

PERCEPTIONS OF QUALITY IN CRIMINAL INVESTIGATIONS:  
POLICE INVESTIGATORS, SUPERVISORS AND PROSECUTORS.

by

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## **Abstract**

Perceptions of Quality in Criminal Investigations:  
Police Investigators, Supervisors and Prosecutors.

by

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The purpose of this research is to test whether the most meaningful qualities of a well-run investigation can be identified through an examination of actual investigation reports that have produced both successful and unsuccessful outcomes. Through the identification of these salient factors, case managers will be able to better monitor the work of their investigators, provide better training for them and possibly increase the number of cases with favorable outcomes within their agencies.

In the law enforcement community, there are three main actors in the investigative process. They are the case investigator, the investigator's supervisors and commanders, and the prosecutor or assistant district attorney who will accept or reject a case for adjudication. Each of these public servants has a critical role to play in the criminal justice system and each, in their own way, contribute to the ultimate quality of a criminal investigation.

Investigators are the "tip of the spear" who document criminal complaints and perform all of the initial footwork in the investigative process. They engage in routine police activities such as checking criminal records, canvassing for

witnesses, preserving evidence and identifying suspects. Their first benchmark of quality is to meet and sustain a level of proof known as probable cause.

Law enforcement supervisors and commanders must see that the proper resources are available to their line investigators. In the absence of necessary resources, an investigator is handicapped and the level of quality in an investigation can drop off sharply. Transportation, partners, money to pay informants, scheduling of work hours, and access to technical equipment all contribute to case quality. In addition, supervisors must maintain healthy levels of discipline, morale and motivation in order to keep their workers operating a peak efficiency levels. They represent upper management and are the agents of communication to the rank and file on agency policy.

The role of the prosecutor is critical. Prosecutors carry out a quasi-judicial function and provide the link between the investigator and the court system. It is the prosecutor's job to judge case quality and review the legal sufficiency of the case at hand, as well as to recommend which charges will be brought against a defendant, which cases will be plea bargained and which will go to trial. In some cases, their decision might be *nolle prosequi* or to decline prosecution if they believe a case is poorly crafted and lacks the required levels of proof.

These three groups were therefore chosen to be participants in a study of what constitutes quality in a criminal investigation. In addition, only the most experienced of these practitioners were sought to participate in in-depth interviews designed to solicit their thoughts and insights about investigational quality and how *they* define it.

The reviewed literature has suggested that there are three paradigms to quality investigative work: the attributes of the work output (the case file), the personal attributes of the investigator, and the chosen managerial techniques used by the agency. However, the existing literature fails to examine whether these are three independent phenomena, or if there is a synergistic relationship among them. This research proposes that all three forces work together to enhance quality ensuring that optimal results are attained.

A group of thirty participants were enrolled in the research. In total, they represented some 816 years of criminal justice experience. Their responses to a pre-scripted interview were recorded and analyzed using Nvivo-9 software for qualitative analysis. Through the use of word frequency analysis, the most frequently cited quality attributes in all three paradigms have been identified.

The attributes of case quality were identified as routine police activities, thoroughness, completeness, knowledge, organization and teamwork, while desirable personality attributes for investigators were determined to be experience, integrity and knowledge.

With regard to managerial techniques, the most detrimental activity was identified as micro-management. There was a strong sense that investigators should “own” the work that they are assigned. The most frequently cited positive managerial action was providing positive feedback to investigators. The overwhelmingly preferred choice of management style was consultative management.

## **Preface**

*“Luck is a function of superior police work.”*

*Supervising Inv. Terrence Quinn  
Joint Homicide Task Force- 1989*

During the height of the Crack epidemic in New York City during the 1990's, there was one notable team of investigators who routinely built high quality cases while taking on the most violent and murderous drug gangs of the day. As a new member of this team, I often wondered what it was about this intrepid group of cops that made their cases stand out among the rest. It must be more than just luck or happenstance.

Many years later a similar question was posed to me by Prof. Ned Benton while attending John Jay College. “How do we determine what is a high quality investigation?” His question seemed a fair premise upon which to build a dissertation and so this project began.

I wish to thank Prof. Benton for his unflagging support during the long months of sporadic progress and painful setbacks. In addition, Prof. Mameli has been a true friend and mentor during this process, providing invaluable encouragement when times were tough. His commentaries and suggestions turned this into a workable and meaningful endeavor. Dr. O'Hara must also be acknowledged for offering his time and considerable topical knowledge when this dissertation was at its lowest point.

Finally, I must acknowledge and thank my wife Noreen and my two sons for their patience and love during the years of study and research that preceded this written work. You have my heartfelt thanks for enabling me to get to this point in life.

Robert Tarwacki

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## **Chapter 1: Introduction**

This is a study of quality performance by criminal investigators, and how it relates to investigational outcomes. The research is exploratory in nature and is based upon the unique points-of-view of three distinct criminal justice career tracks: the police investigator, the police supervisor/commander and the prosecutor. Each has a varying set of knowledge, skills and abilities (KSA's), with a certain degree of overlap, but always the common goal of bringing violators to justice.

The art of investigation can be defined as a methodical search for the true solution to questions posed by an inquiry at hand. In the criminal justice venue, the success or failure of an investigation is mainly attributed to whether or not guilty parties are identified, convicted and punished as a result. Another successful outcome, the unequivocal establishment of innocence for an accused party, is often overlooked as a quality result because the guilty may remain unidentified and unpunished. One might also consider that a successful investigative result might be the revelation of information that was previously a mystery, such as the determining of whether mechanical or human deficiencies led to the catastrophic failure of a commercial airline flight. For the most part we appear to measure the quality of an investigation based upon outcomes. But quality has more layers to consider beyond the valid result of an inquiry. In all the cases noted above, the primary goal of a legitimate investigation might be described as a diligent search for the truth.

If it is indeed the goal of an investigation to determine truth, one should take into account that absolutes are rarely associated with human endeavor. That being said, it might be wise to consider less ambitious goals for the investigator to be judged upon as well. The investigator might be credited with satisfactory performance by simply providing the most logical and accurate plausible hypothesis for the causation of the specific event in question. Such an evaluation need not be predicated upon an actual finding of truth. This kind of criteria would suggest that sound logic and accuracy are desirable qualities in a well-conducted investigation. Following this logic, it becomes important to identify other desirable investigational characteristics. The existing literature suggests that a number of attributes are associated with investigators who perform their jobs well. Among them are qualities such as teamwork, motivation, job-related skills, street knowledge, intelligence, and judgment. This study posits that there is an inexorable link between the attributes of the investigator and the attributes of the investigation itself. As such, they are considered jointly here.

This research is designed to give a unique insight into understanding the quality of investigations by exploring the psyche of criminal investigators. This is achieved through in depth and probing interviews of persons with high levels of experience. It is anticipated that all three participant groups will utilize anecdotal "war stories" to drive home the specific information that they wish to communicate to the

researcher. That is why it is so important to suggest to the participants early on that important data will be imbedded in the words recorded during the interviews being conducted and that a free flow of information is encouraged. The data generated will be of great value in finding a consensus on what desirable attributes of investigational quality actually are, and also if they can be linked to successful investigational outcomes.

### **What is Quality?**

Determining a generic definition of quality should be a relatively easy task. It is a routinely used word and the common dictionary should have a concise working definition. Yet, such is not the case. According to the Merriam Webster Dictionary, the definition of quality has no less than eight individual meanings. They are: 1.) peculiar and essential character or an inherent feature, 2.) degree of excellence or superiority in kind, 3.) social status, 4.) a distinguishing attribute or an acquired skill, 5.) the character in a logical proposition of being affirmative or negative, 6.) vividness of hue, 7.) the identifying character of a vowel sound determined chiefly by the resonance of the vocal chambers in uttering it, and 8.) the attribute of an elementary sensation that makes it fundamentally unlike any other sensation.”<sup>1</sup>

The U.S. Equal Opportunity Commission suggests that, “Quality is a statutory term that collectively comprises the terms of utility, objectivity, and

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<sup>1</sup> The Merriam-Webster Online Dictionary copyright © 2011 by Merriam-Webster, Incorporated; <http://www.merriam-webster.com/dictionary/quality>

integrity. Each aspect of quality is set forth in the definitions of these three terms.”<sup>2</sup>

The definition of quality would appear to be bound by the context of the discipline in which it is used. For example, if one were to ask a gemologist what constitutes a quality diamond, the expert would speak of color, brilliance, the absence of flaws and overall weight.

In the world of pharmaceuticals, the expert might define a quality medication in terms of purity of the compounds used, sterility, uniformity of dosage, absence of side effects and product efficaciousness.

A cabinetmaker might judge the quality of his work by the craftsmanship that went into his product. Important attributes may include the style of design, the amount of engraving or scrollwork, the stain and finish used, whether it was hand-finished or whether production line methods and power tools were used.

Key among these definitions is the fact that some of the quality attributes are scientific and objectively measurable, while others are subjective measures, intrinsic to the product itself, such as aesthetic appeal or adherence to accepted form and style. It is one of the key goals of this paper to flesh out a working definition of quality within the context of criminal investigations.

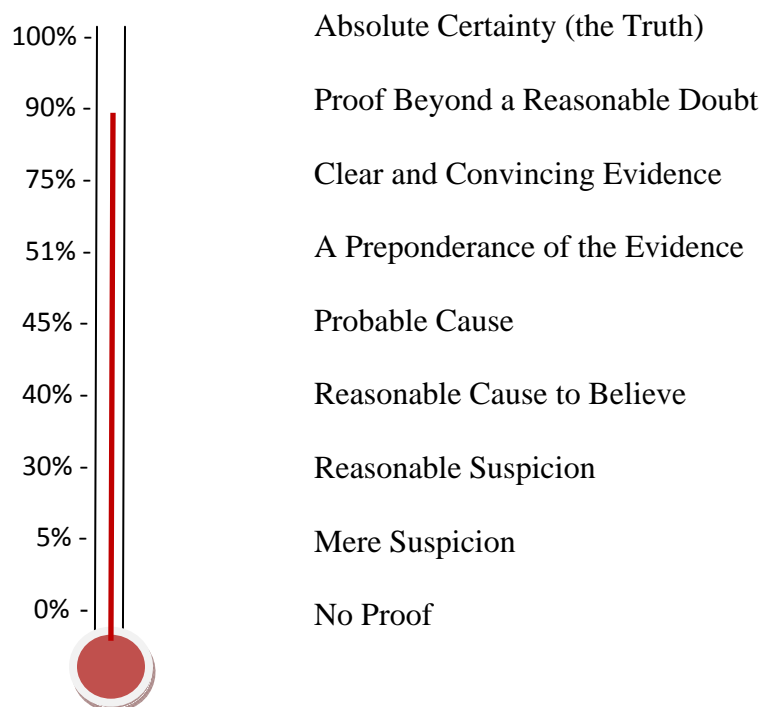
If there can be degrees of quality in an investigation, and if the absolute truth of a matter is elusive, how does our criminal justice system effectively judge guilt or innocence of a defendant? The answer has been laid out for us quite

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<sup>2</sup> The U.S. Equal Opportunity Commission (2002) - *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information*. Washington, D.C. Internet publication: <http://www.eeoc.gov/policy/guidelines/qualityguidelines.html>.

succinctly by our judicial branch of government. It is called the Ladder of Culpability and it defines levels of proof necessary to evoke certain governmental actions or sanctions.

### The Ladder of Culpability



*Diagram #1*

When the quality of a police investigation is judged by police personnel and their superiors, it will generally be within the context of *probable cause*. An arrest “stops the clock.” It satisfies a restless news media and allays community concern in many cases. On the other hand, when a prosecutor assesses the quality of an investigation, it is done within the boundaries of *probable cause* and *proof beyond a reasonable doubt* due to a very simple premise; the former is the minimum level of proof required for an arrest and the latter is the statutory level of proof to convict at trial. This bifurcation of proof levels is the single most

important reason why prosecutors should be included in any assessment of investigational quality. It is the prosecutor in his/her quasi-judicial role, who must make the decision whether to decline prosecution, to plea bargain away a poorly conducted case investigation or to spend valuable government resources on a trial. Quality is important and the levels of proof are a reliable way to judge the *sufficiency* of a case investigation, but they fall short of telling investigative agencies what they need do to routinely build high levels of quality into each case. Assessment of quality must begin long before an arraignment part judge is asked to rule on the sufficiency of a criminal charge or a grand jury presentation is conducted.

### **Why quality is important**

A contemporary concern among criminal justice scholars and practitioners is the frequency rate with which police investigations result in the conviction of the innocent. Since the inception of the *Innocence Project* the organization has recorded over 271 post-conviction DNA exonerations in this country.<sup>3</sup> Evidence suggests that the use of police generated confessions as confirmatory data for investigational hunches presents a set of error prone circumstances.

One must also consider that there have been cases where an expertly run investigation has failed to result in the conviction of a suspect due to legal technicalities beyond the scope of the investigator's purview. Outcomes alone, it seems, are very precarious tipping points upon which to judge the quality of an

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<sup>3</sup> The Innocence Project was founded in 1992 by Barry C. Scheck and Peter J. Neufeld at the Benjamin N. Cardozo School of Law at Yeshiva University to assist prisoners who could be proven innocent through DNA testing. To date, 198 people in the United States have been exonerated by DNA testing, including 14 who served time on death row.

investigation. Measuring quality is a predicament reminiscent of Justice Potter Stewart's much quoted opinion on pornography. We cannot seem to define what a quality investigation is, *but we claim to know it when we see it.*<sup>4</sup>

There are notorious investigations whose outcomes are neither popular nor well accepted by the public that are, without objection, quality investigations. A case in point would be the Warren Commission report, which detailed the efforts to determine the assassin(s) of President John Fitzgerald Kennedy. Many have questioned and continue to question the controversial findings of the Warren Commission Report, yet no material portion of the investigation has been shown to be false despite the scrutiny of modern forensic testing and public release of much of the case material. Even subsequent Congressional investigations, such as the United States House Select Committee on Assassinations, have failed to successfully impeach the Warren Commission's original findings.<sup>5</sup>

This case illustrates that the passage of time may prove to be the best indicator of the quality of an investigation. If the findings can hold up over the course of many years of scrutiny, counter-investigation, media speculation and historical revisions, then possibly, the findings are the result of quality work. Often times, new facts come to light that were hidden at the time and they confirm the original findings.

## **Time will tell**

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<sup>4</sup> Stewart yielded a memorable opinion in *Jacobellis v. Ohio* (1964), which survived as his most widely quoted judicial utterance: "I shall not today attempt further to define the kinds of material I understand to be embraced within the term [hard-core pornography] and perhaps I could never succeed in intelligibly doing so. But I know it when I see it, and the motion picture involved in this case is not that."

<sup>5</sup> Report of the Select Committee on Assassinations of the U.S. House of Representatives. (1979) - The U.S. National Archives and Records Administration. Available online at <http://www.archives.gov/research/jfk/select-committee-report/>

The controversial case of Ethel and Julius Rosenberg, the so-called *Atomic Spies*, is another example of withstanding the test of time. When Special Agent Robert Royal, the principal investigator for the FBI, was interviewed many years after the trial, he reaffirmed his deep conviction of their guilt. A substantial number books and exposes had been written which tried to discredit his work. However, with the fall of the Soviet Union and the arrival of Glasnost, new evidence was found in the files of the KGB which supported the conclusions of the original investigation. The Rosenbergs were indeed instrumental in passing top-secret information on to the Soviets<sup>6</sup>. This kind of historic validation of findings seems to provide the most convincing level of proof that an investigation was performed well. The test of time may be the ultimate measure of quality.

Having previously discussed absolute truth and having dismissed it as unattainable ideal, the possibility of using time as a verification of quality investigation is tempting, but is equally untenable as criterion for quality since it lacks immediacy. Must we wait 40 years to judge the quality of a criminal case?

As a counterpoint to the time argument, the case of the People of the State of New York vs. Yusef Salaam is cited. As one of the Central Park Jogger Case defendants, Salaam was convicted of Rape and Assault. After approximately 15 years of incarceration, the Manhattan DA vacated charges against him and several other defendants due to the identification of the actual attacker, whose culpability was confirmed by advanced DNA testing procedures. Does this change in

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<sup>6</sup> In his book *KGB the Inside Story*, KGB spymaster Oleg Gordievsky details how information was provided to Julius Rosenberg though his younger brother-in-law, David Greenglass who worked at Los Alamos as a machinist.

outcome mean that the quality of the investigation as done by the NYPD detectives was somehow lacking? Consider that, were it not for the development of a new scientific technology, these convictions would likely be standing today. Had the technology been available and investigators did not opt to take advantage of it, then one might have an argument for a lapse in quality.

DNA testing has changed the face of criminal investigation in much the same manner as advances in fingerprint identification and classification did in the early in the 20<sup>th</sup> century. As with any forensic evidence collection and analysis, scientific standards must be used to gauge the quality of the interpretative results. Questions such as the quantity of material recovered, the level of expected error during testing, and any factors that cause cross contamination of samples are factors effecting quality of analysis. When criminal justice professionals take the time and effort to address these kinds of questions, contemporaneously, matters of quality can be looked at in a meaningful and objective way. If there is any hope of gaining a timely assessment of the quality of an investigation, perhaps while it is still in progress, other useful standards must be developed. Time drives the quality continuum as the levels of proof rise toward the absolute truth, though never reaching that final lofty goal. It takes time to develop a quality case and it takes the passage of time to test that quality. Time can prove or disprove. What needs to have staying power is the quality of the process and, hopefully, ever greater measurability of the elements of that process.

### **Quality beyond their control**

In this research, quality issues that are directly related to the knowledge, skills and abilities of criminal investigators are under examination. Thus, what happens in the forensic lab is beyond the scope of this investigation. In industry, scientists and engineers rely upon quality standards set by their peers and by professional societies within their discipline. These same groups provide laboratory certification for facilities that meet the specified standards. An investigator wishing to perform a quality investigation would hopefully choose to utilize a certified laboratory for the processing of case evidence. Failure to do so might well be considered presumptive evidence that the quality of an overall investigation will be less than optimal. In fact, it may be good grounds for a savvy defense lawyer to suggest that the effected evidence is unworthy of presentation before a court of law. Those responsible for operating police laboratories have mainly affiliated with certification groups from within the scientific community. The American Society of Crime Laboratory Directors Laboratory Accreditation Board is one such entity. ISO is another.

However, when it comes to traditional investigative services, pounding the pavement and knocking on doors, there is no clear consensus regarding who should provide standards and certification. A host of agencies, both governmental and private, including the Commission on Accreditation for Law Enforcement Agencies (CALEA), the National Institute of Justice (NIJ), the International Law Enforcement Intelligence Analysts (IALEIA), the National Institute of Standards and Technology/Office of Law Enforcement Standards (NIST/OLES), the Law

Enforcement Information Technology Standards Council (LEITSC), The International Association of Directors of Law Enforcement Standards and Training (IADLEST), the International Organization for Standards (ISO), and others, have tried to present the law enforcement community with a viable standard for accreditation. None of these have become a clear winner in the endeavor though CALEA is the apparent front runner.

### **Quality within their control**

The purpose of this research is to test whether the most meaningful qualities of a well-run criminal investigation can be identified through in-depth interviews of three specific groups of practitioners: police investigators, their supervisors and the lawyers who prosecute criminal cases. No pre-judgment is made as to whether the three groups participating in this research will be in agreement or will present divergent opinions. However, any consensus among these groups would provide strong evidence for the theory that certain attributes possessed by criminal investigators can predict desirable outcomes in criminal investigations.

Through the identification of these salient attributes, it is hoped that criminal investigators will be more effective, case managers will be able to better monitor the work of their investigators and provide better training for them and that prosecutors might possibly increase the number of successful cases within the venue of the criminal courts.

## Chapter 2: Literature Review

This research addresses the various concepts and attributes of quality in criminal investigations. Since police agencies base their organization largely on a paramilitary model, they maintain very strict, hierarchical lines of communication and this structure is most compatible with bureaucratic management. Within the bureaucratic framework, discretionary decision making at all levels of management is frowned upon, if not all together rejected. Moreover, the quality of work output is generally not subject to consumer scrutiny. Workers follow inflexible rules and regulations as a guideline for conducting business and work quality is of secondary consideration. Strict adherence to established protocols is demanded.

The "traditional" style of law enforcement management, commonly seen in police agencies, is based around the need for "professionalism" within the police service. This "professional" or "reform" style of police management developed as a response to corruption and political patronage perceived throughout law enforcement. While drastic measures were needed to control these negative influences, the need to control the police became the primary management objective, often more important than providing services to the citizens in the neighborhood.<sup>7</sup> (Couper and Lobitz, 1991)

Moore and Stephens (1991) foresaw a revolution in police management. They envisioned the present day model of internal control and standardized procedures being upset by three factors: the economic success of the Japanese, the

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<sup>7</sup> David C. Couper & Sabine H. Lobitz (1991) - *Quality policing: the Madison experience*. Police Executive Research Forum, Washington, D.C.

success of private-sector organization and research into their management practices, and the growth of the service economy with its focus on customer needs.<sup>8</sup>

Significant changes predicted by Naisbitt and Auburdene (1985) have affected law enforcement agencies. They anticipated that the best workers will seek out organizations that facilitate and encourage personal growth, that coaching, teaching and mentoring are all the role of the effective manager of tomorrow, and that the authoritarian management style is being replaced by a new, people-oriented and networking style.

Creativity and intuition have become more valuable to the organization than the traditional, numbers-oriented management processes.<sup>9</sup> James F. Murphey, commander of the Almonte Springs Police Department (FL), astutely noted these original observations in his paper which extolled the virtues of Total Quality Management in the law enforcement context.<sup>10</sup> These changes add another dimension to our attempts to understand the quality of criminal investigations in this research. That is managerial quality control.

### **One Approach: The Quality of the Investigator**

Empirical investigations that attempt to measure the quality of criminal investigations by means of enumerating quantifiable attributes are sparse in the

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<sup>8</sup> Moore M. H., & Stephens, D. W. (1991). Beyond command and control: The strategic management of police departments. Washington DC: Police Executive Research Foundation.

<sup>9</sup> Naisbitt, J., & Aburdene, P. (1990). Megatrends 2000: Ten new directions for the 1990's. New York: William Morris and Company.

<sup>10</sup> Murphey, James F. (1993) – *Total Quality Management: An Assessment of Implementation in Florida's Municipal Police Agencies*, Florida Department of Law Enforcement. Tallahassee, FL. Internet Publication: <http://www.fdle.state.fl.us/Content/getdoc/7c3afcfce-282e-4413-9163-1e4ec66c272b/Murphey-Jim-paper-pdf.aspx>.

existing literature. The literature does reflect several seminal works that describe the attributes of highly effective investigators and enumerate qualities of investigations that are desirable, but most of these are qualitative in nature.

Michael Lyman is the author of a work which is frequently used as a college level text in the study of criminal justice. The importance of this text to the literature is that it delves into the very basic skill set of the criminal investigator. Lyman cites a number of qualities that are associated with the effective investigator, which he refers to as “commonly desired traits.” These traits include: motivation, intuition, stability, judgment, street knowledge, teamwork, persistence, reliability, intelligence, dedication, and integrity.<sup>11</sup>

In developing these attributes, Lyman draws upon data gleaned from prior research done under the auspices of the National Institute of Justice.<sup>12</sup> He uses this material to describe what he refers to as “qualities involved in investigative performance”.<sup>13</sup> Included among these are measurable indices of performance such as crime scene management, communication skills, crime pattern analysis, handling informants, persistence, initiative, involvement, quality of arrests, crime reduction, diminution of public fear, ability to convict, public complaints, education, training, and previous investigatory experience. Thus, Lyman establishes a link between investigator attributes related to the personality and performance attributes related to work output.

