

## CHAPTER 1

# Introduction: A Brief History of Crime Investigation

---

---

STEPHEN TONG

Traditionally crime investigation training has focused more heavily on legislation than theoretical contributions (Morgan, 1990; Tong, 2005). This text aims to fill this void by using some of the theoretical contributions from the academic sources and providing an insight into key debates and contemporary issues in crime investigation. An understanding of the investigative process is linked to an appreciation of empirical analysis of investigative decision-making and a critical examination of investigative practice. With this in mind, this text will examine empirical research into police investigative issues and illustrate the practical relevance of theoretical contributions to crime investigation while providing an accessible text intended for a broad audience, including professionals and undergraduate and postgraduate students.

### THE DETECTIVE STORY

The origins of the modern detective can be found in the thief-takers of the 18th and 19th centuries. Thief-takers were individuals prepared to recover stolen property for a reward, announced by the town crier (Rawlings, 2002). The thief-taker has been described thus:

The rank and file of those recruits constituted a distinct breed, but two clear-cut differences in motivation set some apart from others. One kind were hirelings; with mercenary motives, they would play both sides of the street. The other kind were social climbers who, in order to move into respectable society, would incriminate their confederates.

(Osterburg & Ward, 2000, p. 15)

That the detection of the offence and the recovery of property were the central functions of the thief-taker (Gilbert, 1993) makes them similar to the modern-day detective (Eck, 1999). A crucial difference, however, was that payment was forthcoming either through agreement with the owner of stolen property or through a financial “parliamentary reward” (Emsley, 2002; Goddard, 1956). In this sense the thief-taker was a private investigator working directly for clients to recover specific property, or working for rewards offered by the courts. However, it seems clear that the entrepreneurial craft of investigation was found among contemporary detectives in Hobbs’s (1988) ethnography of East End detectives. Hobbs’s research shows that negotiation, exchanging favours, deception and deals are done as part of the process of convicting felons and the recovering of stolen property. There are therefore similarities between the methods used by thief-takers and those used by contemporary detectives.

No doubt some commentators would frown upon some of the practices employed by thief-takers, but given the circumstances of the time and the conditions in which they worked, one should not be surprised at their methods (Wright, 2002). The public dissatisfaction with the practice of the thief-takers’ “craft”, and the novelist and author Henry Fielding’s determination to improve the policing provision in London, instigated a movement away from the monopoly of the entrepreneurial thief-taker. The creation of the Bow Street Runners in 1744 by Fielding offered a more co-ordinated and structured approach to policing (Osterburg & Ward, 2000). However, despite training, the methods of investigation and detection remained similar to those of the craft practised by the thief-taker.

The methods of the Runners went beyond the practices of watchmen or constables who were representative of the police at the time; the Runners attempted to solve the criminal cases to which they were assigned:

[The Runners’] method of detection was essentially the rapid pursuit and arrest of suspects indicated by the earliest information of any

crime, and the use of information from petty criminals. To this day the use of informants remains central to detective work.

(Fido & Skinner, 1999, p. 42)

The “suspect-centred” approach is more likely to be successful if a witness or informant names a suspect (Bayley, 1998; Greenwood *et al.*, 1977; Reppetto, 1978). Bayley (2002) suggests that a traditional suspect-orientated approach has only recently been challenged by more scientific approaches to investigation. However, in 1786 this organised approach to suspect-centred response to crime was a significant diversion from the approach previously adopted by entrepreneurial thief-takers. With a “suspect-centred” approach to establish their reputation, the Bow Street Runners were set to expand.

The Runners were considered one of the first organised attempts at policing and provided a basis on which to create the Detective Branch of the Metropolitan Police. Henry Fielding took his obligations seriously, and introduced new approaches to investigation. He ordered proactive<sup>1</sup> raids by his men, and advertised in local newspapers to encourage victims of robbery to come forward and identify the suspects in custody (Rawlings, 2002). When he died in 1754 his brother, Sir John Fielding, succeeded him and continued to develop the Runners (Goddard, 1956). On his appointment, John Fielding established a criminal records office and a gazette that contained details of the activities of the Runners, with pictures of wanted suspects (Goddard, 1956). These initiatives – managing information relating to the investigative process, the use of proactive strategies, compiling and storing intelligence – reflected scientific approaches to investigation. The Runners were disbanded in 1839. Ten years after the creation of Peel’s “New Police”, they had finally relinquished their investigative role (Fido & Skinner, 1999). They were succeeded by the Metropolitan Detective Branch a few years later.

