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## THE MODUS OPERANDI SYSTEM IN THE DETECTION OF CRIMINALS.

RAYMOND B. FOSDICK.<sup>1</sup>

The detection of criminals as a science is in its infancy. It is the last aspect of police work to receive intelligent attention. When in 1829 Sir Robert Peel laid the foundations of modern police organization, the apprehension of criminals as a distinct function to be carried on by a separate group of men specially trained for their work was not thought of. It was not until the latter part of the nineteenth century that detective bureaus were organized in Europe and America; and even to-day, in spite of some improvements in personnel and technique, the art of connecting crimes with criminals is crude and undeveloped. We still employ a rule-of-thumb method in which luck and guesswork play the main parts. Success is too often the result of chance or accident rather than of a premeditated plan. The police authorities in New York City admit that of the complaints received by the police of crimes against property only a small proportion are satisfactorily cleared up as a result of deliberate action by the detectives.

It is true that the Bertillon system of identification and its successor, the finger-print system, have added greatly to the effectiveness of this arm of the police service. Their scope, however, is limited. They are of use only where the measurements of finger-prints of a criminal are already on file. For the most part, they merely establish the identity of a man *under arrest* and connect him with a previous criminal record. In the discovery of an unknown criminal or of one known only by description they offer no assistance. As Professor Reiss pertinently remarks: "It is not easy to run in the streets after every suspicious man and beg him to be kind enough to let his finger-prints be examined."<sup>2</sup> And it is precisely at this point that detective work, not only in America but in Europe as well, is so often a distinct failure. Our criminals out-class our detectives in ingenuity. Crime has become a career, an industry, an art, with established customs and practices and a recognized technique. On its perpetration an amazing amount of skill and finesse is

<sup>1</sup>Author of "European Police Systems."

<sup>2</sup>Proceedings of the Premier Congrès de Police judiciaire internationale, p. 38.

expended. To meet this situation we are employing to-day practically the same methods that the Bow Street Runners used a hundred years ago in their feeble attempts to reduce crime in London. Our detectives are too often inadequately trained and almost invariably armed with poor tools or with no tools at all. Science until recently has done little to aid society in its struggle with crime and the criminal.

But a beginning has now been made, and the purpose of this article is to discuss one of the newer methods which European students have proposed to aid in the detection of criminals. Before taking up the discussion, however, there are one or two elementary principles to which attention must be directed. In the first place, the bulk of crime, certainly of crime against property, is committed by those who have previously been in the hands of the police. The chief problem of a detective bureau is furnished by the professional or habitual criminal, by the man upon whom the possibility of another prison sentence exercises little restraint. Of the 159,747 criminals received in the prisons of England and Wales during the year 1911, 100,605 had been previously convicted.<sup>3</sup> During the same period, of the 10,646 persons sentenced for serious offenses in the Courts of Assize and Quarter Sessions, 7,474 had been previously convicted.<sup>4</sup> Of the 2,881 persons sentenced for offenses against property with violence, 2,306 had had previous convictions.<sup>5</sup> For twelve years, the proportion of convicted persons in England and Wales, recognized as having previous convictions, has averaged between 60 per cent and 70 per cent.<sup>6</sup> Similarly in Scotland, in 1911, of 2,898 persons sentenced for crimes against the person, 1,556 had been previously convicted; of 980 persons sentenced for crimes against property with violence, 499 had been previously convicted.<sup>7</sup> The same proportion of previous convictions is shown in the judicial statistics of practically every nation in Europe, and by our own statistics here in America.

<sup>3</sup>*Judicial Statistics, England and Wales, Part I.—Criminal Statistics, 1911*, p. 138. The following table is compiled from these statistics:

Number of persons convicted	Number of times previously convicted
23,023.....	Once
12,154.....	Twice
9,104.....	Three times
7,057.....	Four times
5,474.....	Five times
17,431.....	Six to ten times
13,783.....	Eleven to twenty times
12,579.....	Above twenty times

Total 100,605

<sup>4</sup>*Judicial Statistics, etc.*, p. 52.

<sup>5</sup>*Ibid.*

<sup>6</sup>*Judicial Statistics, etc.*, p. 10.

<sup>7</sup>*Judicial Statistics of Scotland, 1911*, p. 66.