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<sup>11</sup> Lyman, Michael D. (1999) – *Criminal Investigation: The Art & Science*. Prentice Hall, Upper Saddle River, NJ. (2nd Edition).

<sup>12</sup> National Institute of Justice (1987) – *Investigators who perform well*. Washington, D.C. U.S. Dept. of Justice, September.

<sup>13</sup> Lyman, Michael D. (1999) – *Criminal Investigation: The Art & Science*. Prentice Hall, Upper Saddle River, NJ. (2nd Edition).

By delving further into Lyman's source material one finds an excellent body of original research authored by Prof. Bernard Cohen, Ph.D. and Jan Chaiken. This 1987 publication entitled *Investigators Who Perform Well* enumerates "qualities for investigative performance." Though this study is dated, the dearth of empirical research requires that older material such as this be included in a scholarly examination of this subject matter. In his introduction, Cohen unequivocally states that most police managers agree that the key to quality investigations is selecting investigators who perform well.<sup>14</sup>

Cohen's "qualities for investigative performance" include gathering information, field operations, arrests, public & victim satisfaction, prosecutions, personnel performance, personal traits, and qualifications (education & training).

These traits combine the qualities of the individual investigator and the investigator's work output thus demonstrating the complexity of the research being undertaken in this study. The investigator is the primary resource; the investigator's work product is the primary output. The quality of the former affects the quality of the latter and the two become inexorably linked, as Lyman suggests.

Cohen goes on to list specific personality traits for the effective investigator. These traits include motivation, stability, persistence, intelligence, perseverance, initiative, judgment, teamwork, involvement, and dedication.

The similarity between Lyman's and Cohen's lists of attributes is not surprising due to Lyman's reliance upon the Cohen study. Figure 1 (below) graphically indicates the attributes that overlap in the Cohen and Lyman analyses.

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<sup>14</sup> Ibid, page 1

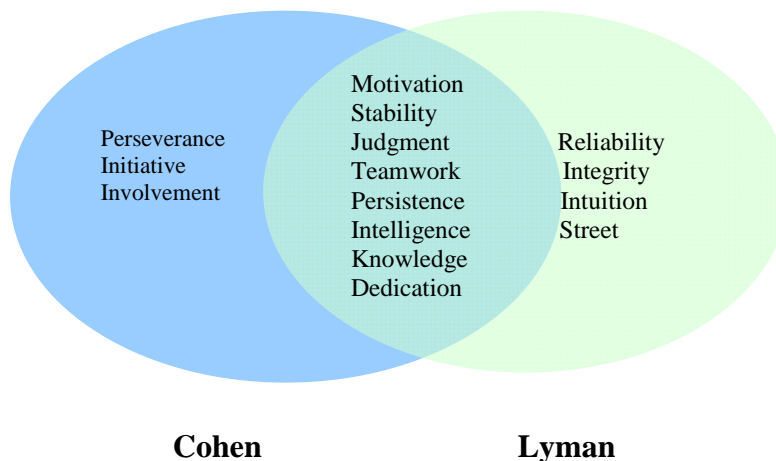


Diagram #2

Cohen makes it clear that quantitative measures of investigator performance are problematic. “Many supervisors who select detectives... believe that the few performance qualities... that can be measured quantitatively, such as number of arrests, absenteeism, intelligence, or awards, *are poor measures* to judge whether an officer will become a good investigator.<sup>15</sup> He then sets the stage for using qualitative methods to accomplish his intended goal. “Instead they emphasize the more intangible traits of motivation, initiative, and good communication skill.”<sup>16</sup>

### **The search for a level of measurement**

In 1976, Chaiken, Greenwood & Petersilia produced a report for the Rand Corporation entitled *The Investigative Process: A summary report*. This report makes a valuable assertion about the outcomes of investigations (such as arrest rates) and their suitability for determining the effectiveness of investigations. They state, “Several earlier studies, each conducted in a single city or a small

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<sup>15</sup> Ibid, page 12.

<sup>16</sup> Ibid, page 12.

number of nearby cities, had shown that department-wide clearance and arrest statistics are not suitable measures of the effectiveness of investigative operations. Our own study, using data from cities across the country, confirmed this observation in several different ways. The implication is the measures of effectiveness related to solving crimes must be defined carefully and can only be interpreted in conjunction with other information related to prosecution of arrestees, public satisfaction with the police, deterrence effects and so forth.”<sup>17</sup>

In the above excerpt from the authors first suggest what is *not* appropriate for measuring the effectiveness of investigators: department wide clearance and arrest rates. They then list three measures that they do recommend: prosecutions of arrests, public satisfaction with the police and deterrence efforts.

The actual number of arrests that are recommended by the District Attorney for prosecution is a good indication as to whether or not the investigator’s efforts have produced the minimum level of quality which our legal standards will accept: probable cause. With the rare exception of where cases are dismissed based purely upon political considerations, this would appear to be a reliable measurement of quality in a “pass/fail” context. Other than that, it would be impossible to determine degrees of quality. A ratio of cases opened versus cases accepted for prosecution may prove to be fair performance evaluation factor for investigators, but does not serve to predict case quality.

During their actual research, conducted in 1975, the group utilized a number of relevant topics for their surveys. These topics included: department characteristics, investigator deployment, investigator training and status, use of

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<sup>17</sup> See Chaiken, Greenwood & Petersilia, The Investigative Process.

evidence technicians, the nature of specialization, evaluation criteria, prosecutorial interaction, case assignment, use of computer files, and crime clearance and arrest rates. The interaction between investigators and prosecutors will be examined further within the context of this study.

One of the major findings of their report was that for crimes in which a suspect is not immediately known, routine investigative activities produce good information. They found that the following routine investigational activities often solved crimes: using “hot car” files, using photo arrays, checking pawnshops, catching tips from the public, tracing registrants/owners of weapons, and using technological advancements. These produce routine clearances.<sup>18</sup>

The study suggests that how diligently an investigator adheres to the routine investigative techniques that are common to agency peers, or to criminal investigators in general, is a viable measure of a quality investigation. Conversely, failing to pursue investigative steps that are considered routine would predict inferior results. By means of these constructs one might envision circumstances where a police supervisor might cite failure to pursue routine investigative activities as grounds constituting malfeasance.

In his NIJ study, Cohen also cites critical knowledge, skills and abilities (KSA's) as part of his theory of qualities for investigative performance. These qualities are equivalent to the routine activities suggested by the Rand study. One of these key elements is information gathering. Within this broad heading, Cohen includes routine activities such as the ability to secure mug shots and criminal

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<sup>18</sup> See Chaiken, Greenwood & Petersilia, The Investigative Process.

records through the agency's standard operating procedures, interviews of suspects and witnesses, report writing, keeping case files, evidence logs, developing *modus operandi* and crime patterns.<sup>19</sup>

DeLadurantey & Sullivan authored a book in 1980 entitled *Criminal Investigation Standards*. Their work tends to support the conclusions of the Rand Study in that the authors clearly state that, "There is no quantitative measurement that will provide an accurate assessment of the effectiveness of the investigator" (DeLadurantey, 1980). They go on to list the following qualitative characteristics for investigators: investigative effectiveness, knowledge, motivation, personal ethics, sources of information, judgment, reliability, investigative education, leadership, and relations with people.<sup>20</sup>

This once again reinforces the premise that using quantifiable criteria for determining investigational quality is not a viable pursuit. The existing literature suggests that the study of effective criminal investigations is best served through a qualitative study. With regard to supervisory evaluation of criminal investigators, DeLadurantey & Sullivan state, "An evaluation report on an investigator should include *quantifiable* accomplishments where appropriate... (i.e., clearance rates, recovery value, conviction rate)."<sup>21</sup>

Clearance rates and conviction rates are in line with the methodologies suggested by the Rand Study, but have their own problematic aspects when used as measurements of quality. Since police clearance rates are based upon case

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<sup>19</sup> Cohen, *Investigators Who Perform Well*, page 15.

<sup>20</sup> DeLadurantey, J. & Sullivan, D. (1980) - *Criminal Investigation Standards*. Harper & Row, Publishers. New York, NY.

<sup>21</sup> Ibid

closings through arrest, they do not take into account how many of those investigations resulted in successful prosecutions or how many may have resulted in false arrests. Conviction rates, in a similar vein, do not take into account how many cases were lost due to prosecutorial incompetence, lost evidence, judicial politics or jury nullification. DeLadurantey's qualitative characteristics intersect with Cohen and Lyman on only two attributes: motivation and judgment. The consensus among scholars on the attributes of effective investigators, as expected, grows smaller with each additional citation of relevant literature.

Valuable research has been conducted by Nicky Smith and Connor Flanagan (2000) on behalf of the Home Office's Policing and Reducing Crime Unit; Research, Development and Statistics Directorate of the United Kingdom. In their study, *The Effective Detective: Identifying the skills of an effective SIO*<sup>22</sup>, they developed a core skill set of 22 attributes for the purpose of coding data within their research.

It appears that policing in the United Kingdom presents an entirely different perspective on investigators and investigational quality, as none of the listed attributes match up with any suggested in our domestic police literature. One might make an argument for the relationship of attributes such as *teamwork*, *integrity*, and *knowledge* to several of Smith & Flanagan's items in their summary of skills, but in general, these two authors offer a very insightful approach to investigator proficiency. Even when the supervisory and administrative aspects of these are removed, some innovative attributes remain.

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<sup>22</sup> An *SIO* is an acronym used to identify a Senior Investigating Officer within the National Police Service of Great Britain, specifically the Criminal Investigation Department or CID.

A summary of the skills suggested by Smith & Flanagan include: adaptation, administrative competence, appraisal of information, appropriate delegation, awareness of future developments, consultation with the team, decision-making, handling expert advice, innovative investigative style, interpersonal skills, investigative competence, leadership, maintaining professional integrity, managing the communication process, organizing the mechanics of the investigation, planning the investigation, resource management, staff development, staff support, strategic awareness, team-building, and underpinning knowledge.<sup>23</sup> (It should be noted that the SIO is a quasi-supervisory position within Scotland Yard.)

Leslie Zieren, Esq. of the Agos Group, LLC has written on the topic of corporate investigations in a publication entitled Checkpoint. The Chubb Group of insurance companies sponsors this Newsletter. The author posits that prompt, thorough and objective investigations produce quality results. She also presents numerous *Investigator Personality Traits* for consideration by those who select investigators. These traits included “the ability to understand the purpose of the investigation, appear credible and assess credibility, treat others objectively and fairly, put people at ease, ask questions that elicit relevant information (especially from those reluctant to communicate), take accurate and thorough notes, maintain an appropriate level of confidentiality, identify and manage pertinent documents, and prepare an accurate and timely report.”<sup>24</sup>

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<sup>23</sup> Nicky Smith and Connor Flanagan (2000) - *The Effective Detective: Identifying the skills of an effective SIO*, The Home Office, United Kingdom.

<sup>24</sup> Zieren, Leslie, Esq. (2005) – Checkpoint, *Chubb Employment Practices Liability Newsletter*. The Chubb Group. Warren, NJ. March 2005.

Since the author represents the corporate aspects of investigation, it should be noted that some of the terminology is civilianized. Thus commander or supervisor is replaced with *point person*. Though aimed at corporate investigations, the relevance of this material to the present research is self-evident. The most significant tangible attribute mentioned by Zieren that is curiously left unmentioned in the criminal justice literature is the ability to take accurate and thorough notes. This single skill and ability has a substantial impact on the quality of written reports, testimony at the grand jury, hearings and trials, and therefore final case outcome. Yet, no other scholarly study mentions it and it becomes necessary to go to the corporate sector to find an illuminating and salient piece of the puzzle. While many would say that such literature has no place in scholarly research, this gem of knowledge would have gone undiscovered if not for “pushing the envelope” a bit in the pursuit of relevant knowledge. At this point, the literature is advocating that personality traits are a key element in a quality scale or continuum that predicts success in a criminal investigation.

Zieren continues by enumerating types of information that should be included in a quality investigation report. This insight is particularly germane to the proposed research as it is the apparent equivalent of routine investigation in the corporate world. Zieren looks for these items: the name of the person reporting the wrongdoing, the names of the accuser(s) and alleged wrongdoer(s), the date the report was received, by what reporting avenue and by whom, the allegations as originally presented in writing, information explaining any delays in the investigation, procedures used to protect integrity and confidentiality of the

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investigation, witnesses' names and positions in the organization, organizational policies and procedures at issue, the pertinent legal framework, key factual findings about each issue, witness signed statements with relevant supporting documents and the analysis of conflicting, inconsistent, or inconclusive information.<sup>25</sup>

Zieren opens the window for a second possibility in understanding how quality investigations can be evaluated. She outlines the importance of the content of the case file in establishing quality. The second factor that drives a continuum of quality has now been suggested.

### **Another Approach: The Content of the Investigation**

A police academy instructor, who held a doctoral degree in Criminal Justice, once addressed a class of new recruits and posed the question, "When does a criminal event actually take place?" The eager students offered varying philosophical and practical views on the subject. One recruit offered that it takes place when a criminal act, as described in the penal code, actually transpires. Another recruit offered that it may happen when a criminal event is first planned since inchoate crimes are described in the penal code. Finally, the instructor gave his definitive answer. "The crime takes place the first time a report is filed"<sup>26</sup> (Schroeder, 1988). This statement drives home the significance of the reporting process within the criminal justice context. Unreported crime, the so called *dark*

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<sup>25</sup> Ibid

<sup>26</sup> Schroeder, Donald, PhD. (1988) Excerpted from the a lecture given during his presentation of the NYS Municipal Police Training Course held at John Jay College of Criminal Justice.

*figure of crime*<sup>27</sup>, can only be measured by the suffering of the victims, a phenomenon that caused victimization surveys to become a popular method of assessing the real impact of crime on society. Likewise, the nature and severity of a crime is largely dependent upon how the reporting official sees fit to write the criminal complaint. This is a compelling case for the importance of preparing a high quality case file during the criminal investigation process.

In 2000, Weston, Lushbaugh & Wells authored a book entitled *Criminal Investigation: Basic Perspectives*. The work itself is similar in concept to Deladurantey. One idea in particular was noteworthy and germane to researching the quality of investigations. The investigative process that Weston describes was more directly geared toward the police intelligence function, but the value of intelligence in the assessment of overall case quality cannot be over emphasized.

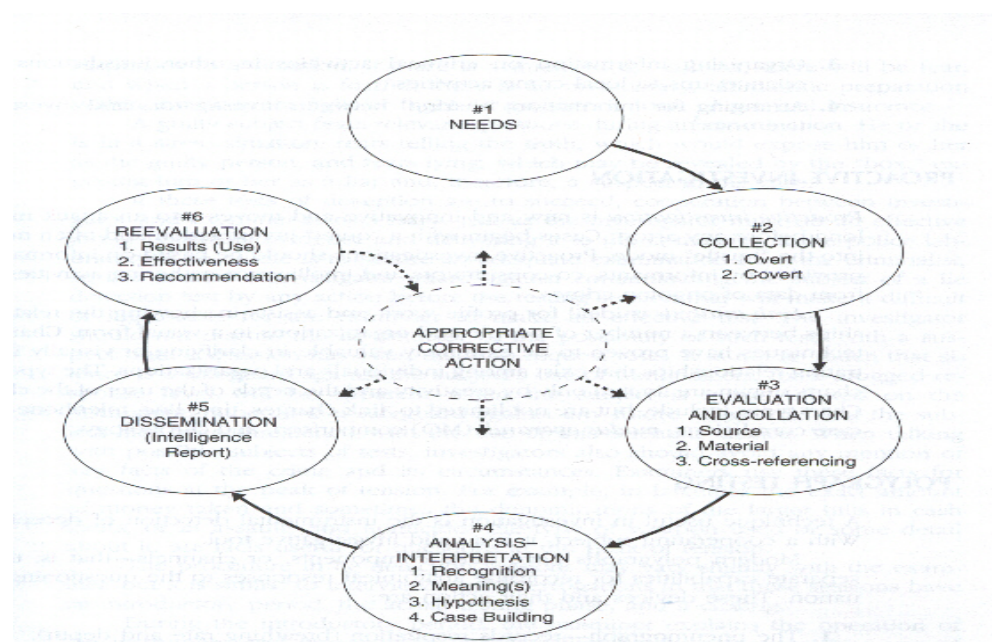


Diagram #3

<sup>27</sup> Bidermann and Reiss use this term to describe occurrences that by some criteria are called crime yet that are not registered in the statistics of whatever agency was the source of the data being used.

Weston's diagram<sup>28</sup> shown above, dovetails quite nicely with the process used by many investigators to prepare a case. It can be readily compared to a "roadmap" for the implementation of *routine activities* in an investigator's case preparation. In phase 1, an investigator receives a case assignment which defines the needs of his investigation. In phase 2, he must use overt and covert methods of investigation such as interviews and surveillances, respectively. In phase 3, he must evaluate the gathered evidence, document it and reference it in a matter that he and others can readily use to retrieve it when needed. In phase 4, the investigator and other team members may review and evaluate what has been collected. Prosecutors can review that material to determine if it is usable from a legal standpoint. Phases 5 might be compared to the point where investigators turn over reports and other evidence to prosecutors so that indictments may be prepared and phase 6 is akin to plea bargaining, a trial, or some alternate form of adjudication (i.e., civil remedies, fines, dismissal, etc.) Once again, the importance of exhausting all of the avenues of investigation available under the routine activities umbrella is deemed of importance to the quality of an investigation.<sup>29</sup> To a student of Public Administration, the above process is remarkably similar to the Six Step Process<sup>30</sup> often used in the analysis of public policy.

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<sup>28</sup> Weston, P., Lushbaugh, C. & Wells, K. (2000) - *Criminal Investigation: Basic Perspectives*. Prentice-Hall Upper Saddle River, NJ 2000 – 8th Ed.

<sup>29</sup> Ibid

<sup>30</sup> Patton, Carl V. & Sawicki, David S. (1993) – *Basic Methods of Policy Analysis and Planning*. Prentice Hall, Englewood Cliffs, NJ.

The President's Council on Integrity and Efficiency and the Executive Council on Integrity and Efficiency recommend quality standards for investigations in their December 2003 publication. Their effort enumerates the standards and principles applicable to the investigative efforts of criminal investigators working for the Offices of Inspector General (OIGs) affiliated with the President's Council on Integrity and Efficiency and the Executive Council on Integrity and Efficiency. A list of general investigative standards is included in their work. These standards, which are geared toward the attributes of the investigator include:

Qualifications: Individuals assigned to conduct the investigative activities must collectively possess professional proficiency for the tasks required.

Independence: In all matters relating to investigative work, the investigative organization must be free, both in fact and appearance, from impairments to independence; must be organizationally independent; and must maintain an independent attitude.

Due Professional Care: Use due professional care in conducting investigations and in preparing related reports.<sup>31</sup>

Admittedly, the final standard mentioned above best reflects the theme currently under discussion. Due professional care is best associated with quality of case content. However, qualifications align nicely with desirable personal

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<sup>31</sup> President's Council on Integrity and Efficiency (2003) – *Quality Standards for Investigations*. Executive Council on Integrity and Efficiency. December 2003.

attributes of the excellent investigator, while organizational independence dovetails nicely with a third consideration yet to be discussed.

A number of qualitative standards, which point to the work output of the investigator are recommended in the report. These standards include the following:

Planning: Establish organizational and case specific priorities and develop objectives to ensure that individual case tasks are performed efficiently and effectively.

Execution: Conduct investigations in a timely, efficient, thorough, and legal manner.

Reporting: Reports (oral and written) must thoroughly address all relevant aspects of the investigation and be accurate, clear, complete, concise, logically organized, timely and objective.

Information: Management Store investigative data in a manner allowing effective retrieval, referencing, and analysis.<sup>32</sup>

The above standards are operationally tied to the phenomenon referred to as routine police activities. Planning, execution, reporting and information management are all essential functions of an investigation and they define the very basis of routine police activities.

Another federal government agency has provided a simple yet comprehensive opinion of what constitutes investigational quality. The Equal Employment Opportunity Commission, which regularly performs investigations

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<sup>32</sup> Ibid

of allegations of job discrimination and maintains its own criminal investigators, has suggested the following:

“Standards for Information Quality. ‘Quality’ is a statutory term that collectively comprises the terms of utility, objectivity, and integrity. Each aspect of quality is set forth in the definitions of these three terms.

Utility. Utility refers to the usefulness of the information to its intended users, including the public.

Objectivity. Objectivity involves two specific elements: presentation and substance. Disseminated information should be presented in an accurate, clear, complete and unbiased way. This involves presenting information in the proper context. In addition to the presentation of information, objectivity ensures the substance of products is accurate, reliable and unbiased. Basically, objectivity is ensured if reliable data sources and sound analytical techniques are used; methods exist to carefully review the contents of all information products; and information is prepared by qualified people using proven methods.

Integrity. Integrity refers to the security of information protection of the information from unauthorized access or revision, to ensure that the information is not compromised through corruption or falsification.<sup>33</sup>”

(EEOC, 2002)

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<sup>33</sup>Equal Employment Opportunity Commission, U.S. (2002) - *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information*. Washington, D.C. Internet publication: <http://www.eeoc.gov/eeoc/plan/informationquality/qualityguidelines.html#standards>.

The EEOC's standards for information quality link behaviors and tasks in precise and useful ways. In contrast to the previously discussed literature citations revolving around the personality traits of investigators or their routine activities, the EEOC has provided a standard by which an evaluation of work product can be fairly judged and merits further investigation in this research. It is worthwhile to note that the EEOC has wisely taken the time and effort to actually define what quality is and they do it in their very first standard.

There are additional salient factors that might be used to identify and measure the quality of an investigation. Credibility of sources is a key factor in any investigation. The investigator who provides *source attribution* adds substantial credibility to the statements being made. If one were to compare this to the legal profession it would be tantamount to a trial lawyer providing the foundation for a witness who is about to provide expert testimony. Sources are normally identified by the customary pedigree information such as name, date of birth, address, driver's license number, contact number, etc. However, investigators who provide more detailed pedigree info, such as items that may be found in a *curriculum vitae*, go a long way to establishing source credibility. In this fashion it may be revealed that the source is a professional witness, an electronics expert, a lip reader or that she possesses numerous other acquired skills critical to the evaluation of evidentiary material.

In determining the quality of the output of an investigation, it is important to consider the minimum level of proof under which the law enforcement investigator is required to function. The NYS Criminal Procedure Law tells us

that the level of proof known as *probable cause*<sup>34</sup> is the level sufficient to make an arrest in any criminal matter. However, certain types of investigative output reach levels of proof far beyond, or below, that level specific level.

Furthermore it is important to know the proof level for each bit of critical information contained in a report. It would be well to know, for example, that the reporting officer actually witnessed a target committing a particular crime on the street through surveillance and observation. It is even better if these actions were caught on film or video. Such information can boost the level of proof for these reports up to a level of near certainty. However, even with this degree of certainty, a criminal charge still can founder. The ultimate interpretation of the facts an investigator establishes, no matter how rigorously, are still up to jury members who, as reasonable men and women, make the ultimate judgment whether investigative quality erases all “reasonable doubt. Unfortunately, the nature of probable cause, *visa-vis* the reasonable man test, does not lend itself to quantitative analysis. It is yet another qualitative factor and this one can only be determined in finality by a judge or jury.