Although the Home Secretary Robert Peel eventually introduced his reforms for the New Police, this was on the basis of a preventive role rather than a plainclothes investigative function. This served to extend the existence of the Bow Street Runners. There was considerable suspicion over the role of a public police service and its relationship with the state. These concerns were fuelled by practices in France perceived as “political policing”, leading to accusations of corruption, conspiracy, and spying on behalf of the state (Brown, 2006; Emsley, 1996). It was not until 1829 that Robert Peel finally passed a Police Bill introducing legislation for the New Police, against the recommendations of the parliamentary committee of 1822 (Edwards, 1999). The Commissioners of the Metropolitan Police, Charles Rowan (1829–55) and Richard Mayne

(1829–68), were in agreement with Peel that the main task of the New Police would be the prevention of crime (Fido & Skinner, 1999).

Lieutenant-Colonel Edmund Henderson (1869–86) succeeded Richard Mayne as Commissioner. He increased the detective force dramatically, to 216 officers, and introduced divisional detectives (Begg & Skinner, 1992; Rawlings, 2002). In 1878 Charles Edward Howard Vincent, a barrister,<sup>2</sup> was appointed Director of Criminal Investigation. This position was previously held by police officers in the rank of Assistant Commissioner (Begg & Skinner, 1992). Vincent was critical of Commissioner Henderson's detectives on the grounds that they were ill-suited and ill-equipped to perform well. As he described it:

The divisional detectives consisted for the most part of illiterate men, many of whom had been put into plain clothes to screen personal defects which marred their smart appearance in uniform. They were but nominally controlled by a sergeant, little superior to themselves. Every Inspector gave them orders, and in reality they were employed as much as messengers, as in detectives duties, which they discharged pretty much as they liked. They never were withdrawn from duty so long as they committed no flagrant breach of discipline and with some exceptions lived a life unprofitable to themselves, discreditable to the service, useless to the public.

(Charles Vincent, cited in Begg & Skinner, 1992, pp. 66–67)

This period was thus not only marked by the substantial increase in public service detectives, but also by continued suspicion and concerns over their competence (Morris, 2006, 2007). Worse was to come as corruption scandals made the headlines and the integrity of the police was questioned more generally (Morris, 2006).

The history of detective work has received less attention than social anthropological accounts of other groups, and as a result there are periods where an array of credible sources of research does not exist. This is the case particularly from the 1880s through to the mid 20th century (Wright, 2002). However, Morris (2007) describes the history of the detective in distinct periods of development. These include the "Heroic" (1829–78) and "Organisational Specialisation" (1878–1932) periods, characterised by the early development of the organisational and institutional creation of the detective within the public police. Morris (2007, p. 17) describes the "bureaucratisation" and "professionalisation" of the "investigation function" of the police, referring to the establishment of the Criminal Investigation Department (CID), the introduction of detectives into the Metropolitan Police and other forces in the UK, the emergence of the Special Branch and the

use of science to assist with investigation. Despite these developments, the use of science was still at a relatively early stage, and scandals, including the “Turf Fraud” (1877) and the failure to catch the Ripper (1888), brought into question the integrity and competence of detectives. Furthermore, to add to Charles Vincent’s views on the ability of his detectives in 1878, some time later the Desborough Committee (1919) reported that detective training was not required, as any learning requirement would be acquired through “experience and practical work”, a recommendation that Morris (2007, p. 24) argues amounted to “investigation remaining as an artisan craft devoid of any higher intellectual content”. In short, this period of development of the detective’s role was considered not sufficient to merit higher status, and the competence of detectives was still in question.

Morris’s third and fourth periods – “Central Leadership” (1933–80) and “Central Initiative and Control” (1981–present) – reflected a change in the organisation of the investigative function within the UK. Morris (2007, p. 28) argues that during the third period there was a recognition that the “fragmented” organisation of investigation was not meeting public demands and that change was required. This in part was the battleground for attempting to address the need for consistency between police services. An eight-week regional detective training period was recommended (1938) by a Home Office committee, and more consistent approaches to crime investigation were attempted (Morris, 2007). The Metropolitan Police introduced a laboratory for forensic exhibits in 1935, but this was met with initial resistance from detectives (Morris, 2007). However, despite the changes, from the 1960s to the 1980s the “old regime”<sup>3</sup> of seasoned detectives still characterised the notion of detective work as a “craft”. It was during this period that Sir Robert Mark (Metropolitan Commissioner 1972–77) attempted to curb corruption. Sir Robert believed that the CID was “a firm within a firm”,<sup>4</sup> and that malpractice had become commonplace. As a result he threatened to return all detectives back to uniform (Fido & Skinner, 1999; Mark, 1978). During Sir Robert’s period as Commissioner, 470 officers left the Metropolitan Police, one in six of all Metropolitan Police detectives (Fido & Skinner, 1999). Mark is remembered for his stand against corruption in the CID, his most significant contribution during his tenure as Commissioner. The challenge for the police has consistently been the difficulty of controlling corruption and the reluctance to value education and training within the organisation’s ranks.

