

**Book Review**  
**By**  
**Frank Horvath, PhD**

Rossmo, D. K. (2009). *Criminal investigative failures*. Boca Raton, FL: CRC Press, Taylor & Francis Group, LLC., 376 pp.

Among the books that have been written about “criminal investigation” some focus on forensic techniques and how best to make use of them when investigating crimes. Some provide practical guidelines on how to execute an acceptable investigation. Others offer very specific advice on the investigation of particular crimes, such as homicides. In spite of the availability of these works it is unfortunately true that the extant literature on this topic is quite limited, this even though it is criminal investigation that comes first to mind when most people consider the role of the police in society.

The book reviewed here is different; it is not about forensic techniques or how to carry out an investigation. Rather it is about how to avoid a failure in that task. This is indeed a curious and also an ambitious focus. In the U. S. failures are the rule, not the exception. Consider, the clearance rate for serious crimes hovers around 20% year after year. In homicides, the most carefully and fully investigated offense, the clearance rate now averages about 62%; in some jurisdictions it is around 40%. Consider further, a “clearance” refers only the fact that the police have identified the person or persons they believe to be responsible for an offense. It doesn’t indicate that the suspect will be officially charged, or prosecuted, or brought to trial, or actually convicted, or will ever pay a price for the commission of the offense.

What then is an investigative failure? The failure to identify the perpetrator of a crime? The failure to take a perpetrator into police custody? The failure to charge and convict the offender? This is one of the difficulties in dealing with the material in this volume. Let’s return to this topic later. For now, a description of what is included in this book is in order.

The book, an anthology with about half of the chapters authored or co-authored by Rossmo, consists of four, multi-chapter, sections. In the first section, all four chapters written by Rossmo, the reader is introduced to an overview of the many biases, errors, thought-traps, and other problems encountered by investigators. All of these separately or in combination might lead to “failure.” There are many examples given, usually of high-profile crimes, that elucidate the author’s points. This review covers material well known to those who have studied how to

decide what “evidence” has value and what does not, whether in the criminal investigative context or in another arena. However, bringing these pitfalls to the attention of those who investigate crime is not typically done and it’s a real contribution.

In the second section one finds three excellent chapters on what is referred to as cognitive biases. The emphasis in these chapters, aside from providing insight on the nature of these biases, is to show how they might and likely do influence the work, the decision-making processes, of investigators as well as those who support investigative efforts, such as forensic scientists. These chapters are essentially in-depth discussions of some points raised in the material presented in the first section. They do, overall, however offer a bit of optimism regarding the presumed ipso facto negative effects of these biases in police investigative work. They remind us that an investigator’s job is to interpret “evidence,” to give it a context that can be understood in terms relevant to policing specifically and the justice system more generally. The final several pages in this section offer an important point. Investigators work in an organizational context that strongly influences what is done and how it is done. The enforcement of best practices is an organizational responsibility; the tendency for investigators to succumb to human biases can be overcome and investigative work can be positively influenced in the right environment.

The proper use of exemplars, case studies, is one of the better ways to teach investigators. Though there are investigative principles and guidelines and certain internal and external policing rules to be followed, investigators know that every case is unique. They relish making the connection between their experiences and those of others. This can be especially helpful in difficult cases, the “who-dun-its,” when it seems a dead end has been reached. The third section of this book recognizes this need. In it there are five chapters, each a single case study. Two of these relate to the problem of false confession, one being the murder of Stephanie Crowe, a particularly egregious case of false confession involving juveniles. In another chapter, the case of *Milgaard v. The Queen*, an instance of a wrongful conviction is presented. One of the remaining chapters, written by the brother of a person who was presumably murdered, shows, among other things regarding policing, how an investigation can be easily misdirected when there is an early failure to recognize “evidence” for what it really is. The final chapter in this section is a somewhat unusual topic, two instances of “wrongful innocence.” Here the reader learns about two convicted offenders who, not surprisingly, claim to be innocent when, in fact, all that can be done has been done and the evidence compels one to believe that they are (were--one was executed) guilty.

In the final section of this volume there are four chapters devoted to recommendations regarding ways to reduce investigative errors. One could summarize most of these by stating that the purpose of an investigation is to seek the truth, to investigate for the purpose of establishing “innocence” with as much effort and enthusiasm as for “guilt.” In this section there is, quite appropriately, considered attention given to the role of the investigator, the police

organization, the police culture, and those in supportive roles in the justice system, e.g., the forensic sciences.

To return to the point made earlier in this review. What is an investigative failure? That question, I think, needs to be kept in mind in reading and making sense of this book. There is no clear demarcation between what is within an investigator's control and what is not. The police investigative task might provide the gateway to the justice system but the errors that are made at various points, say in a case of wrongful conviction, cannot be attributed solely to investigative failure, unless that term is defined so broadly that it loses meaning. For example, one of the most frequent causes of wrongful conviction is faulty forensic analysis. If we wish to improve the decision-making of investigators, it is hard to see how we can ask them to second guess the value of support services. It's one thing to point out failures in the justice system. It's a different thing to show how to correct those failures at the level of the investigator. While this book has a lot to offer in understanding how some investigations go awry it is a bit skimpy in providing help to those with the everyday task of investigating criminal events. Rossmo is to be congratulated for framing the problem. There is a lot more to be done to resolve it.

A final point: One topic that doesn't get the attention in this volume that it deserves is the training of police investigators. Altering the way investigators think, how they approach their work, and improving their performance are all amenable to change by more effective and more frequent training. Unfortunately, police investigators today are woefully shortchanged when it comes to getting the amount and kind of training that is needed. Self-tutelage, digestion of the material in this book by all criminal investigators, would be a good place to start.

Frank Horvath, Ph.D.  
Professor Emeritus  
Michigan State University