

DECISION MAKING OF ARMY POST
PROVOST MARSHALS:
THE CONFLICT BETWEEN EXPERTISE AND
LOCAL COMMAND POLICY IN MATTERS
OF CRIMINAL INVESTIGATIONS

Thesis for the Degree of M. S.
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ERRATA

ABSTRACT, paragraph 1, line 8, "dilema" should be "dilemma".

Page 52, line 13, "disgression" should be "discretion".

Page 62, line 6, "existance" should be "existence".

Page 71, line 3, "perogatives" should be "prerogatives".

Page 74, line 12, "Pictorily" should be "Pictorially".

Page 103, paragraph 2, line 5 and 6, "disgression" should be "discretion".

Page 113, III. VALIDITY, paragraph 2, line 5, "resulted in him being" should be "resulted in his being".

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by

OVID E. ROBERTS, III

AN ABSTRACT

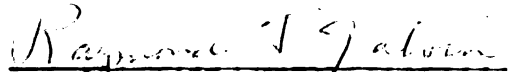
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ABSTRACT

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by Ovid E. Roberts, III

American history echoes our belief in the individual's rights and the efforts of law enforcement officials who gave their lives to secure them. The police administrator's expertise has been in greater demand as the American social milieu has become more complex. As the public demands greater professionalization in law enforcement, policies are established to limit the power of the police. This places the police administrator on the horns of a dilemma, having to choose between policy and his expertise. A review of the literature on decision making revealed to this writer that little has been written on the subject of conflict between policy and expertise. Some guidance is needed for the police administrator to help him decide under what conditions his expertise should prevail over policies.

This study deals with army post provost marshals as specialists. It is hypothesized that when the provost marshal is confronted with a problem involving local command policy, the solution to which may affect his goals, i.e., discipline, law, and order, he must decide to act

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either directly himself, or recommend to his commander action in favor of his expertise. To test this hypothesis, two models were constructed; one for expertise and the other for decision making. These models were related to each other and tested through a depth research of the literature and the case study approach as applied to post provost marshals. In completion of the case analysis, five questionnaires were mailed and three were returned answered.

It was concluded that the mailed questionnaire approach was inadequate in attacking this problem and that the personal interview approach would probably produce better results. It was further concluded that the model for decision making which was directed at authority, rationality, environment, and autonomy was adequate as an approach to the problem of decision making. However, the model for expertise lacked the requisite sensitivity as a means of charging questions in a manner which might engender responses that would shed light on the problem. Conflict between expertise and local command policy was noted in three areas: personnel, operations, and investigations. Finally, consideration was given to the possibility that the military establishment, in its efforts to turn out officers who are heroes, technologists, and managers, might tend to make it difficult to discern military expertness.

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The problem of determining conflict between local policy and expertise in the military is further complicated by the fact that the military staff officer is trained to eliminate possible areas of conflict before problems that might arise out of conflict come to the commander's attention. It was suggested that a greater degree of visibility might be noted between expertise and local policy in civilian police agencies.

Only the position of the provost marshal as a specialist was considered in this study, but the problem lends itself to analysis from the generalist's point of view as well.

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A Thesis
Presented to the Faculty of the
School of Police Administration and Public Safety
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CHAPTER I

INTRODUCTION

As the advance of technology and further requirements for the division of labor affect an organization, it is necessary that the administrator appreciate the need for specialization and professional competence. The recommendation of the specialist or the expert represents one of the necessary ingredients for successful administration and decision making. The administrator's ability to balance the recommendations of his experts with the general demands and responsibilities of the organization may determine its success. In public administration, the success of the organization may determine the growth of social order, so its interests may be closely aligned with those of society in general. It is at the point of balance between expertise and organizational policy demands that the administrator decides upon a course of action. In police work there may be many occasions where good police expertise dictates the need for one course of action when the administrator's policy dictates another. The reconciliation of these demands in the form of a decision may greatly affect society.

I. THE PROBLEM

Statement of the problem. It is the purpose of this study to determine whether an army provost marshal of an installation in the United States, makes professional police decisions in matters of criminal investigations by satisficing police expertise in preference to local command policy.

Fourteen points related to criminal investigative work are considered as a vehicle for measurement. They were selected from the literature to generate areas which, when examined closely, might reflect possible areas sensitive to the conflict between expertise and local command policy. Other areas might have been considered, but for the purposes at hand, these points are deemed by this writer to be the most likely areas of conflict.

In the matter of decision making, this study refers to the AREA. The AREA, zones of consideration which bear directly or indirectly upon the problem of conflict between expertise and local command policy, includes: Authority, Rationality, Environment, and Autonomy. These zones were not selected because of the word spelled by their first letters, but because they are considered as the major zones in the study of decision making which have the greatest impact on the decision-maker. It is hypothesized that when

the provost marshal is confronted with a problem involving local command policy, the solution to which may affect his goals, i.e., discipline, law, and order, he must decide to act, either directly himself, or recommend to his commander a course of action favoring police expertise. If he does not do so, he sacrifices his expertise for goals that may produce deliterious harm to law enforcement as well as to his organization. The hypothesis will be tested by a depth research of the literature and through case studies using questionnaires sent to five provost marshals selected from within an Army area.

Importance of the study. There is a limited amount of research on the subject of decision making, especially in the field of police administration.

In military or civilian police administration, conflict between policy and expertise can result in decisions made in contravention with the best interests of the organization and society. Though the military is used for purposes of this study, the principles of administration and decision making are appropriate to the field of public administration in general.

That this area is of grave concern is evidenced by the murder of Lee Harvey Oswald in Dallas, Texas, in 1963 when the dictates of police expertise might have prevailed

over local policy centered around the need for good community relations. In this instance, Oswald, suspected assassin of the President of the United States, would probably have received closer protection as a "very important person" had the dictates of good police work prevailed. Instead, the press and photographers, television cameramen, and "friends of the police," were admitted and witnessed the murder. The assurance of a fair and just trial for the murderer, Jack Ruby, was placed in jeopardy. The effects of the decision to adhere to administrative policy in preference to the dictates of police expertise were far-reaching.

This study attempts to examine this problem at a fairly high level in administrative hierarchy in hopes that some beneficial conclusions could be made as to the possible need for police insistence on their recommendations. In addition, perhaps the administrator might gain some insight into the need for placing police expertise in perspective when it appears it is in contravention with standing policy.

II. DEFINITIONS OF TERMS USED

Commander's policy. Standing operating procedures, policy statements, and verbally expressed desires of the commander make up the "commander's policy." The instruc-

tions, the guidance of expected actions, as well as preferences cited by the commander all influence the members of his staff as well as his subordinate commanders in making their decisions in light of what they believe the commander would decide if he made every decision himself. Often, the subtle, less direct remarks of the commander may have profound effect on the actions of his staff members and may influence the form of their recommendations to him. Further, his staff and subordinate commanders may make decisions based upon inferences they may draw as to what they think their commander would want even though there is no expressed guidance from him. The term, "commander's policy," includes the entire spectrum of his expressed and inferred desires and it was assumed, for purposes of this study, that the "commander's policy" is an expression of legitimate organization or army goals and not merely a reflection of his personal desires.

Sensitive case. A "sensitive case," for the purposes of this study, is any case under investigation likely to bring discredit upon the service or personnel of the service, as well as any case involving dependents of members of the service which, if terminated through judicial action is likely to produce deliterious harm to the image of the service or to the local command.

Expertise. "Expertise" is used in this study in a broad sense. It consists of the vast potential reservoir of professional knowledge and competency derived from experience, training, general and special education that are at the command of the professional servant whose functional position demands certain special abilities be rendered by him to his employer.

The position of the expert is often created as a result of the need for a division of labor in an organization. The general administrator can not adequately attend to the intricate problems of the organization since technology and the need for general expansion become the inevitable response to the demands that challenge the organization's success.

. . . The administrator needs in order to make value judgments and decisions a wide variety of scientific, technical, behavioral, statistical and other data. To determine the consequences of projected policies, he needs to know how people will react to those policies. This knowledge has invariably to come from the experts who bring a substantial investment of knowledge to bear upon public activity as a whole. The value of expert contribution is far greater than is commonly supposed. . . .¹

It is not enough to state that one in a special position is, by nature of his position, an expert. Nor does this writer accept the limited definition that only

¹Jaleel Ahmad, The Expert and the Administrator (Pittsburgh: University of Pittsburgh Press, 1959), p. 15.

doctors, physicists, economists, and other scientists can be considered as experts. Surely, there is a continuum along which the degree of expertness could be acknowledged to exist for any given field. There are many fields that have divisions and subdivisions. The science of biology might be depicted as a center of study for natural science with radial arms extending from this interest, e.g., the division of botany, zoology. Each division has its subdivisions. There is ornithology, ichthyology, bacteriology, protazology, endocrinology, etc., and their subdivisions extend on and on. There are not as many divisions in the police field as there are in the science of biology, but there are those who are experts in the field of police work just as there are those who are expert ornithologists or ichthyologists. Who are the experts in the field of biology? The answer to this question might produce many arguments from the professional as well as the lay observer in the natural science field. The important factor that may be overlooked is that there is a degree of expertness in any field and the individuals singled out as experts need not be those who have won national acclaim.

For purposes at hand, it is enough to recognize the existence of "expertise" in the police field, regardless of the degree that may or may not exist with any given provost marshal and acknowledge that he is specialized in

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the field of police work through experience, education and training. He is relied upon for services in his specialty. To this degree, the provost marshal, a special staff officer to the commanding general of a post, camp, or installation is an expert in military police matters in general and in matters of criminal investigation in particular. It is not essential that he wrote books on police administration or that he received national acclaim. In criminal investigative work there may be criminal investigators who have a higher degree of "expertise" in certain specialties than does the provost marshal, but the provost marshal presents the cumulative expert position on police matters to his commanding general. His recommendations are largely derived from his "expertise."

It should also be recognized that the provost marshal makes his recommendations consistent with good order and discipline, goals of his commanding general and the Department of the Army. This does not make him a generalist, but reflects the alignment of his goals with that of the organization he serves. This study is more concerned with the use he makes of his "expertise" than the alignment of his goals with those of his organization.

Finally, the provost marshal is placed in a position to exercise authority in making decisions because of his specialized skills. This tends to maximize his skills in

the organization and provide administrative efficiency.²

Military police accredited investigators. This phrase is used with the same meaning expressed by the Department of the Army. An explanation is offered the reader unfamiliar with its meaning.

. . . The Provost Marshal General specially trains warrant officers and enlisted personnel selected from the more experienced personnel of the Military Police Corps for the investigation of crimes, incidents, and misconduct requiring the application of highly developed investigative skills and the most advanced techniques. After completion of investigative training, these personnel are officially designated by the Provost Marshal General, on a best qualified basis, as accredited Criminal Investigators (Warrant Officers) or accredited Assistant Criminal Investigators (Specialist Grade). For the purpose of brevity and clarity the term criminal investigators will be applicable to both accredited criminal investigator (Warrant Officers) and the accredited assistant criminal investigator (Specialist Grade). . . .³

Good decision. Throughout this study, the term "good decision" refers to a rational conclusion to act, derived from reasonably representing and weighing the variables upon which contingent action has been determined to be successful consistent with the advantages and disadvantages of the outcome considered by the decision-maker.

²Herbert A. Simon, Administrative Behavior (second edition; New York: The Macmillan Company, 1961), pp. 136-137.

³Headquarters, Department of the Army, Military Police Investigations. Field Manual 19-20 (Washington: Government Printing Office, March 1961), pp. 4-5.

III. METHODOLOGY

This problem is approached by constructing two procedural models; one for expertise, and the other for decision making. These models are logically tested first by a depth research of the literature and subsequently through the case study method.

A questionnaire will be sent to five provost marshals of large posts in an Army area to obtain answers to questions bearing on the problem. Its construction is explained in Chapter IV. The limitations of the questionnaire method were considered in attacking the problem, but time and economy would not permit the use of other methods.

IV. ORGANIZATION OF THE REMAINDER OF THE THESIS

The remainder of this thesis is developed through the next five chapters.

Chapter II introduces two models. The first one serves as the basis for balancing the matter of expertise against the factors of local command policy. It was derived from the literature and the fourteen problem areas were selected by this writer because he considers them to contain subject matter that might reflect conflict between expertise and local command policy when tested. The second model is the main model with which the problem of

decision making is tested. It was derived from the literature to be logically tested against a greater volume of literature. The combined models were tested through case studies contrived by use of a mailed questionnaire to reflect real life or hypothetical situations.

Chapter III contains a review and analysis of the literature to include the provost marshal's responsibilities and the fourteen problem areas of criminal investigations. This review and analysis reflects desirable police practices in three major areas, i.e., personnel, investigations, and operations. A review of possible limitations of previous studies regarding the study of decision making emphasizes the lack of material on this subject in police administration in general and the lack of study of the problem of conflict between expertise and policy in particular. This is followed by sections on decision making, criminal investigations, and the generalist versus the specialist controversy.

Chapter IV contains the construction of the questionnaire and an explanation of the questions in terms of their intended direction toward the problem.

Chapter V deals with the review and analysis of the answers to the questionnaires from the provost marshals in an effort to determine whether there is conflict between local command policy and expertise in matters of criminal

investigations, especially in the three areas of personnel, investigations, and operations. A determination will be made as to whether the provost marshal satisfices his expertise when it conflicts with local command policy. This chapter will also review the examples of good and bad decisions reported by the provost marshals as a check on the validity of the answers to the key questions asked.

Chapter VI will be devoted to a summary of the procedure used in this study, to an evaluation of the methods used, to conclusions reached, and to suggestions for further research.

CHAPTER II

TWO PROCEDURAL MODELS

The model for expertise was derived from the literature and indicates desired action provost marshals should take in criminal investigative matters (Department of the Army policies). The model for decision making was derived from the literature and consists of four principal parts: Authority, Rationality, Environment, and Autonomy (the AREA).

Neither model would be adequate by itself. The success of this study depends upon uniting the two models so that their combined impact will bear upon the problem when tested.

I. EXPERTISE

Since expertise in this study includes the summation of experience, education, and training a provost marshal has amassed to bear upon the services he may render his commander, certain preliminary questions must first be answered by the provost marshal before his personal qualifications can be legitimated. Answers to these questions should indicate: the number of years of formal education completed, military or civilian schools attended, special degrees achieved, the number of years active service in the Military Police Corps to reflect the number of years of

direct association with criminal investigative activities.

The fourteen points in the model for expertise were selected because this writer believes they are ones most likely to produce results when logically tested for sensitivity to the problem. They are divided into three major areas, i.e., personnel, investigations, and operations. The questionnaire used to query provost marshals on these points is directed at real life situations. Should the situation arise whereby a provost marshal has no referent to real life issues portrayed by a question, he is asked to consider the question hypothetically and indicate this after his answer. The questionnaire is discussed later in Chapter IV.