### **One Final Approach: Management’s Role in Quality**

Prahalad and Hamel introduced a concept which they referred to as “Core Competence” of a corporation. In short, they define core competencies as “the collective learning in the organization, especially how to coordinate diverse production skills and integrate multiple streams of technology... It is also about

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<sup>34</sup> A reasonable belief that a person has committed a crime. The test the court of appeals employs to determine whether probable cause existed for purposes of arrest is whether facts and circumstances within the officer's knowledge are sufficient to warrant a prudent person to believe a suspect has committed, is committing, or is about to commit a crime. *U.S. v. Puerta*, 982 F.2d 1297, 1300 (9th Cir. 1992).

the organization of work and the delivery of value... Core competence is communication, involvement and a deep commitment to working across organizational boundaries. It involves many levels of people and all functions”<sup>35</sup> (Prahalad, 1990). If taken to its logical conclusion, an institution driven by its core competencies should be more efficient and produce a higher quality work output than an institution that dabbles in areas where it lacks proficiency.

Though geared toward business and industry, Clarke and Mullins pointed out the value of this concept for agencies that perform public inquiries. They correctly observe that “in an era where programs are being asked to justify their existence and demonstrate competitive performance, being able to demonstrate value moves the argument away from cost alone.”<sup>36</sup> They further propose that “excellence provides the greatest insurance for continued funding and long-term health [of an organization].”<sup>37</sup> (Clarke, 2003).

Clarke and Mullins go on to add the “knowledge, skills, commitment, and energy of its people” as corporate resources.<sup>38</sup> Other corporate resources include the cost of personnel, overtime and equipment. As with all corporate resources, these items are controlled by management. If these corporate resources drive the quality of an investigation, then a third factor is driving the quality continuum; management. In the case of the New York County Attorney’s Office, the nearly 600 assistant DA’s are considered management level employees. They receive

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<sup>35</sup> Prahalad, C.K. & Hamel, Gary (1990) – The Core Competence of the Corporation. *Harvard Business Review*, Boston, MA. May-June 1990. pp. 79-84.

<sup>36</sup> Clarke, Kenneth F. & Mullins, John (2003) – Core Competencies: A Driving Force for Organizational Excellence. *The Journal of Public Inquiry*, Fall/Winter 2003.

<sup>37</sup> Ibid

<sup>38</sup> Ibid

commissioner's checks within the payroll system and they are part of the management benefits fund with respect to health benefits and pension matters. When assigned to a task force operation, the Assistant DA is the *defacto* manager of the team. They coordinate the efforts of the constituent agencies, assign the available resources, and assess the work product of team members. While command level police personnel represent management on the police agency level, the managerial role of the prosecutor in case development cannot be underestimated. Their importance to this research is critical.

### **Combining the Approaches: Accreditation in the Public Sector**

Accreditation of public works departments is a new method of improving quality of service that incorporates best management practices. Tzoumis and Delaney conducted research using a self-administered survey of 166 public works employees. The study examined the effects of accreditation on the towns of Greeley, Colorado, and Schaumburg, Illinois, who were at the time, the only communities to have completed the accreditation process. Results indicated that communication among employees and communication between management and staff are statistically significant factors in the quality of service provided by employees. Another important factor related to quality of service was job knowledge that comes from the accreditation process. "Findings suggest that benefits from accreditation, such as increased communication and job knowledge, are not captured in traditional performance measures of public works departments. Conclusions suggest that although higher quality of service can be a

reason to pursue accreditation, administrators should consider survey techniques to capture its benefits.”<sup>39</sup>

There is a growing trend within law enforcement circles to incorporate modern managerial quality control principles into their daily operations. One of these paradigms is the introduction of the ISO-9001 standard for use by investigative agencies and law enforcement. The International Organization for Standardization is an entity that is better known for its work within engineering related industries. Until recently, it has had little influence on the law enforcement community, with the possible exception of the setting standards and practices for crime labs. ISO 9001 certification first became popular among private investigation firms, where minimal state guidelines for operating practice apply. These agencies sought an independent “seal of approval” and many found it in the ISO standard.

The idea of codifying standards for police departments is not a new idea. Since as early as 1959, New York State has been providing basic standards for police through the Department of Criminal Justice Services’ Municipal Police Training Council and the Bureau of Municipal Police.<sup>40</sup> However, more comprehensive standards were sought by police professionals in command ranks. Under the auspices of various professional associations, such as the IACP,

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<sup>39</sup> Kelly A. Tzoumis & Kathleen I. Delaney (1999) – Evaluating the Effectiveness of Public Works Accreditation on Quality of Service, *Public Works Management & Policy*, Vol. 3 No. 4, April 1999 331-343

<sup>40</sup> The State of New York, by virtue of Chapter 446 of the Laws of 1959, became the first state in the nation to establish basic training for newly appointed police officers.  
(<http://criminaljustice.state.ny.us/ops/training/bcpo/index.htm>)

concerned parties came together and in 1979 formed a group known as CALEA.<sup>41</sup> The result was a very cumbersome and inflexible system of accreditation that did not gain widespread acceptance among agencies.

By 2003, police departments began looking at ISO as an alternative to CALEA accreditation. The Phoenix Police Department was the first law enforcement agencies to gain an ISO 9001:2000 certification.<sup>42</sup> The quality management principles discussed by Amari in ISO's *Management Systems*, can be compared to some of the research variables noted in this proposal. His article specifically notes eight individual items. "*Customer Focus* is described as providing expected levels of quality, and open lines communication and feedback. *Leadership* is described, in part, as developing an organizational culture characterized by its commitment to quality and continual improvement. *Involvement* is described as recognizing and engaging employee expertise. *Process approach* is described as the development of a "process map" through the documentation of each work process and the identification of the person responsible for that process, who is referred to as the process owner. *System approach to management* is described as the elevation of staff awareness that each work process has solid links to other processes inside and outside of the unit's work environment. *Continual improvement* notes that continual improvement is the responsibility of all members; management, process owners and clients. A

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<sup>41</sup> The Commission on Accreditation for Law Enforcement Agencies, Inc., (CALEA®) was created in 1979 as a credentialing authority. The purpose of CALEA's Accreditation Programs is to improve the delivery of public safety services, primarily by: maintaining a body of standards, developed by public safety practitioners, covering a wide range of up-to-date public safety initiatives; establishing and administering an accreditation process; and recognizing professional excellence.

<sup>42</sup> In July 2003, the Phoenix PD Records and Identification Bureau became the first law enforcement unit in the U.S. to certify its quality management system to ISO 9001:2000.

*factual approach to decision making* emphasizes follow up action, establishment of performance metrics, and determination of required resources. *Mutually beneficial supplier relationships* is a basic reinforcement of the ‘garbage in/garbage out’ principle commonly used by the computing industry.” (Amari, 2004).

The suggestion here is that there is an integral relationship between the professionalism of the agency and the efficiency of the investigator. Quality management engenders quality employees and therefore a logical expectation of quality work product.

### **Total Quality Management**

The framework for Total Quality Management (TQM) has its roots in the reaction to production efforts implemented around the time of World War 1. Beginning with the work of Frederick W. Taylor (1856-1915) the notion of “Scientific Management” began to take root in the industrialized world.<sup>43</sup> The idea of using time studies and efficiency experts to determine the “one best way” of doing a particular production task was part in parcel of this concept. As western nations adopted Capitalist economies, the profit motive supplanted commonly held beliefs about the importance of product quality. Quality and efficiency (or economy if one prefers) became of equal importance. Skilled craftsmen no longer had the luxury of taking as long as necessary to complete a unit of work to their own perceived level of quality and satisfaction. Managers became the judges of quality as the keepers of the time clock. As in Bureaucratic

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<sup>43</sup> William W. Scherkenbach (1986) - *Deming’s Road to Continual Improvement*. Statistical Process Controls, Inc., Knoxville, TN.

Management (that which preceded Scientific Management) the concepts of consultative management and employee motivation were not fully explored. A traditional administrative hierarchy remained in place. It utilized vertical communication and relied upon the enforcement of rules and regulations as the sole source of employee motivation.

William Edwards Deming (1900 – 1993,) an American statistician, professor, author, lecturer, and consultant, is credited with the early development of *Total Quality Management* (TQM) which is one of the more recent evolutions of modern management theory. It would be proper, however, to note that it was Shingo, Ishikawa and Taguchi of Japan, who formulated much of theory behind TQM in post World War 2 Japan.<sup>44</sup>

Deming's philosophy suggests that by adopting appropriate principles of management, organizations can increase quality and simultaneously reduce costs by reducing waste, rework, staff attrition and litigation while increasing customer loyalty. Management must practice continual improvement and think of manufacturing as a system, not as a series of disconnected tasks.<sup>45</sup> Deming postulates that when people and organizations focus primarily on quality, quality tends to increase and costs fall over time. Deming uses the following ratio to define quality:

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<sup>44</sup>Larry T. Hoover. *Quantifying Quality in Policing*, Police Research Center, Sam Houston University, Huntsville, TX. (1996). Pg. 2.

<sup>45</sup> William W. Scherkenbach (1986) - *Deming's Road to Continual Improvement*. Statistical Process Controls, Inc., Knoxville, TN.

$$\text{Quality} = \frac{\text{Results of work efforts}}{\text{Total costs}}$$

*Diagram #4*

Within the context of this research, this kind of equation does not easily translate into a viable definition of quality. In the performance of a criminal investigation, one might interpolate the results of work efforts as a case being accepted for prosecution. The total cost of the labors involved in production of a case can be quantified by calculating the number of investigative hours incurred plus the costs associated with the investigation, such as gas, film, the cost of reproduction, and of course, the cost of fringe benefits. The resulting ratio may provide a measurement of investigative value rendered to the people of the state, but it would not be of particular value in predicting the quality of the work that was done. The ISO-9001 has attempted to bridge this divide, but clearly applying industrial standards to public management is a complicated undertaking that must be further explored.

James Murphey, Commander of the Altamonte Springs Police Department in Florida, suggests a new approach to police management and quality is at the heart of the issue. Murphey writes, "Nationally, people are demanding a more community-oriented, problem-solving style of police service delivery. This change in agency philosophy, as well as changes in the workforce, create an environment in which the traditional law enforcement management style becomes

less effective and efficient. Total Quality Management (TQM) is a viable alternative to the traditional style of autocratic management.”<sup>46</sup>

The three main tenets of TQM are visually represented by Joiner’s Triangle.<sup>47</sup> *Quality* is seen through the eyes of the customer. Management must understand the needs and wants of customers. These needs and wants are translated into organizational language and are defined as customer requirements for the company’s processes. How well customer requirements are met or exceeded, is measured by customer satisfaction.

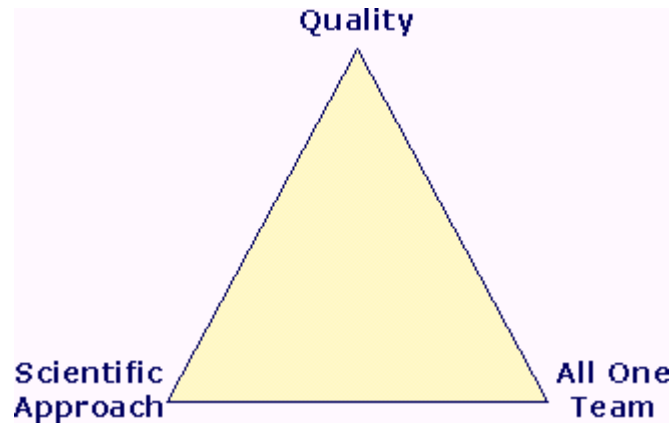
The *Scientific Approach* represents an approach for solving problems and making decisions. It means that management uses data to understand how well processes are working and how much they can be improved. It also means that that management is systematic in their approach to improving processes and learning from improvements made.

*All One Team* suggests that management and employees work together to continuously improve all that the company does. It also represents an important characteristic of quality improvement, that is, total employee involvement in quality efforts.

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<sup>46</sup> James F. Murphey (1993) - *Total Quality Management: An Assessment of Implementation in Florida's Municipal Police Agencies*, Florida Department of Law Enforcement, Tallahassee, FL. Internet Publication: <http://www.fdle.state.fl.us/Content/getdoc/7c3afcfe-282e-4413-9163-1e4ec66c272b/Murphey-Jim-paper-pdf.aspx>.

<sup>47</sup> Brian L. Joiner, PhD., (1994) – *Fourth Generation Management: The New Business Consciousness*, McGraw-Hill, New York, NY.



**Joiner's Triangle**

*Diagram #5*

## **Reformed TQM for Government**

No single model of TQM is effective in all situations but it can be implemented successfully within the public sector. Swiss (1992) recognizes the business orientation of TQM and addresses the changes necessary to adapt it for the public sector. His four tenets of the "reformed TQM" for governments include:

Client feedback - track the reaction of the agency's immediate clients and use them as one consideration in decision-making.

Tracking performance - while managing by the numbers is definitely not a component of TQM, quantitative measurement of quality performance is.

Continuous improvement - receptivity to new approaches is essential for high performance.

Worker participation - TQM values increasing participation throughout the organization.

As in private sector implementation, TQM in government requires reaffirmation that people are not the problem in quality. Instead, the *systems* under which they work are the problem (Osborne and Gaebler, 1992).

### **Quality Management – Quality Policing – Quality Investigations**

In his policy paper for the Regional Community Policing Institute at Wichita State University entitled *Reflections on the Move to Community Policing*, David L. Carter noted that the concept of community policing emerged at about the same time that TQM was becoming “conventional wisdom for American business.”<sup>48</sup> Carter points out that TQM is customer-driven. It seeks to provide a quality product or service to the customer while at the same time giving the worker "ownership" in the product or service. Carter’s writings would seem to suggest that this paradigm of work product ownership is a new concept when in fact, it harkens back to a time when skilled craftsmen controlled product quality.

Carter continues by stating that TQM seeks “to be proactive by ensuring the product [is] manufactured correctly "the first time" rather than being manufactured, then inspected, then repaired. This element of TQM is similar to the community policing principle of proactivity in dealing with crime and order maintenance problems. TQM, followed by value-added service, continuous quality improvement, and benchmark management all produced philosophical

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<sup>48</sup> David L. Carter (2000) - *Reflections on the Move to Community Policing*, the Regional Community Policing Institute at Wichita State University, pp. 9-10.

changes in management practices directed toward customers which have positive implications for policing.”<sup>49</sup>

The importance of Carter’s policy paper to the conduct of this research paper is best exemplified by the following quotation. “Perhaps the greatest proponent of TQM in policing was David Couper, the former Chief in Madison, Wisconsin who, when adopting the community policing philosophy, referred to it as *quality policing*. In the author's opinion, the timing of TQM [in the corporate world] helped drive the popularity of community policing.”<sup>50</sup>

### **Managing and Determining Quality Investigations**

In his own words, Deming states, “It is a mistake to suppose that if you cannot measure the results of an activity, you cannot manage it. The fact is that most important losses and gains cannot be measured, yet for survival they must be managed.”<sup>51</sup> In this simple statement, Deming confirms the difficulties underlying this research proposal. In support of this statement, Larry Hoover states that, “Caution should be taken regarding the application of TQM to policing. It is intrinsically difficult to quantify quality with regard to the enterprises we relegate to government.”<sup>52</sup> Attempting to put a quantitative value to quality in the case of criminal investigations may well be an effort in vain.

A careful and methodical search of the existing literature has produced what appears to be a majority opinion of experts in the field that a method of

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<sup>49</sup> Ibid.

<sup>50</sup> Ibid.

<sup>51</sup> William W. Scherkenbach (1991) – *Deming’s Road to Continual Improvement*, SPC Press, Knoxville, TN. From the Foreword, by W. Edwards Deming.

<sup>52</sup> Larry T. Hoover. *Quantifying Quality in Policing*, Police Research Center, Sam Houston University, Huntsville, TX. (1996). Pg. 2.

quantitative measurements of quality, within the framework of investigative police work, cannot be readily defined. In order to proceed with building a better understanding of the components of quality, one must proceed with a qualitative study. Our goal of attaining the absolute truth has been rejected as unattainable and our benchmark of withstanding the test of time provides no proactive path for quality improvement. Judging case sufficiency against the established levels of proof is a good start, but once again, fails as a proactive measure that can be introduced on day one of the investigation.

Our literature review leaves us with three possibilities that are truly proactive; examining the attributes of the work product, examining the personality attributes of the investigator, and the suitability of the managerial techniques employed within criminal justice agencies. While the existing literature points toward these three paradigms, it fails to recognize the interaction among them. It does not tell those who practice the science of police investigation how to improve the quality of their work product in a comprehensive fashion. It only addresses several discreet and allegedly unrelated avenues for improvement of investigative services. The individual importance of these three paradigms as detailed by the authors who studied them, is sufficient cause to suggest that an examination for synergistic effects is warranted.

### Chapter 3: Method

The research is qualitative in nature. Phenomenological research methods will be used to conduct this study. In the words of Clark Moustakas, “Empirical phenomenological research returns to experience in order to obtain comprehensive descriptions. These descriptions then provide the basis for a reflective structural analysis to portray the essences of the experience.”<sup>53</sup> He states that the aim is to determine what the experience means for the people who have had the experience. Data collection will be achieved through a series of in-depth expert interviews involving police officers, police supervisors and Assistant District Attorneys.

These three groups of participants are crucial to the study because each group of experts operates within the framework of police investigations, yet each holds a slightly different perspective on what constitutes quality, due to their specific job functions and their positions within the criminal justice system.

As the primary provider of investigational services, the police investigator is an obvious category of participant for this research. The opinions and insights which they will provide during the interview phase will be the backbone of the collected data. The rank and file police investigator operates under a set of guidelines and expectations that stem from the statutory minimum requirements of evidentiary sufficiency and admissibility. As previously mentioned, this is known as *probable cause*. This is the most basic level of proof necessary to begin

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<sup>53</sup> Clark Moustakas (1994) - *Phenomenological Research Methods*. Sage Publications, Thousand Oaks, CA.

the legal process of arrest and arraignment.<sup>54</sup> It is often looked upon as the point in time when an investigator can close a case by reason of an arrest, with the expectation of little involvement in post arrest investigation. Giving testimony becomes the primary concern for the investigator from this point on.

The decision to include police supervisors in the data gathering process may not be as obvious, but is crucial to the overall depth of the research. This research can reveal the different perspective on quality that supervisors hold. Supervisors see investigations from a point of view that the line investigator rarely sees or considers. Supervisors are the providers of agency resources necessary for task of investigation. They must assign partners, equipment, and other agency assets to each investigative assignment. In addition, they are the primary editors of all investigative reports and are keenly aware of typical errors and omissions that are generated by investigators. By means of their reviewing signatures, they determine minimum quality standards acceptable to the agency and forward results up through the chain of command. This gives them a particularly important status in this research. Since supervisors are trained and experienced in reviewing and evaluating the work of skilled police investigators, they are used to interpreting the meaning of the reports filed by investigators and acting as “proof readers” in much the same manner that an editor audits the manuscripts submitted by professional writers. Their idea of quality not only stems from legal sufficiency, but may further include notions of grammar, spelling and conformity with departmental policy and interest.

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<sup>54</sup> An arraignment is the procedure utilized by a court of first instance in order to determine the legal sufficiency of charges brought against a criminal defendant.

Prosecutors have a very important role as well, as they will ultimately decide whether or not legal sufficiency exists for the prosecution of an offense. That decision is almost exclusively based upon the case reports received from investigators. Furthermore, if the prosecutor opts to perform any case enhancements prior to indictment, those enhancements are very telling and such insight is critically valuable to this research.

Assistant District Attorney's or Assistant Prosecutors, as the case may be, work within a completely different legal standard than the police. There are held to a standard of presenting proof beyond a reasonable doubt<sup>55</sup> when they are at trial. No doubt, this strict level of proof effects the definition of investigational quality as perceived by prosecutors. It should also be considered that among these three workgroups, it is the prosecutor who generally has the highest level of academic training in the law, though police officers frequently earn academic degrees of equal magnitude in law enforcement fields. These three job titles represent the "troika"<sup>56</sup> that pulls the carriage of justice along the well-trodden path.

The methodology itself was chosen for several reasons. First and foremost, phenomenological research is an explorative research design.<sup>57</sup> "Explorative research design is a method often used when the problem is unclear or the subject is new to researchers. It is best suited for formulating problems, hypotheses and

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<sup>55</sup> The [standard of proof](#) required in most [criminal](#) cases within an [adversarial system](#) is known as *proof beyond a reasonable doubt*. The prosecution bears the [burden of proof](#) and is required to prove events beyond a shadow of a doubt.

<sup>56</sup> A general meaning of the Russian word troika is three of a kind, a collection of three. In general usage, it denotes a sled or carriage drawn by three horses harnessed side-by-side or a triumvirate of judges or political leaders.

<sup>57</sup> Groenewald, T. (2004). [A phenomenological research design illustrated](#). *International Journal of Qualitative Methods*, 3(1). Article 4. pg. 42

clarifying terms; or to give a better insight and understanding of a given area.

Explorative research design forms the basis of subsequent, conclusive research design methodologies – namely descriptive or causal design.”<sup>58</sup>

Secondly, a phenomenological research design is suitable for use in studies where a researcher wishes to restrict his or her own biases on the subject matter.<sup>59</sup> This is of considerable importance in this study as the principal investigator has been a law enforcement practitioner for over 35 years; 23 of which have been directly associated with performing criminal investigations within the prosecutor’s office of a major urban county.

Lastly, this method was chosen because it is the belief of the principal investigator that data are contained within the perspectives of the police officers who routinely perform investigative duties, their supervisors, and those who prosecute criminal defendants. Investigative duties are defined as the application of routine investigative techniques in producing a finding of facts upon which criminal complaints may be verified and adjudicated. Routine investigational activities have been defined in the literature review of this paper. *In-depth interviews allow these intricacies to be examined.*

## **Phenomenological Research**

The distant origins of Phenomenological research can be traced back to philosophers such as Emmanuel Kant and Georg Wilhelm Friedrich Hegel.

However, it is Edmund Husserl who is described as, “the fountainhead of

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<sup>58</sup> Dye, Aleksander (2003). *Mobile Education - A Glance at the Future*, Internet publication available online at - [http://www.dye.no/articles/a\\_glance\\_at\\_the\\_future/methodology\\_and\\_data\\_collection.html](http://www.dye.no/articles/a_glance_at_the_future/methodology_and_data_collection.html)

<sup>59</sup> Ibid, pg. 42.

phenomenology in the twentieth century.”<sup>60</sup> As the name implies, phenomenology is the science of pure phenomena. In Husserl’s view, the task of the researcher is to “return to the things themselves.”<sup>61</sup> One must return to the world of experience as lived. He is suggesting a return to the world which precedes knowledge; a world to which knowledge speaks.<sup>62</sup>

According to Van Manen<sup>63</sup> (1990) Phenomenology is an exploration of “the essence of lived experience.” Applied to research, phenomenology is the study of phenomena: their nature and meanings. The focus is on the way things appear to us through experience or in our consciousness where the phenomenological researcher aims to provide a rich textured description of lived experience. “Put another way, the focus is on the intentional relationship between the person and the meanings of the things they’re focusing on and experiencing.”<sup>64</sup>

Phenomenological research has developed into many subfields in recent years, several of which are of particular interest to this project. Dr. Jonathan A Smith, a Professor of Psychology at Birkbeck University of London has developed an approach known as Interpretative Phenomenological Analysis

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<sup>60</sup> Ibid, pg. 43.

<sup>61</sup> Husserl E (1970) *The Crisis of European Sciences and Transcendental Phenomenology*. Evanston, Ill.: Northwestern University Press. (Original work published 1936).