The “Central Initiative and Control” period has seen significant change, Royal Commissions, and attempts at substantial reorganisation of the policing services. The introduction of the Serious Organised Crime Agency (SOCA) in 2004 brought together the intelligence

capacity of the National Criminal Intelligence Service (NCIS) and the National Crime Squad (NCS) under one roof. In many ways the introduction of SOCA was representative of the increasing centralisation of police services joining other national organisations such as the National Police Improvement Agency (NPIA), Her Majesty's Inspectorate of Constabulary (HMIC), the Forensic Science Service (FSS), and Skills for Justice (SfJ). Further to this there were failed attempts to merge the 43 police services of England and Wales into 12 larger regional forces. Attempts to merge forces have been justified by the contention that police services in their current format are not "fit for purpose" (HMIC, 2005). The argument presented for change focuses on the belief that change is required to respond to terrorism and organised crime. The crime-fighting argument is continually put forward, whether as the justification of regionalisation or of the enlargement of the UK DNA database as means for the police to become more effective (McCartney, 2006). Despite government aspirations for larger police services and the increasing use of surveillance technologies, there has been resistance to these ideas (Chakrabarti, 2007). Sir Ian Blair has argued for a public debate on policing, presenting the question "What police service do you want?" (Blair, 2005). Yet despite the acknowledgement that policing is changing at a rapid pace, with increasing demands symbolic of late modern society, there has been resistance to a Royal Commission on policing (Blair, 2005).

Police reform at different points of the 20th century allows us in part to see how policing has changed, but the available evidence also reveals the criticisms that have been repeatedly aimed at detectives. Events and cases that have coloured perceptions of detectives include those of the "Birmingham Six" (1975), the "Guildford Four" (1975), the "Yorkshire Ripper" (1981), and the cases of Stephen Lawrence (1993), Michael Menson (1997), Victoria Climbié (2000), Damilola Taylor (2000), Harold Shipman (2000) and Ian Huntley (2003), to name a few. These have revealed failures in investigative decision-making, lack of transparency, and poor supervision, use of intelligence and information management, in addition to discrimination, corruption and incompetence. These failures are perhaps related to concerns over the lack of skills and abilities brought on by the failure to develop detective practices and reliance on dated methods (Morris, 2007; Stelfox, 2007). This is perhaps inevitable with the detective training of the past focusing on the practice of the law rather than on subjects that encourage an understanding of the social and operational context in which detectives work (Bowling, 2007; Morgan, 1990; Tong, 2005). Furthermore, the consistent theme that has perhaps dogged the development of investigation, from thief-takers to modern detectives, is the emphasis

on learning how to undertake investigative work primarily in the workplace. As Stelfox and Pease argue,

The choice of heuristic must be made explicit and its drawbacks fully understood. Heuristics enable officers to make sense of crime scenes and the accounts of victims and witnesses to take action. In this they are no different to other occupational groups which have been found to develop experiential working rules for the processing of information. However, there are a number of dangers for the police in using this type of reasoning. The most obvious is that decisions are influenced by factors which are not relevant to the situation but which leak from officers' experience or from the wider police culture into the decision making process.

(2005, p. 192)

Bowling (2007) argues a similar point: that in order to attempt to achieve "fair and effective" policing, an understanding of social inequality and the context of the operational environment in which officers work must be achieved. These concerns have been heavily influenced by the working culture, lack of supervision, limited education and training, and a belief that traditional approaches of learning on the job are valued over book learning (Chan, 2003; HMIC, 2002; Hobbs, 1988; Tong, 2005). The terms "art", "craft" and "science" all help to characterise criminal investigation and articulate a practice that is sometimes portrayed as "instinctive" or "mysterious" (Repetto, 1978; Tong & Bowling, 2006). An examination of the history of crime investigators illustrates the development of practice, and describes typologies of investigation associated with detectives. It is the typologies of the art, craft and science of investigation that provide the basis for understanding detective practice.