I. Personnel

- A. Use of accredited criminal investigators for validations inquiries.
- B. Use of non-accredited investigators.
- C. Use of warrant officer criminal investigators in administrative duties.
- D. Use of criminal investigators to conduct investigations of acts committed by officer personnel.

II. Investigations

- A. The termination of sensitive cases.
- B. Use of local reports in preference to

U. S. Department of the Army Reports of
Criminal Investigation.

- C. Protection of informants.
- D. Type offenses for accredited investigators.
- E. Procedure in the use of undeveloped leads.

III. Operations

- A. Use of U. S. Army Military Police Laboratory.
- B. Use of a modus operandi file.
- C. Use of criminal investigations funds.
- D. Return of personal property--evidence.
- E. Use of the polygraph instrument.

These fourteen points were used as a vehicle to examine the AREA of decision making.

II. THE AREA

The AREA of study in the process of decision making was selected because of the likelihood it can be tested by the literature and real life or hypothetical situations. It was designed to expose the problem of conflict between expertise and local command policy in detail.

Authority

The authority to act is essential before a decision can be made. Authority must be commensurate with the

responsibility for the decision. The authority to decide may not rest with the provost marshal himself, but actually with other members of his staff. However, a decision is not made by any one individual, but rather, by many individuals who could be included from the planning stages of a decision through its execution and its supervision. Authority to decide must also be legitimated to permit desired action to be sanctioned by the actors who continue the decision making process through to its consumation. It is fundamental to the decision-maker that he know the derivation of his authority to act, for without it he is not a decision-maker, but a coordinator at best. The provost marshal who must ask permission to act before making a decision has no authority. Without the authority to act, his expertise has little influence.

Rationality

To accept the premise that decisions are made by gluing principles together does not take into consideration those decisions that are not made by such a process, but are made as a result of role playing. Even in role playing, there might be noted a rational weighing of facts against values or goals as a means to an end in terms of actions the administrator is expected to take in his role. The concept of rationality in decision making lends itself

to logical analysis through the literature as well as through real life or hypothetical situations. When goals other than those of the provost marshal or the higher organization are used in the means to an end process, rational weighing of these goals with the facts of a particular issue can be said to exist and a logical, rational decision or recommendation will result. It is not a rational decision that permits the shift in goals to those of subordinate commanders, to other staff officers, or to personal goals.

It is only a matter of concern, for purposes of this study, whether the goals of the organization or of the provost marshal are considered when he weighs the facts of a situation in arriving at a recommendation or decision. This will constitute the test for rationality.

Environment

Every organization has a certain environment that influences the actors within it to react in a certain way. A provost marshal who works for one commander may have to vary his tact, his organization, his administrative procedures to find acceptance by the commander, the chief of staff, and the general staff officer who may write his efficiency report. Provost marshals working on posts with multiple commands may implement their functions differently

than when they work on posts where there is but one command. The environment varies according to the desires of the commander and this may be reflected in his policies. If he expects to make most decisions himself, this policy might reflect an environment in which direct or vertical response to the hierarchy determines the limitation of his subordinates and staff members in making their decisions. A rigid environment would not permit subordinates to shift their goals. Ideally, the environment should not be rigid, but flexible and sensitive to the communicative pressures that are derived from within as well as from outside the environment. The decision-maker must be sensitive to these communications and react to them.

Autonomy

To be sensitive to communications of expressed pressures is not enough. The decision-maker must have the liberty to decide certain matters himself, especially those which pertain to his own administration. An organization that does not permit one to do so does not make maximum use of the talents of its members; especially in the matter of expertise, for the function of the specialist is to act and advise the commander in special areas of interest to the organization. If he is not free to decide or make recommendations on matters of his specialty,

he may soon feel the lack of need to react on any matters. This is an illness that might be difficult to cure.

III. RELATING THE PROCEDURAL MODEL FOR DECISION

MAKING TO THE MODEL FOR EXPERTISE

The fourteen points of criminal investigative matters will be discussed in relation to the AREA. Throughout this discussion, the four points of the AREA will be examined relative to their possible influence on expertise.

The two models are related to facilitate the ease in determining what type of questions are appropriate to ask five post provost marshals in a questionnaire. Since five provost marshals will be queried in the same Army area, it might tend to hold policy somewhat constant since post policy is implemented in part from Army policies.

Personnel

Use of accredited criminal investigators--validations inquiries. This study is primarily concerned with the provost marshal as a decision-maker and his authority to act in criminal investigative matters is derived from the Department of the Army Regulations, legitimized through his local commander. Many points requiring implementation of police action are derived from Field Manuals and legitimation of authority may be derived from these guides as well.

The use of accredited criminal investigators in validations inquiries should not depend upon the requests for this information alone. Economically, these men should be used in a primary capacity of handling criminal cases, conducting character investigations, conducting physical security surveys, and other duties requiring their skill, training, and experience. Duties in validations inquiries should be secondary and additional assignments since validations work can be done by any experienced military policeman. Use of personnel other than military policemen for validations work could be authorized by the local commander, but become police matters when fraud is the issue. To permit personnel other than military police to carry out these inquiries would be an example of satisfying expertise for local command policy. The authority of the provost marshal to administer the validations inquiries with military policemen would be conspicuously present if non-military police were assigned at the provost marshal's request to reach organizational goals or to achieve some selective enforcement goals in military police programs. The essential element of consideration is whether the authority to administer the validations inquiries remains in the hands of the provost marshal, and if so, is the assignment of accredited criminal investigators to this program a product of his rational decision

based upon his expertise, or is their assignment a matter of local command policy resulting in a waste of these trained men. It would be an example of the provost marshal's lack of authority if the assignment of accredited criminal investigators was a matter which he could not determine.

If the provost marshal's task environment elucidates the need of his achieving goals for the success of the organization, a shift of goals by the provost marshal in favor of other interests might not be condoned. If condoned, such environment might reflect the commander's nonreliance on the expertise of the provost marshal. If the commander was not dependent upon the provost marshal's expertise, he might condone any shift in goals by him, regardless of the reason for the shift. If the commander acknowledges that the provost marshal should administer the validations inquiries, the matter of whether or not accredited criminal investigators are utilized rests with the rationality of the decision.

If the provost marshal has the autonomy to decide whether or not accredited criminal investigators should be used in validations inquiries and, if he decides to do so, there is no question of his lack of autonomy to make decisions in this matter. If he cannot make this decision, the important question is whether he first tried to do so in interest of police expertise; if not, it is doubtful

that his autonomy has much effect on his ability to make decisions in this matter.

Use of non-accredited investigators. When the requirements of police investigative work dictate the need for more criminal investigators and an increase of accredited investigators is not possible, a decrease in missions or an increase in military policemen, or doubling of police duties with available men is needed. Since the first alternatives are rarely possible, personnel must be redistributed to permit the use of experienced military policemen in the role of non-accredited investigators. The authority to use these experienced policemen in this capacity can be found within Department of the Army Regulations, but this must be legitimized through the local commander. The redistribution of personnel, commensurate with the entire police program, should rest with the provost marshal, providing the missions (goals) of the commander are not forfeited.

Since the removal of missions is the prerogative of the commander, reasons for the recommendation by the provost marshal to remove the missions should be based on rational police goals and expertise.

There should be no shift in goals by the provost marshal whereby his special interests are satisfied in

preference to the specific goals of other staff interests. To permit this might reflect a task environment that had little regard for meeting the police goals as a part of the organization's goals.

Whether or not non-accredited investigators are used by the provost marshal should depend upon a rational choice contingent upon police requirements and police expertise. To decide otherwise might reflect the over-riding influence of other interests.

Since the use of these investigators is a police matter, the provost marshal should have the autonomy to decide whether or not they should be used. If he cannot do so, he has no autonomy and the effectiveness of his expertise is questionable in this matter.

Use of warrant officer criminal investigators in administrative duties. Since there is no authority for the use of criminal investigators in administrative duties other than the local commander, the responsibility for their use in this capacity rests with him and the influence of the provost marshal. The provost marshal should insist that other personnel be furnished him for this purpose and if his request for administrative personnel is denied and other responsible personnel are not available, there may exist the necessity for using accredited investigators

in administrative duties.

The decision to utilize these investigators in administrative duties should be based on rationality, contingent upon police expertise and not upon selfish desire to use them in lieu of less informed administrative personnel to bolster the efficiency of administration. The skill of these investigators would be sacrificed if this latter condition prevails and hence, it might be concluded that rationality was not used.

If the task environment is dependent upon special communication and its evaluation in terms of police expertise, then the provost marshal serves a useful function. Shift in the evaluation of the communication or information in favor of other interests might reflect an environment not conducive to the goals of the provost marshal and his expertise might be considered as having little value to the organization. Should a provost marshal feel that the assignment of an accredited criminal investigator in administrative duties enhances his influence on the task environment in matters of criminal investigations, he is probably considering personal goals and not the enhancing of his expertise.

The autonomy of the provost marshal to utilize these investigators in an administrative capacity may be evidenced if he in fact uses them in this capacity, but

the desirability of this procedure is questionable. The fact that the provost marshal tried to use them in their intended role first, but failed due to local demands which led to their use administratively, should be considered as an effort to utilize expertise.

Use of criminal investigators to conduct investigations of acts committed by officer personnel. The authority to investigate officers rests with local commanders. Whether criminal investigators are utilized depends upon the commander and legitimation of the provost marshal's authority to conduct these investigations. Since the provost marshal is responsible for the conduct of criminal investigations on a post, camp, or installation, it is only natural that his authority should be commensurate with this responsibility.

Should the authority to investigate acts committed by officer personnel be legitimized for the provost marshal and he decides not to conduct a criminal investigation in favor of some administrative action, or if he decides to try to convince his commander to sanction administrative action, the decision or recommendation should be based upon police goals or larger organizational goals and not those of other staff officers or subordinate commanders. An estimate of the possible repercussions

to future discipline, law, and order should be a constant value in making the decision or recommendation.

If the task environment does not insist on the investigation of all criminal cases by criminal investigators, there is little use of the provost marshal's expertise in this regard and no need to consider his capacity as a decision-maker in this matter. If he is asked for a recommendation as to whether a case involving an officer in an alleged criminal act should be investigated by a criminal investigator, then the matter is one of rationality and his goals should not be satisfied for any goals other than those of the higher organization.

The autonomy of the provost marshal to decide what criminal cases involving officer personnel should be subject to criminal investigations may vary from post to post and the degree of autonomy might reflect the commander's confidence in the provost marshal's expertise. This trust probably varies with each commander and might depend upon his faith in the judgment of his provost marshal as well as previous experiences with other provost marshals. Since such decisions are sensitive to the interests of the commander it is understandable why decisions to conduct these investigations rather than to take other administrative actions would rest among those decisions the commander may want to reserve for himself. The degree

of autonomy might be easily determined in this instance.

Investigations

The termination of sensitive cases. The authority to terminate sensitive cases rests with the commander. The provost marshal, in his recommendations to the commander, may influence the commander's decision to close, not to close, or to reopen sensitive cases. The provost marshal's expertise in these recommendations may greatly influence the commander's decision. At times, the decision may rest with the provost marshal who may speak for the commander in matters of criminal investigations.

The rationality of the recommendation or the decision of the provost marshal to terminate sensitive cases through the use of a Report of Investigation should be based upon police values and goals as well as those of the organization. It would not be a rational decision if the goals of lower commanders were used as criteria for the decision.

If the task environment demands greater responsiveness to policy derived from goals other than those of the higher organization and he decides in favor of the policy rather than legitimate police goals, he has satisfied his expertise. If, for example, good police work dictates that a sensitive case be closed through an

official Report of Investigation enabling information pertinent to the subject to remain on file at the Criminal Investigations Repository at Fort Gordon, Georgia, and because of local command pressure through various means of communication, the provost marshal feels compelled to close the case without such report, police expertise has been satisficed.

The autonomy of the provost marshal to decide whether or not a sensitive case should be closed would be reflected in the local commander's desires and should be easily determined since it might not be a matter the commander would want to leave to the imagination of a staff officer. His guidance would probably be explicit in this instance.

Use of local reports in preference to Department of the Army reports of criminal investigation. In criminal cases, official Reports of Investigation are required to be rendered to the commander. The commander above the local commander monitors these reports, and as mentioned previously, a copy is furnished the Criminal Investigations Repository. If criminal cases are reported as Memorandum Reports to the local commander, the higher commander would not have a picture of crime in his area of responsibility and the file at the Repository would be bypassed.

In all criminal cases, the provost marshal should insist on using the Reports of Investigation. He has this authority derived from Department of the Army Regulations and it is good police procedure. However, the local commander has the authority to open a criminal investigation and if he decides one should not be opened, there could be conflict between police expertise and local command policy. This decision might be delegated to the provost marshal by his commander.

If the provost marshal decides not to report a criminal act through the use of a Report of Investigation, his reasons for such a decision should be based upon higher, organizational goals (security, for an example) and clearance should be obtained from higher authority before taking such action. The rationality of the decision should reflect these cogent reasons rather than personal values or values of lower commanders or staff officers. Personal values of the provost marshal should have no place in considering a rational determination of whether a Report of Investigation should be used in criminal cases.

The task environment should reflect the liberty of the provost marshal to adhere to official police goals. The commander, the chief of staff, and other staff officers all influence this task environment. If the specialist goals of the provost marshal are set aside and a shift in

goals to those other than higher organizational goals has transpired, expertise has been satisfied due to the conflict.

The autonomy of the provost marshal to decide when and in what cases an incident should be reported through a Report of Investigation could possibly be determined by asking him what degree of liberty he has. The commander who places great faith in the provost marshal's judgment might let him decide these matters knowing that cases not of a criminal nature would be reported through the use of local Memorandum Reports.

Protection of informants. The authority to protect police informants is set forth in Field Manuals and in the Manual for Courts-Martial, 1951. In time of trial or at the disgression of the commander, these persons can be made known if competent authorities so decide. However, should the provost marshal disclose the identity of the informants or the information he recieved from them prematurely without requisite authority, this would not be good police expertise. Should the policy of the local commander dictate the release of such information or the identity of the informants other than as cited by Department of the Army policy and the provost marshal tried to refrain from doing so, conflict between local command policy and

police expertise would be clearly evident.

The rationality of the decision to release the identity and/or the nature of the information of police informants to those to whom authority has not been legitimated, is probably based on reasons other than good expertise since the guarding of police informants is a cardinal rule in police work.

The task environment which would not permit an easy shift in police goals for goals other than those of the higher organization, would probably influence a provost marshal to adhere to police as well as Department of the Army goals.

The autonomy of the provost marshal to decide when and to whom the identity and nature of information of an informant should be released is governed by guidance from the Department of the Army. The autonomy to make these decisions under such guidance needs no legitimation from the local commander, but to deny the provost marshal such autonomy to act on this guidance conflicts with expertise.