<sup>62</sup> Merleau-Ponty M (1962) *Phenomenology of Perception* (C. Smith, Trans.). London: Routledge & Kegan Paul. (Original work published 1945).

<sup>63</sup> Van Manen, M (1990) *Researching Lived Experience: Human Science for an Action Sensitive Pedagogy*. New York: State University of New York Press.

<sup>64</sup> Finlay, Linda (2008). *Introducing Phenomenological Research*. Internet Publication: [www.lindafinlay.co.uk/An%20introduction%20to%20phenomenology%202008.doc](http://www.lindafinlay.co.uk/An%20introduction%20to%20phenomenology%202008.doc)

(IPA).<sup>65</sup> IPA is concerned with trying to understand lived experience and how the participants make sense of their experiences. According to Dr. Smith, “Most IPA work has been conducted using in-depth interviews which enable the participant to provide a full, rich account and allow the researcher considerable flexibility in probing interesting areas which emerge. Interviews are audio-recorded, transcribed verbatim and subjected to detailed qualitative analysis - attempting to elicit the key experiential themes in the participant’s talk.”<sup>66</sup>

Though this approach would be suitable for this research, there is another manifestation of Phenomenology which has been designed with application in the field of social sciences. It is known as Empirical Phenomenology.

Dr. Patrik Aspers, a scientist at the Max-Planck-Institute for the Study of Societies, Cologne, Germany, wrote a series of papers while a professor within the Department of Sociology at Stockholm University. In “Qualitative Series no. 9,” he discussed in depth his theory on, “Empirical Phenomenology: An Approach for Qualitative Research.”<sup>67</sup>

Aspers has written that empirical phenomenology is distinguished from other routes in that it is both grounded in the philosophical tradition and takes into account core insights of the social sciences such as unintended consequences and existing theory.<sup>68</sup>

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<sup>65</sup> Smith, JA and Osborn, M (2008) Interpretative phenomenological analysis. In JA Smith (ed) *Qualitative Psychology: A Practical Guide to Methods*. London: Sage. (2nd ed)

<sup>66</sup> Birkbeck University IPA Webpage (2010). Internet publication: <http://www.ipa.bbk.ac.uk/about-ipa>.

<sup>67</sup> Aspers, Patrick (2004). *Empirical Phenomenology: An Approach for Qualitative Research*. Internet Publ: <http://www2.lse.ac.uk/methodologyInstitute/pdf/QualPapers/Aspers-Patrik-Phenomenology04.pdf>

<sup>68</sup> Ibid.

“If we are to understand the social world and meet the demands of phenomenology, we must produce explanations that are grounded in the subjective experiences of real people. At the same time, we must not simply deliver descriptions of states of minds; social science must understand why and how things happen, and this must refer to the way people think about these phenomena. Moreover, certain methods are more likely to be used, typically those that allow the researcher to interact with those she studies.” (Aspers, 2004).<sup>69</sup>

### **Empirical Phenomenological Research in Seven Steps**

In November of 2004, Dr. Patrik Aspers of the London School of Economics and Political Science Methodology Institute wrote an informative paper entitled *Empirical Phenomenology: An Approach for Qualitative Research*. Within this paper, Dr. Aspers enumerates a seven step process for creating a viable Empirical phenomenology research design.

#### **Step 1: Define the research question.**

The researcher must decide what the problem at hand is. This may emerge from the researcher’s interests, or it can be related to ongoing debates within the field of study. The researcher must engage in the field in order to know what theory to use.<sup>70</sup>

In broad terms, this research seeks to explain how quality manifests itself within the context of criminal investigations. Consumers of retail goods generally know what they want in a high quality product: durability, functionality, good

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<sup>69</sup> Ibid.

<sup>70</sup> Aspers, Patrick (2004). *Empirical Phenomenology: An Approach for Qualitative Research*. Internet Publ: <http://www2.lse.ac.uk/methodologyInstitute/pdf/QualPapers/Aspers-Patrik-Phenomenology04.pdf>

value, and pleasing aesthetics. Consumer of criminal justice services on the other hand are often caught up with concepts such as justice or vengeance, and do not have clear and scientific views of what constitutes a quality investigation.

Practitioners within the field, however, are better equipped to explain quality through their professional experiences in the field. This research seeks to examine these experiences through participant interviews and glean useable data from their thoughts and words. The more specific research questions, which are traditionally expected within the constraints of a dissertation, are posed alongside the reference point theories described in Part 3.

### **Step 2: Conduct a pre-study.**

At this stage, the researcher attempts to discover if it is possible to address the research question. The question itself may also change, as might the theory to be used. The researcher gets an overview of the field and, based on this knowledge makes judgments about strategic research decisions.<sup>71</sup> The literature section provided a complete accounting of the pre-study conducted as part of this research. It revealed that there have been several attempts by scholars and practitioners to define quality within the realm of criminal investigations, but none of these attempts were definitive in their findings in that they fail to produce a general theory of quality. Some aspects of investigational quality were comprehensively examined, but the big picture appears to have been left unpainted.

### **Step 3: Choose a theory as point of reference**

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<sup>71</sup> Ibid.

Theories guide the researcher as to which aspects of a topic are relevant to study. This means that the researcher uses theories as points of reference, which give focus to the study. The chosen theory should fit the empirical evidence and research question, and it must give an answer that satisfies the demand for a phenomenological explanation. “A scientific conclusion is reached only when the researcher, and ultimately the reader of the researcher’s report, understands the actor’s perspective. In order to accomplish this, the researcher must find ways of studying the actors that enable her to understand them” (Aspers, 2004).<sup>72</sup>

For the purposes of this research study, there are several theories of quality under investigation. The first theory of investigational quality under consideration stems from the work of Cohen, et al. This theory suggests that the personal characteristics of individual police investigators contribute to the probability that high quality case work will occur. As enumerated in detail in the literature section, Cohen suggests that personality attributes such as knowledge, motivation, judgment, teamwork, etc., contribute to the likelihood of higher quality investigative results. This leads to the specific research question:

*What are the most important personal characteristics of the investigator that contribute to superior quality in police investigations?*

The second theory of investigational quality stems from the direction taken by Lyman and Deladurantey and concerns an examination of the attributes of the actual work product of an investigation. This approach to predicting quality outcomes depends more heavily upon what is contained in the case file. It suggests an argument that is reminiscent of the age old proposition that

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<sup>72</sup> Ibid.

environment is more important than genetics in producing a man, or woman of quality. In this case, the theory suggests that the work performed in the field is a better predictor of quality than the personal characteristics of the worker. This leads to the second specific research questions:

*What are the most important attributes of an investigator's work product that contribute to superior quality in police investigations?*

The third theory of investigational quality is derived from the theories of organizational management that are prevalent in the field of public management. Under this umbrella the works of Weber in Bureaucratic management, Taylor in Scientific Management and Deming in Total Quality Management will be examined for their effects upon predicting quality outcomes. There is much evidence to suggest that the various forms of organization theory and management have a great impact upon the level of quality at the point of production. This is readily demonstrated by the recent successes of highly motivated work groups such as the US Navy SEALs. This leads to the third specific research question:

*What are the most important factors of managerial style that contribute to superior quality in police investigations?*

Lastly, this research will test whether a general theory of quality involving all three of the preceding theories of investigational quality can be justified by the empirical evidence gathered and whether this theory of quality can be embodied within a quality continuum comprised of three competing or synergistic forces. Our final specific research question now emerges:

*Do any one of the above three theories present a sufficiently strong case for determining quality in criminal investigations; or do these three approaches work in a synergistic fashion to assure quality police investigations?*

These research questions are designed to examine the three points on a quality continuum that have been suggested during the literature review. The first three questions probe the linearity of the concept, while the fourth question speaks to the possibility of a synergistic relationship among the components.

#### **Step 4: Study first-order constructs and bracket the theories**

Schütz<sup>73</sup> describes the empirical material gathered through the in depth interviews as first-order constructs. “This means gathering information about what people mean when they use certain words, how these are related to each other in a meaning structure, what ‘theories’ they are using, and what ‘ideal types’ they construct among themselves.” In the research process, the [principal investigator] cannot just let her theory guide her into the details of the empirical field; the empirical material, so to speak, must be given the chance to ‘kick back’. This means that the empirical evidence may reformulate the theory, alter it, or add dimensions to it. She must, therefore, bracket the theories while being in the field. To be more specific, she lets the theory guide her to certain empirical domains and to address certain themes and ask certain questions, but she does not have a set of concepts that are used as boxes to be filled with empirical material. Social science does not aim only at descriptions of how people feel, perceive and think about things, although this is central in phenomenological explanations. Most

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<sup>73</sup> Schütz, Alfred ([1932] 1976). *The Phenomenology of the Social World*, London: Heineman Educational Books.

social scientists strive for understanding and explanation, and these are gained only when first-order constructs are related to second-order constructs; that is, to theory.”<sup>74</sup> In this research, Nvivo9 software is utilized to assist the researcher in crafting the first order constructs. This commercial qualitative software package contains tools that are helpful in theme development. By diligently reviewing recordings of the participants’ interviews and field notes that were drafted contemporaneously, the researched was able to form a database of participant responses to be further analyzed using Nvivo9. The resulting themes are illustrated in “tag-cloud” diagrams.

### **Step 5: Construct second-order constructs**

Developing a theory means that the researcher produces second-order constructs in relation to the research participant’s first-order constructs. “The second-order constructs must communicate in two directions. On the one hand, they must comply with the demand of subjectivism; they must be understandable to the actors within the field. On the other hand, they must be connected with existing scientific theory and be understandable within the scientific community.” (Aspers, 2004) The second-order constructs, or the ‘accounts of accounts’, can be theoretical notions of an existing theory or constructs produced and coined by the researcher.<sup>75</sup>

Participants are not aware of the underlying theories that a researcher is testing – and rightfully so. The most perceptive among the participants may have

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<sup>74</sup> Aspers, Patrick (2004). *Empirical Phenomenology: An Approach for Qualitative Research*. Internet Publ: <http://www2.lse.ac.uk/methodologyInstitute/pdf/QualPapers/Aspers-Patrik-Phenomenology04.pdf>

<sup>75</sup> Ibid.

a fair idea of where the researcher is going, but the underlying concept of Phenomenology encourages an unhindered flow of information in the interview process. As a result, the data must be “tweaked” or interpreted by the researcher, as necessary and as justifiable, to either prove or disprove the tested theories.

In order to help the principal investigator discern the deeper meanings of terms and phrases used by the participants, a technique common to psychology was utilized. It relies upon the collection of the participant’s first and second iterations to the same question. By querying participants about the true meaning of their answers to questions, higher order constructs can be explicated when the collected data is analyzed. In so doing, the PI has yet another tool to assist in accomplishing *bracketing*. It provides a direct insight into what the participant, in his or her own world, meant by the words or phrases offered during the interview.

#### **Step 6: Check for unintended consequences**

“Unintended consequences are normally effects of actions that have certain intended results as goals.” A consequence, which participant may see as uninteresting, may be very interesting to the researcher, because participants and researchers have different spheres of interest. At times, the participants themselves cannot foresee nor even imagine the full consequences of their acts.<sup>76</sup> “By maintaining a scientific attitude, the researcher may be able to present a picture of the actors’ life-world that connects their meaningful actions with both intended and unintended consequences.”<sup>77</sup> One of the more common tendencies

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<sup>76</sup> Husserl E (1970) *The Crisis of European Sciences and Transcendental Phenomenology*. Evanston, Ill.: Northwestern University Press. (Original work published 1936).

<sup>77</sup> Aspers, Patrick (2004). *Empirical Phenomenology: An Approach for Qualitative Research*. Internet Publ: <http://www2.lse.ac.uk/methodologyInstitute/pdf/QualPapers/Aspers-Patrik-Phenomenology04.pdf>

observed among participants in this research was the desire to tell “war stories” about their most notorious cases rather than explaining why they considered these cases to be high quality. Others, of course, “got it” and gave very insightful accounts of what quality meant to them. Perhaps the greatest danger in working with highly experienced police officers is that their service often began their service alongside a generation of officers schooled in a workplace culture sanguine about bending the law to get the job done or taking advantage of opportunities to extract additional recompense in the course of do their jobs. For instance, violating a suspects civil rights was not necessarily a bad thing if it meant getting a statement and a conviction of someone who committed a heinous crime. The use of intimidation, guile and deception were considered legitimate tools in the detective’s tool kit. It is therefore important that the principal researcher carefully review each data point extricated from the participant interview within the greater context of any and all background details related to the individual case scenario that is offered. What was deemed routine and proper in one era may be totally unacceptable in the present. Allowing a quality attribute such as “a forceful personality” would surely be an unintended consequence if the participant was referring to the use of threats and intimidation.

**Step 7: Relate the evidence to the scientific literature and the empirical field of study**

“The final step of the empirical phenomenological approach concerns the relationship between the empirical evidence that a phenomenological study produces and the existing body of theory and experience of actors in the field.”<sup>78</sup>

In selecting the empirical phenomenology approach to perform the intended research, the principal investigator has done comprehensive research into the various methodologies and has found this to be the one that presents with the fewest possible objections to scholars within the social sciences. “The advancement made by empirical phenomenology over previous attempts to do phenomenological social science can be summarized in three points: first, it is empirical; second, it makes use of and integrates theory in empirical research; and third, it checks for unintended consequences. The iterative character of the process is meant to avoid being blindfolded by theories. At the same time, the approach acknowledges that every researcher uses a theory, regardless of whether it is implicit or made explicit.”<sup>79</sup> In this case, the data obtained through this methodology will either support or reject the concept of a tripartite quality continuum that can be of value in understanding how high quality criminal cases are built, assessed, and used in the adjudication of criminal defendants.

### **Universe of Study for Quality Investigations**

Data for this dissertation was collected from a sample of New York City Police Officers as defined in section 1.20 of the New York State Criminal Procedure Law<sup>80</sup>, their supervisors, and Assistant District Attorneys from New

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<sup>78</sup> Ibid.

<sup>79</sup> Ibid.

<sup>80</sup> See Appendix 1 for a detailed definition of “police officer.” For the purposes of this research, NYC police officers are those covered by sub-paragraphs (a), (d), (g), (h), and (k).

York County. The principal investigator limited participation to those participants with a minimum of 15 years of experience in their field.

### **Sample Size and Selection**

Thirty persons participated in the interviews from which data were collected. Their professional backgrounds are as follows:

Investigators:	10
Investigator Supervisors:	10
Assistant District Attorneys	10
Total	N = 30

*Diagram #6*

According to R. H. Hycner,<sup>81</sup> the phenomenon dictates the method (not vice-versa) including even the type of participants.” The principal investigator has utilized purposive sampling to identify the primacy participants. Purposive sampling is considered to be the most important kind of non-probability sampling.<sup>82</sup> The type of sample was selected based upon the principal investigator’s judgment and the purpose of the research, looking for persons who have had experiences relating to performing police investigations. These participant-interviewees are the primary unit of analysis.

According to J.W. Creswell,<sup>83</sup> “long interviews with up to 10 people” are recommended as a robust sample size in a phenomenological study. The principal

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<sup>81</sup> Hycner, R. H. (1999). Some guidelines for the phenomenological analysis of interview data. *Qualitative Research*, (Vol. 3 pp. 143-164). London: Sage

<sup>82</sup> Welman, J.C., & Kruger, S.J. (1999). *Research Methodology for the Business and Administrative Sciences*. Johannesburg, South Africa: International Thompson.

<sup>83</sup> Creswell, J. W (1998). *Qualitative Inquiry and Research Design: Choosing among five traditions*. Thousand Oaks, CA: Sage.

investigator followed Creswell's advice, but by selecting 10 investigators, 10 investigative supervisors and 10 assistant district attorneys, the recommended minimum sample size is trebled. In so doing, each category of participant could be examined individually and still represent a robust sampling. Certainly, the overall study, which aims to compare all three categories of participants, is sufficiently well developed with 30 participants.

### **Procedure for Participant Selection**

Police Officers in investigative assignments have been solicited from two fraternal and benevolent organizations that represent police officers in investigative assignments in New York City. The organizations are The Detective Investigators Association of the NYC-DA's Offices and The Fraternal Order of Police – Empire State Lodge. Supervising Investigators were solicited from these same three organizations.

Assistant District Attorney's were solicited to participate in this research through the generosity of the Honorable Cyrus Vance, Jr., District Attorney of the County of New York, and the cooperation of Adam Kaufman, Chief of Investigation Division and Frederick Watts, Chief of Administration, who authorized that this project be undertaken.

Methods of recruitment included email, word of mouth, and personal appeals. The principal investigator pre-screened prospective participants either in person or telephonically to determine their eligibility to participate under the guidelines set forth in this proposal.

Once a participant was approved for participation, an interview date, time and place was scheduled at the participant's convenience. Interviews took place at pre-arranged spaces within the Manhattan Court building or at quiet locations within the participant's work location, which were previously approved by management. When face to face interviews were not possible, a limited number of telephonic interviews took place.

All participants were asked to sign an *Informed Consent* document during the orientation period prior to the interview phase of participation. The *Orientation Script* is present for review in Appendix 2 and a facsimile of the consent document is present in Appendix 3 of this document.

Upon completion of the orientation script and receipt of written consent, an in-depth interview commenced. In order to assure continuity and reliability, an interview script was utilized for the initial phase of the interview. The proposed script can be found in Appendix 4. Owing to the nature of phenomenological inquiry, the entire interview process cannot be strictly structured. (See the Data Gathering in later paragraphs of the Methodology section).

All interviews were recorded utilizing a digital recording device. Recordings were made in the mp3 format for enhanced flexibility, allowing for playback on most common handheld devices and central storage of data. Recordings were identified by a run number assigned by the principal investigator. No links to individual participants are identified. The purpose of these recordings is to establish the credibility of the research data and to provide a reference point for the principal investigator during data analysis.

Upon completion of the interview, the participants were thanked and given written contact information in the event that they needed to be in touch with the principal investigator in the post-interview phase.

## Data Gathering

“Doing phenomenology” means capturing “rich descriptions of phenomena and their settings.”<sup>84</sup> Interview questions were directed to the participants’ experiences, feelings, beliefs and convictions about how quality manifests itself in police investigations. According to Miller and Crabtree<sup>85</sup> researchers must “bracket” their own preconceptions and enter into the individual’s lifeworld, using the self as an experiencing interpreter. “The interview is reciprocal: both researcher and research subject are engaged in the dialogue.”<sup>86</sup> On this subject, Kvale agrees, stating that data capturing during the in depth interview “is literally an *inter view*, an interchange of views between two persons conversing about a theme of mutual interest,” where researcher attempts to “understand the world from the subjects’ point of view, to unfold meaning of peoples’ experiences”<sup>87</sup> In this case, the scripted nature of the interview questions assisted greatly in encouraging this interchange of views, allowing the interviewer to elicit explanations and clarifications of the meanings behind the words and phrases used by the participants.

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<sup>84</sup> Bentz, V. M., & Shapiro, J. J. (1998). *Mindful enquiry in social research*. Thousand Oaks, CA: Sage. (Pg. 109).

<sup>85</sup> Miller, W. L., & Crabtree, B. F. (1992). Primary care research: A multimethod typology and qualitative road map. In B. F. Crabtree & W. L. Miller (Eds.), *Doing qualitative research. Research methods for primary care* (Vol. 3). Newbury Park, CA: Sage.

<sup>86</sup> Groenewald, T. (2004). A phenomenological research design illustrated. *International Journal of Qualitative Methods*, 3(1). Article 4. pg. 47

<sup>87</sup> Kvale, S. (1996). *Interviews: An introduction to qualitative research interviewing*. Thousand Oaks, CA: Sage.

*Memoing* is an important data source in qualitative research that will be used in this study. Memoing refers to, “the researcher’s field notes recording what the researcher hears, sees, experiences and thinks in the course of collecting and reflecting on the process. Researchers are easily absorbed in the data-collection process and may fail to reflect on what is happening. However, it is important that the researcher maintain a balance between descriptive notes and reflective notes, such as hunches, impressions, feelings, and so on.”<sup>88</sup> Because the human mind tends to forget quickly, field notes by the researcher are crucial in qualitative research to retain data gathered.<sup>89</sup>

Groenewald observes that there are four kinds of note taking that the researcher should make use of: observational notes (a record of what happened), theoretical notes (attempts to derive meaning' as the researcher thinks or reflects on experiences), methodological notes (reminders, instructions or critique' to oneself on the process), and analytical memos (end-of-a-field-day summary or progress reviews).<sup>90</sup>

Groenewald also comments that field notes are “already a step toward data analysis.”<sup>91</sup> Since field notes involve interpretation, they are, properly speaking, “part of the analysis rather than the data collection.”<sup>92</sup> Bearing in mind that the

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<sup>88</sup> Groenewald, T. (2004). A phenomenological research design illustrated. *International Journal of Qualitative Methods*, 3(1). Article 4. pg. 48

<sup>89</sup> Lofland, J., & Lofland, L. H. (1999). Data logging in observation: Fieldnotes. In A. Bryman & R. G. Burgess (Eds.), *Qualitative research* (Vol. 3). London: Sage.

<sup>90</sup> Groenewald, T. (2004). A phenomenological research design illustrated. *International Journal of Qualitative Methods*, 3(1). Article 4. pg. 48

<sup>91</sup> Ibid.

<sup>92</sup> Morgan, D. L. (1997). *Focus groups as qualitative research*. Thousand Oaks, CA: Sage.

“basic datum of phenomenology is the conscious human being,”<sup>93</sup> or the lived experiences of the participants in the research, it is very important that the researcher must, to the greatest degree possible, prevent the data from being prematurely categorized or ‘pushed’ into the researcher’s bias about the potential contribution of the data obtained into any particular pre-introduced theory.”<sup>94</sup> The writing of field notes during the research process compels the researcher to further clarify each interview setting.<sup>95</sup>

The principal investigator’s research notes became of critical importance in the preparation of the database used to assist in data explication. “The writing of field notes during the research process compels the researcher to further clarify each interview setting.”<sup>96</sup> The contemporaneous notes, taken at the time of the interview, were reviewed shortly after the interview, usually within 24 hours. Prior to being filed in individual participant folders, the quality attributes were entered into an Excel spreadsheet containing a row for each participant and a column corresponding to each possible attribute based upon the scripted questions.

## **Data-storing methods**

With the permission of interviewees, all interviews were audio recorded. Each interview was assigned a code, for example “Interview Session #1, 21 May

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<sup>93</sup> Bentz, V. M., & Shapiro, J. J. (1998). *Mindful enquiry in social research*. Thousand Oaks, CA: Sage. (Pg. 98).

<sup>94</sup> Groenewald, T. (2004). A phenomenological research design illustrated. *International Journal of Qualitative Methods*, 3(1). Article 4. pg. 48

<sup>95</sup>Caelli, K. (2001). Engaging with phenomenology: Is it more of a challenge than it needs to be? *Quantitative Health Research*, 11, 273-282.

<sup>96</sup>Caelli, K. (2001). Engaging with phenomenology: Is it more of a challenge than it needs to be? *Quantitative Health Research*, 11, 273-282.

2002.” A digital recording device was utilized throughout the research. Each file was saved in the MP3 format for storage space considerations and for interoperability. Files were saved using filenames derived from the assigned interview code. As soon as possible after each interview the PI listened to the recording and made additional notes. Only key words, phrases and statements were transcribed so that the voices of research participants may speak for themselves.<sup>97</sup> All written notes are retained in individual participant files along with hard copies of the scripted question sheet, the executed consent forms and the scripted participant orientation form. These files are identified by a unique participant number that does not in any way reveal the identity of the individual other than his or her status as an investigator, supervisor or prosecutor. These paper files are kept in the possession of the principal researcher, under lock and key in a secure file cabinet. Data storage items such as audio recordings, databases and Nvivo 9 master files are stored on electronic media, a term which includes hard drives, DVD’s and flash drives in a redundant fashion. Appropriate security measures such as passwords and data encryption are being used.