Now from this principle that the bulk of crime is committed by the habitual criminal another principle is derived. Habitual criminals are very rarely versatile in their crimes. They tend to commit the same kind of crime over and over again; they do not often venture upon forms of crime with which they are unfamiliar. This is a truth easily demonstrated. The tramp who snatches linen from a hedge or the early morning thief who steals milk bottles could not be a fraudulent trustee or a bank swindler; the fraudulent trustee could not pick a pocket nor would he steal milk bottles. True as this is of crimes so different, it is equally true of crimes much more nearly alike. The mumbling sailor with his false tale of shipwreck and disaster could not change places with the bogus clergyman with his false tale of having been robbed. The pick-pocket and the bogus gas inspector never exchange parts, although they may both operate in the same street. The counterfeiter of coinage does not counterfeit bank-notes, the railway thief is not a hotel thief, nor is the burglar a forger. It comes to this: generally speaking, every crime of a certain class is committed by a criminal of corresponding class—burglary by burglars, pocketpicking by pickpockets, loft-breaking by loft thieves. Sir Henry Smith, formerly Commissioner of the City of London Police expresses the matter as follows:

“Criminals, if they will pardon me for saying so, show a strange want of originality. The streets of London have thousands of pick-pockets: they began to pick pockets, and they continue to pick pockets. The omnibus thief remains the omnibus thief; and the stealer of milk-cans steals milk-cans and nothing else. The stealer of dogs might surely diversify his program by occasionally stealing a cat; but no, the feline race concerns him not. With strange stupidity they frequent the same line of omnibuses, return to the same streets, and, till Nemesis overtakes them, steal the same articles. In the higher walks of the profession these peculiarities are still more striking. The bank robber and the forger are fascinated by their own style of business. They never have an idea in their heads beyond bank robbery and forgery. The coiner is always severely dealt with; but who ever saw him take to a less dangerous pursuit? The ruffian who robs with violence, uniformly knocks his victims down as the slaughterer poleaxes an ox; the good old-fashioned ‘stand and deliver’ would in the vast majority of cases be quite sufficient, entailing possibly only six weeks or two months instead of five years or ten.”<sup>8</sup>

Upon the psychological aspects of this tendency too much stress, perhaps, has occasionally been laid. The simple and more probable reason why an habitual criminal adheres to one form of crime is that he is used to that form and thinks that he is safest in doing what he knows best how to do. The loft thief who has been successful in his particular

<sup>8</sup>*Blackwood's Magazine*, May, 1906. Quotation slightly abridged.

line is not going to run the risk of picking a man's pocket or even burglarizing a residence.<sup>9</sup>

Not only is it true that the habitual criminal is a person with a limited horizon who from habit, expediency, or limited resourcefulness usually practices one particular form of crime; habitual criminals specialize in a particular method of committing their crimes. In other words, professional criminals tend to commit their offenses in certain characteristically individual modes. The burglar who forces the back window with a "jimmy" usually confines himself to that method, while his brother-burglar places his faith in skeleton keys. The pickpocket who carries an overcoat on his arm to conceal the sly work of his fingers follows that mode and no other, while his professional co-worker may confine himself to the less skillful but more dangerous method of jostling. Similarly, one house-breaker will always help himself to wine and food while robbing a dwelling; another will bathe and change his clothes after the task is done, dressing himself in garments which he finds in the house; a third will invariably scribble an insulting note to the owner or perhaps commit a nuisance in the corner of the room; another will operate only at certain hours or in connection with certain classes of houses; still another will gain entrance by deceitfully describing himself as a gas inspector or an agent. In Austria and Hungary there are pickpockets who confine themselves to the following method: Consuming enough garlic strongly to taint the breath, they board a crowded street car and stand close to some prosperous looking passenger. In his endeavors to escape the odor breathed in his face, the victim presents an easy opportunity to the thieves.

In other words, every criminal stamps his individuality on his crime. The successive offenses of the same man are recognizably similar. Almost without exception the habitual criminal leaves behind him some distinct clue, infinitesimal perhaps, which marks him out from all his fellows; so that with trained observation and a rational classification of crimes, made upon the right principles, a particular offender may be located within a small class, or even himself detected.