Type offenses for accredited investigators. The authority to assign warrant officer or enlisted criminal investigators to specific cases usually rests with the provost marshal. However, there may be occasions when

the local command policy might require the assignment of a warrant officer criminal investigator to a specific kind of a case due to the prestige the warrant officer may enjoy over his enlisted partner. When this occurs, the provost marshal might be remiss in permitting such policy to remain without trying to have it changed, since the training of investigators is the same and deliniation of their abilities is difficult to access. In some instances, the enlisted member may be more capable than the warrant officer. The provost marshal, through his chief of investigations, should know his investigators and their limitations. It is a matter of good police practice that the authority to decide who is to be assigned to a particular kind of case should remain in the hands of the police administrator.

The rationality of the decision by the provost marshal to permit persons other than the commander to assign investigators to their duties should be questioned. Since this practice would probably be irregular, the rationality of the decision to permit it to continue would have to be based on larger, organizational goals.

The task environment that would permit those other than the provost marshal to govern the assignment of military police is unquestionably detrimental to the effectiveness of police administration. If this is not

challenged by the provost marshal, he could not be thought to use good police expertise.

The autonomy of the provost marshal to make decisions concerning the assignment of his investigators should be liberal if he is to function effectively as an administrator. To have it otherwise would reflect a weak organization which responds vertically to the demands of the hierarchy.

Procedure in the use of undeveloped leads. The authority to process requests for undeveloped leads is set forth in Army Regulations. This is not the quickest means of obtaining information desired, but it is good police procedure since the next highest commander and provost marshal can lend their support and guidance to the solution of a problem that another post provost marshal might not be in a position to render. It is also good police work because it keeps police channels well-informed. The local commander has no authority to insist his provost marshal contact directly, the post at which the undeveloped lead could be worked.

The rationality of the decision to contact a post directly, especially one outside the Army area of the requesting post provost marshal, would have to be based upon cogent, higher, organizational goals, and even then, the higher headquarters should be notified of the action.

The desire to cede to local policy pressures for speed in reply through direct contact would not constitute a rational means of achieving police goals. The task environment should influence decisions of this nature in favor of police expertise.

The autonomy of the provost marshal to decide to adhere to police methods could probably be verified by questioning him.

Operations

Use of the U. S. Army Military Police Laboratory.

The authority to utilize this laboratory is granted in Army Regulations. Should the local commander decide that the time taken to obtain information from the laboratory is too lengthy and insist on the use of local laboratories, the provost marshal might want to weigh some of the disadvantages of local laboratory assistance before accepting such policy without expending efforts to change it. Expert testimony can be given at government expense and at the commander's desire when the Military Police Laboratory is used. This requires a rational decision and it should be based on police goals and not upon whim.

A task environment conducive to the demands of police expertise would permit the weighing of all values to be considered by the provost marshal in deciding whether

or not he should use the Military Police Laboratory services in preference to services of a local laboratory. A rigid task environment controlled by local policies might not afford him opportunity to decide which laboratory to use. Environmental conditions might be difficult to determine.

The autonomy to decide which crime laboratory should be used might be easily determined by direct questioning of the provost marshal to ascertain the limits of his freedom to decide in this instance.

Use of a modus operandi file. The authority to maintain this file rests with the provost marshal. There probably would be little local command objection whether it was or was not used. The decision not to use it in cases of robbery, burglary, or other cases that may be the result of local or even professional criminals should be a rational one based upon police doctrine and goals rather than on criticism by administrative inspectors who might find that because it is not "in constant use," it is not worthy of the attention needed to maintain it.

The task environment that permits the provost marshal to use administrative files and funds to maintain them might assist him to retain his expertise. Pressures within and outside this environment might also make him decide to relinquish this aid.

The autonomy the provost marshal has in making decisions concerning the administration of his shop could probably be obtained through questioning him on this matter directly.

Use of criminal investigations funds. The authority to use these funds rests with the Provost Marshal General of the Army and not with the local commander.

The rationality of the decision to request monies from this fund for equipment not available through local channels or for the purchase of information from informants should be based on the need for the information or equipment to solve crimes. A decision not to use these monies should also stem from police values.

A task environment that is influenced by penurious reasoning as to the expenditure of local funds might influence a member of this environment, (the provost marshal) to be overly frugal in his request for criminal investigations funds.

The autonomy to decide whether to request the use of these funds is not controlled by the local commander, so any conflict in their use would most likely be found in the influence the local command has through the task environment.

Return of personal property--evidence. The authority to return personal properties that have been retained as evidence rests with the local commander. Usually, he delegates this authority to his staff judge advocate since the legal aspects under which these properties are retained are the primary elements of the decision to retain them. When it is determined they no longer have evidentiary value, they are normally returned to the rightful owner or are disposed of in accordance with Army Regulations.

The recommendation by the provost marshal to the one who decides on their release or disposal should be based upon police needs. If pressures on the staff judge advocate or the commander to release items of substantial monetary value become intense, the provost marshal may be called upon to justify the retention of these items. The recommendation not to release the items could be considered rational if the evidentiary value was the criterion upon which the recommendation was made. If the decision to release the items was based upon threats of civil suit or other similar pressures rather than upon the lack of evidentiary value of the items the recommendation could not be considered as rational in terms of police expertise. A decision void of police interests would also be irrational for purposes of this study if these interests were not made known to the decision-maker by the provost marshal

so they could be included in making a decision.

A task environment that sanctions the provost marshal's expertise in this matter could assist the military police in performing their function with professional competency. Again, the recognition of the goals of the provost marshal by the commander might influence the decision not to release properties held because of their evidentiary value or value to the progress of an investigation.

The autonomy of decision rests with the provost marshal to seize property of evidentiary value in the course of an investigation, but the autonomy to decide to release these items normally does not rest with him, though he may influence the decision one way or another.

Use of the polygraph instrument. In spite of the widespread use of this instrument, it is possible that its technical advantages and limitations might not be well-known to a commander. A provost marshal might spend time with commanders who lack such knowledge and eliminate possible conflict between the commander's desires and police expertise. It would not be wise to run examinations on those convicted by courts martial to decide whether justice prevailed, or to examine a subject of investigation whose conspirator has confessed and has proven to

the satisfaction of investigators and the provost marshal the subject committed an offense. The decision to run a polygraph examination rests with the polygraph operator, but if there is no physical or psychological reason that would preclude him from conducting the examination, the commander's desire will undoubtedly prevail. It is the provost marshal who should attempt to influence the commander that the decision to conduct an examination should be based upon police expertise.

The rationality of the decision to conduct an examination should be based upon sound police reasons and not merely whims of subordinate commanders or other staff officers.

The environment that permits the provost marshal latitude to decide that requests for polygraph tests should be granted or denied could reflect the power of police expertise.

The autonomy to make these decisions could indicate the degree of conflict between expertise of the provost marshal and the local command policy. It might be determined through direct questioning of the provost marshal.

IV. QUESTION OF VALIDITY

The question of validity of answers to questions engendered from the models cannot be completely validated

since the questionnaire method of gathering empirical data is somewhat subjective. For this reason, each provost marshal will be asked to cite an example of a decision they consider as good and one they consider as bad and the reasons for their considerations. This method is highly subjective, but when their answers are examined in light of the goals that are implied or expressed as having been used, it might be possible to determine whether provost marshals use expertise. They might not realize the criteria upon which the matter in question is judged. This check might provide a check on the validity of the answers given.

V. SUMMARY

The model for expertise is used as a vehicle to illuminate the AREA model for decision making. Likely points of conflict between expertise and local command policy receive greater visibility when the models are related. All, or part, of the AREA could be involved in each of the fourteen points.

The authority to decide must be legitimated and should be commensurate with the responsibility to act in any given situation. The rationality of the provost marshal's decision or recommendation should be primarily based upon police goals or those of the higher organization. The task environment should not permit a shift in goals by

the provost marshal except where his goals are substituted for higher organizational goals. Finally, the autonomy to decide upon a course of action should be given the provost marshal, especially in matters pertinent to police administration.

CHAPTER III

REVIEW AND ANALYSIS OF THE LITERATURE

In any operation the administrator's idiosyncrasies are likely to creep into procedures. These are not often easily recognized because they are intangible methods based upon desires or concepts and it is rare that those in the immediate throes of problem-solving or operations can distinguish deviation from what is expected action. To give these idiosyncrasies higher visibility and subsequently facilitate a means of analyzing each problem area in the decision making process, a review and analysis of the literature was made of U. S. Army policy concerning the fourteen points of criminal investigative matters, of decision making, of the expert versus the generalist concept, and possible limitations of previous studies. In this review and analysis of the literature some light is shown on the problem of how conflict between expertise and local command policy might arise.

I. U. S. ARMY POLICY: CRIMINAL INVESTIGATIVE MATTERS

A review and analysis of U. S. Army policy in criminal investigative matters has been included in relation to the fourteen points mentioned in the first model wherein the

expertise of the provost marshal has its roots and from which official leverage can be obtained to influence his recommendations and decisions. Before proceeding with these fourteen points it is necessary to consider Department of the Army policy regarding the duties of the provost marshal since his authority is derived from regulations and his functions are described in Field Manuals. Without an understanding of his authority and responsibilities it would be difficult to understand where and to what extent his expertise should be used.

The Provost Marshal

The position of the provost marshal is one created through functional necessity. He is responsible to the commander for many functions, but the ones considered herein are specifically relative to matters of criminal investigations. It should be noted that as a member of the Commanding General's Special Staff, he is responsible to him for specialist advice, but the scope of this advice is determined by the local commander.

Other members of the staff provide specialist advice on technical, administrative, or combat arms matters. The number of areas in which specialist advice is required is dependent upon the mission and the desire of the commander. . . .⁴

⁴Headquarters, Department of the Army, Staff Officers Field Manual Staff Organization and Procedure. Field Manual 101-5 (Washington: Government Printing Office, 1960), p. 29.

In matters of criminal investigations and police operations, the provost marshal:

a. Advises on the maintenance of order and discipline and the enforcement of laws, orders, and regulations.

b. Plans and recommends requirements for, and supervises the employment of military police troops.

.

d. Exercises technical supervision over, and coordinates activities of, military police of the command.

e. Plans and supervises the following military police operations:

.

(5) Apprehension of military offenders and of civilians who commit offenses in areas under military jurisdiction.

.

(7) Prevention and investigation of crime.⁵

Again in portraying the responsibilities of the provost marshal:

. . . The provost marshal is of major staff assistance to the commander in the maintenance of discipline. He exercises staff supervision and operational control of the activities of military police investigative personnel assigned to the command.⁶

⁵Ibid., pp. 36-37.

⁶Headquarters, Department of the Army, Military Police Investigations, Field Manual 19-20, (Washington: Government Printing Office, March 1961), p. 6.

As the commander's special staff officer, the provost marshal acts for the commander in matters of criminal investigations, though the responsibility for conducting such investigations rests with the commander.

. . . The military commander of an installation or unit has the responsibility for investigating all offenses committed on a military installation regardless of the status of the suspects and all offenses committed by persons subject to the Uniform Code of Military Justice regardless of where such offenses are committed. . . .⁷

This is complimented in stated policy for the United States Army for military police criminal investigative activities. The Provost Marshal General controls the selection of criminal investigators; the commander initiates investigations. "Policy . . . Investigations will be initiated only when authorized by the responsible commander. . . ."⁸

It might appear to the reader at this point that there is inherent in the military organization a conflict of general interests between the provost marshal and the commander. This is not necessarily the case since the provost marshal is interested in the goals of the organi-

⁷Headquarters, Department of the Army, Military Justice, Investigation and Prosecution of Crimes Over Which the Department of Defense and the Department of Justice Have Concurrent Jurisdiction. Army Regulation 22-160. (Washington: Government Printing Office, 7 October 1955), p. 1.

⁸Headquarters, Department of the Army, Criminal Investigation Military Police Criminal Investigative Activities. Army Regulation 195-10. (Washington: Government Printing Office, 4 February 1964), p. 3.

zation as is his commander. In this sense, the decisions of the provost marshal are based upon a generalist point of view, i.e., discipline, law, and order in the command. The point of interest to the police administrator is whether sound police methods and police expertise are satisfied for the more general interests of the commander. In determining whether this is true, the position of the provost marshal as a decision maker must be examined in light of his special interests in police work.

Personnel

Use of accredited criminal investigators--validations inquiries.

Such inquiries are in the form of interviews conducted by military police in connection with the validations of claims that are subject to fraud or improper payments. Inquiries may be made concerning dependency, travel, dislocation allowance, station per diem, medical care, household goods, and other related financial matters. In certain cases, as for parents and adult children, the verification of a financial as well as legal dependency is involved. . . .⁹

There is no absolute requirement that accredited criminal investigators perform this task. This is merely a fact-finding effort conducted upon notification from the Department of the Army, Chief of Finance, of a

⁹Headquarters, Department of the Army, Military Police Investigations. Field Manual 19-20, op. cit., p. 48.

possible error in payment that resulted from an error in claim made by the service member. Any experienced military policeman can perform this function. The benefit of the program lies in the return of monies to the government that were erroneously paid. The number of cases that result in frauds as criminal cases is probably a small percentage of the total number of inquiries made and hence, might not warrant the use of an accredited criminal investigator unless fraud is indicated since he might be used to greater advantage handling criminal cases. It should be noted that installations which render military police services over a vast area of several states might, of necessity, station accredited criminal investigators in areas away from the installation to handle criminal cases, undeveloped leads, character investigation, or physical security surveys. Due to time-distance factors, there may be need to take advantage of their location in the field by having them work validations inquiries. Justification for the use of accredited criminal investigators in work that does not require their use would have to be judged in light of individual problems faced by the local provost marshal.

The number of accredited criminal investigators assigned to any installation is dependent upon the number of military personnel assigned that area. Whether centralization or decentralization of operation is most advanta-

geous to the provost marshal will have to be decided upon the merits of his local situational requirements and local command policy. Should the provost marshal determine that sound police effort necessitates the use of non-accredited investigators rather than accredited investigators to work on validation inquiries and local command policy conflicts with this determination, conflict exists between local command policy and police expertise.

Use of non-accredited investigators. Non-accredited criminal investigators are those enlisted members of the Military Police Corps who have qualified as an apprentice criminal investigator with a minimum of twelve months service in this capacity, or those selected by the provost marshal with a minimum of twenty-four months service as a military policeman.¹⁰

. . . Every military policeman is considered competent to investigate incidents involving offenses for which maximum punishment prescribed in the Table of Maximum Punishments, MCM, 1951, is confinement for less than one year; less serious matters concerning Government property; and such matters as traffic accidents not involving death, serious injury, or serious misconduct.¹¹

¹⁰Headquarters, Department of the Army, Criminal Investigation. Accreditation of Military Police Criminal Investigators. Army Regulation 195-11. (Washington: Government Printing Office, 8 March 1963), p. 2.

¹¹Headquarters, Department of the Army, Military Police Investigations. Field Manual 19-20, op. cit., p. 4.