### **Explication of the Data**

Hycner cautions that the term *data analysis* has dangerous connotations for phenomenology, so the term has been deliberately avoided.<sup>98</sup> The term *analysis* usually means “a breaking into parts” and therefore often means a loss of the whole phenomenon. On the other hand, the term *explication* implies an

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<sup>97</sup> Ibid.

<sup>98</sup> Hycner, R. H. (1999). Some guidelines for the phenomenological analysis of interview data. In A. Bryman & R. G. Burgess (Eds.), *Qualitative research* (Vol. 3, pp. 143-164). London: Sage.

investigation of the “constituents of a phenomenon while keeping the context of the whole.”<sup>99</sup>

Michael Patton suggests that the goal in data explication is to identify essence of the shared experience that underlies all the variations in a person’s particular learning experience. “Essence is viewed as commonalties in the human experiences.”<sup>100</sup> His work provides the guideline for the data explication process used by the principal investigator.

Patton’s protocol for data explication begins with *epoche*, a phase in which the researcher eliminates, or clarifies about preconception. In the next phase, *phenomenological reduction*, the researcher brackets out the world and any presuppositions to identify the data in pure form. It should be noted that phenomenological reduction is not related to the more commonly used forms of data reduction that are aimed at consolidating large numbers of variables into smaller, more workable numbers. In the third phase, *bracketing*, Patton advises the researcher to locate within the collected data, key phrases and statements that speak directly to the phenomenon in question, interpret the meanings of these phrases, as an informed reader, obtain the subject's interpretations of these phrases, inspect these meanings for what they reveal about the essential recurring features of the phenomenon being studied, and offer a tentative statement, or definition, of the phenomenon in terms of the essential recurring features identified.

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<sup>99</sup> Ibid. (pg. 161).

<sup>100</sup> Patton, M. Q. (1990). *Qualitative Evaluation and Research Methods* ( 2nd ed.). Newbury Park, CA: Sage.

For the purpose of bracketing more efficiently, the principal investigator has opted to use the Nvivo 9 software package to automate the process of identifying key words and phrases within the collected interviews. Built-in functions such as word frequency count, cluster charting, and matrix coding comparisons are valuable tools for developing themes and providing objective verification for the conclusions made by this researcher. In this fashion, what might have taken weeks and months to accomplish with flow charts and cross-referenced index cards can be accomplished as quickly as one can make the keystrokes on the computer. There is however, a rather steep learning curve involved in mastering the software itself.

The fourth phase calls for a *textural portrayal* of each theme. This is accomplished by providing a description of an experience. Lastly, Patton looks for the development of structural synthesis containing the bones of the experience and encapsulating the true meanings of the experience for the individual.

It should be noted that the unique or minority voices are important counterpoints to bring out regarding the phenomenon researched.<sup>101</sup> The summary must reflect the context or horizon from which the themes emerged.<sup>102</sup> In the final analysis, it is the goal of the researcher to transform participants' everyday expressions into expressions appropriate to the scientific discourse supporting the research."<sup>103</sup>

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<sup>101</sup> Groenewald, T. (2004). A phenomenological research design illustrated. *International Journal of Qualitative Methods*, 3(1). Article 4. pg. 51.

<sup>102</sup> Hycner, R. H. (1999). Some guidelines for the phenomenological analysis of interview data. In A. Bryman & R. G. Burgess (Eds.), *Qualitative research* (Vol. 3, pp. 143-164). London: Sage. (pg. 150-151).

<sup>103</sup> Sadala, M. L. A., & Adorno, R. de C. F. (2001). Phenomenology as a method to investigate the experiences lived: A perspective from Husserl and Merleau-Ponty's thought. *Journal of Advanced Nursing*, 37(3), 282-293.

## Chapter 4: Data Analysis Results

In keeping with the data explication protocol suggested by Patton, the first step is the *epoche*, where preconceived ideas and notions are to be eliminated or explained. It must therefore be noted that the interview phase of this research contained questions that were pre-scripted toward a three-pronged examination of quality, each prong representing one of the previously discussed theories under investigation. The interview questions were scripted to help assure uniformity of presentation to participants, and to eliminate the possibility question bias by the interviewer. It should be recognized that this method may influence the participant by creating an artificial set of “boundaries” within which their experiences are being presented. This is necessary since most reputable research institutions now require oversight and approval of how human subjects are utilized in research.

Phenomenological reduction requires that the researcher ignore external considerations and identify the data in its purest form. In attempting to understand this concept, one might compare it to the process used by appellate courts in the United States. When reviewing a case, the court may only refer to the world of evidence already presented in the lower court. They must bracket out all information, pertinent or not, if it is not contained in the court record of the original trial. So too, in the world of the researcher, it must be assured that only the data contained in the words of the participants are used in the formation of themes during the explication process.

In Phenomenological research, the main purpose of this is to prevent the personal experiences of the researcher from prejudicing the manner in which the data is explicated and the content of the final conclusions. To this end, a dataset of all terms used by participants to describe quality has been created by the PI based upon the taped interviews of the participants and the field notes taken at the time of the interviews. This dataset represents the intersection of all themes drawn from participant interviews for explaining quality.

In fulfillment of Step 3 of Asper's protocol, several working theories were developed in relation to perceptions of quality. In order to maintain continuity during the explication of the data, each working theory is now examined in the order that it was presented in the methods section.

The Nvivo9 software package is particularly useful for data explication and it contains several formats for preparing visual representations of the data including a summary, tree map and cluster analysis. The tag cloud has been chosen here because of its simplicity and the fact that most readers can intuitively recognize the themes under development. It has instant visual impact and seems the ideal choice for presentation using modern audio-visual equipment. Another important factor is that due to the large number of data points, the tree map and cluster analysis representations are generally too large and unwieldy to be presented in the 8.5 by 11 inch format.

In this section, the bracketing phase of the protocol, a "tag cloud" of terms is offered as a visual representation of the themes drawn from the first facet of the interview process; quality attributes of case work. It represents words and phrases

suggested by the experts from all three categories of participants. In the tag cloud, the words most frequently offered as attributes of high quality case work appear in the largest typeset. In this case, the two most frequently used terms were “organization” and “routine police activities.” Less frequently used words appear in smaller fonts. Accordingly, words such as structure, teamwork, details and documentation have less commonality among participants.

### **At First Glance – Personal Attributes**

The first theory of investigation quality stems from the work of Cohen, et al. This theory posits that the individual personality characteristics of the police investigator, as enumerated in the literature section of this proposal, are the most salient predictors of quality in criminal investigations.

A first glance at that data reveals the most frequently offered words and phrases. The tag cloud pictured below indicates that three terms were of particular significance to participants. They are *experience*, *integrity*, and *knowledge*. The size of the tag cloud box is indicative of the higher level of diversity in answers offered by participants in this area of the interview. It is interesting to note that the terms *thoroughness* and *knowledge* appear in two prongs of the interview question format indicating that these terms may well transcend the artificial “boundaries” caused by the scripted interview questions set up during the designing of this research. The significance of the intersection of these terms suggests that they should be included as viable themes for further consideration within the terms of the bracketing protocol. The first tag cloud represents the themes developed by participants in all categories answering the question, “What personal

characteristic do you believe is the most important one that an investigator must possess in order to routinely conduct a high quality investigation?"



Diagram #7 – Primary Personal Attributes; 1<sup>st</sup> Order Iterations

Part of the concept of the methodology for this paper involved the use of first order and second order iterations during the interview process. In short, the phenomenological method is a search for deeper meaning in the everyday experiences of human subjects. By querying participants about the true meaning of the initial words they offered during the interview process, higher order constructs can be explicated when the collected data is analyzed. In so doing, the PI has yet another tool to assist in satisfying Patton's *bracketing* procedures. It provides a direct insight into what the participant meant by the words or phrases offered during the interview.

These intended meanings are captured in the next tag cloud. It illustrates the most frequently cited words used by participants to answer the question, "What do you mean by [that word]?"



*Diagram #8 – Primary Personal Attributes; 2<sup>nd</sup> Order Iterations*

This tag cloud indicates the most frequently cited intended meanings for words and phrases cited as personal attributes of investigators. These terms are *dedication, experience, knowledgeable, professional, and work-ethic.*

The English language is a very descriptive tongue and colorful words abound, as well as exacting scientific vernacular. Tracking second order constructs has a very practical use. It has inherent value as a dictionary of word meanings. The word thoroughness can mean many things to many people, each with a valid claim upon common usage. The value of first order constructs as determined by the frequency with which it appears in the data is to develop themes. However, second order constructs not only identify additional variables, but they provide valuable data for defining the intended meaning of the words chosen by participants in first order constructs.

Data was collected from participants for as many as six iterations of personal attributes. Some participants gave six iterations and others simply offered one or two that they felt were strong attributes. It stands to reason that one cannot consider an attribute to be a theme unless several participants allude to the same attribute or to a term that is substantially similar in common meaning. Some minimum standard for adoption of themes had to be judiciously selected. In this case, a particular attribute must be mentioned at least twice within any given class of participant in order to be considered as a developing theme. This kind of reduction mechanism is necessary since the mere mention of an attribute by a single participant does not provide a sufficient foundation for inclusion into this study as a legitimate theme, worthy of further study.

### **At First Glance – Case Attributes**

The second theory of investigational quality stems from the direction taken by Lyman and Deladurantey and Leslie Zieren. This theory posits that the

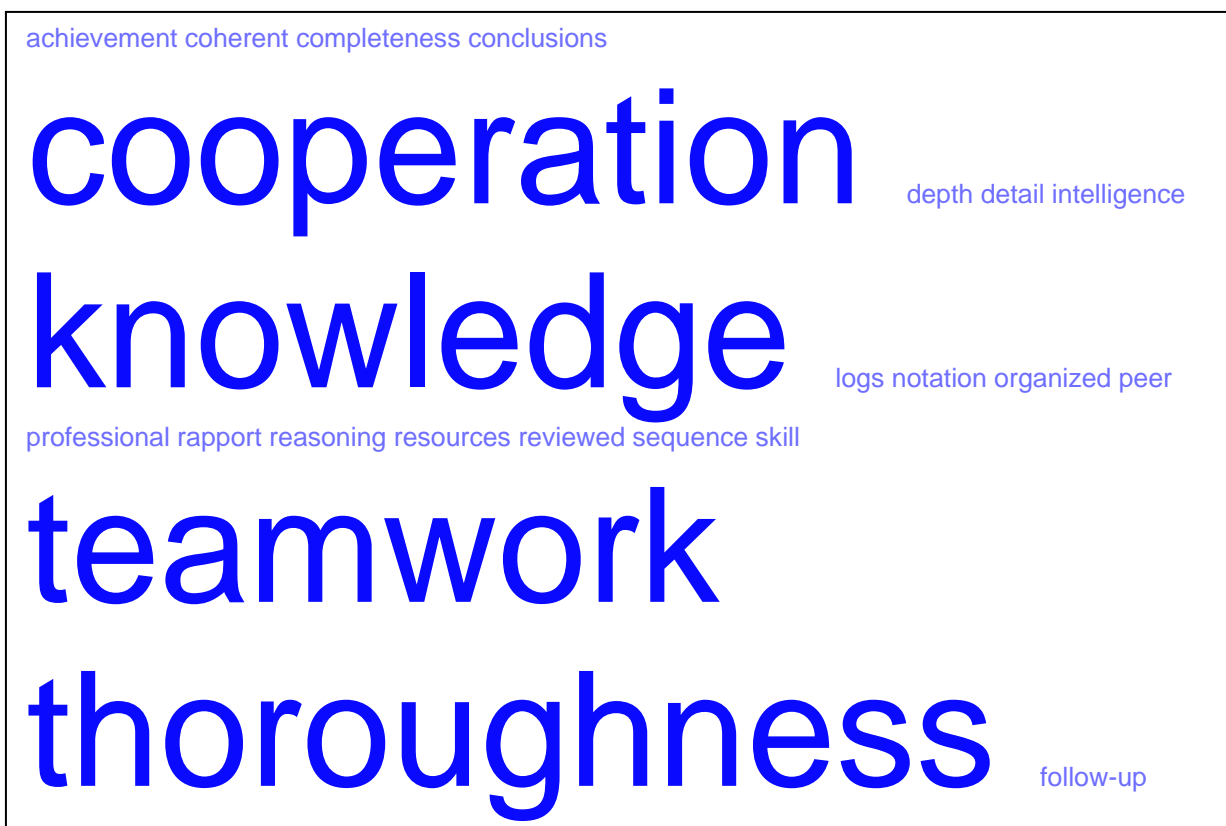
attributes of the actual case work, *visa-vi* routine investigational activities, is the most salient predictor of quality in criminal investigations. Participants were therefore asked the following question, “What one factor about this case leads you to say that it represents high quality work?”



*Diagram #9 - Primary Case Attributes; 1<sup>st</sup> Order Iterations*

The tag cloud above reveals that *organization* and *routine police activities* were the two most frequently cited case attributes believed to be salient in the assessment of case quality. It must be noted that the term routine police activities is a short hand used by the principal investigator to conglomerate a plethora of terms used by participants to describe the mundane but necessary investigative activities that investigators perform in order to develop a background or base of

knowledge about a newly opened case. It includes such activities as identifying suspects in the National Criminal Information Center (NCIC) and local police information networks such as the New York State Police Identification Network (NYSPIN), gathering consolidated criminal histories (so-called RAP sheets,) running license plate checks, utilizing Coles directories for telephone subscriber information and addresses, checking information from web based services such as Lexis-Nexis, searching newspaper archives, and gathering data from public records. The concept of routine police activities was coined by Chaiken, Greenwood & Petersilia in their 1976 Rand report, which has been cited earlier in this paper. It seems a concise term to use in order to consolidate less descriptive words into an aggregation that is meaningful and broader based. *Details*, *documentation*, and *thoroughness* are the next three most frequently cited attributes.



*Diagram #10 – Primary Case Attributes; 2<sup>nd</sup> Order Iterations*

In this instance, the four most frequently cited terms are *cooperation*, *knowledge*, *teamwork*, and *thoroughness*. It is significant that the term *thoroughness* appears as a frequently cited term in both the first order and second order constructs. This serves as a reinforcement of the importance of the term *thoroughness* and gives it further credence as a salient attribute or predictor of quality when examining the work output of investigators.

In this instance, the word *knowledge*, also seen in its adjective form, *knowledgeable*, seems to be a recurring theme. By examining intended meanings, it would be fair to say that education, intuitiveness, legal-mindedness, and skill can all be used to define *knowledge*, as a theme, in the words of the participants.

## **At First Glance – Managerial Attributes**

The third theory of investigational quality is derived from the theories of organizational management that are prevalent in the field of police investigational agencies. It posits that the most salient predictor of quality in criminal investigation is the management style utilized by the agency. Under this umbrella the works of Weber in Bureaucratic management, Taylor in Scientific Management and Deming in Total Quality Management will be examined for their effects on quality.

In the third prong of interview question scripting, the area of management's contribution to quality, the interview process deviated from the protocol used in the case attribute and personal attribute phases. All participants were asked the questions only once. However, the data collection was preceded with a Q&A session that queried the participants on how well they knew and understood the terms used to label modern public management theories. If their answers were in line with commonly used academic explanations of the theories, then they received a check mark in the field notes. If they had a different view of the terms, or if they expressed no knowledge of the terms, the principal investigator offered a comprehensive description.

The first question asked was. "Thinking back over the course of your career, have you ever been frustrated by a managerial choice or procedure that you felt was counter-productive to the efficient conduct of an investigation?"



*Diagram #11 – Management Techniques Perceived as Negative*

In response to this question, the most frequently heard phrase was *micro-management*. Related by five individual participants, it was far and away the one term having the largest consensus among participants. It is perhaps the strongest theme developed within the explication of the data.

During this phase, another question asked was. “Thinking back over the course of your career, can you think of any specific managerial action that encouraged or otherwise helped you to achieve high quality investigative work?”

The most frequently heard responses to this question were *positive-feedback, leadership, and ownership [of work product]*.



*Diagram #12 – Management Techniques Perceived as Positive*

In the tag cloud above, the word *positive* is in largest font due to the fact that one participant offered the phrase *positive-motivation* in response to this interview question. This fooled the automated software into giving the word a higher frequency than intended.

The final managerial inquiry made during the interviews regarded which style of management the participant felt was most conducive to supporting superior investigative work quality. The question asked was, “Of these four basic management styles, Autocratic, Democratic, Consultative, and Laissez-Faire, which (if any) style has allowed you to perform the highest quality investigative work?”



*Diagram #13 – Management Techniques Perceived as Positive*

Twenty out of thirty, a whopping two-thirds of the participants, cited *Consultative Management* as the style they predicted would produce the highest quality investigative results. While this number is high in comparison to other attributes sought in this study, remember that this is the only interview question where participant responses were limited to four possible choices. This does not change the significance of the data, but it demonstrates how a limiting the choice of terms might contribute to a false consensus. When open ended questions are utilized (as intended within the phenomenological approach) the participant has more freedom to use expressive, meaningful language. This tends to demonstrate the benefit of open-ended interviewing techniques over the use of Likert-style scale surveys in qualitative research.

The last of the proposed research theories tests whether a general theory of quality, involving all three of the preceding theories, can be developed and sustained by the data collected. This theory is embodied in the concept we have referred to as the quality continuum. At this point, an initial examination of the extricated data suggests that all three of the tested paradigms, in the worlds of the

participants, do contain factors that control the quality of investigations. At this point, a general theory of quality is appearing to emerge.

### **Recap of Data at First Glance**

Case Attributes = *organization and routine police activities.*

Personal Attributes = *experience, integrity, and knowledge.*

Negative Managerial Actions = *micro-management.*

Positive Managerial Actions = *positive-feedback, leadership, and ownership [of work product by the investigator].*

Preferred Managerial Style = *Consultative Management*

### **“Differential ” Perceptions of Quality**

In order to satisfy the original intent of the proposed research, a further, detailed examination of the data is necessary. Rather than presenting raw data in body of this text, a series of appendices will be added to the end of this paper. In this fashion, it is hoped that the reader will have a more fluid and comprehensive immersion into the collected data. At the same time, the reader may still refer to the data in its natural state if he or she wishes to draw their own conclusions or test the conclusions of this researcher.

During the proposal phase of this research project, an early title for this paper was “Differential Perceptions of Quality: Police Investigators, Supervisors and Prosecutors.” As the title suggests, one of the ancillary intents of this research was to analyze the beliefs and attitudes of the three participant groups: police investigators, supervisors, and prosecutors. However, it was pointed out to me,

and quite properly so, that such a title presupposes that the results of the research will demonstrate a divergence of opinion among the target groups of participants. This would indicate a particular bias on the part of the researcher, so the word “differential” was stricken from the title and the researcher resolved to bracket out this preconception during data explication. So successful was this bracketing, that the researcher nearly missed some very important findings.

### **Personality Traits by Participant Class**

Using Nvivo9 software, it is possible to filter the data to reveal how each group responded to the interview questions. In the first analysis, the three classifications of participants, investigators, supervisors and prosecutors are compared for their choices of case attributes. The data chart found below is a first looks at how the three groups of participants perceive the importance the personal attributes of investigators in determining quality of investigations. These first order iterations are listed by rank first and then by alphabetical order in the chart below. Attributes with a score below 5.13% (two appearances) are not listed.

<b>Investigators</b>	<b>Supervisors</b>	<b>Prosecutors</b>
Communicator	Experience	Cooperative*
Experience	Integrity	Professional*
Integrity	Knowledge	Initiative
Knowledge-oriented	Listener	Thoroughness
	Motivation	

*(\*The traits marked by the asterisk had weighted percentages of 9.68% each, showing a higher order of consensus than the other attributes listed here.)*

#### *Diagram #14 – Personal Attributes by Participant Classification-1<sup>st</sup> Order*

In the case of personality traits, investigators and their supervisors show amazing solidarity and consensus of thought. Investigators agreed with their

supervisors' selection of personal attributes in three out of five of the noted data points. In a group where many participants could not agree on where to eat lunch or who makes the best coffee, they can agree that experience, integrity and knowledge are critical personality traits for their chosen profession. An interesting divergence occurs with one attribute. Investigators cite the importance of being a *communicator*, which suggests the concept of "give and take" in the exchange of information, whereas supervisors value a good *listener* above a good communicator.

The point-of-view of prosecutors seems to be markedly different. In typical work environments, prosecutors do not have direct control over investigators, even when investigators work for the same boss, such as a district attorney or a U.S. attorney. Certainly, they maintain a strong influence over their investigators, but the chain of command usually flows through other sworn officers, such as supervisors and deputy chiefs. Therefore, prosecutors look to *cooperation* and initiative as positive attributes. *Professionalism* is important to them as well, since they must present evidence in the courtroom and the investigator is the medium through which evidence is introduced and revealed. An undisciplined investigator can destroy a case very quickly if he or she makes an unprofessional impression upon a judge or jury.

Prosecutors are constantly anticipating trial. They know that the level of proof there is much higher there. They know that a highly skilled adversary, known as a defense counsel, will be waiting to tear apart the testimony of police

officers on the witness stand under cross-examination. Therefore, a desire for *thoroughness* should be no surprise.

Once again, the second order iterations are examined as a method of establishing the deeper meanings of the attributes offered. These second order iterations are listed in alphabetical order in the chart below. Attributes with a score below 5.88% (two appearances) are not listed.

<b>Investigators</b>	<b>Supervisors</b>	<b>Prosecutors</b>
<i>No consensus</i>	Hard working/work ethic Knowledgeable	Legal-minded Professional

*Diagram #15 - Personal Attributes by Participant Classification-2<sup>nd</sup> Order*

In the second iterations, participants classified as investigators showed no consensus with regard to salient personality traits. The terms *trustworthy* and *honest* were cited by investigators and though they are similar in meaning, the researcher did not find that they are sufficiently similar to be combined. In police parlance, a trustworthy partner is not necessarily the most honest one. The explanation, “no consensus,” has been used in the chart above.

The importance in collecting second order iterations is once again demonstrated in the two charts above. Using this technique to assess the deeper meaning of the terms offered, one should expect that a more diverse universe of words will be offered in place of the more common terms used in the first iteration. The participant must stop, think, and consciously choose a word that goes beyond the banal and utilitarian language of everyday conversation. It certainly should not take a huge leap of faith for the reader to accept that the term

integrity, as offered in the first iterations, can be defined and explained by words such as trustworthiness and honesty.

At this point in the analysis, it is an emerging theme that investigators, supervisors and prosecutors have different views about which personality traits an investigator must possess in order to produce the highest quality investigations.

### **Case Traits by Participant Class**

The next point of comparison regards case attributes. In furtherance our pursuit to analyze the research data in terms of the three quality paradigms revealed in the literature, the following chart looks at the breakdown of first order iterations by investigators, supervisors and prosecutors.

<b>Investigators</b>	<b>Supervisors</b>	<b>Prosecutors</b>
organization	routine-police-activity*	thoroughness
resources	knowledge	completeness
routine-police-activity	skill	teamwork

These first order iterations are listed by rank first and then by alphabetical order in the chart below. Attributes with a score below 5.13% (two appearances) are not listed.

