspect can be located;

4. Description of a suspect;
5. Identification of a suspect;
6. Property with identifiable characteristics, marks, or numbers so it can be traced;
7. Existence of a significant MO;
8. Presence of significant physical evidence;
9. Presence of a description which identifies the automobile used by the suspect;
10. Positive results from a crime scene evidence search;
11. Belief that a crime may be solved with publicity and/or reasonable additional investigative effort;
12. An opportunity for but one person to have committed the crime. (Rochester PD, 9).

It might be appropriate to stop here and make it clear that in virtually every research project conducted concerning criminal investigations and solvability factors each identified the same basic factors as noted above. In agencies surveyed by this author two departments took very different approaches with the same information. Sugar Land police department combined a number of the factors for simplicity purposes. (Appendix II). In Abilene the police department chose to expand the factors to include additional tactical and investigative data. (Appendix III).

In Rochester and the other studies noted above a common factor appeared to be the importance of patrol officers, or initial responders, having a clear understanding of solvability factors. Additionally, those officers were charged with indicating clearly on their reports the presence or lack of same for those factors. This information was the key to successful follow-up investigation or the lack of case of assignment for those not having solvability factors present. Managing criminal investigation case loads would never be the same for agencies involved in these studies. Gone were the days of following up on all cases. Armed with solvability factors they now only concentrate on those cases with a potential for clearance.

In surveying 15 Texas law enforcement agencies for this research project I discovered that seven (7) departments currently utilize solvability factors in a case screening process

for follow-up investigation assignment. Of those seven departments only five (5) have a written policy dictating the procedures for the use of those solvability factors. In an interesting turn of events a total of ten (10) departments indicated that their patrol officers were clearly aware of solvability factors and understood how to note them on preliminary offense reports. Finally, only four (4) departments had a firm method in place with which to notify complainants of the follow-up investigation prospects. Department representatives interviewed for this research were selected at random from the Bill Blackwood Law Enforcement Management Institute, Module I, Class # 35. (Appendix I).

It is clear that The Rand Corporation, Stanford Institute, and Rochester Police Department, as well as the departments mentioned above determined a need for case closure and better allocation of resources based on the use of factors determined to be critical in the previous solving of crimes. A number of those "Solvability Factors" have been clearly identified and discussed in this project and yet our survey of modern law enforcement agencies indicate that less than half use these factors in case assignment situations or in any manner calculated to assist in the management of the criminal investigation function.

Discussion of Relevant Issues

Management of the criminal investigation function is clearly broken down into three specific areas.

1. The Initial Investigation
2. Case Screening
3. Case Assignment or Early Closure

William J. Brown, Director of Research Studies for the Edmonton Police Department addressed the Initial Investigation issue in his analysis of the CATCH Program in the Canadian Police College Journal in 1984. His description of that function bears repeating as it is the integral part of the entire case management system.

The philosophy behind the initial investigation component is to improve the quality of initial investigations which lead to case finalization or problem resolution. This is done by enhancing initial investigator skills and introducing solvability factors. He further elaborated by stating: The application of solvability criteria by initial investigators provides greater personal involvement and responsibility for case continuation decisions, that is, choices to suspend or follow up an investigation. This is seen as an opportunity to reduce significantly the number of investigations often repeated by detectives". (Brown, 49).

In Abilene, Texas, Detective Sergeant Jim Defoor has similar feelings. His department has placed the solvability factors used for their case screening purposes in a prominent location on the initial offense report form. According to Sgt. Defoor all officers are trained to determine what solvability factors are present when they conduct the initial investigation of a crime. That information is then forwarded to Sgt. Defoor's office for additional case screening concerning assignment for follow-up or early closure. (Defoor, 1998).

This initial involvement by patrol is critical to the end result. Agencies who intend to utilize this type of case management system or a variation of same should listen to those who have gone before. When the Atlanta Police Department undertook a grant funded restructuring of their case management system in 1980-1982, they identified as the number one component of that change as an alteration of the patrol role.

Patrol officers in most police agencies are little more than report takers when they arrive at the scene of a crime. However, if patrol officers are trained properly, it becomes wasteful for a detective to be assigned to follow-up every case, providing the patrol officer has made a thorough search of leads and communicates his efforts to his supervisor. (Atlanta Police Department, 1).

Atlanta then chose two primary goals and objectives.

1. To expand the role of the patrol officer in the initial investigation to include the detection of solvability factors; and

2. To develop a system for documenting the presence or absence of solvability factors during the initial investigation. (Atlanta P.D., 1).

The second most important area of managing the criminal investigation function is Case Screening. Case screening is a recognition that a substantial percentage of crime cannot be solved using traditional investigative practices; accordingly, it is necessary to allocate resources to those cases and situations where there is a higher probability of a suspect arrest, or a case being solved. Case screening is formalizing the case assignment process. Initial investigators are given the authority to suspend cases according to prescribed solvability criteria; the case screening concept reviews and verifies the initial investigator decision-making process and the quality and completeness of initial reports. (Brown, 49)

The third and final component of the management of the criminal investigation function is Case Assignment or Early Closure. Not all crimes can be solved, no matter how much investigative effort is put forth. In fact, with more and more crimes being committed each day, many police agencies find it difficult to provide even minimal investigative assistance to low priority crimes. Therefore, it makes sense to allocate resources only to those crimes which have a chance for solution. This is why solvability factors are so important. They provide a valid guide for the allocation of scarce resources. (Urlacher, 4).