### **DETECTIVE WORK: ART, CRAFT, OR SCIENCE?**

There are competing perspectives regarding the nature of detective work. Indeed, the terms "art", "craft" and "science" all help to characterise criminal investigation (Repetto, 1978; Tong & Bowling, 2006). Debate has suggested that investigative work ranges from any one of these approaches to a combination of all three (Repetto, 1978). The "old regime" perspective of the seasoned detective highlights the notion of detective work as a "craft". The "craft" is seen as emerging from experience on the job, an understanding of the suspects, victims and police involved in the process of crime investigation and an ability

to craft or organise the case in a manner considered suitable by the detective (Hobbs, 1988). Hobbs also illustrates the craft in the context of interpreting the reality of detective work in a way that fits with the requirements of the court. The “craft” here is to ensure the transfer of the reality of police work into the courtroom context in a manner that meets the crime-control objectives of the police. Manipulation of and negotiation with victims, suspects, police managers and supervisors to achieve either organisational ends or a form of justice considered appropriate by the detective may all be seen as relevant characteristics of the craft of detective work (Chatterton, 1995; Corsianos, 2001; Ericson, 1993; Rose, 1996).

The “art” of detective work concerns intuition, and instinctive feelings and hunches regarding problem-solving in an investigative capacity. Ericson (1993) and Sanders (1977) argue that the “art” lies in the ability to separate the false from the genuine, but also in identifying effective and creative lines of enquiry. These lines of enquiry are not only posted by leads from forensic information but also developed from the “reading” of criminal behaviour and those who commit or witness crime. An officer who can practise the “art” of detective work not only reads the behaviour of those surrounding the crime but also considers motivation and strategies to avoid detection. Although this perspective on detective work has been shrouded in mystery, the RAND study<sup>5</sup> criticised detectives for their inability to solve crime unless the public provided information of a suspect or lead (Greenwood *et al.*, 1977). Bayley (1998) reaffirmed this view by arguing that the detective approach to investigation is routinely “suspect-centred”. This is to say that when the public provide detectives with a name, the case is built around the suspect rather than other evidence that may be available. This critique of detective work disputes the notion of “art”. The RAND study clearly identifies detective work as a process that relies upon the public identification of offenders rather than the intuitive insight of detectives.

The failure of the police service to clearly articulate and develop the detective “art” of investigative decision-making has led to the belief that only some detectives can be recognised for their brilliance within the detective hierarchy. Simon (1991) identifies and contrasts the different elements required of the good detective:

the homicide unit of any urban police force has for generations been the natural habitat for that rarefied species, the thinking cop. It goes beyond academic degrees, specialized training or book learning, because all the theory in the world means nothing if you can't read the street. But it goes beyond that, too... Inside every good



detective are hidden mechanisms – compasses that bring him from a dead body to a living suspect in the shortest span of time, gyroscopes that guarantee balance in the worst storms.

(Simon, 1991, p. 18)

Simon identifies the “art” of detective work as the “internalised and instinctive” mechanisms that guide detectives. There is a clear distinction in Simon’s interpretation between routine police work, specialised knowledge and “something more”. This “art” of detective work appears from Simon’s perspective to be a quality that only experience can provide, as theory in classrooms and books does not help the detective “read” the streets. Not only are few detectives perceived as being able to practise the “art”, but the manner in which they achieve this is shrouded in mystery. In short, this view sees the detective as an “artist” who can demonstrate brilliant insight and intuition which ultimately results in the crime being solved (Repetto, 1978). However, there is no script or method available to trainee detectives on how they may reach this elevated cultural status. Rather, the “art” of detective work is acknowledged through colleagues’ perceptions on the basis of results, and a reputation as a good thief-taker (Hobbs, 1988). Therefore, recognition of quality in terms of practising the “art” of detective work is not open to external scrutiny, but is rather internalised and admired by detectives themselves.

A perspective in direct opposition to the concept of the detective as artist is one of the investigator as scientist. In this conception of detective work, detectives are skilled in scientific approaches, crime scene management, social sciences, the use of physical evidence, investigative interviewing, informant handling, offender profiling and managing the investigative process (Osterburg & Ward, 2000; Rachlin, 1996). The detective here is one who requires an advanced level of knowledge and instruction in interview technique. The scientific detective is not confined to forensic science but also has an appreciation of the psychology of interview technique, and of the social sciences of crime analysis and policing. Bayley (2002) argues that the use of science in the context of DNA evidence has initiated a shift away from a “suspected-centred” towards an “evidence-centred” approach. The scientific approach to detective work points to a potentially evolving “professional” detective significantly different from the detectives of the past. Both the “old”-style detective (as “artist” or “craftsman”) and the professional detective (as “scientist”) are “ideal types”. In the cultural perspective of the detective as an “artist”, of course, it is implicit that only a few officers will attain the status of detective. In the perspective of detective as “scientist”, there is an inherent expectation that many will be

able to attain the status of detective, as science can be taught to exact principles in the classroom and the workplace. Essentially, detective work as a science arguably removes some of the mythical and cultural barriers to learning and practising detective work.