#### *Diagram #16 – Personal Attributes by Participant Classification-1<sup>st</sup> Order*

A review of this comparison chart is quite telling. Whereas investigators and their supervisors are initially concerned with making sure all of the routine police activities are satisfied, the first order of importance to a prosecutor is thoroughness. Investigators are used to dealing in a world of uncertainty. It is not unusual for them to juggle three or four separate and disparate investigations

simultaneously. They tend to take a formulaic approach during the early stages of investigation. By adhering to all of the accepted practices or routine police activities, they are anticipating the questions that their supervisors will ask of them when a case is reviewed. Once again, it is noteworthy that investigators operate in satisfaction of the level of proof known as probable cause. Unless a crime happens in their presence, they rarely work with certainty.

Prosecutors, once again, display their concern for *thoroughness*. As discussed previously, this reaffirms the prosecutor's position that the level of proof plays heavily on their early decision making processes. Their ideal set of circumstances begs for a thorough investigator who produces a thoroughly investigated case file.

Once again, the second order iterations are examined in a search for the deeper meaning of the terms offered by participants.

<b>Investigators</b>	<b>Supervisors</b>	<b>Prosecutors<sup>104</sup></b>
No consensus	Well-written reports	Exhausted all leads

*Diagram #17 – Personal Attributes by Participant Classification-2<sup>nd</sup> Order*

Within the context of these second iterations, investigators cannot agree on any one particular term. The term *readability* offered by one investigator participant tends to support the supervisors' preference for *well written reports*.

Prosecutors hold firm on the theme of *thoroughness* by offering the phrases *exhausted all leads* and *no stone unturned*. The consistency with which

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<sup>104</sup> Here, the researcher takes the liberty of determining that the terms "exhausted all leads" and "no stone unturned" are sufficiently similar in meaning to be listed as a single term.

prosecutors cite thoroughness as an attribute across two distinct paradigms, demonstrates a distinct importance to this attribute.

### **Managerial Traits by Participant Class**

The third point of analysis is the terms offered by the three participant classes regarding the effect of negative managerial actions upon case quality. In this phase of the interview process, participants were not asked for first and second iterations. As a result, only one chart is presented for each questions.

<b>Investigators</b>	<b>Supervisors</b>	<b>Prosecutors</b>
micro-managing	micro-managing	resource mgmt. limitation-prone

#### *Diagram #18 – Negative Managerial Actions by Participant Classification*

Once again, investigators and supervisors are in agreement on what managerial practice is the most damaging to quality case work. In this case, it is *micro management*. Investigators and supervisors expressed a need for latitude in how investigations are conducted. They felt that managerial constraints were counter-productive to the level of quality that can be achieved. Such constraints included scheduling, availability of overtime, and assignment of partners.

The next point of analysis are the terms offered by the three participant classifications regarding the effect of positive managerial actions upon case quality. While no clear consensus of terms is offered by any particular class of participants, *leadership* and *ownership of the work*, appeared as terms in common between supervisors and prosecutors.

<b>Investigators</b>	<b>Supervisors</b>	<b>Prosecutors</b>
empowerment	leadership	leadership
expertise	ownership	ownership
faith	positive-feedback*	communicative
freedom	innovation	informality
professionalism	positive-motivation	recognition
reward	utilization	resources
		standards
		support

(\*The trait marked by the asterisk had a weighted percentage of 20.00% , showing a higher order of consensus than the other attributes listed here.)

*Diagram #19 – Positive Managerial Actions by Participant Classification*

The fifth and final analysis point in this section is the choice of managerial style by participant classification. Presentation of these statistics is a moot point, due to the high order of consensus among all the participants, however, for the sake of completeness and thoroughness (two often cited attributes in this research) the following comparison chart is presented.

<b>Investigators</b>	<b>Supervisors</b>	<b>Prosecutors</b>
Consultative (60%)	Consultative (60%)	Consultative (100%)

*Diagram #20 – Preferred Managerial Style by Participant Classification*

During the interview phase, definitions of four common management styles were discussed using the Socratic method. Definitions were elicited from the participants with the researcher checking for any substantive errors. Participants agreed that Consultative Management was a system where a hierarchy existed, but where upper management consulted with the rank and file in order to help determine the best practices and solutions for any given work

related task. They agreed that the final decision making power rested with the upper echelons of management. This was the management style that participants overwhelmingly agreed would produce the highest quality investigations.

It should be noted however, that once again, prosecutors are not totally in line with the perceptions held by investigators and supervisors, though this may be the attribute upon which they most nearly agreed. The suggestion here is that management style may be one of the most salient attributes effecting investigation quality.

## **Chapter 5: Discussion**

### **A Numbers Game**

The Nvivo9 software package has proved to be an excellent tool for qualitative research. It automates the process of theme development by doing what statisticians have done for centuries; count entries. The themes developed in this research are based in part upon word frequency counts; however, there are circumstances that prevent theme development from becoming a purely automated process. For instance, the terms “professional” and “professionalism” are counted as two separate and unrelated terms by the software. During the data collection phase, the principal investigator took great pains to try and record the precise terms used by the participants. When the terms were entered into the main database, some liberties were taken for the sake of uniformity. In the case of personality traits, the author tried to standardize the data as adjectives. Under this regimen, “professionalism” would have been entered as “professional” even though the field notes said otherwise. Despite this effort, words still appeared in the database that were misspelled and in various declensions causing the automation process to require close scrutiny.

Another unanticipated problem was the fact that terms utilizing multiple words (i.e., no stone unturned or written skills) would be interpreted by the automated software as individual words. This would skew the word frequency counting process. In order to overcome this barrier, all multiple word terms were entered into the database as hyphenated words. Thus no stone unturned became no-stone-unturned and written skills became written-skills. In so doing, the

program was forced to keep these terms as single entities when counting words. In the final outcome, not every instance of multiple word terms was redacted in the raw database, so several adjustments had to be made prior to publishing the data in this paper. In such cases, combining words may have caused the word frequency percentages listed in the appendices to be somewhat skewed.

### **Deeper Meaning**

It is tempting to simply present the data as *prima facie* evidence of attributes of quality in investigations as cited by the highly experienced participants. A quick computation of the years of experience in field of all the participants constitutes about 816 years or an average tenure of about 27 years. This is impressive. This might satisfy the proposed method if only first order constructs were desired. However, our Phenomenological research method is intended to establish deeper meanings behind the terms used. For instance, the reader may have already noted that many of the terms presented in the Data Section have similarity in meaning. Where one participant may have said “diligent” another may have used the term “thorough.” Since the English language is so expressive, we have many words that describe the same basic concepts and differ only in the sense of local “color.” This brings forth the importance of studying the second order iterations of the participants. The pre-scripted interview questions were designed to help form the second order constructs required by the utilized research protocol. By examining the meaning of the first order iterations through an analysis of the second iterations that were offered, we may be able to establish the intended deeper meanings of the words as

used by the participants in their own universe of language. A careful analysis of the second order iterations should enable the researcher to aggregate or conglomerate terms with similar intended meanings and in so doing, strengthen the areas where a weak consensus of terms has been built.

For example, prosecutors suggest thoroughness, completeness and perseverance as first order attributes of case quality. A strong argument can be made that these terms are so close in meaning, that they can be combined into one fundamental concept. Using the terms found in the second iterations, we might select the word thoroughness as a meaningful term, and then define it as in the following example.

*Thoroughness: due care, completeness, an exhaustive effort, done with perseverance, specificity, with a vested interest, no stone unturned, supported by source attribution, factual.*

Using this data explication strategy as a form of definition and aggregation, a more complete understanding of the how our participants defined quality may be revealed.

### **The Research vs. the Literature**

How did the results of this research stack up against the pre-existing studies? The following comparison charts show how this study stacks up against the Cohen and Lyman studies of personality traits. These charts use an aggregate analysis of the data. In other words, first and second order iterations are aggregated together to give a more complete picture of the attributes cited. This will serve to reinforce the robustness of any consensus made among the

participants on any particular suggested attribute. Data from this research is listed first by frequency and then in alphabetical order. The numbers appearing in superscript indicate the break points for frequency in these data results.

<b>Tarwacki</b>	<b>Cohen/Lyman</b>	<b>Smith/Flanagan</b>
Experience <sup>5</sup>	Dedication	Communication
Knowledge	Intelligence	Integrity
Integrity <sup>4</sup>	Judgment	Knowledge
Communicator <sup>3</sup>	Knowledge	Teamwork
Cooperative	Motivation	
Detail-oriented	Persistence	
Initiative	Stability	
Motivation	Teamwork	
Professional		

*Diagram #21 - Comparison to Lyman's and Cohen's Personality Traits*

*Knowledge* is the single attribute that is common across all three studies.

This is significant for several reasons. First and foremost is the significant time lag among the studies. Cohen's data was first published in 1987 and represented field work done at an earlier date. That accounts for approximately 24 years of policing since it was collected. In that time, significant changes have taken place in the practice of law enforcement. In 1987, the crack epidemic was just beginning and community policing was in its infancy. Compstat was not a major factor in how police resources were invested or accounted for. Much has changed since then.

Secondly, Cohen's data comes from a more diverse population. The fact that this attribute is held in common predicts that the narrow universe of this study may in fact be representative of a broader sample of law enforcement professionals.

*Integrity, and motivation* are other terms cited by the participants that have common ground with Cohen, Lyman, and Smith/Flanagan. Once again, this commonality is indicative of their value as personality traits for investigators. Moreover, *motivation* is of particular interest since it is an attribute that is most suggestive of managerial input into quality outcomes. This tends to support the principal investigator's theory that managerial input is an important variable that is often neglected in the existing literature on the quality of investigations.

With regard to case attributes the most complete list of items was provided by the President's Council on Integrity and Efficiency. A comparison of attributes is therefore in order. Again, attributes are listed first by break point and then in alphabetical order.

<b>Tarwacki</b>	<b>President's Council</b>	<b>EEOC</b>
routine-police-activities <sup>6</sup>	accuracy	utility
cooperation <sup>4</sup>	due-care	objectivity
documentation	efficiency	integrity
organization	independence	
teamwork	integrity	
thoroughness	legal	
completeness <sup>3</sup>	logical	
details	proficiency	
knowledge	thoroughness	
writing skill	timeliness	

*Diagram #22 - Comparison to President's Council & EEOC- Case Attributes*

While an initial analysis reveals only one exact match with our participant responses, an argument can be made for binding similar terms in comparison. The word *completeness* can be described as a synonym for *thoroughness*. This assertion is supported by Roget's Thesaurus Online.<sup>105</sup> In fact, the word complete

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<sup>105</sup> <http://thesaurus.yourdictionary.com/complete>

is also directly related to the word integrity, which is said to mean “the quality or state of being complete; unbroken condition; wholeness; entirety.”<sup>106</sup> Comparing synonymous words renders more points for legitimate comparison.

The literature does not present us with a concise set of ideal managerial attributes to compare against the research findings. It is clear from this research that consultative management styles are closely associated with higher quality investigative results. Participants formed a consensus on the fact that *micro-management* is the single most damning managerial behavior with regard to quality performance. *Positive-feedback* was cited as the most important behavior and allowing investigators to “own” the work they do came in a close second in rank.

Police departments have been largely paramilitary based organization for many years. Our own history tells us that many state police agencies, like the Texas Rangers, were modeled after the militia. Therefore, hierarchical managerial structures are the norm utilizing vertical chains of command and codified rules and regulations. The literature examined tells us that this trend is beginning to change. Community Policing has made police commanders rethink the traditional modes of patrol work and investigative work. It’s tenets suggest that consultative management has a place in policing, since CPOP officers are encouraged to address neighborhood problems, make their own patrol hours, and use discretion in the exercise of police powers.

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<sup>106</sup> <http://www.yourdictionary.com/integrity>

## Perceptions of Quality by Definition

When this research was proposed, several research questions were developed. Subsequently, the pre-scripted interview questions were developed with an eye toward developing data that would answer those questions. The data has been collected, themes have been developed using Patton's protocol for data explication, and a check for unintended consequences has been performed. The final step in the process is to apply the findings of this research to the theories developed during the extensive review of the literature in this field and to test the research questions that were developed in the process.

The first research question sought to identify the most important attributes of an investigator's work product that contribute to superior quality in police investigations. By means of the inherent design of this research, not only can three salient attributes be suggested, but a comprehensive definition or set of meanings, as suggested by the participants, can be offered in answer to this question.

*1<sup>st</sup> Attribute – Routine-police-activities:* identifying suspects, checking criminal histories, keeping logs, running license plates, and checking modus operandi.<sup>107</sup>

*2<sup>nd</sup> Attribute – Thoroughness:* completeness, detailed, concise, coherent, follow-up, correct, documented, exhaustive, specificity, no-stone-unturned.

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<sup>107</sup> It should be noted that this definition was pre-determined by the existing literature.

*3<sup>rd</sup> Attribute* – Knowledge: experience, has the facts, information, intuition, leads, smarts.

*4<sup>th</sup> Attribute* –*Teamwork*: cooperation, consultative, listens, forms partnerships.

Patton's data extrication process, in the fourth phase, calls for textual representations of the themes bracketed out by the principal investigator. The concept of using direct thematic quotes, taken from the participants' own words, seems a fitting and proper underscore in support of the principal investigators development of themes and interpretations.

Participant S02, a police supervisor, suggested that the fervent application of time tested police investigational methods leads to what many would describe as "catching a break." It was his conviction that by applying one's efforts into the monotonous job of routine police work, one might achieve good investigative results. He described this concept as "good old-fashioned detective work." Those who fail to become engaged in the process, those who avoid work or shirk their responsibilities to their team cannot produce high quality investigations.

Participant P10, a prosecutor, was adamant in his opinion that thoroughness was the single most important quality of work product. He described the kind of effort involved as "leaving no stone unturned." Whereas one investigator might be comfortable having secured statements from every potential witness that was home during a canvass, P10 suggests that superior quality is a function of returning to the neighborhood as often as is necessary to secure a statement from every potential witness in the neighborhood.

Participant S09, a man with over 50 years of experience, offered that good communication and teamwork is paramount to high quality investigations. He stressed the necessity for daily squad meetings at which time all active cases were openly discussed amongst peers. The inherent value of such a procedure is that each investigator becomes aware of the facts of each open case. Furthermore, investigators become exposed to the various techniques being used by his peers in conducting investigations, what resources are available, and what new methods and ideas may be worth adopting.

The second research question sought to identify the most important personal characteristics of the investigator that contribute to superior quality in police investigations. Once again, the themes identified by participants' first iterations are defined and explained by the meanings offered in their second iterations.

*1<sup>st</sup> Attribute - Knowledge*: analytic, diverse, educated, intuitive, legal-minded, skilled, problem-solving.

*2<sup>nd</sup> Attribute - Experience*: within-one's-comfort-level, effective, skillful, reliable, respected, self-starter.

*3<sup>rd</sup> Attribute - Integrity*: trustworthy, accurate, caring, diligent, hard-working, honest, impartial, independent.

Participant S04, an investigator supervisor, delved into why he thought *knowledge* was so important to the quality of an investigation. He recounted a case where a doctor was accused of malpractice that resulted in a patient's death. The investigator assigned to the case, whether through managerial foresight or

fortuitous circumstances, was a trained paramedic. His knowledge of medical terms, physiology, life-saving procedures and his ability to understand a coroner's report contributed greatly to a manslaughter conviction. Other factors such as meticulous case organization and documentation were contributory to the case quality, but a comprehensive knowledge of emergency medicine was the key element in this participant's point of view.

Participant P06, a prosecutor, credited her investigators with providing the experience and skill that ultimately led to the successful prosecution of a major fraud and corruption case. The crime involved a highly complex association of vendors and contractors who devised a scheme to cheat governmental authorities through fraudulent billing. She believed that the skill level exhibited by a team of veteran investigators was a key element in obtaining indictments and convictions against several corrupt construction testing corporations. Among these professionals were a former FBI agent, a former U.S. Customs Agent, several former NYPD detectives and other seasoned law enforcement officers who, through their experience, knew what needed to be done, how to do it, and who to contact to accomplish each task. She commented that this kind of competency allowed her to concentrate on her prosecutorial responsibilities instead of spending precious time advising investigators on each step of the process.

Participant I05, a retired NYPD detective and active DA's investigator, expressed his concern for the *integrity* of the individual investigator. Integrity was a recurring theme among peer investigators and supervisors. His concept of integrity was broader than the usage commonly put forth in criminal justice or

public administration literature. His concept did include the absence of corrupt behavior such as taking bribes or making false statements. However, it went further to include a sense that a peer is a “solid” citizen, a stand-up guy, a friend, a confidant, and someone who will not run away from responsibility when the chips are down. He further explained that a person of integrity is not a glory seeker. He is in it for the work itself, the sacred duty entrusted to him, as if it were a vocation rather than just a job.

The third research question sought to identify if managerial style contributes to superior quality in police investigations. The collected data points lead to a number of themes.

By a large margin (nearly 70%) participants agreed that the most preferred managerial style was *Consultative Management*. Participants understood this to be a style of management where upper echelons routinely sought input from the rank and file but ultimately made the final managerial decisions and issued orders which they expected to be adhered to. In an environment where the majority of organizational structures are hierarchical and autocratic, this theme suggests that law enforcement agencies might benefit by maintaining a looser, more horizontal, command structure within their investigative branches.

Participant I08 held a minority opinion with regard to management style. She stated that she preferred operating under an autocratic management style. Her position was based upon the premise that left to their own designs, employees will not give 100% of their effort into their assignments. She was of the opinion that the rank and file needs to be supervised and that the instructions given by

managers need to be adhered to. Clear lines of vertical communication contribute to efficiency of effort and maximum use of allotted resources.

With regard to what managerial actions have the most negative impact, the two most prevalent themes were *micro-management and poor management of resources*. Police officers are bound by very stringent rules and regulations, codes of conduct and stringent procedures. These rules are the result of written statutes and common law decisions. Police departments and individual officers are frequently the targets of multi-million dollar lawsuits that can quickly deplete a municipal budget. Intense police oversight is the solution that many agencies have resorted to. It is logical that many investigators take umbrage to the constant scrutiny of their actions and techniques. This cycle of hyper-oversight and employee resentment has been noted by Frank Anechiarico and James Jacobs who have theorized present day levels of oversight and inspection are counter-productive to efficient operation of public agencies.<sup>108</sup>

Participant I02 discussed the importance of the relationship between management and the individual. She spoke of the need for management to have “full faith” in the competence and the abilities of their investigators. Management shows their doubt in the value of an investigator when they practice micro-management. They express doubt in the loyalty and professionalism of their employees when they place administrative constraints upon them, especially when these employees see these constraints as counter-productive. This doubt is

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<sup>108</sup> Anechiarico, Frank & James Jacobs (1996) - *The Pursuit of Absolute Integrity: How corruption control makes government ineffective*. University of Chicago Press, Chicago, IL.

reinforced when management fails to justify the necessity of new constraints and claims autocracy as justification.

A common theme among participants was that poor management of resources can stop an investigation dead in its tracks. Investigators depend upon resources such as the assignment of a work partner, a motor vehicle, available overtime, buy money, expensive electronic surveillance equipment, lab and forensic services, communications equipment, and a host of other job-related tools. Some officers have resorted to buying their own equipment just to get the job done. There was a perception that managers may use resources as an excuse to slow some officers down in favor of others whose cases are deemed more important or have political implications. When this perception is allowed to fester, it can be a demoralizing factor.

Participant P04, as well as several other prosecutors, was in agreement with investigators that resource management was of particular importance to maintaining high quality investigations. She stated that there is always competition for scarce resources between the various units that make up an agency. When necessary resources are denied, it can be a major source of frustration. While investigators look upon resources as tools to do their work, prosecutors look upon investigators themselves as resources. Prosecutors must avoid acting as investigators in many circumstances, lest they be called as witnesses on their own cases. Prosecutors therefore depend upon investigators to build cases.

On the positive side, actions taken by managers that were deemed to be helpful included the use of *positive-feedback* and allowing investigators to *own their work*. These are important motivating factors that contribute to quality investigations. Those who are familiar with organizational theory and management might recognize these themes as being associated with the consultative management style.

Participant P07, a prosecutor, stated emphatically that investigators deserve credit for the work that they do. She also was an advocate of allowing investigators to own the work that they do. The cases that are assigned to them should be reflective of their own abilities and work style. It is her belief that investigators take a greater interest in a case when their direct input is valued and encouraged.

The final question posed by this research is, “Do any one of the above three [managerial] theories present a sufficiently strong case for determining quality in police investigations; or do these three approaches work in a synergistic fashion to assure quality police investigations?”

The question is no doubt a loaded question. Various theories presented in the literature suggested that any one of the three paradigms can be contributory to the quality of investigations. After reviewing their work and being immersed into data collected in the present research, there seems little doubt that case attributes, personal attributes and managerial attributes all play a vital role in determining investigation quality. During the interviews, there was no hesitation on the part of the participants to name case attributes and personality attributes that contribute to

quality in investigations. In fact, some 200 individual attributes were suggested as representative of quality. While the interview questions on management were set up somewhat differently, the results were no less convincing. The theme offered by participants pointed directly to attributes of managerial style that directly affect how investigators do their jobs.

### The Quality Triangle

This research has been established that there are three paradigms at play. It is the author's conclusion that these paradigms, personal attributes, case attributes and managerial attributes should be thought of as vectors in that they have direction, speed and force. When any one of the paradigms loses speed or changes direction, the other two must quickly compensate or change in the triangle will be experienced. When a perfect balance is struck however, the quality triangle – an equilateral triangle – can be maintained in a given time and place.

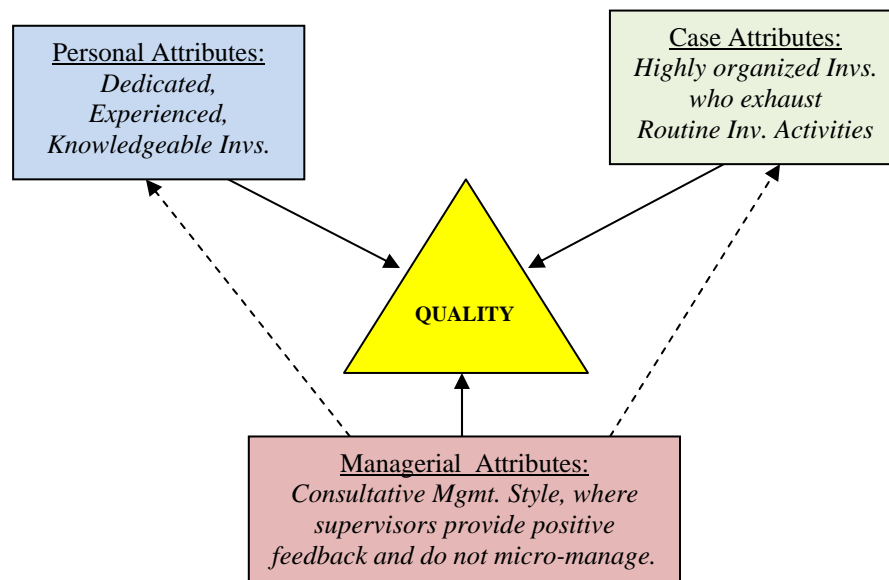


Diagram #21 – The Quality Triangle

Without the support of any one side, the triangle collapses. Each quality vector must maintain constant pressure on the triangle to maintain equilibrium. Management has the ultimate responsibility to control the personal attributes by instructing human resources in the hiring and promoting processes and the training of new investigators. Management must also supervise the investigators to insure that the work is being done to the standards described by the recommended case quality attributes.