In short, law enforcement officials with responsibility for managing criminal investigation functions should assign cases for follow-up investigation in only those situations where there is a good probability of clearance. The remaining cases with no solvability criteria should be closed immediately. The result will be much better productivity and more professional results on those cases assigned for investigation.

The positive results noted above are sure to outweigh the negative impact of early closure systems. But no discussion of case management systems would be complete if constraints were not duly noted. In the case of early closure the problem is clearly a

negative response by the initial complainant to the lack of a follow-up investigation. This can be averted if each victim/complainant is advised of the solvability factors or lack of same in their case. There are probably as many different ways to address this issue as there are police agencies. Some agencies discuss the solvability factors with the citizen at the initial investigation phase. Others communicate with the complainant via phone or in person at a later stage, usually upon assignment to the criminal investigator. Still others send a written indication of the intentions of their law enforcement agency. It is recommended that agencies develop a simple, effective, fool-proof method of helping the complainant to understand why no follow-up investigation can be conducted. That method should also provide the complainant with assurances that should additional information become available, the case will be re-opened.

What are the cost/benefits of managing the criminal investigation function through early closure? Each agency will have to determine its cost savings on factors related to their particular circumstances. Issues such as the total number of cases currently under investigation and man hours expended versus case assignment utilizing solvability factors and man hours expended. The end result will be not only financially rewarding but professionally rewarding as case preparation will improve dramatically. The impact on relationships between investigators and patrol should be extremely positive as should the relationship between the agency and the prosecutor's office. This combination of events should also reflect in a very positive way with city government and the public as they see the law enforcement agency utilizing tax dollars more wisely.

Conclusion/Recommendations

This research project has been undertaken to evaluate the possible utilization of certain solvability factors as a tool for determining the need for follow-up investigations in criminal cases. Additionally it has been intended to give us some insight into resource allocation enhancement in the criminal investigation function through the use of those

solvability factors.

As law enforcement professionals it is incumbent upon today's administrators to allocated personnel resources in a cost efficient, success oriented manner. That is to say, that we must do more for less, just as our tax payers do daily in their own business environments.

The intent of this project has been to address the excessive case loads currently assigned to criminal investigators in most law enforcement agencies. In particular, those cases which are assigned with no solvability factors and have very little chance of reaching a prosecution stage. Another area of concern has been the correct utilization of resources in an effort to enhance prosecution of criminal cases.

A careful review of this project indicates that considerable research was undertaken during the 1970's and 1980's on the use of solvability factors to enhance the management of the criminal investigation functions in law enforcement agencies. Each research project clearly noted that the follow-up investigation of all criminal cases was a waste of investigative resources as the chances of success were marginal at best. Additionally, projects such as Rand, Stanford, Rochester and Atlanta determined that utilizing precise evidentiary information similar in all cases could assure a more successful conclusion to a criminal investigation. One disturbing result of this project has been the realization that not all modern law enforcement agencies have embraced the standards established in the 70' and 80's for criminal investigation functions management.

After considering the information gathered during this endeavor, it is recommended that all criminal justice agencies should establish solvability factors as the key ingredient to determining the need for follow-up investigation of criminal cases. The solvability factors should be understood by all members of the organization and patrol officers should know how to identify them during the initial reporting process. Criminal investigation managers

should utilize those solvability factors in determining which cases will be processed for continued investigation. Resources can then be better utilized to conduct more thorough and complete investigations of those cases with a chance of prosecution. The agency should also develop a method of notifying the complainant as to the status of their particular case.

The effective use of solvability factors as a tool for case screening will enhance the allocation of effective resources. The ramifications reach from patrol to the office of the prosecutor. The public will have a much better knowledge of what information is need by officers and a concise understanding of the current status of any report filed on their behalf. Administrators will see better allocation of valuable resources and a positive effect from doing more with less. Law enforcement administrators are not the only ones who profit from quality criminal investigations management. Police officers and investigators will find their job much more rewarding and motivating when there is focus and direction.

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APPENDIX I

Police Departments Surveyed

Abilene Police Department

Azle Police Department

Beaumont Police Department

Bexar County Sheriff Department

Garland Police Department

Houston Police Department

Hutchison County Sheriff Department

Lacy Lakeview Police Department

Leon Valley Police Department

McGregor Police Department

Sugar Land Police Department

Texas A&M University Police Department

Waco Police Department

Webster Police Department

Weimar Police Department

APPENDIX II

Sugar Land Police Department Solvability Factors

1. Suspect identified
2. Suspect description
3. Suspect locatable
4. Vehicle License Plate
5. Vehicle Description
6. Physical evidence
7. Serology evidence
8. Fingerprints
9. Exceptional case
10. Suspect arrested

APPENDIX III

Abilene Police Department Solvability Factors

- | | |
|---|---------------------------------------|
| 1. Complainant does not wish to prosecute | 12. Suspect's location known |
| 2. Suspect is a juvenile | 13. Witness to offense |
| 3. Suspect was arrested | 14. Traceable property involved |
| 4. Suspect vehicle can be identified | 15. There was significant M.O. |
| 5. Major Injury/Rape/Robbery involved | 16. Significant evidence present |
| 6. Runaway or missing person | 17. Exceptional circumstances |
| 7. \$ 10,000 loss | 18. Victim not contacted |
| 8. Suspect named | 19. Witness not contacted |
| 9. Victim willing to prosecute | 20. Need to contact neighbors |
| 10. Suspect and Victim related | 21. Area requires further checking |
| 11. Limited opportunity | 22. No further investigation required |