It is within the capabilities of the provost marshal to utilize experienced military policemen in investigative work. The training and utilization of these men can greatly influence the future success of criminal investigations at other posts, camps or installations as well as in active army units overseas. Apprenticeship can be offered through provisions of Army Regulations. The ability of the provost marshal to use these investigators effectively and not overwork his accredited criminal investigators in conducting investigations that could be handled by non-accredited investigators may be indicative of his expertise. However, when missions set forth by the commander preclude the assignment of military policemen in the duties of non-accredited investigators and the work load of the criminal investigations division requires the efforts of all available investigators on criminal investigations, the provost marshal must take some action to alleviate the problem. He may see fit to recommend to his commander that some of his added missions be withdrawn in favor of criminal investigative work. If he so advises his commander and is turned down, there is a conflict between local command policy and the expertise of the provost marshal.

Use of warrant officer criminal investigators in administrative duties. Department of the Army policy clearly prohibits the use of accredited criminal investigators in administrative duties.

. . . Criminal investigators will not be assigned to other than criminal investigative duties without the prior approval of Headquarters Department of the Army. . . .¹²

If local commanders insist on using criminal investigators in offices of the Inspector General or if the provost marshal, due to the lack of officers to administer to police operations feels compelled to utilize a criminal investigator in an administrative capacity, police expertise has been satisfied in view of apparently more compelling local policy. The failure to obtain replacements for officer personnel after repeated efforts of the provost marshal to work through his local command might influence his decision to assign criminal investigators to administrative duties. Pressures of operational necessity requiring the fulfillment of local commitments may determine the balance between police expertise and local command policy.

Use of criminal investigators to conduct investigations of acts committed by officer personnel. There is

¹²Headquarters, Department of the Army, Army Regulation 195-10. op. cit., p. 1.

no limitation on the provost marshal to investigate only enlisted men for crimes they may be suspected of having committed. Officer personnel are also subject to punishment under the Uniform Code of Military Justice, 1951, for crimes they may commit.¹³ However, there may be local command policy that could siphon off officer offenders through administrative action when actually the offense may be criminal. An effort by the provost marshal to insist on equality before the law is a part of his expertise and this may conflict with local command policy.

Investigations

The termination of sensitive cases. Not every sensitive case terminates in trial by courts martial or administrative action wherein the service member is discharged from the service. There appears to be little written guidance as to when these cases should or should not be terminated. The provost marshal is a reporting agent of the facts of crime and individuals who commit them. As such, there is little need for him to be concerned with the commander's action in individual cases. However, the provost marshal is interested in good order

¹³Headquarters, Department of the Army, Manual for Courts Martial United States, (Washington: Government Printing Office, 1951), pp. 412-413.

and discipline within the command much as the civilian police chief is concerned with crime rates. He is also concerned with official police records and their use in future cases. Due to command policy, a suspect would not be named as a subject of a criminal investigation report filed at the Military Police Criminal Investigation Repository and consequently, the information pertaining to the suspect would not be available to investigators at a later time. Further, should administrative, or no action be taken in sensitive cases such as homosexuality and sex crimes, the repercussions within the military community might become distressing. Since the commander has the discretion to close (or open) an investigation, it is likely that command policy might conflict with good police expertise. Generally, the quiet termination of sensitive cases produces less likelihood of distress or bad publicity and each case is handled on its own merits in light of any anticipated repercussions. It is when no final action is taken that discipline, law, and order are not enhanced.

Use of local reports in preference to Department of the Army reports of criminal investigation.

. . . Reports in memorandum form may be used to inform the commander of the results of special inquiries made at his direction. . . . In such instance, a breach in compliance, in itself, falls short of indicating a criminal culpability in a civilian criminal law sense. Memorandum reports should not

be utilized in reporting upon instances of investigation of specific allegations of punitive offenses or otherwise in conflict with the provisions of AR 195-20.¹⁴

The use of local reports for matters of criminal nature that should become part of police files has previously been mentioned. It is only necessary to state that to do so is contrary to Department of the Army policy and does not represent good police work. When local commanders insist upon this method to better a record or "enhance the command image," it is in contravention with good police expertise.

Protection of informants. The protection of informants is an essential part of good police work. Without informants there would be many crimes that would go undetected and many criminals would be allowed to further their injurious acts against society.

. . . The identity of confidential informants should be made known by the investigator concerned only to his detachment commander. The detachment commander normally records the name of the informant and type of information received in a file to which only he, his operations officer and his provost marshal have access. He should not otherwise permit knowledge of the identity of confidential informants or nature of information received to be divulged, except as described in MCM, 1951, paragraph 151.¹⁵

¹⁴Headquarters, Department of the Army, Military Police Investigations. Field Manual 19-20, op. cit., p. 85.

¹⁵Ibid., p. 89.

The debt the police owe the public from whom the police informant is nurtured is reflected in the manner the police protect the individual.

. . . Whatever the problems and whenever they occur, the single individual should not be required to meet depredations and attacks with his personal resources. He should not be naked and alone in his struggle against the rapacity and predatory strength of criminal combinations or of powerful individuals. One of the best defenses will be his right to inform constituted authority, and his right to be protected in that role.

In this generation, we have been too free to undermine and shackle that authority. We must never forget that vacuums are not natural. If we do not have strong law, we will have strong association of willful men who will make themselves the law.¹⁶

The military recognizes this principle and limits the release of the identity of the informant and the nature of his communication to those of appropriate authority (presumably, the Law Officer of a courts martial, the commander of a post or his staff judge advocate who might speak for him).

. . . The privilege that extends to communications made by informants to public officers engaged in the discovery of crime may be waived by appropriate authorities. . . .¹⁷

¹⁶Harney L. Malachi and John C. Cross, (Revised second printing) The Informer in Law Enforcement (Springfield, Illinois: Charles C. Thomas, Publisher, 1962), pp. 82-83.

¹⁷Headquarters, Department of the Army, Manual for Courts-Martial United States, op. cit., p. 285.

Type offenses for accredited investigators. As previously noted, accredited criminal investigators are not to be assigned to other than criminal investigative duties, except with expressed approval of Headquarters, Department of the Army.¹⁸ To utilize them in conducting investigations that are not of a criminal nature is a waste of trained resources. Should the policy of the commander dictate the use of accredited investigators for investigation of offenses other than criminal in nature and the provost marshal uses them in accordance with local command policy, he has satisfied the matter of expertise.

Procedure in the use of undeveloped leads. When necessary, leads in another area must be checked prior to the completion of an investigation. Since these leads cannot be uncovered through investigation in one geographical area, request for assistance of another command provost marshal is sought. Expeditionous, direct contact to the post or installation provost marshal for assistance seems the best route to achieve effecient operations, but regulations prohibit this.

¹⁸Headquarters, Department of the Army, Army Regulation 195-10, op. cit., pp. 3-4.

Requests for the investigation of undeveloped leads which must be forwarded to other major commands will be forwarded through the headquarters of the major command in which the original investigative effort was accomplished.¹⁹

This requirement, perhaps contrary to the desires of the local commander seeking immediate information, is seemingly an extraneous measure. Yet, when seen in light of the higher command provost marshal's needs to keep his commander informed and as a means to expedite the assistance sought through any additional efforts that the higher command provost marshal may be able to muster, the reason behind the regulation becomes noteworthy as a matter of police expertise. It is possible to have conflict between local command policy and police expertise in this matter.

Operations

Use of the U. S. Army Military Police Laboratory.

The Military Police Investigations Laboratory is maintained for the purpose of providing expert testimony and special scientific equipment as an aid to solve crimes.

. . . Investigative agencies are authorized and encouraged to transmit evidence to these laboratories for examination, analysis, identification or other tests requiring scientific treatment in connection with investigations. . . .²⁰

¹⁹Ibid., p. 12.

²⁰Ibid., p. 6

This might necessitate dispatching fragile evidence many miles to be examined and analyzed when the use of local medical laboratories or civilian police laboratories might provide expedient service. Expediency may be more costly initially when the payment of fees to civilian criminal (state or city police) laboratories is considered, but the time saved to procure technical assistance that is readily available for consultation might assist the progress of investigation. Processing evidence through the Military Police Investigation Laboratory at Fort Gordon, Georgia, might take weeks, though it is equipped to provide most any technical service requested. It is up to the provost marshal to decide whether or not he will or will not avail himself of its facilities.

Use of a modus operandi file.

The maintenance of an MO file is not considered as significant to military as the civil police operations, and is not normally maintained in military police operations. Military population is largely transient both as to time and place of service and, when apprehended, serious offenders are usually tried and if convicted discharged from the service. The desk reference card file and the other offender and offense records maintained usually suffice for military police purposes; however, civilian MO files should be utilized when military police investigation involves offenses by other than military personnel. . . .²¹

²¹Headquarters, Department of the Army, Military Police Investigations. Field Manual 19-20, op. cit., p. 88.

The fact that military personnel are mostly transient and quickly prosecuted and even discharged from the service after being apprehended does not negate the potential usefulness of the modus operandi file, an optional aid to the provost marshal, in matters of burglary and robbery. These could be crimes that might remain unsolved without the use of this aid. That it is not needed in all criminal investigations might not be reason to discard its usefulness as an intelligent police aid to the provost marshal.

Use of criminal investigations funds.

The duties of military police criminal investigators in the military establishment are often exceptional in nature and require special funds to cover expenses. These funds are intended to cover only contingent expenses incident to criminal investigation operations which are not otherwise payable from Department of the Army funds.²²

Generally, the provisions for criminal investigations funds for travel and parking are contingent upon the lack of government transportation or government storage or when the use of either would jeopardize the successful accomplishment of the investigative assignment.²³

²²Headquarters, Department of the Army, Criminal Investigation. Use of CID Funds for Special Provost Marshal General Activities. Army Regulation 195-35, (Washington: Government Printing Office, 8 August 1961), p. 1.

²³Ibid., pp. 6-8.

Quarters and subsistence allowance, civilian clothing allowances, special equipment and supplies are all included as bona fide expenditures when justified by the post provost marshal to the Army provost marshal to whom the local provost marshal is responsible for this technical supervision.

Of particular note is the availability of criminal investigations funds for the purchase of information of informants and suspects.

The purchase of information and the entertainment of suspects, and informants, except Federal investigative agents, who furnish or who are deemed to be qualified to furnish information of possible value on an investigative mission constitute a proper claim for reimbursement. Criminal investigators may claim reimbursement for meals and refreshments taken by themselves and others associated with the investigation in circumstances necessitating their doing so in conjunction with informers or contacts. However, CID funds will not be used for general entertainment purposes.²⁴

When large sums of money may be necessary to accomplish an investigative mission, these can be advanced for this purpose.²⁵ How effectively the provost marshal utilizes the funds that can be made available to him is not determined by the local installation budget of the commander he serves since these funds are administered by The Provost Marshal General of the Army and are available through

²⁴Ibid., p. 9.

²⁵Ibid., p. 5.

military police technical channels. The request for these monies would be granted providing the necessity for their use exists, but it is the provost marshal who must initiate the request. Frugality is a by-word in most governmental agencies and the army is no exception. Emphasis on austerity in general might influence the request for expenditure of these funds though there may be a pressing need for their use based upon sound police goals. A failure to request the expenditure of monies from this fund when necessary may or may not be due to command influence through policy, but the decision to request the use of this fund should be contingent upon the need to solve crime, and this is a police goal.

Return of personal property--evidence.

. . . When such property has served its purpose and is no longer required, a written request for disposition will be made to the appropriate commander. The commander receiving the request may, with respect to disposition of property not covered by existing laws or regulations, issue a directive specifying the method of disposition.²⁶

Property legally seized during the course of official investigation due to its evidentiary value may range from

²⁶Headquarters, Department of the Army, Military Police, Seizure and Disposition of Property. Army Regulation 190-22, (Washington: Government Printing Office, 18 October 1960), p. 6.

items of little or no monetary value to costly items. In the instance of costly items, especially an automobile, there may be great opposition through appeal by the owner for the release of the vehicle by the government. If it has evidentiary value, it should not be released prematurely. If it is determined otherwise, it should be returned to the rightful owner. Local command policy may conflict with police expertise in this problem area.

Use of the polygraph instrument. As a technical aid to the investigator, this instrument is used in the course of investigation where the investigator needs to ". . .develop information and investigative leads and to indicate a basis for belief or disbelief in the truth of information given by the subject under examination. . ."27 It is not a means of determining whether a person is actually telling the truth.

The policy of examining a person after he has confessed to a criminal act, of examining a person who has been convicted by courts martial to decide whether justice prevailed, or of examining a subject of an investigation whose co-conspirator has confessed and has proven to the satisfaction of the investigators and the provost marshal

²⁷Headquarters, Department of the Army, Military Police Investigations. Field Manual 19-20, op. cit., p. 44.

that the subject did commit an offense are all examples of possible areas of conflict between local command policy and expertise. In these cases, it is a gross waste of time of experienced personnel and good reason for a provost marshal to insist such examinations not be run. The existence of such policy may reflect the lack of importance of police ideas in the mind of the commander.

II. DECISION MAKING

A general review of the literature on decision making is presented first in an effort to establish a base of reference from which further discussion of the AREA can be better explained. Later, the AREA as it influences the decision making process, will be examined with regard to the literature and an effort made to evaluate the stand this writer has taken as to when the matter of expertise should prevail over local policy.

General review. There are several apparent schools of thought concerning the study of decision making and this writer will discuss only some of them. One approach, primarily represented by Herbert A. Simon,²⁸ considers the decision making process in terms of distilling a rational

²⁸Herbert A. Simon, Administrative Behavior (second edition; New York: The Macmillan Company, 1961), pp. 61-78.

choice through the weighing of facts or premises against values as a means to arrive at an end or a solution. Here, emphasis is placed on efficiency and coordination and the selection of one course of action from many possible courses. One course of action may then be weighed against another course.

. . . In the process of decision those alternatives are chosen which are considered to be appropriate means for reaching desired ends. Ends themselves, however, are often merely instrumental to more final objectives. We are thus led to the conception of a series, or hierarchy, of ends. Rationality has to do with the construction of means--ends chains of this kind.²⁹

At the root of the decision making process is the ability to make rational determinations. Simon believes this is an economic principle of efficiency.

. . . A fundamental principle of administration, which follows almost immediately from the rational character of 'good' administration, is that among several alternatives involving the same expenditure the one should always be selected which leads to the greatest accomplishment of administrative objectives; and among several alternatives that lead to the same accomplishment the one should be selected which involves the least expenditure. Since this 'principle of efficiency' is characteristic of any activity that attempts rationally to maximize the attainment of certain ends with the use of scarce means, it is as characteristic of economic theory as it is of administrative theory. . . .³⁰

Chester I. Barnard, former president of the Rockefeller

²⁹Ibid., p. 62.

³⁰Ibid., pp. 38-39.

Foundation, acknowledges this same point.