Management must maintain high levels of motivation. By employing modern techniques such as Herzberg's motivation-hygiene theory<sup>109</sup>, management can maximize the effectiveness of investigators' work efforts. This has an impact on both the personal attributes and case attributes that contribute to quality. In the final outcome, management must control the speed, direction and force of all three vectors. They have the largest share of responsibility in maintaining the quality triangle. This would explain why managerial based programs like TQM and Compstat have had such a positive effect upon the law enforcement community and is, in part, why our cities and towns now experience historically low crime rates.

The quality triangle in the diagram above has been annotated with the attributes drawn from the data developed in this research. This model represents the ideal circumstance under which high quality investigations can flourish.

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<sup>109</sup> Frederick Herzberg (1966) - *Work and the Nature of Man*. World Publishing, Cleveland, OH.

## **Generalizability**

One of the more important criticisms of this paper will no doubt regard the generalizability of the findings. The principal investigator has cited prominent researchers in the field of Phenomenology whose works support the validity and robustness of the sample size. However, due to the nature of police work, the most difficult aspect of this study was the number of participating agencies and not the number of human participants in general. Modern police agencies are concerned about civil liability. The litigiousness of our society has caused many successful lawsuits to be brought against police departments, their commanders and their rank and file members. Heavy monetary damages are generally the consequences in such cases. Furthermore, the safety of witnesses, informants and undercover officers remains a vital concern of police managers. These factors cause police managers to be quite circumspect when considering participation in any academic research project. Within the context of this project, only 3 police agencies out of some 40 who were canvassed, agreed to participate in research. In the final outcome, only 2 of the 3 agencies were in close enough proximity to allow for in-person participant interviews.

As a result, only 2 police agencies are represented in this study and both are representative of New York City jurisdictions. The NYPD is a large department, encompassing some 35,000 sworn police officers and the New York County District Attorney's Office Investigation Bureau is a medium sized agency with approximately 75 sworn personnel. It is fair to say that this study is representative of large and medium sized police departments serving in heavily

populated urban environments of the northeastern United States. Arguably, departments such as Boston, Philadelphia, Jersey City, Newark and Baltimore would be peer agencies and with whom inferences might be made.

## **Chapter 6: Conclusion**

In the field of police investigations, texts and training manuals mainly concentrate on teaching techniques of investigation. Perhaps this explains why many investigators choose a “cookie cutter” approach to investigation. What has worked in the past often works again and again. This notion is reinforced by this research, as investigators and supervisors believe very strongly that by attending to routine police activities, an investigation’s quality is enhanced. Covering all the bases in the initial phase of an investigation is looked upon as due diligence and proper performance of duty.

In reviewing the existing literature, it was found that some researchers have concentrated on how agencies select candidates for the job of detective/investigator while others have concentrated on the work product and technique. This study concentrated on how incumbents in the investigator title, their supervisors and the end-users of their work product perform the work of investigation. It examines how a broad range of intrinsic and extrinsic factors are associated with superior quality investigations.

Investigators present a profile that is somewhat egocentric. Their responses paint a picture of an investigator who is a “cop’s cop.” He or she is skilled at interacting with the public because they are communicators. The investigator is experienced in police work and possess abilities beyond that of the patrol officer, though the lessons learned on patrol are not forgotten. Investigators prize integrity in their fellow officers. This integrity may take the form of being a “stand-up guy” or may mean that a fellow investigator must be beyond reproach

since there is an expectation of involvement in very sensitive investigations involving narcotics, racketeering, white collar crime and other areas where corruption is prevalent. They seek to organize information gleaned from the chaotic environment in which they work. This is done through the written documentation of the facts and information they collect in the course of their assignments. They eschew micro management and believe that they can work much more efficiently when they have the freedom to follow leads and conduct an investigation in the manner dictated by the circumstances and not by a rule book. They ask for positive feedback from their managers when warranted and they accept the fact that a hierarchical system of bosses exists. They simply ask that these leaders consult them on the best ways to do the job they are trained for.

Investigative supervisors hold in close solidarity to their charges, but their world view is not quite as parochial. Their managerial viewpoint is reflected by the fact they prefer investigators to be good listeners, rather than good communicators. This suggests that supervisors are not quite as consultative as investigators might hope for. Another indication of their managerial function is the fact that they hold resources as an important contributory factor to quality. In many cases, it is the supervisor who will decide whether overtime is warranted, no doubt being briefed on a regular basis on what the agency can afford. They also hold sway over vehicle assignments, tech support allocations, and the availability of personnel. True to their investigator associates, they too want the freedom to make decisions as they see fit according to the prevailing circumstances and show disdain for micro management.

Prosecutors represent management in the office of the chief law enforcement officer of the county, the District Attorney or County Prosecutor. This title is often disputed by the Chiefs of Police and Commissioners of large urban police departments, but as they hold quasi-judicial powers within the criminal justice system, prosecutors are the ultimate decision makers before trial. They seek a cooperative individual to investigate cases that reach their desks. As the chain of command does not include prosecutors directly, they rely upon the cooperative nature of investigators whenever they desire case enhancements prior to indictment or trial. If any single factor will effect the historically low crime rates of this decade, it will be the present tendency of police agencies to withdraw post arrest case support due to budgetary shortcomings. Prosecutors recognize this and seek investigators who will make themselves available in the furtherance of justice. They also seek an investigator who exudes professionalism. Written skills and documentation maintain their value in the quality of investigations, but prosecutors seek a person who can eloquently and professionally present evidence in the form of testimony before trial. The professional they envision is well dressed and well-spoken before the court, as well as totally unflappable under intense cross examination.

Prosecutors seek thoroughness in investigations. They hope that no stone has been unturned during the many interviews and canvasses conducted by investigators. Prosecutors wish to avoid at all costs, the possibility of the undiscovered witness or unfound piece of evidence turning up at trial, having been introduced by a worthy opponent, known as the defense counsel. In their

mind, it is far better to plea bargain a weak case than to lose at trial at great expense to the taxpayer and great embarrassment to the prosecutor's office.

Perhaps the most stunning discovery uncovered within the data is that prosecutors look to a consultative management style. They support the give and take process inherent in well run investigations. They are comfortable in giving latitude to professional investigators but they trust that management will maintain the final say over the decision making process. Through this approach, they trust that the executive in charge will maintain the legal aspects of case building, while allowing horizontal communication and ownership of the work product to exist.

This research has set forth a general theory describing how the forces that effect investigative case work converge to "shape" the quality of the final investigative work product. An exhaustive review of the literature produced no other multifaceted approach to the examination and explanation of quality in police investigation.

The need to maintain equilibrium over the three forces that support the Quality Triangle cannot be over stated. History has taught us that highly autonomous investigative units, such as the NYPD's Special Investigations Division of Knapp Commission fame, can lead to overtly corrupt behavior and gross violations of defendants' civil rights. Management must maintain proper supervision over such units and carefully balance any restrictive regulations against the counter-productive effect they have on producing cases of high quality. Investigators recognize the fact that only candidates of the highest integrity should be assigned to investigative units. Recognizing the frailties of the

human personality, management must monitor their investigators for changes in life circumstance or mental state that may make them undesirable candidates for continued assignment as investigators and be prepared to make appropriate transfers to other duties, thus maintaining a core of efficient and capable investigators. They must also constantly review existing rules and regulations making sure that stale or archaic guidelines are stricken from the books and replaced by timely and necessary guidance. In this fashion, management will maintain a fine balance of all three necessary paradigms.

Several groups of individuals should benefit from the results of this study. Command level personnel and managers should be the main beneficiaries of data revealed by this study. The data collected in this research has shown that certain characteristics of personality, case work and management style contribute to the ultimate quality of an investigation. Supervisors should benefit from a valuable tool has been presented to them to enhance job performance while an investigation is in progress and to assess and critique cases in the post-investigational phase.

Individual investigators should benefit from this study as well. By reviewing their own work product prior to submission, investigators who pay attention to the individual quality factors identified in the research will have a reliable schematic for self-assessment at their fingertips. It follows that supervisory personnel should see a significant improvement in the quality of material being forwarded to them for review, which should result in superior performance evaluations for investigators.

With a better understanding of these investigational quality factors, students of criminal justice, oversight and inspection, and public management, and the scholars who teach these subjects, should benefit from the results of this study as well.

Finally, it is hoped that future researchers will draw upon the results of this study for use in research where quality of investigations is under the microscope once again. The data gathered here should provide the researcher with a source for “quality” variables that have been scientifically obtained through empirical research. When this research was proposed, almost as an afterthought, an interview question was added to the interview script. Though this was a qualitative study, future quantitative research was anticipated in these questions. The question asked was simply, “How do you measure that?”

With regards to case work, several viable suggestions for measurement were made. Among these suggestions were ideas such as, “*the level of source attribution or verification.*” This suggests that the amount of work done to verify a statement and the kind of attribution given to a particular source, are measurable variables that can predict accuracy and therefore effect quality. Other measurable variables suggested were the *timeliness* of submission of reports and the *length* or *volume* of the report.

Where personality attribute were concerned, the *volume* of work output, *education level*, *experience level*, and *peer-recognition* were all suggested as measureable attributes.

It is hoped that these suggested variables may be of value to future researchers who might possess the right resources to undertake an in-depth, qualitative study of investigation quality. Further research will require securing hard to find resources such as a diverse sample of cooperative law enforcement agencies and access to numerous closed case files of actual investigations. The primary roadblock to obtaining these resources is agency concern for the privacy rights of victims and witnesses. Other points of resistance include the traditional concern for protecting the department from criticism and outside scrutiny, an exaggerated fear of civil suits, and a tendency to mistrust those who are outside the law enforcement community. Hopefully, ways to overcome these objections will be found in future efforts.

## Appendix 1

34. "**Police officer.**" The following persons are police officers:

- (a) A sworn member of the division of state police;
- (b) Sheriffs, under-sheriffs and deputy sheriffs of counties outside of New York City;
- (c) A sworn officer of an authorized county or county parkway police department;
- (d) A sworn officer of an authorized police department or force of a city, town, village or police district;
- (e) A sworn officer of an authorized police department of an authority or a sworn officer of the state regional park police in the office of parks and recreation;
- (f) A sworn officer of the capital police force of the office of general services;
- (g) An investigator employed in the office of a district attorney;
- (h) An investigator employed by a commission created by an interstate compact who is, to a substantial extent, engaged in the enforcement of the criminal laws of this state;
- (i) The chief and deputy fire marshals, the supervising fire marshals and the fire marshals of the bureau of fire investigation of the New York City fire department;
- (j) A sworn officer of the division of law enforcement in the department of environmental conservation;
- (k) A sworn officer of a police force of a public authority created by an interstate compact;
- (l) Long Island railroad police.
- (m) A special investigator employed in the statewide organized crime task force, while performing his assigned duties pursuant to section seventy-a of the executive law.
- (n) A sworn officer of the Westchester county department of public safety services who, on or prior to June thirtieth, nineteen hundred seventy-nine was appointed as a sworn officer of the division of Westchester county parkway police or who was appointed on or after July first, nineteen hundred seventy-nine to the title of police officer, sergeant, lieutenant, captain or inspector or who, on or prior to January thirty-first, nineteen hundred eighty-three, was appointed as a Westchester county deputy sheriff.
- (o) A sworn officer of the water-supply police employed by the city of New York, appointed to protect the sources, works, and transmission of water supplied to the city of New York, and to protect persons on or in the vicinity of such water sources, works, and transmission.
- (p) Persons appointed as railroad policemen pursuant to section eighty-eight of the railroad law.
- (q) An employee of the department of taxation and finance (i) assigned to enforcement of the taxes imposed under or pursuant to the authority of article twelve-A of the tax law and administered by the commissioner of taxation and finance, taxes imposed under or pursuant to the authority of article eighteen

of the tax law and administered by the commissioner, taxes imposed under article twenty of the tax law, or sales or compensating use taxes relating to automotive fuel or cigarettes imposed under article twenty-eight or pursuant to the authority of article twenty-nine of the tax law and administered by the commissioner or (ii) designated as a revenue crimes specialist and assigned to the enforcement of the taxes described in paragraph (c) of subdivision four of section 2.10 of this title, for the purpose of applying for and executing search warrants under article six hundred ninety of this chapter, for the purpose of acting as a claiming agent under article thirteen-A of the civil practice law and rules in connection with the enforcement of the taxes referred to above and for the purpose of executing warrants of arrest relating to the respective crimes specified in subdivision four of section 2.10 of this title.

(r) Any employee of the Suffolk county department of parks who is appointed as a Suffolk county park police officer.

(s) A university police officer appointed by the state university pursuant to paragraph 1 of subdivision two of section three hundred fifty-five of the education law.

(t) A sworn officer of the department of public safety of the Buffalo municipal housing authority who has achieved or been granted the status of sworn police officer and has been certified by the division of criminal justice services as successfully completing an approved basic course for police officers.

(u) Persons appointed as Indian police officers pursuant to section one hundred fourteen of the Indian law.

(v) Supervisor of forest ranger services; assistant supervisor of forest ranger services; forest ranger 3; forest ranger 2; forest ranger 1 employed by the state department of environmental conservation or sworn officer of the division of forest protection and fire management in the department of environmental conservation responsible for wild land search and rescue, wild land fire management in the state as prescribed in subdivision eighteen of section 9-0105 and title eleven of article nine of the environmental conservation law, exercising care, custody and control of state lands administered by the department of environmental conservation.

## Appendix 2

### Participant Orientation and Informed Consent Script

Name: \_\_\_\_\_ (interviewee)

Phone Number: \_\_\_\_\_

Date: \_\_\_/\_\_\_/\_\_\_

Time: \_\_\_\_\_

Audio Filename: \_\_\_\_\_ .mp3

#### **INTRODUCTION**

My name is Robert Tarwacki and I am a doctoral student at John Jay College. Thank you very much for volunteering your time to help in this research. We expect to spend at least 1 hour in this case examination and interview session. Please know that you may leave the interview at any time you desire, simply by telling me that you wish to leave. Even if you have started the interview and have not completed the process, you may leave upon request at any time. Before we begin, I would ask that you read and sign the required consent form.

<At this point the researcher and the participant will go over the consent form. An appropriate amount of time will be allowed for the participant to read and sign the form. The researcher will verbally ascertain that the participant has read and understands the nature of the form being signed before continuing.>

#### **FORMAT AND PURPOSE OF INTERVIEW**

This research will focus on identifying the attributes and factors that contribute to a quality investigation. There are three categories of raters and though you may qualify to serve in more than one category, the principal investigator has determined which category is appropriate for you. Investigators

are those who have been employed in positions similar to Police Detectives for 15 years or more. The command category is for those who supervise the investigators previously mentioned. The final category is for Assistant District Attorneys, who routinely use the work product generated by police officers to prosecute criminal defendants.

<Pause>

In preparation for this study, a substantial amount of research into the written literature has been conducted. While a large number of characteristics for the quality of police investigations have been identified, we are most interested in your own personal views based on your years of experience in the field.

We will be looking at three specific aspects of how the quality of an investigation can be determined. In other words, we will be looking at quality from three different points of view.

First, we will examine the individual qualities of the investigator that you deem important for a quality investigation is to be performed. I will not suggest any specific examples, but do think about your peers who you consider excellent investigators and be prepared to describe the qualities that you recognize in them that make them “top shelf”.

Second, we will examine what qualities within an investigator’s work product contribute to a high quality investigation. Once again, I will not suggest any examples, but do think about those outstanding cases you have been privy to and tell me what impressed you as exceptional about them.

Lastly, we will examine the management style present in your work environment. No doubt, you have been exposed to different supervisors throughout your career and you may feel that you performed better when a particular supervisor was in charge of an investigation. If you have in fact been a supervisor yourself, what methods and techniques do find bring the best out in your investigators?

Shortly, we will begin an oral interview that will consist of simple questions and answers. The interview will be recorded on a digital recorder that will be plainly visible to you. The information you provide will be redacted to ensure your anonymity before anything is used in any written compilation of data or results. The sole purpose of the recording is to assure the validity and reliability of this research and will not be released to any parties not specifically authorized under title 45 CFR Part 46. I may also take written notes to facilitate the flow of the interview.

The interview is designed to determine the underlying values inherent in you observations and opinions of what constitutes investigational quality. The questions may appear to be repetitive, but are structured to be probative in nature.

<BREAK>

<END OF INTRODUCTORY SCRIPT>

<GO TO ORAL INTERVIEW>

### Appendix 3

## Informed Consent Form

You are invited to participate in a research study entitled “Differential Perceptions of Quality in Criminal Investigations.”

The purpose of this research is to identify the qualities that you, as an expert, have deemed to be crucial to the production of a high quality police investigation. We plan to enroll approximately 45 participants into this study. If you decide to participate, you will be asked to sit for an interview in which your personal opinion will be sought regarding certain attributes and qualities of quality in police investigations. Participation should take between 1 and 2 hours for 1 day’s duration.

The foreseeable risks of participation in this study are minimal. In order to minimize these risks we will debrief each participant and provide contact information for participants should they feel the need to contact the researcher after their participation. The possible benefits to you are an enhanced understanding of the factors that constitute quality in an investigation. The potential benefits to society are better investigative services, more efficient operation of public agencies and possible reduction in the levels of public corruption and revenue loss through fraud and abuse.

Your participation in this study is completely voluntary. You have a right to refuse to participate without consequences. If you decide not to participate your decision will not affect your relationship with John Jay College, the City University of New York, or the project manager.

If you decide to participate you may discontinue participation at any time. You may refuse to answer any specific questions or refuse to engage in any task at any time during the study.

Withdrawal or refusing to answer specific questions or engage in specific tasks will not result in any consequences to you and will not affect your relationship with John Jay College, the City University of New York, or the project manager.

Information gathered from you will be stored on a securely encrypted computer flash device, the care, custody and control of which will be maintained by the Principle Investigator/Researcher.

All identifiers necessary to the collection of data will be coded and the master code book will be maintained in a secure fashion by the researcher. All data that is not absolutely necessary to the

routine completion of the researchers doctoral dissertation will be destroyed or returned to submitters at the end of the study. John Jay College of Criminal Justice may retain all documentation that is routinely kept with regard to student dissertations.

Your signature below means that you have read this consent form, that you fully understand the nature and consequences of participation and that you have had all questions regarding participation in this study answered satisfactorily. If you have further questions about this research please feel free to contact the Principle Investigator, Robert Tarwacki at 646-772-6415. If you have any questions regarding your rights as a research participant please feel free to contact the John Jay Institutional Review Board Office at [jj-irb@jjay.cuny.edu](mailto:jj-irb@jjay.cuny.edu), or (212) 237-8961.

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Participant Name

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Participant Signature

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Principle Investigator/Research Staff

---

Date

Witness Signature

## Appendix 4

### Participant Guidance Format

(Investigator Participant)

#### **Case Phase:**

Thinking back over the course of your career, of all the cases that you participated in, can you recall one case that, in your mind, stands out as a well conducted criminal investigation?

Would you say that this case represents high quality work?

What one factor about this case leads you to say that it represents high quality work?

What do you mean by (use the word for the attribute named by the participant)?

How does one measure this (attribute)?

\*Is there another attribute that you feel significantly contributes to high quality?

\*What do you mean by (use the word for the attribute named by the participant)?

\*How does one measure this (attribute)?

(Repeat the asterisk marked question group until no further attributes are volunteered).

#### **Personal Characteristics Phase:**

Thinking back over the course of your career, considering all the investigators that you have known, including yourself, what personal characteristic do you believe is the most important one that an investigator must possess in order to routinely conduct a high quality investigation?

What do you mean by (use the word for the characteristic named by the participant)?

How does one measure this (attribute)?

\*Is there another attribute that you feel significantly contributes to high quality?

\*What do you mean by (use the word for the attribute named by the participant)?

\*How does one measure this (attribute)?

(Repeat the asterisk marked question group until no further attributes are volunteered).

### **Management Phase:**

Thinking back over the course of your career, have you ever been frustrated by a managerial choice or procedure that you felt was counter-productive to the efficient conduct of an investigation?

Thinking back over the course of your career, can you think of any specific managerial action that encouraged or otherwise helped you to achieve high quality investigative work?

What do you consider to be an Autocratic management style?

What do you consider to be a Democratic management style?

What do you consider to be a Consultative management style?

What do you consider to be a Liaises-Faire management style?

Of these four basic management styles, Autocratic, Democratic, Consultative, and Liaises-Faire, which (if any) style has allowed you to perform the highest quality investigative work?

## Appendix 5

### Participant Guidance Format

(Supervisory Participant)

#### **Case Phase:**

Thinking back over the course of your career, of all the cases that you supervised, can you recall one case that, in your mind, stands out as a well conducted criminal investigation?

Would you say that this case represents high quality work?

What one factor about this case leads you to say that it represents high quality work?

What do you mean by (use the word for the attribute named by the participant)?

How does one measure this (attribute)?

\*Is there another attribute that you feel significantly contributes to high quality?

\*What do you mean by (use the word for the attribute named by the participant)?

\*How does one measure this (attribute)?

(Repeat the asterisk marked question group until no further attributes are volunteered).

#### **Personal Characteristics Phase:**

Thinking back over the course of your career, considering all the investigators that you have supervised, what personal characteristic do you believe is the most important one that an investigator must possess in order to routinely conduct a high quality investigation?

What do you mean by (use the word for the characteristic named by the participant)?

How does one measure this (attribute)?

\*Is there another attribute that you feel significantly contributes to high quality?

\*What do you mean by (use the word for the attribute named by the participant)?

\*How does one measure this (attribute)?

(Repeat the asterisk marked question group until no further attributes are volunteered).

### **Management Phase:**

Thinking back over the course of your career, have you ever been frustrated by a managerial choice or procedure that you felt was counter-productive to the efficient conduct of an investigation that you supervised?

Thinking back over the course of your career, can you think of any specific managerial action that encouraged or otherwise helped an investigator that you supervised to achieve high quality investigative work?

What do you consider to be an Autocratic management style?

What do you consider to be a Democratic management style?

What do you consider to be a Consultative management style?

What do you consider to be a Liaises-Faire management style?

Of these four basic management styles, Autocratic, Democratic, Consultative, and Liaises-Faire, which (if any) style has allowed the investigators that you have supervised to perform the highest quality investigative work?

## Appendix 6

### Participant Guidance Format

(Prosecutorial Participant)

#### **Case Phase:**

Thinking back over the course of your career, of all the cases that you have prosecuted, can you recall one case that, in your mind, stands out as a well conducted criminal investigation?

Would you say that this case represents high quality work?

What one factor about this case leads you to say that it represents high quality work?

What do you mean by (use the word for the attribute named by the participant)?

How does one measure this (attribute)?

\*Is there another attribute that you feel significantly contributes to high quality?

\*What do you mean by (use the word for the attribute named by the participant)?

\*How does one measure this (attribute)?

(Repeat the asterisk marked question group until no further attributes are volunteered).

#### **Personal Characteristics Phase:**

Thinking back over the course of your career, considering all the investigators that have submitted cases to you for prosecution, what personal characteristic do you believe is the most important one that an investigator must possess in order to routinely conduct a high quality investigation?

What do you mean by (use the word for the characteristic named by the participant)?

How does one measure this (attribute)?

\*Is there another attribute that you feel significantly contributes to high quality?

\*What do you mean by (use the word for the attribute named by the participant)?

\*How does one measure this (attribute)?

(Repeat the asterisk marked question group until no further attributes are volunteered).

### **Management Phase:**

Thinking back over the course of your career, has an investigator for whom you have prosecuted a case, ever appear to be frustrated by a managerial choice or procedure that you felt was counter-productive to the efficient conduct of an investigation?

