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## Defense Detective

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## DEFENSE DETECTIVE

EDWARD N. BLISS, JR.

The author writes that he spent his entire adult life in the field of criminal investigation. His experience includes that of special agent for a local utility company, a detective on the vice squad in the sheriff's office, a security investigator for an oil company in Saudi Arabia, and finally, his present position as investigator for the Public Defender's Office of Los Angeles County. Mr. Bliss undertook this latter work in September, 1946, and since the work has been expanded, he has received an appointment as Chief of the Investigation Bureau. His book, *Defense Investigation*, has been recently published by Charles C Thomas, Publisher.—EDITOR.

There is a new breed of investigator making use of criminal law, criminology, and police science. He is a defense detective, an investigator for the Public Defender seeking the facts behind the arrest of a defendant accused of a crime. He is employed by the same authority who employs detectives to apprehend the suspect and receives his pay from the same tax source. For many years the private attorney has had the services of competent and trained investigators when his client could afford to pay the fee, but what about that indigent individual who not only could not hire an investigator but could not even retain an attorney? What about the attorney assigned to the defense of an indigent where the facts are obscure and the witnesses are hard to find? It is a burden upon him to defend the accused, to spend time in court and time in his office preparing the case. Surely he should not be expected to plod through the alleys and dark streets in an effort to locate the missing link between the penitentiary and freedom for his client.

The Board of Supervisors of Los Angeles County created the position of Investigator-Public Defender in the fall of 1946. His duties were to investigate cases under the direction of the Public Defender of that county. The value of such a position was immediately made evident. During the first year over three hundred felony cases were investigated by the one lone investigator. The work of the investigator was confined almost exclusively to the criminal jurisdiction of the office. The investigator's duties were comparable to those of investigators in any private law office or in the District Attorney's office, locating witnesses and making field investigations of cases assigned to him by trial deputies in the department.

It should be pointed out that prior to the time that provision was made for an investigator, the investigation was done by the deputy public defender to whom the respective cases were assigned to prepare for trial. Not only were these deputies untrained in investigation work, but in many instances even when their investigations were fruitful, they were unable to take full advantage of the information which they had obtained and yet serve as trial lawyers. From every viewpoint, the former system was undesirable.

The creation of the position of Investigator-Public Defender made it possible for the trial deputies to carry an increased case load because they were relieved of the loss of time formerly spent in field investigations. The success of the investigator led to

the employment of a second investigator in the spring of 1948 and the establishment of a Bureau of Investigation in the Office of the Public Defender.

Through careful investigation we have been able to dispose of many cases which otherwise would have had to be tried. In almost every trial where there has been an investigation, the duration of the trial is shortened by reason of the fact that the trial deputy is fully advised as to the evidence to be presented and is able to present it expeditiously, thus substantial savings in trial costs are accomplished.

By such careful investigation, the chance of miscarriage of justice is reduced to a minimum, equitable dispositions of many cases are summarily adjusted which otherwise would have had to be tried. While substantial savings are effected in trial costs, great care is exercised that the rights of an accused person are in no manner sacrificed.

Today, nine years later, over ten thousand felony cases have been handled by the bureau of investigation. This number includes over three hundred murder cases. Defendants have been proven not guilty, even after a confession and subsequent conviction by the court. In one case the defendant was shown to have been in jail, a thousand miles from Los Angeles at the time of the commission of the offense. In other cases the investigator not only cleared the accused but located the person actually responsible for the crime.

The Bureau of Investigation is staffed with five men, all highly trained, with years of investigative experience behind them. Every one of them has had experience with a law enforcement agency but came into this field because of one thing in common, an inquisitive nature, compassion for his fellow man, and a desire to see that justice was not decided by the dollar sign. They are all under County Civil Service and are paid the same rate of pay as the investigators in the District Attorney's office or the detectives in the Sheriff's office. While the investigators work in close harmony with law enforcement agencies, there is no breach of confidence. They act as agents of the attorney and as such are bound by the same rules of confidence as attorney and client. However, by seeking the facts and only the facts, and conducting their investigations on a high ethical plane, they are taking the blindfold off of justice.

Other areas are gradually following in the same footsteps. Public Defender offices in Oakland and San Francisco, in Memphis, Tennessee, and in Chicago now have investigators. Of the seventy-eight Public Defender offices throughout the United States, this sum seems woefully small, but then nine years ago it did not even exist; so progress is being made.