. . . The end itself may be the result of a logical process in which the end is in turn a means to some broader or more remote end; or the immediate end, and generally the ultimate end, may not be a result of logical processes, but 'given'--that is, unconsciously impressed--by conditions, including social conditions past or present, including orders of organizations. But whenever the end has been determined, by whatever process, the decision as to means is itself a logical process of discrimination, analysis, choice--however defective either the factual basis for choice or the reasoning related to these facts.³¹

When determining how rationality will be appraised, it is not enough to state that this is a positive approach that lends itself to empirical research. If the decision-maker shifts from his goals or those of the higher organization to other goals, e.g., personal goals or those of other staff officers or subordinate commanders, he is not being rational in terms of logic, since he has changed his goals. He may use rational processes in arriving at a conclusion using lesser or different goals, but the decision is not a rational one in terms of his or the organization's goals, so cannot be considered as rational from the standpoint of using his expertise or the special

³¹Chester I. Barnard, The Functions of the Executive (Cambridge, Massachusetts: Harvard University Press, 1938), p. 185. There is little doubt that Barnard influenced Simon in his approach to the study of the process of decision making, but Barnard appears to be more principle-oriented.

goals of his group whom he represents.

A decision is rational from the standpoint of the individual (subjectively rational) if it is consistent with the values, the alternatives, and the information which he weighed in reaching it. A decision is rational from the standpoint of the group (objectively rational) if it is consistent with the values governing the group, and the information that the group possesses relevant to the decision. Hence, the organization must be so constructed that a decision which is (subjectively) rational from the standpoint of the deciding individual, will remain rational when reassessed from the standpoint of the group.³²

A second school of thought considers decision making an art in which various principles are essential ingredients which must be applied to produce the desired results. "Analytical skills alone do not make a decision-maker. To deal with conditions in the real world, he must have other attributes. . ."³³ Some of these ingredients are operational skills, and orientation of personal values, certain operational tools, and the ability to dynamically influence others toward a common objective.³⁴ Followers of this school must train themselves and perfect their skills and then, like the artist who selects his colors, they merely select the proper principle through

³²Simon, op. cit., p. 243.

³³Joseph D. Cooper, The Art of Decision Making (Garden City, New York: Doubleday and Company, Inc., 1961), p. 220.

³⁴Ibid., pp. 221-237.

applying the glue of intuition and the answer to the mosaic of alternative actions will portray the desired results. The intuition or sensing of the right approach may be a method used by administrators in decision making, but if it is, it does not lend itself to empirical analysis. It represents a refinement of the principles approach which is tautological in "proving" that certain persons are good leaders if they follow certain principles and because they do follow them, they are good leaders.

A third school of thought includes the treatment of the decision-maker as a dynamic leader of group action where, because of his leadership ability, he is able to maximize the member's contributions into a consolidated effort in line with a desired goal.³⁵ This approach does not consider decisions made by the individual.

Still, a fourth school, and perhaps not the only remaining school, considers the actions of the decision-maker in terms of human relations. Its emphasis is on the interaction between the decision-maker and others with whom he comes in contact as this interaction influences the decision. Proponents of the human relations approach would place primary emphasis on the conflict between the

³⁵Robert R. Blake and Jane S. Mouton, Group Dynamics--Key to Decision Making (Houston: Gulf Publishing Company, 1961).

interests of the individual and those of the organization. This is the theme of Chris Argyris', Personality and Organization.³⁶ In considering the decision-maker, this school would hold, according to this writer:

. . . For those critical decisions he does not want to check carefully, he should consider not only the objective facts but also the assumptions and values that shape the character of the advice he receives. In other words, to improve decision-making in an enterprise, managers need to give a great deal of attention to human motivation, perception, and behavior.³⁷

It is the opinion of this writer that the two schools that lend themselves most favorably to empirical research are the first and last schools presented here, i.e., the approach. This study will primarily be concerned with the first approach, though consideration is given to the last one in the matter of specialization and expertise.

The AREA reviewed. For the first specific point of interest in decision making in this study, attention is turned to the matter of authority. There is a difference between influence and authority.

³⁶Chris Argyris, Personality and Organization (New York: Harper and Brothers, 1957).

³⁷William H. Newman, "Contemporary Adjustment in Managerial Decision-Making and Planning," Dynamics of Business Enterprise, No. 3, 1961-1962 Series, p. 27.

. . . An individual who does not have a recognized status, or who is not recognized by his associates as expert with respect to a certain kind of knowledge will have a more difficult time convincing his listeners that a recommendation is sound than one who possesses the credentials of "expertise." Recommendations are judged partly on their merits, but partly on the merits of the persons making the recommendation. This is true both because the individuals acting upon the recommendations often do not have the expertise needed to judge them, and because pressure of time requires them to accept the recommendations of those whom they trust. . . .³⁸

Authority must be legitimized before it is effective. This can be accomplished through expertise, through formal-positioning in the hierarchy, by rapport, or by general deference to authority. This is pointed out by Robert V. Presthus, of Cornell University in Authority in Organizations.³⁹ The concern of this paper is with expertise and the point now under consideration is the provost marshal's authority legitimized through expertise. His authority is derived through formal positioning in the hierarchy, but acceptance through legitimation is essential.

Authority has been defined as a transactional process, characterized by active, reciprocal inter-relationships in which the values, training, and perceptions of members play a crucial role in defining and validating the authority of organizational leaders. . . .⁴⁰

³⁸Simon, op. cit., p. 123.

³⁹Sidney Mailick and Edward H. VanNess (eds.), Concepts and Issues in Administrative Behavior (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1962), pp. 96-97.

⁴⁰Ibid., p. 135.

Presthus acknowledged the likelihood of conflict between expertise and the larger goals of the organization and his example is worth noting.

Conflict may occur here due to the built-in ambiguity of the leader's role, which demands that he simultaneously promote the larger goals of the organization yet maintain equilibrium in his own group by defending the 'cosmopolitan' or extra-organizational objectives of its members. Again, he will sometimes be caught between the conflicting demands of hierarchy and technical skill; his own identification with a professional field may aggravate such conflicts, making it more difficult to meet the larger organizational claims implicit in his formal position. At other times conflicting goals or policies within the larger organization make role conflict almost certain. This problem is nicely demonstrated in prison administration where rehabilitation and custodial goals may be pursued in the same prison at the same time, resulting in role conflict among those responsible for dealing directly with the prisoners. This example can be conceptualized as a problem in the legitimation of authority. . . .⁴¹

Perhaps the human behaviorist would approach the problem of legitimating authority from the standpoint of rapport or charisma. It can also be approached from the standpoint of ideas.

To secure all the advantages, therefore, of expertise in decision-making, it is necessary to go beyond the formal structure of authority. The 'authority of ideas' must gain an importance in the organization coordinate with the 'authority of sanctions.'⁴²

⁴¹Ibid.

⁴²Simon, op. cit., p. 138.

If the provost marshal's ideas in solving a problem are swept up with approval over other staff members due not only to the manner in which they are presented, but due to the inherent forcefulness of the ideas themselves, his authority will find legitimation with the commander. This approach may compliment that of the human behaviorist. Ideas can lead to legitimation of authority, especially if they are carefully steered through other staff members who may lend their support to them. There is the probability of conflict of interests between the expertise of the provost marshal and that of other staff officers, but this will not be given much attention in this study unless there is indication the provost marshal's goals are shifted to those of other staff officers. In the area of possible conflict, the satisficing of expertise by the provost marshal should produce less conflict if he cedes to the greater organizational goals. If he permits his expertise to be satisficed in favor of aims of other staff members, he is not serving his commander in the best interests of discipline, law, and order. Expertise is not only an expression of ideas, it is an authority of ideas.

If the expertise of the provost marshal is to be effective in decision making it must be legitimated. Also, if he decides in favor of other goals, he does not perform his function and accrues unmanageable responsibilities,

i.e., where he had decisional problems he could manage within the scope and role of his functional position, he usurps additional prerogatives for which he may not be equipped to manage since they are outside his special realm of responsibility.⁴³

Rationality in decision making is the second specific area that will be discussed. As touched upon earlier in the discussion of rationality, it is the ends that must justify the means in terms of the goal sought. Herbert A. Simon believes that rationality must be viewed in terms of whether it is used "subjectively," "objectively," "consciously," "deliberately," "organizationally," or "personally" and when it is used, one of these qualifications must necessarily precede the term when it is being used.⁴⁴ Simon changed his concept of maximizing values in reaching the goal because he acknowledged that all possible elements influencing a decision could not be humanly known.

. . . The central concern of administrative theory is with the boundary between the rational and the non-rational aspects of human social behavior. Administrative theory is peculiarly the theory of intended and bounded rationality--of the behavior of human beings who satisfice because they have not the wits to maximize.⁴⁵

⁴³Ibid., pp. 198-199. ⁴⁴Ibid., 76-77.

⁴⁵Ibid., p. XXIV. In the introduction to the second edition, Simon seems to respond to apparent criticisms of his previous efforts.

The concern for rationality in decision making does not eliminate the possibility that there are degrees of rationality, but it insists that thought processes resulting in the weighing of factors of value, followed by the resultant conclusion derived from this process does take place. Perhaps decisions are made at times with little reflection, but there is some knowledge of what ought to be and a cursory appraisal of the expected courses of action available as well as an idea as to likely consequences that might follow as a result of the selection of one or all of the courses of action. Police expertise, exhibited by the provost marshal, represents one value considered in a decision or may be represented as a basis for a recommended course of action. It enters directly into the stream of rationality in decision making, else there might not be likelihood of conflict between it and local command policy.

The third specific area of concern is the influence of environment of the decision-maker. Of particular interest is the likelihood of environmental demands that engender changes and influence decisions that might not be made in a particular way had these demands not been present. These demands might show themselves directly or indirectly through channels of communication. They may not be easily separated from policy because they don't take the form of written

instructions or statements of expected action. They are demands which permeate the environment and could conceivably shape the environment through repeated actions by the hierarchy which influence subordinates to infer that in similar situations, if they do not react as expected, serious repercussions will surely follow. These repercussions might be personal, organizational, or operational. A term, task environment, used by William R. Dill of Carnegie Institute of Technology in "The Impact of Environment of Organizational Development," is appropriate.

Not all of the information that an organization receives or has access to is relevant to its goals and programs. To simplify the job of description and analysis that we do, we can focus our attention on those inputs which bear potentially on goal setting and on goal attainment within the organization. These elements form, for the organization, its task environment. The boundaries of task environment are continually changing as people within the organization do things that affect the goals to which they subscribe and toward which they want to work. The boundaries also change as action sources outside the organization persuade it to change its goals.⁴⁶

In an appraisal of this task environment, one might perceive of the efforts of the provost marshal to use expertise in a decision through a cone at the end of which his goals are situated. Behind the perceiver are the planned stages prepared for the moment of initiating efforts to achieve the desired goals. All of these

⁴⁶Maillick, op. cit., pp. 96-97.

stages are planning stages that might be represented by special studies and training. External organizational, and personal factors, and unanticipated events affect the task environment. The course toward the goal may have to be altered. Each alteration requires a decision to adjust or not to adjust the course. As each crisis is met to achieve the primary goal, goal--achievement may be more realizable, but the task environment has changed. Since the exact goal is rarely if ever attained, secondary goals closely akin to the primary one may be acceptable. Should time become a major factor, the entire goal zone may have to be extended. Pictorially, this might appear as in figure 1. When secondary goals accepted in lieu of primary ones, Simon's principle of satisficing is appropriate and realistic, i.e., men are human and cannot know all the facts upon which to weigh values.

Should the response to the hierarchy's demands become habitually oriented vertically so the provost marshal has little or no autonomy to make decisions, a grave illness could probably be noted in military police operations.⁴⁷

⁴⁷Robert H. Guest, Organizational Change: The Effect of Successful Leadership (Homewood, Illinois: The Dorsey Press, Inc., and Richard D. Irwin, Inc., 1962), pp. 17-20. Guest refers to a crisis-oriented organization that has lost autonomy of leadership and decision making at lower levels in the hierarchy.

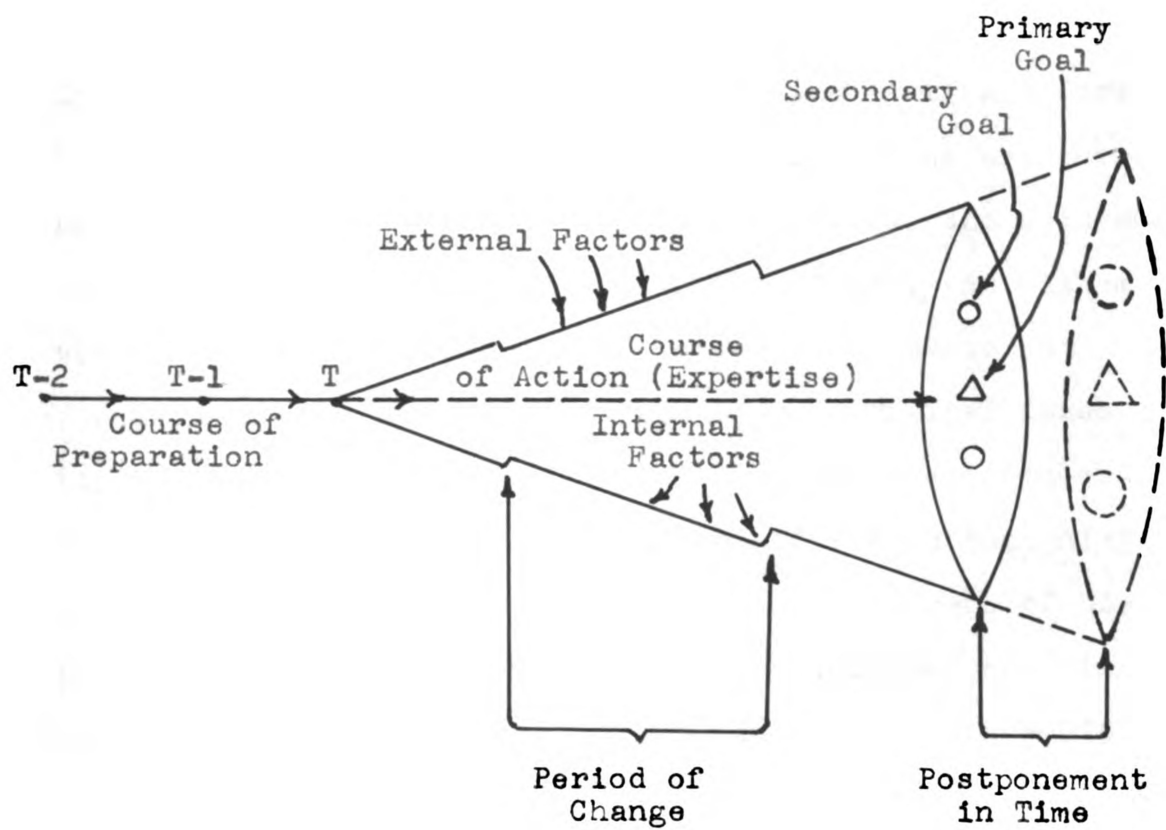


FIGURE 1.