It is at this point that the scientific thought of Europe is making its first direct contact with the problem of connecting crimes with criminals. The new method involves an intensive study of criminal methods of operation, an exact analysis of the traces which the criminal leaves behind him. Roughly speaking, there are three ways of detecting the perpetrator of a crime: first, his recognition by an eye-witness; second, in case of theft, the tracing to him of stolen property; and third, the traces which he leaves behind him. The first method is unsatisfactory

<sup>9</sup>A very interesting series of articles dealing with this general subject appeared in the *London Times* in July, 1913 (July 28, 29 and 30).

because in most criminal cases the perpetrator is not seen. The police are called in to investigate a crime of which no one knows anything except that it was committed. The second method—the property clue—is difficult to apply because much stolen property is unidentifiable; moreover, it is often easily changed in appearance or passed to innocent parties. The third method of connecting crime with a criminal by the traces which he leaves behind him is far the most reliable, and is always more or less completely available. Yet hitherto this means of crime detection has been largely neglected by the police. An occasional detective here and there has used it—that is, he has been sufficiently familiar with the modes and practices of certain criminals or bands of criminals to recognize a fresh crime as being their work. But such knowledge has not been systematized. It has remained the exclusive possession of an officer who could not communicate it to his fellows or to the newly-joined recruit. He took it with him when he left the force and it died with him, to be rediscovered laboriously, and after many failures, by his successors.

Let us consider an example of three practical operations of this method of detecting a criminal by the traces which he leaves behind him. A burglary has been committed, we will say, in a residence in Ellis Avenue, Chicago. The circumstances are as follows: A back window was forced by the use of a powerful “jimmy” which broke the latch. The burglar ransacked the lower floor, but did not go upstairs, evidently for fear of waking the residents. He was neat in his work and did not throw things about. Silverware only was stolen, other valuable articles being passed over. The burglar appeared to have helped himself copiously to whiskey from the sideboard; he also took a little food from the ice-box in the pantry and smoked a cigarette. This is the situation which meets the investigating officer from headquarters. Under the old régime the only clue that presents itself is the property clue, and all that can be done is to circulate a printed description of the property stolen and to search the pawnshops. Three days later, let us say, a burglary is reported from Dearborn Avenue. Here, too, the burglar forced a back window with a “jimmy” which broke the latch. He apparently did not go upstairs, confined himself to silverware only, worked without disordering the rooms, smoked a cigarette, and helped himself to something to eat and drink. In most police departments no relation would be seen between the two burglaries. The fact that they occurred in different precincts in different parts of the city would under ordinary circumstances preclude a comparison of circumstantial data. They would be listed as separate crimes; another printed description of property stolen would be circulated, and another search made of the pawnshops.

Let us suppose a third burglary a week later on Lakeshore Drive,

committed under exactly the same conditions as above described. But this time the watchman gets a clear view of the party as he is leaving the premises, and while he makes his escape a fair description is obtained. Some months later John Jones, answering this description, is caught in the act of burglarizing a house in Michigan Avenue. He has in his possession a powerful "jimmy" with which he has just pried open a back window. In arresting him, the police have solved four burglaries.

But this is not all. John Jones is given, we will say, a five-year sentence. At the end of his term he is released. Shortly thereafter complaint is received of a burglary in University Avenue. The offender pried open a back window, ransacked the lower floor, helped himself at the ice-box, smoked a cigarette, worked neatly, and confined his theft to silverware. Is this a case of mystery for the police? Not at all. John Jones is the guilty party, and he is arrested on sight.

Let us carry our hypothetical case a little further. Let us suppose that the methods of criminals, known and unknown, have been accurately classified for immediate reference. Let us suppose that Chicago, St. Louis, Detroit, and New York has each its own file, that is, a collection of records relating to crimes classified by the traces which the criminals leave behind them and their methods of operation. Let us further suppose a central clearing-house or perhaps a series of clearing-houses where this material from neighboring cities can be sifted, sorted, and stored for future reference and used in the subsequent investigation of crime. A theft is committed, we will say, in Jefferson Avenue, Detroit. Entrance is obtained to a house in broad daylight by a man who rings the door-bell and tells the maid that he is the gas inspector who is calling to adjust the meter. He shows a badge. Taking advantage of the maid's temporary absence, he hastily seizes what jewelry and money he can find and makes good his escape. Perhaps a series of such larcenies is conducted, each in a different part of the city. Who is the man? The Detroit files, we will say, show that no such thief ever operated in the city before. The police of Detroit therefore get into touch with the clearing-house. They want a bogus gas inspector who shows a badge and who steals money and jewelry. The clearing-house reports that William Smith, well known to the police of Chicago and St. Louis, answers the description. He once served a term in Joliet for just such an offense. Instead, therefore, of searching blindly for the author of the crimes, armed only with a vague description given by a house-maid, the police know all about him. They have his photograph, his fingerprints, and an accurate and detailed description, and they are able intelligently to send out the alarm for his arrest. Or let us say that the clearing-house has no clue to the identity of our bogus gas inspector. All it knows

is that some one using the same methods has been operating in Chicago, St. Louis and Omaha. Perhaps in one of these cities a more tangible clue was discovered than the police of Detroit have obtained. Perhaps the detectives of another city are already strong on the scent. Gradually by comparison and elimination, crime is linked with crime, suspect with offender, until finally the case is brought to a point where an arrest can be effected and the finger-print register employed to show connection perhaps with previous sentences.