Thinking back over the course of your career, can you think of any specific managerial action that encouraged or otherwise helped an investigator that you supervised to achieve high quality investigative work?

What do you consider to be an Autocratic management style?

What do you consider to be a Democratic management style?

What do you consider to be a Consultative management style?

What do you consider to be a Liaises-Faire management style?

Of these four basic management styles, Autocratic, Democratic, Consultative, and Liaises-Faire, which (if any) style has allowed an investigator for whom you have prosecuted a case, to perform the highest quality investigative work?

## Appendix 7

### Raw Data

#### Personality Attributes Cited – 1<sup>st</sup> Order

<b>Word</b>	<b>Length</b>	<b>Count</b>	<b>Weighted Percentage (%)</b>
experience	10	4	3.85
integrity	9	4	3.85
knowledge	9	4	3.85
cooperative	11	3	2.88
detail	6	3	2.88
motivation	10	3	2.88
oriented	8	3	2.88
professional	12	3	2.88
communicator	12	2	1.92
fairness	8	2	1.92
initiative	10	2	1.92
listener	8	2	1.92
resourceful	11	2	1.92
thoroughness	12	2	1.92
ability	7	1	0.96
absorb	6	1	0.96
achiever	8	1	0.96
active	6	1	0.96
adaptable	9	1	0.96
aggressive	10	1	0.96
analytic	8	1	0.96
attitude	8	1	0.96
availability	12	1	0.96
bearing	7	1	0.96
character	9	1	0.96
collaborative	13	1	0.96
communicative	13	1	0.96
competent	9	1	0.96
cool	4	1	0.96
cooperation	11	1	0.96
creative	8	1	0.96
curiosity	8	1	0.96
dedicated	9	1	0.96
dedication	10	1	0.96
delegate	8	1	0.96
determination	13	1	0.96
dressed	7	1	0.96
empathy	7	1	0.96
enthusiasms	10	1	0.96
enthusiasm	10	1	0.96
experienced	11	1	0.96
expertise	9	1	0.96
flexibility	11	1	0.96
helpful	7	1	0.96
inquisitive	11	1	0.96
instincts	9	1	0.96

intelligence	12	1	0.96
intelligent	11	1	0.96
intensity	9	1	0.96
interaction	11	1	0.96
interest	8	1	0.96
intuitive	9	1	0.96
knowledgeable	13	1	0.96
military	8	1	0.96
mindedness	10	1	0.96
morale	6	1	0.96
open	4	1	0.96
organized	9	1	0.96
patient	7	1	0.96
perceptive	10	1	0.96
persistent	10	1	0.96
personable	10	1	0.96
personality	11	1	0.96
positivity	10	1	0.96
pride	5	1	0.96
pro	3	1	0.96
pursuing	8	1	0.96
relentless	10	1	0.96
respect	7	1	0.96
responsibility	14	1	0.96
sincerity	9	1	0.96
skill	5	1	0.96
skills	6	1	0.96
teamwork	8	1	0.96
technically	11	1	0.96
tenacity	8	1	0.96
toughness	9	1	0.96
trust	5	1	0.96
well	4	1	0.96

## Appendix 8

### Raw Data

#### Case Attributes Cited – 1<sup>st</sup> Order

<b>Word</b>	<b>Length</b>	<b>Count</b>	<b>Weighted Percentage (%)</b>
routine-police-activity	23	6	6.67
thoroughness	12	4	4.44
completeness	12	3	3.33
knowledge	9	3	3.33
organization	12	3	3.33
teamwork	8	3	3.33
cooperation	11	2	2.22
details	7	2	2.22
documentation	13	2	2.22
resources	9	2	2.22
skill	5	2	2.22
up	2	2	2.22
achievement	11	1	1.11
analysis	8	1	1.11
analytical	10	1	1.11
back	4	1	1.11
care	4	1	1.11
coherent	8	1	1.11
commitment	10	1	1.11
community	9	1	1.11
compatibility	12	1	1.11
conclusions	11	1	1.11
credibility	11	1	1.11
dedication	10	1	1.11
depth	5	1	1.11
descriptive	11	1	1.11
descriptiveness	15	1	1.11
detail	6	1	1.11
devotion	8	1	1.11
diligence	9	1	1.11
energetic	9	1	1.11
five	4	1	1.11
follow	6	1	1.11
index	5	1	1.11
intelligence	12	1	1.11
interaction	11	1	1.11
involvement	11	1	1.11
judgment	8	1	1.11
language	8	1	1.11
logs	4	1	1.11
maturity	8	1	1.11
minded	6	1	1.11
motivation	10	1	1.11
neat	4	1	1.11
notation	8	1	1.11

open	4	1	1.11
organized	9	1	1.11
passionate	10	1	1.11
peer	4	1	1.11
perseverance	13	1	1.11
persistence	11	1	1.11
proactive	9	1	1.11
professional	12	1	1.11
professionalism	15	1	1.11
rapport	7	1	1.11
reasoning	9	1	1.11
reliable	8	1	1.11
reviewed	8	1	1.11
scientific	10	1	1.11
sequence	8	1	1.11
skills	6	1	1.11
specialization	14	1	1.11
statements	10	1	1.11
structure	9	1	1.11
timeline	8	1	1.11
trust	5	1	1.11
w	1	1	1.11
writing	7	1	1.11

## Appendix 9

### Raw Data

#### Personality Attributes Cited – 2<sup>nd</sup> Order

<b>Word</b>	<b>Length</b>	<b>Count</b>	<b>Weighted Percentage (%)</b>
dedication	10	2	2.53
ethic	5	2	2.53
experience	10	2	2.53
knowledgeable	13	2	2.53
minded	6	2	2.53
professional	12	2	2.53
professionalism	15	2	2.53
work	4	2	2.53
accuracy	8	1	1.27
along	5	1	1.27
analytic	8	1	1.27
assessment	10	1	1.27
assistive	8	1	1.27
attitude	8	1	1.27
box	3	1	1.27
cares	5	1	1.27
comfort	7	1	1.27
communication	13	1	1.27
communicator	12	1	1.27
demeanor	8	1	1.27
diligent	8	1	1.27
directions	10	1	1.27
disgruntled	11	1	1.27
diverse	7	1	1.27
documentation	13	1	1.27
does	4	1	1.27
education	9	1	1.27
effective	9	1	1.27
empathetic	10	1	1.27
follows	7	1	1.27
gets	4	1	1.27
hard	4	1	1.27
honesty	7	1	1.27
humor	5	1	1.27
impartiality	12	1	1.27
independence	12	1	1.27
initiative	10	1	1.27
intuitive	9	1	1.27
job	3	1	1.27
knowledge	9	1	1.27
legal	5	1	1.27
level	5	1	1.27
listener	8	1	1.27
memory	6	1	1.27
note	4	1	1.27

open	4	1	1.27
outside	7	1	1.27
perfectionist	13	1	1.27
perseverance	14	1	1.27
persistence	11	1	1.27
persuasive	10	1	1.27
polite	6	1	1.27
problem	7	1	1.27
rapport	7	1	1.27
relentless	10	1	1.27
reliable	8	1	1.27
respected	9	1	1.27
self	4	1	1.27
sense	5	1	1.27
shy	3	1	1.27
skill	5	1	1.27
skillful	8	1	1.27
solver	6	1	1.27
starter	7	1	1.27
taker	5	1	1.27
teamwork	8	1	1.27
thorough	8	1	1.27
trustworthy	11	1	1.27
workable	8	1	1.27
working	7	1	1.27
written	7	1	1.27

## Appendix 10

### Raw Data

#### Case Attributes Cited – 2<sup>nd</sup> Order

Word	Length	Count	Weighted Percentage (%)
cooperation	11	2	2.94
documentation	13	2	2.94
task	4	2	2.94
writing	7	2	2.94
analysis	8	1	1.47
answering	9	1	1.47
attribution	11	1	1.47
based	5	1	1.47
care	4	1	1.47
case	4	1	1.47
concise	7	1	1.47
consult	7	1	1.47
content	7	1	1.47
correct	7	1	1.47
details	7	1	1.47
documentation	12	1	1.47
egos	4	1	1.47
evidence	8	1	1.47
exhausted	9	1	1.47
experience	10	1	1.47
facts	5	1	1.47
follow	6	1	1.47
force	5	1	1.47
forefront	9	1	1.47
freedom	7	1	1.47
hard	4	1	1.47
index	5	1	1.47
info	4	1	1.47
informational	13	1	1.47
interest	8	1	1.47
intuition	9	1	1.47
inv	3	1	1.47
leads	5	1	1.47
legality	8	1	1.47
listens	7	1	1.47
mindedness	10	1	1.47
open	4	1	1.47
ops	3	1	1.47
organization	12	1	1.47
partnerships	12	1	1.47
patience	8	1	1.47
patrol	6	1	1.47
perseverance	13	1	1.47
predetermined	13	1	1.47
question	8	1	1.47
readability	11	1	1.47

responsiveness	14	1	1.47
skill	5	1	1.47
skills	6	1	1.47
smarts	6	1	1.47
source	6	1	1.47
specificity	11	1	1.47
stone	5	1	1.47
summary	7	1	1.47
support	7	1	1.47
teamwork	8	1	1.47
thorough	8	1	1.47
untuned	8	1	1.47
up	2	1	1.47
usable	6	1	1.47
vested	6	1	1.47
well	4	1	1.47
work	4	1	1.47
written	7	1	1.47

## Appendix 11

### Raw Data

#### Positive Managerial Actions Cited

<b>Word</b>	<b>Length</b>	<b>Count</b>	<b>Weighted Percentage (%)</b>
positive-feedback	8	3	10.34
leadership	10	2	6.90
ownership	9	2	6.90
communicative	13	1	3.45
empowerment	11	1	3.45
expertise	9	1	3.45
faith	5	1	3.45
freedom	7	1	3.45
informality	11	1	3.45
innovation	10	1	3.45
lack	4	1	3.45
loop	4	1	3.45
managing	8	1	3.45
micro	5	1	3.45
motivation	10	1	3.45
professionalism	15	1	3.45
questioning	11	1	3.45
recognition	11	1	3.45
resources	9	1	3.45
reward	6	1	3.45
standards	9	1	3.45
support	7	1	3.45
utilization	11	1	3.45

## Appendix 12

### Raw Data

#### Negative Managerial Actions Cited

<b>Word</b>	<b>Length</b>	<b>Count</b>	<b>Weighted Percentage (%)</b>
micro-managing	14	5	11.11
resource-management	4	4	8.89
lacking	7	3	6.67
resources	9	2	4.44
assignment	10	1	2.22
authoritarianism	17	1	2.22
inflexibility	13	1	2.22
interruptive	12	1	2.22
knowledge	9	1	2.22
limitation-prone	16	1	2.22
limited	7	1	2.22
listening	9	1	2.22
method	6	1	2.22
mgr	3	1	2.22
minimalizing	12	1	2.22
negativity	10	1	2.22
oriented	8	1	2.22
overtime	8	1	2.22
procedure-prone	15	1	2.22
rigidity	8	1	2.22
skill	5	1	2.22
support	7	1	2.22
supportive	10	1	2.22
unqualified	11	1	2.22

**Appendix 13****Raw Data****Preferred Managerial Style**

<b>Word</b>	<b>Length</b>	<b>Count</b>	<b>Weighted Percentage (%)</b>
consultative	12	20	68.97
democratic	10	4	13.79
autocratic	10	1	3.45
consul/demo	11	1	3.45
liases-faire	12	1	3.45

## Appendix 14

### Raw Data

#### Preferred Case Attributes - Prosecutors

<b>Word</b>	<b>Length</b>	<b>Count</b>	<b>Weighted Percentage (%)</b>
thoroughness	12	3	4.41
care	4	2	2.94
completeness	12	2	2.94
cooperation	11	2	2.94
perseverance	13	2	2.94
teamwork	8	2	2.94
writing-skills	14	2	2.94
analysis	8	1	1.47
analytical	10	1	1.47
answering	9	1	1.47
attribution	11	1	1.47
back-up	7	1	1.47
commitment	10	1	1.47
conclusions	11	1	1.47
content	7	1	1.47
descriptiveness	15	1	1.47
details	7	1	1.47
devotion	8	1	1.47
diligence	9	1	1.47
egos	4	1	1.47
exhausted	9	1	1.47
facts	5	1	1.47
follow-up	9	1	1.47
force	5	1	1.47
hard	4	1	1.47
info	4	1	1.47
intelligence	12	1	1.47
interest	8	1	1.47
judgment	8	1	1.47
knowledge	9	1	1.47
leads	5	1	1.47
legality	8	1	1.47
listens	7	1	1.47
mindedness	10	1	1.47
motivation	10	1	1.47
no-stone-untuned	8	1	1.47
open	17	1	1.47
ops	4	1	1.47
organization	3	1	1.47
partnerships	12	1	1.47
professionalism	12	1	1.47
question	15	1	1.47
rapport	8	1	1.47
reliable	7	1	1.47
routine-police-activity	23	1	1.47
smarts	3	1	1.47

source	6	1	1.47
specificity	6	1	1.47
summary	11	1	1.47
task	7	1	1.47
trust	4	1	1.47
usable	5	1	1.47
vested	6	1	1.47
work	6	1	1.47
	4	1	1.47

## Appendix 15

### Raw Data

#### Preferred Case Attributes - Investigators

<b>Word</b>	<b>Length</b>	<b>Count</b>	<b>Weighted Percentage (%)</b>
documentation	13	3	8.11
organization	12	3	8.11
details	7	2	5.41
resources	9	2	5.41
routine-police-activity	23	2	5.41
analysis	8	1	2.70
compatibility	12	1	2.70
correct	7	1	2.70
credibility	11	1	2.70
depth	5	1	2.70
documentation	12	1	2.70
energetic	9	1	2.70
five	4	1	2.70
forefront	9	1	2.70
freedom	7	1	2.70
index	5	1	2.70
intuition	9	1	2.70
organized	9	1	2.70
passionate	10	1	2.70
proactive	9	1	2.70
professional	12	1	2.70
readability	11	1	2.70
reasoning	9	1	2.70
responsiveness	14	1	2.70
scientific	10	1	2.70
sequence	8	1	2.70
statements	10	1	2.70
support	7	1	2.70
thoroughness	12	1	2.70

## Appendix 16

### Raw Data

#### Preferred Case Attributes - Supervisors

<b>Word</b>	<b>Length</b>	<b>Count</b>	<b>Weighted Percentage (%)</b>
routine-police-activity	23	3	5.66
skill	5	3	5.66
cooperation	11	2	3.77
knowledge	9	2	3.77
teamwork	8	2	3.77
achievement	11	1	1.89
based	5	1	1.89
case	4	1	1.89
coherent	8	1	1.89
community	9	1	1.89
completeness	12	1	1.89
concise	7	1	1.89
consult	7	1	1.89
dedication	10	1	1.89
descriptive	11	1	1.89
detail	6	1	1.89
documentation	13	1	1.89
evidence	8	1	1.89
experience	10	1	1.89
follow	6	1	1.89
index	5	1	1.89
informational	13	1	1.89
interaction	11	1	1.89
inv	3	1	1.89
involvement	11	1	1.89
language	8	1	1.89
logs	4	1	1.89
maturity	8	1	1.89
minded	6	1	1.89
neat	4	1	1.89
open	4	1	1.89
patience	8	1	1.89
patrol	6	1	1.89
peer	4	1	1.89
persistence	11	1	1.89
predetermined	13	1	1.89
reviewed	8	1	1.89
specialization	14	1	1.89
structure	9	1	1.89
task	4	1	1.89
thorough	8	1	1.89
timeline	8	1	1.89
up	2	1	1.89
well	4	1	1.89
writing	7	1	1.89
written	7	1	1.89

## Appendix 17

### Raw Data

#### Preferred Personality Attributes – Prosecutors

<b>Word</b>	<b>Length</b>	<b>Count</b>	<b>Weighted Percentage (%)</b>
cooperative	11	3	9.68
professional	12	3	9.68
initiative	10	2	6.45
thoroughness	12	2	6.45
adaptable	9	1	3.23
communicative	13	1	3.23
cool	4	1	3.23
creative	8	1	3.23
curocity	8	1	3.23
dedicated	9	1	3.23
detail	6	1	3.23
experienced	11	1	3.23
fairness	8	1	3.23
intuitive	9	1	3.23
knowledgeable	13	1	3.23
oriented	8	1	3.23
patient	7	1	3.23
persistent	10	1	3.23
pride	5	1	3.23
pursuing	8	1	3.23
relentless	10	1	3.23
resourceful	11	1	3.23
respect	7	1	3.23
responsibility	14	1	3.23
trust	5	1	3.23

## Appendix 18

### Raw Data

#### Preferred Personality Attributes – Investigators

<b>Word</b>	<b>Length</b>	<b>Count</b>	<b>Weighted Percentage (%)</b>
communicator	12	2	5.13
experience	10	2	5.13
integrity	9	2	5.13
knowledge	9	2	5.13
oriented	8	2	5.13
absorb	6	1	2.56
achiever	8	1	2.56
active	6	1	2.56
attitude	8	1	2.56
bearing	7	1	2.56
collaborative	13	1	2.56
delegate	8	1	2.56
detail	6	1	2.56
determination	13	1	2.56
empathy	7	1	2.56
enthusiasm	10	1	2.56
fairness	8	1	2.56
instincts	9	1	2.56
intelligence	12	1	2.56
intensity	9	1	2.56
interest	8	1	2.56
military	8	1	2.56
mindedness	10	1	2.56
motivation	10	1	2.56
open	4	1	2.56
personable	10	1	2.56
personality	11	1	2.56
positivity	10	1	2.56
pro	3	1	2.56
sincerity	9	1	2.56
teamwork	8	1	2.56
technically	11	1	2.56
tenacity	8	1	2.56
toughness	9	1	2.56

## Appendix 19

### Raw Data

#### Preferred Personality Attributes – Supervisors

<b>Word</b>	<b>Length</b>	<b>Count</b>	<b>Weighted Percentage (%)</b>
experience	10	2	5.88
integrity	9	2	5.88
knowledge	9	2	5.88
listener	8	2	5.88
motivation	10	2	5.88
ability	7	1	2.94
aggressive	10	1	2.94
analytic	8	1	2.94
availability	12	1	2.94
character	9	1	2.94
competent	9	1	2.94
cooperation	11	1	2.94
dedication	10	1	2.94
detail	6	1	2.94
dressed	7	1	2.94
enthusiasm	10	1	2.94
expertise	9	1	2.94
flexibility	11	1	2.94
helpful	7	1	2.94
inquisitive	11	1	2.94
intelligent	11	1	2.94
interaction	11	1	2.94
morale	6	1	2.94
organized	9	1	2.94
perceptive	10	1	2.94
resourceful	11	1	2.94
skill	5	1	2.94
skills	6	1	2.94
well	4	1	2.94

## Appendix 20

### Raw Data

#### Suggested Measurement – Personality Traits

<b>Word</b>	<b>Length</b>	<b>Count</b>	<b>Weighted Percentage (%)</b>
work	4	2	6.25
alt	3	1	3.12
appearance	10	1	3.12
c	1	1	3.12
cause	5	1	3.12
demeanor	8	1	3.12
development	11	1	3.12
education	9	1	3.12
effectiveness	13	1	3.12
effort	6	1	3.12
empathy	7	1	3.12
ethic	5	1	3.12
experience	10	1	3.12
feedback	8	1	3.12
i	1	1	3.12
input	5	1	3.12
interviews	10	1	3.12
jury	4	1	3.12
knowledge	9	1	3.12
love	4	1	3.12
peer	4	1	3.12
personality	11	1	3.12
presentation	12	1	3.12
probable	8	1	3.12
resources	9	1	3.12
right	5	1	3.12
seeking	7	1	3.12
supervision	11	1	3.12
sway	4	1	3.12
theories	8	1	3.12
understanding	13	1	3.12

## Appendix 21

### Raw Data

#### Suggested Measurement – Case Attributes

<b>Word</b>	<b>Length</b>	<b>Count</b>	<b>Weighted Percentage (%)</b>
boosting	8	1	2.86
case	4	1	2.86
clarity	7	1	2.86
competence	10	1	2.86
completeness	12	1	2.86
confidence	10	1	2.86
cooperation	11	1	2.86
details	7	1	2.86
division	8	1	2.86
energy	6	1	2.86
ethic	5	1	2.86
expectations	12	1	2.86
experience	10	1	2.86
further	7	1	2.86
indices	7	1	2.86
judgment	8	1	2.86
labor	5	1	2.86
level	5	1	2.86
line	4	1	2.86
logs	4	1	2.86
loopholes	9	1	2.86
pursue	6	1	2.86
questions	9	1	2.86
reports	7	1	2.86
review	6	1	2.86
sense	5	1	2.86
supportive	10	1	2.86
thoroughness	12	1	2.86
time	4	1	2.86
understandable	14	1	2.86
verification	12	1	2.86
volume	6	1	2.86
willing	7	1	2.86
witness	7	1	2.86
work	4	1	2.86

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## Autobiographical Statement

Robert Edward Tarwacki was born on June 20, 1954 in Shore Road Hospital overlooking the Verrazano Narrows, which is the gateway to New York Harbor. His parents Jane and Edward Tarwacki were a middle class family trying hard to make their way in the upscale Bay Ridge neighborhood where they resided.

He attended St. Patrick's Grammar school where the Sisters of St. Dominic had a tremendous influence over his formative years. He participated in many school functions including volunteering as a school safety crossing guard and parish altar boy. He continued with a parochial education by attending Xaverian High School in 1968. A participant in the Honors Program, he was exposed early on to the Russian Language under the tutelage of Bernard McQuillan, a language scholar and true intellectual. He also participated in advanced placement courses in Physics and Economics. He graduated in 1972 with a Regent's Diploma and NYS Regent's Scholarship.

He attended Brooklyn College in the Fall of 1972 but soon transferred to John Jay College, where he pursued a degree in Police Science. In 1975, he was appointed to the Palisades Interstate Parks Police as police officer and discontinued his academic pursuits. Due to a change in the political mindset within NY state, the Palisades Interstate Parks Police was disbanded in 1976 and he sought employment in several different private firms in the world of industrial security ending up as the Director of Security for large metropolitan armored car company.

In 1987, he returned to law enforcement after being employed by the New York County District Attorney as Director of Security. This led to his appointment once again as a police officer under the title of District Attorney's investigator and mandated his returning to school for municipal police training. Upon completion, he stayed active at John Jay College and in 1994, completed his bachelor's degree in police science, cum laude.

During the ensuing years, the time of the "crack epidemic" in NYC, he worked as part of the elite DANY Homicide Investigation Unit and was case agent in the investigation of several notorious drug gangs including the Jerri Curl Gang and the Wild Cowboys, a case that was the subject of books by both Michael Stone<sup>110</sup> and Robert Jackall.<sup>111</sup>

In 2002, he returned to the world of academia and received a master's degree in Criminal Justice from Boston University under the auspices of the Distance Learning Program at Metropolitan College. In 2004, he was accepted into the Criminal Justice doctoral program at the CUNY Graduate Center, in a program that is domiciled at John Jay College. He is currently a doctoral candidate scheduled to defend his dissertation on August 25, 2011.

He has taught at several major learning institutions, including Metropolitan College, St. Peter's College in Jersey City, and John Jay College, where he is an Adjunct Lecturer teaching in the Public Management Department.

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<sup>110</sup> Michael Stone (2002) - *Gangbusters: How a Street Tough, Elite Homicide Unit Took Down New York's Most Dangerous Gang*. Anchor Books, NY, NY.

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