CONE OF TASK ENVIRONMENT

Finally, the matter of autonomy is considered. If the decision-maker, as a dynamic force in an organization, insists on making all the "important decisions", he does not capitalize on the capabilities of his human resources. As mentioned earlier, no one person makes all the decisions in an organization. In police work guidance is set forth by the police administrator, but many decisions are carried out as a result of, or in contravention with, the guidance. Decision making then, is a collective effort. A policeman would hardly be a policeman if he was required to get permission to apprehend a law-violator. Criminal investigators constantly make decisions in the line of their duties and the chief of the criminal investigations division makes decisions he believes will satisfy guidance of his provost marshal, his commander, his conscience, and his expertise. What latitude the provost marshal gives his chief of criminal investigations in making decisions is a matter of administrative concern, reflecting either a condition of health or sickness in the organization.

The military use of staff has been thought to have brought prejudice against the military when staff relations are compared to those of civilian business endeavors.⁴⁸

⁴⁸Ernest Dale and Lyndall F. Urwick, Staff in Organization (New York: McGraw-Hill Book Company Inc., 1960), Chapter 5.

Perhaps there is reflected in early military organizations, the authoritarian relation of command to staff, but there is also evident historically, a high degree of specialization within the staff and a greater dependency by the commander for completed staff work to assist him in making decisions. Undoubtedly, there is a dilemma in permitting staff officers to speak for the commander if their voices are not in tune with the goals of the organization. Correctly, the staff officer is his commander's representative and speaks for him.⁴⁹ Certainly, there are likenesses as well as differences between military and civilian bureaucracies and their use of staff members.

No bureaucracy ever conforms to the ideal model of rational organization. And in the operational logic of the military establishment, as long as there are dangerous and irksome tasks to be done, and engineering philosophy cannot suffice as the organizational basis of the armed forces. Particularly in a free-enterprise, profit-motivated society, the military establishment requires a sense of duty and honor to accomplish its objectives. . . .⁵⁰

The main concern with the autonomy of decision making lies in the allowance the subordinate has to make decisions consistent with the best interests of the organization as he knows these interests to be.

⁴⁹Ibid., p. 94. See also, Headquarters, Department of the Army, Field Manual 101-5, op. cit., p. 4.

⁵⁰Morris Janowitz, The Professional Soldier (New York: The Free Press of Glencoe, Inc., 1960), p. 35.

III. CRIMINAL INVESTIGATIONS

A review of the literature was made pursuant to the fourteen problem points of criminal investigations in an effort to determine whether the procedures and techniques used by the military were commensurate with those of civilian police. From the appraisal of the literature, this writer is satisfied that technical requirements of criminal investigative efforts in the U. S. Army are in pace with civilian counterparts in the fourteen areas considered. There is not much written on the investigative matters considered as a vehicle for study in this field, but from the literature reviewed, it appears that the military basis for expertise in the realm of criminal investigations is as professionally oriented as that of civilian police agencies.

There is one specific area that may limit the capabilities of the provost marshal. The effectiveness of the polygraph instrument may be greatly impaired by stringent requirements placed on the operator-investigator which may limit the provost marshal's capabilities to solve crimes, but may not limit his quality of expertise. Recent changes require the operator-investigator to tell the suspect that he is being observed through a two-way mirror and that his conversation with the operator-

investigator is being recorded.⁵¹ Whether this will limit the quality of the provost marshal's expertise can only be determined through time and verified through research.

IV. THE GENERALIST AND THE SPECIALIST

The controversy on the merits of specialization has been a long and continuous one and has permeated theory of organization in business and government in many areas. Generally, the controversy has centered around the desirability of granting the specialist room to make decisions that might affect the organization. It has been argued that the specialist cannot foresee the necessary solution to problems in the interest of the organization in general since he is more concerned with apparently selfish success in his own field of special endeavor.

The concern for the specialist's need for authority is a paradox to those who would limit his power. It is so often granted that he should have certain authority, but that it should be limited to his particular field and not influence the general programs of the organization in goal achievement. Yet, it is acknowledged that with the increase in technical requirements and dependency on

⁵¹Headquarters, Department of the Army, Message No. 18849/9, (Washington: Headquarters, Department of the Army, 13 May 1964).

specialists to achieve these goals, the specialists play a vital role.

. . . The expert abjures all miracles, leaving it to the politicians to make magic. He knows how to husband the resources of our planet, but evidently can do this only through governmental authority. If we ignore our experts we shall face a future with more serious problems than budget balancing.⁵²

The apparent success of allowing the specialist room to make decisions is in the task environment of the organization. If this is restricted there is danger of a crises-oriented situation where subordinates in the hierarchy lack autonomy to apply their talents (specialties) to attain organizational goals.

The tone and quality (decisions) is set by the specialist staff advisers, but the generalist is the man who determines from time to time whether and to what extent narrow techniques shall apply in dealing with the problem in hand. . .⁵³

This study is not concerned whether the specialist or the generalist should hold the paramount position in crucial decisions, but this area is a matter of concern to this study as it bears upon the acceptance or rejection of expertise of the provost marshal, a specialist, when matters of police interests are satisfied in preference

⁵²Maurice C. Hall, "The Expert in Government," The Annals of the American Academy of Political and Social Science, Vol. 169 (September, 1933), p. 92.

⁵³David M. Waters, "The Generalist vs. the Specialist," Personnel Administration, Vol. 17, No. 1 (January, 1954), p. 29. Parenthesis are that of this writer.

to other specialists' interests or to other general organizational interests which may not be in the best interests of the organization. It is when the interests of the provost marshal that are in tune with those of the organization are satisfied in favor of some other interest that the value of his expertise is prostituted. This can be a delicate point of balance and in this light, the problem of the specialist versus the generalist is of concern to this study.

The specialist should needle the generalist to insure that his special techniques are considered, but the generalist should not consider them above the major goals of the organization.⁵⁴

There is also of concern, the existence or non-existence of the specialist's general orientation toward the organization's goals. The provost marshal is concerned with the discipline, law, and order, goals of the organization. To what degree these goals influence his decisions involving special criminal investigative interests surely reflect his orientation as a generalist. Should he consider only his special interests, he could become a liability to his organization.

The professional specialist views himself as not being responsible for the problems to which his ideas are applied. He is so fully engaged in arranging his own ideas that he becomes aware of what is

⁵⁴Ibid., p. 31.

going on around him only imperfectly and reluctantly. His special training means that his broad training has been neglected. Yet, because of his expertness, he becomes to believe that his findings do apply to the total situation and should, therefore, be accepted as such.⁵⁵

In the military, it is essential that the goal of the provost marshal and other specialists be aligned with those of the organization. In turn, decisions made by the provost marshal should be made in the interests of the organization. The provost marshal, like many other staff officers, wears two hats; of specialist in criminal investigations, of general administrator of all police activities. He must weigh the factors or values of police expertise with operational requirements set forth by his commander.

. . . But, in actuality, the military establishment requires a balance between the three roles of heroic leader, military manager, and military technologist, a balance which varies at each level in the hierarchy of authority. Technical specialists can develop into men who hold crucial leadership roles, but this requires modification of their skills and outlook. . . .⁵⁶

The provost marshal, as a specialist, will be asked certain questions which should reflect the degree to which he feels his aims in decisions on criminal investigative matters are in tune with the goals of the organization.

⁵⁵Robert C. Sampson, The Staff Role in Management (New York: Harper and Brothers Publishers, 1955), p. 29.

⁵⁶Janowitz, op. cit., pp. 21-22.

V. LIMITATIONS OF PREVIOUS STUDIES

There is little written on the problem considered in this study. The matter of decision making in police administration has been given some attention, but only in a cursory appraisal of the general considerations.⁵⁷ Perhaps it is the level of hierarchy that makes this area a difficult one to approach.

There is much written on general theoretical concepts of decision making, but it is necessary that some of the concepts developed be put to empirical tests. If decision making is to be studied as an art, there is little hope that empirical data can be abstracted for analysis. If decision making is to be left to the writers of handbooks without empirical research to support their suggested guides to success, there is also little room for hope of scientific progress in this area. There is presently, great need for pointed research that might tend to support or refute existing concepts.

VI. SUMMARY

There is little written on the matter of conflict

⁵⁷Allen P. Bristow and E. C. Gabard, Decision Making in Police Administration, (Springfield, Illinois: Charles C. Thomas, Publisher, 1961).

between expertise and policy, though there are concepts by authors of literature on decision making which seem to support the credibility of the AREA model on decision making as a possible media from which this conflict might arise. The review and analysis of the literature also indicates the model might be a fruitful approach to an understanding of and solution to the problem.

Criminal investigative matters, as the literature reflects, are expected to be conducted in the military with the same concern for technical and professional competency as in civilian police work. The policies set forth in the literature on the fourteen points indicate where the provost marshal has authority to act and this authority, as suggested in the model for expertise, must be legitimated. The model for expertise, when analyzed logically, is based upon desirable police methods reported in the literature.

The problem of the specialist versus the generalist appears to be a concern only should the provost marshal snift his goals in favor of those of subordinate commanders or other staff officers, since the goals of the provost marshal are commensurate with those of the higher organization. There is always danger of the provost marshal being influenced by lesser goals because he is human. When this occurs and objectivity is clouded by subjective

values, expertise is not only likely to be satisfied, but sacrificed.

CHAPTER IV

CONSTRUCTION OF THE QUESTIONNAIRE

I. GENERAL CONSIDERATIONS

In constructing the questionnaire, it was acknowledged that certain inherent weaknesses existed in this approach to the solution of the problem. The weakness in communicating the intended meaning of the questions, the fact that the specialist's rather than the generalist's position was considered and likely to relate a bias, the inability to introduce emotional stimuli to the respondent, and the inability to probe in depth the answers given, were all considered as weaknesses. However, there are limitations to any study and the time--distance factors and overall expense dictated the need for the mailed questionnaire. The intense interest of the respondent in the subject matter and the educational qualifications likely to be found were considered as factors which might favorably influence the mailed questionnaire approach.⁵⁸ Since the solution to this problem appears to rest with a study of relationships within the AREA model for decision making,

⁵⁸William J. Goode and Paul K. Hatt, Methods in Social Research (New York: McGraw--Hill Book Company, Inc., 1952), p. 182.

unstructured questions were chosen which would solicit a free response. Factual questions, requiring a yes or no response were chosen as transitional questions, but these required an explanation after the response to clarify the meaning of the answer given. Key questions were chosen which might permit either a direct determination of the condition reported or an inference that might be logically concluded from the response.

The respondents were asked to cite an example of a good decision and a bad decision they had made pertaining to criminal investigative matters and what considerations they included in their decisions. This question was selected to provide some basis for evaluating the goals the respondents might use in making their decisions and to provide some check of the validity of their answers. Many unanswered questions might present a problem in analysis. However, the nature of the questions asked, together with the explanation of the answers solicited, should provide enough data upon which to make conclusions.

The introduction, instructions, and assurance of anonymity were included in the letter of request for assistance (see Appendix).

II. AN EXPLANATION OF QUESTIONS ASKED

The model for expertise was used in phrasing the questions because the respondents' familiarity with the nature of the questions might engender a greater number of answers. Key questions were selected because they required responses centered around the AREA model for decision making. It was believed that this technique might eliminate the possibility the respondents would detect the intended meaning of key questions, and so, enhance the probability of valid, honest, answers.

Specific questions asked are included at this point. Instructions to the respondents included a requirement for them to consider each question in terms of actual conditions existing within their environment. However, they were also instructed that should there be a question that had no referent to their present environment they were requested to consider the question hypothetically and indicate this after their answer. Key questions are shown here with an asterisk.

The questionnaire contains three major sections. Section I deals with individual qualifications for expertise. Section II deals with the main body of questions and Section III was set aside for the respondents' examples of good and bad decisions.

Section I.

Age _____

Number of years of formal education _____

College Graduate? Yes _____ No _____

Number of years in Military Police Corps _____

Number of years civil police experience _____

Number of years of direct experience (or in
supervisory capacity) with criminal investigative
matters _____

Special civilian and military schools attended _____

Section II.

1. Are accredited criminal investigators assigned
to your office for operational supervision? Yes _____ No _____
If your answer is No, please explain it.

2. If your office does supervise accredited criminal
investigators, are all their assignments made by your
office? Yes _____ No _____ If No, please explain.

3. Does your office conduct validations inquiries?
Yes _____ No _____ If your answer is Yes, please indicate
what percent of the inquiries received each month are
initially assigned to the following personnel:

a. Accredited criminal investigators _____%

b. Non-accredited investigators _____%

c. Other military policemen _____%

d. Other personnel _____%

4. If your answer to question #3 is No, is there a local command policy which requires another office to supervise the conduct of these inquiries? Yes ____ No ____
If Yes, please indicate this office.

*5. If your answer to question #4 is Yes, do you agree or disagree with this policy? Agree ____ Disagree ____
Please explain why you agree or disagree with the policy.

*6. In your answer to question #5 have you expressed the basis for your agreement or disagreement to the commander? Yes ____ No ____

7. Do you have accredited criminal investigators assigned to your office for operational control who permanently reside at stations other than the post where your office is located? Yes ____ No ____

8. If your answer to question #7 is Yes, do they conduct validations inquiries? Yes ____ No ____

9. If your answer to question #8 is Yes, what percentage of an average months total of inquiries received by your office do they conduct? ____%

*10. Does your office use non-accredited investigators UP AR 195-11? Yes ____ No ____ If Yes, how many does your office use? ____ If Yes, are there any of them who have never had a military police MOS? Yes ____
No ____

11. The total assigned strength of military

policemen (MOS 951) under the operational control of your office is ____

12. The total authorized strength of military policemen (MOS 951) under the operational control of your office is ____

13. Expected number of replacements (MOS 951) in the next three months is ____

*14. At your present assigned strength of military policemen (MOS 951), is it your opinion that you can effectively perform all your missions? Yes ____ No ____
If No, please explain your answer.

15. Are personnel recruited from post compliment personnel for military police duties (MOS 951) who do not have this MOS? Yes ____ No ____

16. Are military policemen (MOS 951) required by post policy or directives to perform missions that are in contravention with Army Regulations? Yes ____ No ____

17. If the answer to question #16 is Yes, please cite a few examples. If the answer was No, please answer the next question hypothetically.

18. If your answer to question #16 is (actually, or hypothetically) Yes, do you agree with the policy? Yes ____ No ____ Please explain why you disagree or agree with the policy.

19. If you disagreed with the policy in question #16, did you (or would you, hypothetically) express this disagreement to the post commander? Yes ____ No ____

20. Are warrant officer accredited investigators used in an administrative capacity? Yes ____ No ____

If so, why are they?

*21. Have you ever recommended to the commander that investigations involving criminal acts allegedly committed by officer personnel be investigated by persons other than criminal investigators? Yes ____ No ____

Please explain your reasons for your recommending or not recommending this action.

22. If, after investigation an officer on your post was determined to be the subject of a criminal act, would he first be reported as the subject in a Memorandum Report before being reported as the subject in a Report of Investigation (DA Form 19-65)? Yes ____ No ____

Please explain your answer.

