

CHAPTER 1. INVESTIGATIVE PROBLEMS: WHY ARE EDUCATION AND PROCEDURE IMPORTANT?

In this and the following chapters, I have provided cases that document problems and issues in the justice system that need to be addressed and have proposed the changes needed to resolve them. These cases illustrate, to the best of my ability, the gravity of our situation in law enforcement. If we remain ignorant of the flaws in the system, we do so at our own peril.

The need for better-trained and educated personnel in law enforcement is one of the key themes throughout this book. For many years law enforcement agencies have allowed promotion to determine rank. Though some hiring practices have changed, in general they do not require a higher educational standard, which in turn limits the quality of personnel in the law enforcement agency.

In my experience, education goes a long way toward determining effective, efficient, and professional agencies. Trained, well-informed officers are better equipped for the challenges they are likely to encounter on the job.

Most people would not go to a doctor, a lawyer, or a teacher without first requiring the individual to be well qualified to perform the job. Yet we allow officers of the law to have little or no training when sent out on the street with weapons to protect our lives, property, and rights. In some jurisdictions, only a GED and a few weeks of training are required.

Training and education for officers is vital, and we do not lack for higher educational institutions with exceptional programs. Yet budgets in many agencies do not allow officers to be given more than the minimal formal training required by law. Often, there are no incentives for an officer to take it upon himself to get a better education.

How can we continue to trust our security, our well-being, and our solving of crimes to officers not totally qualified in their chosen field? Educational standards should no longer be ignored. We face a dire need in law enforcement for qualified personnel, and upgrading our personnel standards is a good place to start. Throughout this book I strongly call for needed changes – foremost among them to require educational upgrades in hiring.

I suggest training courses involving both prosecutors and investigators. It is my belief that we need the best minds and the best qualified people working on our problems today to solve them.

Education is said to “open doors” and is perhaps essential in the struggle to improve the justice system. I even propose that education or training of convicted criminals be a mandatory part of their prison sentences. Compared to the cost of recidivism – and its cost to the victims of crime – the cost of educating inmates is minor.

Financial Restrictions Hamper a Murder Investigation: The Case of David Smart

Financial problems exist in many agencies, hampering officers in their ability to properly perform their jobs. In the case of David Smart, travel restrictions resulting from lack of funds hindered interviewing a suspect in another state.

In August 1971, David, an engineer, went missing. His work supervisor was concerned when he did not show up for work or call in. His supervisor called his mother and father, who lived in another state. His parents came and searched his apartment, finding his car was also missing. There were no signs of burglary, break-in, or any kind of struggle at his apartment, nor any indication that he had left town. His clothes, shaving equipment, toothbrush, and other items he might have carried with him on a trip were all found in his apartment. Money orders were lying on his dresser.

At the time, I was an investigator for the sheriff’s department. A missing person’s report was filed with the police department, but it took no action because of the standard procedure of waiting 48 hours. About a week later, the pastor of David’s church called the sheriff and asked him to investigate. The sheriff asked me to look into the case. Talking to the police investigator, I determined little had been done: After all, David was an adult, and there didn’t seem to be anything unusual concerning his apartment or what he left behind.

In talking with people who knew David, I discovered he was a conservative individual. He wrote letters to the national television networks complaining about lewd content in programs. He donated money to conservative causes and to his church’s missionary efforts. A good worker, he was described as a loner. He wore his hair in a crew cut, a conservative style at that time. His habits were notably tidy. He kept his car in spotless condition, parking it behind his apartment, off the street, to keep people from sitting on it or stealing its hub caps. If anyone rode with him, he would place a piece of cardboard on the floorboard for their feet. He had recently had the car engine overhauled. The person described appeared to be a very careful, methodical individual, not the type to skip town or take off from work without notice. It was clear to me that his disappearance warranted serious consideration and investigation.

I talked to David's landlady, who lived across from his apartment, within 30 yards of where he usually parked his car. She had not been previously interviewed by the police, but her story, once told, should have raised a good deal of suspicion. Hearing a conversation, she had looked out her window and seen two men with David. David was sitting in his car on the passenger's seat, while one of the men spoke to him through the passenger's window. The other man was in the driver's seat, looking straight ahead. One of the men was young, maybe 20, with blond hair almost to his shoulders. The other was heavy-set, with a beard, and looked a lot like the jazz player Al Hirt. The blond got into the back seat behind David, and they all drove off. The landlady thought the situation was odd, because she knew how her tenant felt about his car.

A residential sweep of the apartments was expanded to include the neighborhood. This search yielded information about two males living behind the apartment complex in a motor home parked in the driveway of a house used by a religious group. They were being allowed to park temporarily at the location, but were not affiliated with the religious organization, which had no idea where they had gone. This description fit the two men seen leaving with the missing engineer. They were thought to have come from California. Attempts to locate them met with dead ends.

Two weeks after David disappeared, his car was found burning several miles away in the city. He was not in the car and no one had heard from him.

Finally, a city inspector who had followed up on a neighbor's complaint about the motor home located the names of the two suspects, though not their address. Since previous information suggested they were California residents, an effort was made to locate them there.

Months went by before the location of one of the suspects was confirmed. Since funds were not available to send an interviewer to California, the interview was conducted by a California officer, who had no knowledge of the case, and who reported the suspect didn't know anything about the missing person.

Three years after David's disappearance, a skeleton was found in the backwaters of the Tennessee River. The remains were positively identified as those of the missing engineer. He had been shot in the forehead with a .32 automatic pistol. The corpse wore a "movement watch" that kept time as long as the person was moving. The forensic lab started the watch, then set it aside. It ran for hours before it quit. By using the watch, they were able to establish the time of death. Whoever kidnapped the victim had killed him within a week of his disappearance.