The art, craft and science debate is reflected in the changing nature of detective work and the variety of methods available to the police. Although rapid development in science has provided an argument that the modern detective will have the attributes aligned with the “scientific detective”, these claims are not new. Arthur Conan Doyle, the author of the Sherlock Holmes mysteries, argued: “Detection is, or ought to be, an exact science, and should be treated in the same cold and unemotional manner” (cited in Wright, 2002, p. 75).

The increasing prominence of scientific methods (Morgan, 1990; Tilley & Ford, 1996) and the changing police environment challenge traditional approaches to policing (Morgan, 1990; Southgate, 1988). The analytical distinction between an art, a craft and/or a science is particularly useful in highlighting the different processes involved in detective work (Guyot, 1991). The distinction leads to a number of questions: Can the art of detective work be introduced to trainee detectives through education and training, or are detectives born rather than made? Is detective work just a matter of matching DNA profiles with little requirement for investigative work? Or do the notions of the art and craft of detective work still have currency in the work of the modern detective? Is there a risk of detectives being “deskilled” (Maguire *et al.*, 1992) with a move towards the scientific approach at the expense of the traditional skills of the artist or craftsman typologies? Although there are no direct answers in the literature, these types of questions are of particular importance to the issue of the effectiveness of detective work. It is apparent that art, craft and science skills all play an important part in detective practice (Ericson, 1993; Reppetto, 1978; Sanders, 1977; Simon, 1991) and this leads us to consider the appropriate skills, abilities, competence and training required for future detectives.

## OVERVIEW OF THE BOOK

This book will attempt to articulate detective practice and investigative processes using empirical research and theory. Chapter 2 outlines a brief historical overview of the various attempts to “model” criminal investigation (ACCESS and SARA models); the chapter also examines the current thinking in the professional sphere. Chapter 3, “Forms of Reasoning and the Analysis of Intelligence in Criminal Investigation”, will provide an overview of knowledge generation, decision-making and

the drawing of inferences and reasoning. The use of the hypothetico-deductive approach and inductive reasoning is examined, both within the original scientific context and in its application to criminal investigation. “Geographical and Offender Profiling” is the subject of Chapter 4, outlining the range of psychological models of profiling and providing a critical commentary on the value or otherwise of each approach. The chapter concludes by focusing on the role of offender and geographical profiling as an investigative tool. Chapter 5 examines eyewitness testimony, providing an overview of the empirical research on the subject and outlining the emerging areas of research and development in its use. Chapter 6 provides a brief history of interview techniques in the UK, including the introduction of audio and video taping. The use of the PEACE technique is outlined, using illustrations from a Thames Valley interview of a rape victim. Chapter 7 examines the issues around performance measurement, considering the viability of outcome-based measures. This chapter examines the evidence from empirical research together with British Crime Survey (BCS) statistics and police-recorded crime. Chapter 8 identifies key challenges to modern-day detectives, particularly weaknesses and shortcomings in contemporary investigations. The limitations of adversarial criminal justice, challenges to police investigation into sexual offences, evolving technologies and the implementation of scientific methods are evaluated against the “search for the truth” debate in the context of crime investigations. Chapter 9 begins with a brief history of police training before describing the some of the challenges facing the police in their attempts to achieve professionalisation. Finally, Chapter 10 draws together the key issues raised throughout the book.

## NOTES

1. Crime investigation can be labelled as proactive or reactive. Proactive investigation is used when the police predict a crime is going to take place and seek to arrest suspects as they commit the crime. This type of operation is usually informed by intelligence, for example the use of informants. Reactive investigation is when the crime has occurred and the police respond by seeking out evidence after the offence has been committed.
2. The significance of the appointment of a barrister reflects the perceived importance of law to the role of criminal investigation and the detective.
3. A term used by Rose (1996) in describing detective culture, supported by the work of Young (1991).

4. "Firm within a firm" was a phrase coined by *The Times* newspaper. It referred to the relationship between organised crime and detectives from the Metropolitan Police in the 1960s. Essentially detectives were taking bribes from organised criminals and facilitating the pornography business in Soho, London (Mark, 1978).
5. The RAND study was an extensive two-year study conducted in the early 1970s in America and focused upon the effectiveness, organisation and contribution of police investigation (Greenwood *et al.*, 1977).