*23. Are there occasions when the commander's desire to take administrative action, or disciplinary action other than trial by courts martial, against an officer who was determined the subject of a criminal act necessitated the incident be reported in a Memorandum Report rather than in a Report of Investigation (DA Form 19-65)? Yes ____ No ____

24. If the answer to question #23 is Yes, is this procedure adequate? Yes ____ No ____ Please explain your answer.

25. Does the CID in your office use a confidential informant file? Yes ____ No ____ Please explain your answer.

26. If the answer to question #25 is Yes, who has access to the file?

27. When it becomes necessary to reveal the identity of confidential informants and/or the nature of the information they give military police or criminal investigators, under what conditions and by whose direction is this done?

*28. Does the post commander or the chief of staff ever assign investigators to some special case? Yes ____ No ____ Please explain your answer.

*29. Do you feel that the procedure of requesting assistance on undeveloped leads through the Army provost marshal hinders the progress of an investigation?

30. If the answer to question #29 is Yes, does your office occasionally contact other posts (CID or the PM) directly? Yes ____ No ____

31. If the answer to question #30 is No, are there ever occasions when you would contact another post (CID or the PM) directly for assistance? Yes ____ No ____ Please explain your answer.

*32. If the answer to question #30 is Yes, has the post commander or the chief of staff expressed disapproval of this procedure? Yes ____ No ____

33. Does the post commander require the use of criminal investigators for the purpose of conducting investigations of acts that are not criminal offenses? Yes ____ No ____

34. If the answer to question #33 is Yes, do you object to this procedure? Yes ____ No ____

*35. Does your office send the majority of its evidence to the U. S. Army Military Police Laboratory at Fort Gordon, Georgia for processing? Yes ____ No ____
Please explain why it does or does not do so.

*36. Does the post commander object to your office sending evidence to local civilian laboratories for analysis? Yes ____ No ____ Please explain your answer.

*37. For what purposes have criminal investigations funds been used during the past calendar year?

38. How many polygraph operators are assigned to your CID?

39. Is the polygraph instrument kept in continuous use, e.g., once each weekday? Yes ____ No ____

40. In the following examples, please indicate whether you would comply with the wishes of other officers of your post:

- *a. Jones confessed to an act of larceny and implicated Smith as his co-conspirator. Smith agreed to take a polygraph examination and was found, to the satisfaction of the operator, to be untruthful in answering questions concerning the incident. The staff judge advocate believes Jones was lying when he confessed and wants him to be given a polygraph examination. Would you consent to having Jones given the examination? Yes ____ No ____ Please explain your answer.
- *b. Williams was found guilty of fraud against the Government. The post commander, before approving the sentence of the court, wants Williams to be given a polygraph examination to see whether he did intend to defraud the government and to "assist him in deciding what action should be taken, if any, against Williams." Would you try to convince the commander the examination would be of little use and impractical? Yes ____ No ____ Please explain your answer.

41. Are there provisions which could facilitate the retention of an automobile as evidence for a trial by courts martial? Yes ____ No ____

*42. If an automobile was taken from an accused as evidence and a lengthy delay in bringing the accused before a trial resulted in him threatening civil suit against members of the command for depriving him of his transportation, what action would you take or what recommended action would you make? Please explain the criteria considered as a basis for your action or recommendation.

43. In the example cited in question #42, do you feel your recommendation would be considered as the basis for a decision or that your action taken would be sanctioned by the commander? Yes ____ No ____ Please explain your answer.

Section III.

Please cite one example of a decision you made regarding criminal investigative matters that you believe was "good" and a decision you believe was "bad" and the considerations you used to arrive at these decisions.

III. SUMMARY

Not all of the questions used in the questionnaire were expected to have direct bearing on the problem. Many of the "cover questions" were introduced in an effort to prevent key questions from being detected. The "cover questions" might indirectly clarify answers to key questions,

e.g., a deficit number of assigned military policemen may reflect the provost marshals need to double-up personnel to perform missions so as to provide non-accredited investigators from military police resources.

The unanswered question was expected to present a possible problem since there were not too many key questions that could be asked and should too many of them be returned unanswered, the success of the study might be impaired. Unanswered questions would be discounted, but if a reason why they were unanswered could be obtained, this might lend material upon which logical inference could be made to bear upon the problem, providing the reason for not answering the question was not a fault in communication. The inclusion of provision for the respondents to answer a question hypothetically if the situation portrayed in the question had no real-life referent might increase the proportion of questions answered.

CHAPTER V

ANALYSIS OF RETURNED QUESTIONNAIRES

Of the five questionnaires mailed, three were returned as requested. Since this is a case study approach to the problem, a great number of cases is neither necessary, nor desirable, but this writer would have preferred to have the total number of questionnaires returned.

Because of the nature of the subject, the content of the questionnaire, and the limited number of returns, the data obtained was subjected to simple logical analysis rather than any statistical technique.

I. PERSONAL QUALIFICATIONS

Section I of the questionnaire indicates a lack of desired education as an attribute for expertise. However, other favorable attributes in individual qualifications were noted, e.g., the amount of supervisory experience in criminal investigative matters and special military police schooling (Figure 2). It should be noted that no single element or attribute set forth in this study represents the paramount desirable attribute to qualify the provost marshal as an expert or specialist in criminal investigations. It is a fact that the provost marshal is called upon for his recommendations and that he makes decisions

PROVOST MARSHALS			
	A	B	C
Age	51	52	52
Years Formal Education	15	15	16
College Graduate	No	No	Yes
College Degree	--	--	BA
Years MP Experience	22	17	21
Years Civilian Police Experience	--	--	--
Years CID Supervisory Experience	22	10	10
Special Schools Attended Command & General Staff	No	No	Yes
Officer Advanced Course (Provost Marshal General's School)	Yes	Yes	Yes
Army Management School (Ft. Belvoir, Va.)	Yes	No	No
CI Course	No	Yes	No
Basic Officers Course	Yes	Yes	Yes

FIGURE 2.
PERSONAL QUALIFICATIONS OF PROVOST MARSHALS

relative to matters of criminal investigations that permits this writer to proceed with the study at hand as if the provost marshal is expert in these matters. Whether he uses expertise is another matter and if so, or if not, his personal qualifications might bear on the legitimation of his authority, on the rationality of his decisions, on his task environment, and on his autonomy to make decisions.

II. USE OF EXPERTISE

This analysis will consider whether or not the provost marshal uses expertise, and whether this can be deduced through analyzing answers to key questions centered around the AREA model. An attempt will also be made to discern if he satisfices expertise in criminal investigative matters when it is in conflict with local command policy. Reference will be made to other questions as their answers reflect upon key questions.

Provost marshals A and C gave little indication in their answers to the questions which might lead this writer to believe they did not use expertise.

Provost marshal B answered the questions regarding the assignment of personnel to investigative duties in a manner which reflects the use of expertise in this area. However, his answers to questions regarding investigative

and operational problems indicate that he does not use expertise in deciding upon a course of action, e.g., he uses Memorandum Reports rather than Reports of Investigation in cases where officer personnel have been determined to be the subjects of a criminal act, the absence of an informant file (though "one is presently being formulated"), the revealing of informants and the nature of their information is disclosed by the provost marshal, other provost marshals are contacted directly for assistance in undeveloped leads, and non-accredited investigators who have never had police experience are assigned investigative duties.

Authority

Each provost marshal appeared to have the authority to decide on matters relating to criminal investigations in general and this was noted in an analysis of questions #5 and #6 (validations inquiries) and #10 (use of non-accredited investigators). Provost marshal B did not have the authority to decide whether an automobile could be retained by him as evidence in a trial by courts martial where provost marshal A stated that he has the authority and does so on his own initiative.

In questions #16 through #19, which pertain to the use of military policemen for unauthorized events (a check on the legitimation of authority), all would or did protest

the policy and their recommendation was accepted, eliminating the use of trained military police personnel in this manner. The answer to this question, when checked against question #20 on the use of warrant officer criminal investigators in administrative duties, again checked positive with provost marshals A and B who stated they do not use them administratively. Provost marshal C stated he does so because there are no officer replacements. Provost marshal C has satisfied expertise for local policy since he could insist the job be temporarily accomplished by an officer (other than a military police officer) or an administrative specialist temporarily borrowed from another part of the command.

Question #25, on the use of informant files, was answered by provost marshals A and C as being maintained by the individual investigators. Provost marshal B stated there was none, but "one is presently being formulated." As mentioned earlier, the authority to maintain this file rests with the provost marshal and the fact that it is used incorrectly might indicate either the lack of expertise, the lack of knowledge as to its possible benefits, or the fact that the transient nature of the military informant might negate the usefulness of maintaining a central file. At any rate, the reason offered by provost marshal C for the absence of a central file, i.e., "there have been

no occasions to pay informants so central file not needed," indicates a lack of expertise. Provost marshal A paid informants from criminal investigations funds during the past calendar year, yet there is no central file for informants in his office. The conflicting reports by provost marshals A and C on their reasons for not maintaining a central file for informants seems to point to their lack of expertise in this matter. Similarly, provost marshals A and C indicated that only investigators had access to the informant file which also indicates a lack of expertise.

Question #27, dealing with the release of information divulged by informants and their identity, was answered by provost marshals A and C which showed they would not disclose this information unless ordered to do so by a "court." Provost marshal B would do so at his own discretion. Here, it is apparent that either the local policy gives provost marshal B great authority, or he does not use police expertise. From other indications, the latter condition appears to be the most likely.

Question #28, which deals with the assignment of criminal investigators, was answered by all provost marshals and indicated they have legitimate authority to assign criminal investigators to their duties. There was no conflict with local policies in this matter.

Rationality

This is perhaps the most difficult part of the AREA model to evaluate since there are few instances where the reasons for a decision were offered by the respondents. There were some tell-tale tracks left, however.

Questions #10 and #14 were designed to solicit reasons for a course of action regarding the assignment of military policemen. There was no need for conflict between expertise and local command policy in this instance since the unusual situation happened to exist whereby there were ample number of military police personnel to fulfill the assigned missions and enough to permit their use as non-accredited investigators. However, provost marshal B uses personnel who have never qualified as military policemen for this work. This might not be considered as rational, though there is no way to determine through this study whether failure to use military policemen was due to conflict with policy and expertise or merely the lack of expertise.

Questions #18 and #19 clearly showed that each provost marshal used rationality to arrive at a decision concerning the use of military police personnel. Though all three provost marshals stated they did not use military police in contravention with Army Regulations, they considered the question hypothetically and offered reasons for

stating that this practice should not be permitted. Provost marshal A stated he expressed his disagreement to his commander when such action was proposed and indicated that no such practice presently exists. Provost marshals A and C qualified their answers with examples when other police goals might dictate the use of military policemen when other personnel might normally be used, e.g., "opening doors for V.I.P. guests to prevent traffic congestion," "using military police as interior guards at special security sites." Here, expertise could not be said to have been satisfied since there is no shift in goals and police goals were used as criteria for their answers.

Questions #35 and #36 pertaining to the use of the Military Police Criminal Laboratory revealed that provost marshal A used this laboratory "because we know their capabilities, and know they are prepared to back up their work with expert testimony." He further stated that if he decided to send evidence to another laboratory for analysis that the commander would not object. Provost marshal C does not send evidence to the Military Police Criminal Laboratory, but uses civilian crime laboratories instead due to "convenience, time saving, and economy," and stated that the post commander does not object because "I do not inform him of details such as this."

Question #40 a., was a hypothetical question that was answered affirmatively by provost marshals A and B who indicated various reasons for their consent to have a polygraph examination run on a suspect to verify his confession. Provost marshal C stated he would not consent to run such an examination because, "you do not use the polygraph to verify confessions." Here provost marshals A and B shifted police goals for those of another staff officer in agreeing to conduct the examination. Their reasons were: "to verify the results of Smith's test," and because "Jones may have confessed because of outside pressures or to take blame from a personal friend." Polygraph examinations are voluntary and a refusal by Jones to take the examination would end the matter, but should Jones consent to take the examination, little could be accomplished. Other means should be used to disprove the confession since all that would be available would be one man's word against another. The confession, if corroborated by other evidence (among which, in this instance was Smith's inability to convince the polygraph operator he was telling the truth), should stand. Constant pressure from other interested persons to insist that polygraph examinations be given in this instance is difficult to ward off, but expertise should prevail as the deciding factor. To cede to these pressures might lead criminal investigators to

believe there is little expertise available for their support and that most of their time is needed to convince their superiors that they know what they are doing. The polygraph instrument should not become a crutch and must remain an investigative aid. There is probably need for provost marshals to explain to their commanders the use of the polygraph instrument. This writer feels that in this matter expertise should prevail if the decision is rational.

Question #40 b., was answered in the negative by all provost marshals with explanations which indicated: complete understanding of the use of the instrument as an investigative aid, that results of the examination cannot be used in court, that court decisions as to guilt are not tested by the polygraph, and that the use of the instrument to determine punishment is improper. All provost marshals failed to acknowledge that the instrument can not determine intent. Their knowledge of the value of the instrument reflected in their answers to this half of the question as an inconsistent position of expertise when compared to their apparent lack of knowledge shown in the first half of the question regarding when and when not to use the instrument. A lack of rationality in deciding on the use of this instrument could lead to expertise being satisfied. Provost marshal C probably would not make this mistake though the other two probably would.

Environment

This analysis of the AREA model was accomplished through inference from the answers given by the respondents.

Questions #14 and #15 were answered by all provost marshals in the affirmative which can indicate that local personnel requirements are met by the command. Question #16 was answered in the affirmative by all provost marshals and there is no conflict apparent between local policy and expertise.

Answers to question #21 indicate in all cases that the provost marshal is free to investigate all criminal cases regardless of whether officer personnel are suspected as subjects.

Answers to question #22 indicates local requirements to keep the commander informed and the only point of conflict can be seen, as mentioned earlier, in the position of provost marshal B who used Memorandum Reports rather than Reports of Investigation when officer personnel are suspected as subjects of a criminal act.

Answers to question #23 indicated there was no local command policy which required the use of Memorandum Reports rather than Reports of Investigation to report officer personnel who were suspected as subjects of criminal acts. Provost marshal A indicated that this practice had existed, though not in his tour as provost marshal at that

station. Provost marshal C had heard of such a policy, but stated that he had not encountered such a policy during his career.

Answers to question #28 indicated there was no interference within the task environment that might hinder the provost marshals' freedom to make assignments of investigator personnel, but provost marshals B and C stated in their answers to question #33 that the local commander did require the use of criminal investigators to conduct investigations of acts that are not criminal offenses. Provost marshals B and C objected to this latter practice, but indicated that it continues. This reflects conflict between local policy and expertise and this is a difficult situation to access in terms of right or wrong since the commander is clearly the responsible officer who determines whether an incident should or should not be investigated. Since such practice is a waste of skilled personnel and takes them from their duties of criminal investigations, it should not occur.

Question #35 and #36 were intended to reflect any conflict between local command policy and expertise in forwarding evidence to local crime laboratories for examination. Since provost marshals A and B do not use local facilities and provost marshal C does not inform the commander of "details such as this," there was no way

to determine whether the local commander would object to having his crime problems discussed with local civilian authorities.

Answers to question #37 indicated no penurious task environment which might tend to influence the provost marshal to limit his request for criminal investigations funds. Provost marshal A had used the fund for paying informants. Provost marshal B had used it for obtaining copies of documents from civilian agencies in connection with criminal investigations, and provost marshal C had no use for funds during the past calendar year.

Answers to question #40 b., indicated that the task environment of each provost marshal was conducive to the provost marshal's expertise in the use of the polygraph instrument as an investigative aid and he is not compelled to give in to vertical demands of the hierarchy to use it illegitimately. No conflict between policy and expertise was noted because the depth of the question did not place the provost marshal in a position to have to choose between his expertise and local policy. This writer failed to ask the follow-up question to induce a response upon which inference might be made. However, the problem does lend itself to analysis.

Autonomy

Answers to question #28 indicated the autonomy of the provost marshals to make decision in matters of assigning investigator personnel to their duties.

The answers to questions #29 through #32 by provost marshals B and C indicated they have the autonomy to seek information through their own efforts on undeveloped leads, but as mentioned previously, this is not good expertise. There was no conflict between local policy and expertise since the commander did not object to the procedure. Provost marshal A requested assistance through the Army provost marshal.

Provost marshals A and C indicated in their answers to question #35 and #36 that they had the autonomy to decide where to send evidence for examination. Because they had the autonomy to decide in this matter, there was no conflict.

In answers to questions #42 and #43, there was no conflict between expertise and local command policy since all the provost marshals do not have the autonomy to decide to retain a vehicle as evidence. In every instance each provost marshal indicated they would do so only after consulting with the staff judge advocate, though provost marshal A stated he had the authority to hold a vehicle as evidence. It appears the provost marshal has no autonomy to

decide whether a car should or should not be retained as evidence in a criminal case. Conflict could easily arise between local policy and expertise if the provost marshal had the autonomy to decide in this instance. There can be no example of conflict if the decision or recommended action is left up to another staff officer and each provost marshal indicated that the staff judge advocate should handle this matter. The question arises as to what difference there is between an automobile and a gun when either could be the instrumentality in a criminal act. Civil suit should not be feared unless the property is converted to other use. If military police are acting within the scope of their authority, there is no reason why the provost marshal shouldn't feel free to back up his decision (if he had the autonomy and authority to decide) to retain a vehicle as evidence. The staff judge advocate should be able to ward off civil suit in these cases much as a prosecuting attorney in civilian law enforcement can. That the staff judge advocate should be given the autonomy to decide in this instance is understandable, since like the prosecuting attorney, he should know what evidence is needed at a trial. Should he decide not to retain such evidence, and if the evidence is crucial to obtain a conviction, his expertise is questionable. There is built into Army staff relations the need for cooperation and coordination and if

the autonomy to decide whether an automobile is needed as evidence rests with the staff judge advocate or with the provost marshal, either will surely consult with the other before making a decision as to its disposition. It will suffice to state that should the provost marshal have the autonomy to decide this matter, his legal authority will be determined through assistance of the staff judge advocate and if he feels the vehicle should be retained for its evidentiary value, he should insist on it.

III. VALIDITY

In this section, it was hoped that some check of validity of the answers to the questions in Section II could be made. This was not true for each provost marshal, since the answers given by the respondents were too general and lacked the requisite reasons asked of the respondents for their appraisal of the "good" and "bad" decisions.

Only in the case of provost marshal A could some logical inference be drawn from his response to this question. In his case, it is evident that he not only uses expertise, but insists that it not be satisfied. He offered an example of a "good" decision which resulted in him being reprimanded for insisting that monies of the government not be used illegally. His argument centered around his knowledge of the regulations requiring the use of supporting

documents to account for monies spent and that the person requesting these funds could not produce them. When ordered to see that funds were paid to the requesting agent, he followed the orders. The culprit was later caught illegally using government funds and was brought to justice. His example of a "bad" decision entailed his belief that success would have followed had he listened to advice of his subordinates in supervising the conduct of a criminal investigation. In failing to do so, and in keeping others informed as to the progress of the investigations, others in the hierarchy became over-familiar with police aspects of the case and he found himself catering to their dictates in police matters. These are clear examples of conflict between expertise and local command policy.

Provost marshal B cited as a "good" decision, "to allow MP's to be trained as investigators by on-the-job training with the CID." He cited a "bad" decision, "to allow the military police desk sergeant to call accredited men to investigate minor incidents which should have been handled by patrol supervisors or non-accredited investigators." Both answers reflect his apparent use of expertise, but lack the reasons upon which he based his decisions so that no check can be made for validity. Throughout Section II of the questionnaire, it was evident his answers lacked expertise as a factor inherent in his decisions.

Provost marshal C stated that he could not cite any examples of "good" or "bad" decisions.

IV. SUMMARY

The inevitable situation arose whereby the respondents were either unwilling to assist the interviewer or failed for one reason or another to respond to the specific questions asked. A total of six key questions were left unanswered (4 by provost marshal B) and many issues were sidestepped by the respondents by indicating the question to be "unapplicable," though the instruction to the respondents clearly indicated that if there were questions which had no real-life referent to consider the question hypothetically and indicate this in their answer.

The AREA model for decision making appears to be adequate as a model to test the arena of conflict between expertise and local policy. However, the questions derived from the model for expertise were not pointed enough to compel the respondent to answer the questions asked. The structure of the questions was believed to solicit free response and enhance a desire by the respondents to assist the interviewer. Such was not the case.

There appears to be an absence of expertise to some degree in the following instances: use of an informant file, use of Memorandum Reports to report criminal acts,

contacting other provost marshals directly for assistance in undeveloped leads, using warrant officer criminal investigators in an administrative capacity, assigning personnel to investigative duties who have never had police experience, using the polygraph instrument, releasing the identity of informants and the nature of the information they disclose, and the failure to use the Military Police Crime Laboratory rather than civilian laboratories to examine evidence. Only one of the three provost marshals did not use expertise according to the model in this study.

There were instances noted where expertise and local command policy were in conflict. These instances were noted in answers to questions pertaining to: the use of military policemen for unauthorized purposes (expertise did prevail), the use of warrant officer criminal investigators in administrative capacities (policy prevailed with provost marshal C only), the use of Memorandum Reports for reporting criminal cases (policy prevailed in the case of provost marshal B only), the use of accredited criminal investigators to investigate cases other than criminal (policy prevailed).

Provost marshal A, due to the nature of his answers to the questions in Section III of the questionnaire, clearly can be said to use expertise and tries to have it placed in the proper perspective when it may conflict with command

policy. This cannot be said of provost marshal B. Whether provost marshal C does use expertise cannot be verified, though an appraisal of his answers to questions in Section II indicates that he does.

CHAPTER VI

CONCLUSIONS AND SUGGESTIONS FOR FURTHER RESEARCH

I. CONCLUSIONS

The AREA model for decision making appears to be adequate as an approach to the study of conflict between expertise and local policy. It appears adequate because it takes into consideration the pressures on the decision maker other than abstract principles and is subject to analysis because it does rely upon logic rather than upon "feeling" in the artistic sense.

The model for expertise probably lacks sufficient sensitivity and precision to induce the type of response necessary to evaluate conflict between expertise and local policy. This problem might be eliminated by the use of structured rather than unstructured questions, or the use of the personal interview approach rather than the mailed questionnaire approach. Certainly, the personal interview would produce less unanswered questions, though some weaknesses might present themselves, e.g., a face-to-face relationship between respondent and interviewer might not enhance free responses. This writer believes that the personal interview approach would produce better results in the event the AREA model and the model for

expertise were used in another study of this problem. Care is needed in formulating questions likely to engender honest response to this sensitive problem. If the personal interview method is used, rapport and on-the-spot follow-up questions would assist the interviewer.

There was noted in the response to the questions indications the provost marshal lacked expertise. This might be explained by the fact that the military is more concerned with turning out generalists rather than specialists. As Janowitz believes, the military tries to turn out a balanced officer with heroic, managerial, and technical quality.⁵⁹

The fact that the provost marshal is asked to render certain special services, to make decisions and recommendations in special fields (criminal investigations) makes him a specialist, though he should have certain requisite personal qualifications. There exists, then, a continuum of expertness and the more expert may be found closer to special problems. In this study, the provost marshals who responded to the mailed questionnaires lacked desirable educational achievements, but they are, non-the-less, experts for purposes at hand.

Expertise conflicted with local command policy in

⁵⁹Janowitz, loc. cit.

three general areas, i.e., personnel, operations, and investigations. This study points to the need for reflection upon the matter of whether the "expert" does in fact use expertise. It further points out the need for a greater understanding by provost marshals as to the capabilities of the polygraph instrument.

As to where and under what circumstances expertise should prevail over local command policy, only a few conclusions can be drawn due to the inadequate answers obtained from the respondents. It is indicated that the provost marshal should insist that warrant officer criminal investigators not be used in administrative functions, that military police investigators not be employed for unauthorized purposes, and that Memorandum Reports not be used in lieu of Reports of Investigations. Though the local commander may insist on having his way and his decision is final in matters within his command, the provost marshal should insist that his expertise be considered by the commander before he decides upon a course of action or approves policies regarding these matters of police interest. Policies and command decisions affect all staff agencies generally, but when they primarily affect the provost marshal's ability to perform his mission of discipline, law, and order, the expertise of the provost marshal should not be satisfied for the expertise of

other staff officers.

The provost marshal should not sacrifice his goals for those goals of other special staff officers when making decisions concerning police matters.

The provost marshal should practice the use of a rational, means-to-end, process in making decisions. Such a process tends to insure that police goals are incorporated in decisions concerning matters of criminal investigations. It might also tend to insure that police expertise is included in his recommendations to the commander.

The provost marshal should have the autonomy to decide on criminal investigative matters. To permit otherwise negates the need for his services and would probably reduce general police effectiveness in criminal investigative affairs.

His entree to the commander should not be detoured through some other staff officers. To maintain communication with the commander is essential to the provost marshal as an expert on vital matters to the command. The commander should settle for nothing less.

. . . They have a right of access to him. He would expect them to make use of it if they felt that the safety of the command or any portion of it, or a principle of vital importance to their function and its effective working, were being imperiled. He would not expect them to make use of it merely as a matter of personal dignity or status or as a means of adjusting

differences about administrative detail which may occur between such special staff officers and the general staff. . . .⁶⁰

Dale and Urwick make the point that the military officer is trained in staff work to overcome possible conflict before it is likely to come to the attention of the commander.

A well-trained staff officer is taught to accomplish these two objectives:

1. . . . by seeing himself not as exercising the commander's authority but serving all in the command, he is charged with the duty of helping them to carry out the commander's intentions.

2. By realizing that, since friction may occur in all forms of human cooperation, it is his duty to anticipate its causes and to eliminate them. It is a failure on his part if differences are allowed to come to a head and to preoccupy his commander's time and effort in resolving them. The proper time to adjust differences is before, and not after, instructions have been issued.⁶¹

For these reasons, it may be that conflict between expertise and command policy in the military is not easily discerned. There is no reason why it cannot be discerned in the military or in civilian police agencies, but perhaps the nature of the military establishment and its principles of staff work in organization tend to eliminate likely areas of conflict before conflict arises. The attention of

⁶⁰Janowitz, op. cit., pp. 91-92.

⁶¹Dale and Urwick, op. cit., p. 95.

research might be better directed at civilian police agencies where greater conflict between expertise and policy might be noted.

II. SUGGESTIONS FOR FURTHER RESEARCH

After attacking the problem, it was evident to this writer that certain suggestions for further research could be made.

There are indications derived from this study that the process of communication between the provost marshal and the commander, if analyzed in terms of the commander's degree of reliance upon the provost marshal's expertise, might shed further light upon the matter of possible conflict between local command policy and police expertise. This might necessitate a human relations approach as mentioned earlier.

The task environment of the provost marshal, if analyzed in terms of pressures from the commander, from other members of the commander's staff, and from subordinate commanders, might better illuminate the AREA model. This should reflect specific points of conflict for analysis to determine the conditions under which the provost marshal might satisfy his expertise.

It has been previously mentioned that the model for expertise and the AREA model for decision making can

be related successfully to permit analysis of possible points of conflict between expertise and local command policy. However, this study reveals that the personal interview approach should be used rather than the mailed questionnaire. If this study is repeated, the questions should solicit from the provost marshal explicit examples of problems that have required him to make decision based upon his expertise when the solution to the problem might conflict with local command policy. This is a more direct approach upon which more specific conclusions might be based.

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APPENDIX

Major Ovid E. Roberts, III
814 Oak Street
East Lansing, Michigan

10 July 1964

Subject: Request for Assistance; Masters Thesis

To: Provost Marshal

Dear Sir:

I am presently attending Michigan State University and writing a thesis in partial fulfillment of the requirements to obtain a Master of Science Degree in Police Administration. I am in need of assistance in obtaining empirical data upon which I will base my research. I would greatly appreciate your assistance in taking time to answer the attached questionnaire.

The purpose of my study is to determine whether an army post provost marshal in the United States, makes professional police decisions in matters of criminal investigations by satisficing police expertise in preference to local command policy. Policy, for the purpose of this study, consists not only of written and oral directives, but the desires of the commander. I have selected this topic because of its possible value to the service and the the Military Police Corps, as well as to academic research and to me personally. I feel that by doing so, I might be able to express, in a small way, my gratitude for the education I am receiving at the expense of the service.

Unfortunately, the time to complete my thesis, to have it reproduced and bound, and to defend it orally, is crucial. I would further appreciate it if the questionnaire is returned with as little delay as possible (seven days upon receipt). The answered questionnaire should be returned to me at the address shown in this letter.

This questionnaire is meant to solicit your honest response to the questions asked. Should there be a question which has no referent to your present assignment, it is requested that you consider the question hypothetically and indicate that you have done so by placing the letter "H" after your answer.

Since no honest research can overlook areas that may present a certain amount of sensitive questions which the respondent might not desire to answer, I might only suggest that research seeks out this very type of question with the hope that truthful response will shed light on a problem that cannot otherwise be solved. There may be questions of this type in this questionnaire. There are no "trick" questions in this questionnaire. Each one pertains to your duties as a post provost marshal and your answers will have a direct affect on the outcome of the study.

You have my word that your identity as the person who answered the questions will remain anonymous. This is an empirical study concerned with honest answers to the questions. I will be the only person to see your questionnaire.

I want to thank you in advance for any assistance you may give me. Should you desire to contact me at any time, please feel free to call me at Michigan State University (Area Code 517, 355-2210).

Sincerely yours,


Ovid E. Roberts, III
Major, MPC

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