It is in this systematic study of the methods used by the criminal that the new departure in police methods consists. Dresden, Germany, has the distinction of being the first city to try out the system in practical form. Under the intelligent leadership of *Polizeirat* Robert Heindl, one of the assistant commissioners of the Dresden police department, a file for burglars and thieves, classified according to their methods of operation, has been devised. The information for this index is obtained from prisons, newspapers, and police officials all over Germany. Here is the file of sneak thieves who enter a window by way of the veranda roof; here are the men who use skeleton keys; here are those who pry off a latch. Every specialized method has its own separate file. In addition to this arrangement by methods, which, of course, forms the major classification, each card in the index contains the front view and profile photographs of the criminal, his name and prison sentences, including the dates of entrance and release.

The Dresden classification is still in an experimental stage, and it is too early to judge of its failure or success. The Dresden officials, however, are so well pleased with its operation that they are now at work on similar files for other crimes than burglary and theft.

What is probably the most comprehensive plan of crime classification by methods has been initiated in some of the counties and boroughs of England. I refer to the so-called "M. O.," or *Modus Operandi* System, devised by Major W. L. Atcherley, Chief Constable of the West Riding of Yorkshire Constabulary.<sup>10</sup> It is indeed his work that has given its name to the whole plan of detecting criminals by an intensive study of their methods of operation. His system is more than an index for a single department; it is a cooperative arrangement, by which habitual or traveling criminals can be traced from community to community by a comparison of their methods of work. It involves the establishment of clearing-houses of information for certain areas, each comprising a number of counties or boroughs. In these clearing-houses facts relating to crime methods are collected and sorted for reference

<sup>10</sup>For full particulars of this system see "M. O." (*Modus Operandi*), in *Criminal Investigation and Detection*—a pamphlet by Major Atcherley, West Riding of Yorkshire, England, 1913.

and use in the subsequent investigation of offenses. This plan necessitates a new classification of crimes, a difficulty successfully met by the adoption of the primary arrangement of offenses against property employed in Dr. Mercier's well known book, *Crime and Insanity*.<sup>11</sup> Inasmuch as crimes against property constitute approximately ninety per cent of criminal work in England—and this proportion would probably hold in all countries—the system has been limited for the time being to this category, although it is capable of expansion to include other kinds of offenses.

Major Atcherley's system is important enough to deserve more extended review than can be given in this paper. Obviously in devising a system of this kind, two questions are encountered: First, what kind of facts shall the detective who investigates a crime report? Second, can the facts thus obtained be accurately classified so as to make them readily accessible?

In meeting the first difficulty, Major Atcherley adopted for the use of investigating officers ten headings or subdivisions, each relating to a phase of the method employed by the criminal in the perpetration of his crime. These headings and their interpretation follow:

(1) *Classword*—Person or Property attacked—One class of thieves will select a certain class, whereas they will hesitate to attack another. An effort should be made to exactly describe the actual person or property in each case so as to leave no doubt in the mind of the reader on this point. General terms, such as "Dwelling-house," "Lodging-house," etc., are not sufficiently particular, whereas an expressive word can be nearly always found, such as "Vicarage," "Hotel," "Semi-detached Villa," "Common Lodging-house," etc.

(2) *Entry*—The actual point of entry into the property should be clearly specified, i. e., by window, door, adjoining premises, roof, skylight; further particularised, viz.: "front" window, "back" window, "front" door, "back" door, etc., first, second or third floor, etc.

(3) *Means*—This point should be clearly expressed, due regard being had to the method used by the thief in reaching the point of entry, also the Tools used after so reaching it.

(4) *Object*—Kind of property taken, generally stated. Property should be clearly sub-divided into that which can be identified by the reader of an Information and that which can only be identified by the loser of the property.

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<sup>11</sup>New York, 1911, Chap. VIII.

(5) *Time*—This point must not be limited entirely to the consideration of the hour, but should be considered in regard to the day of the week, opportunity, and occasion, such as “week-end,” “Church-time, Sunday,” “Market Day,” “during meal hours,” etc. It will be thoroughly appreciated that this point often narrows down the detection of the crime to criminals who operate at certain periods.

(6) *Style*—Did the criminal, to obtain entrance, describe himself as a mechanic, canvasser, agent, traveller, engineer, army or naval officer, etc.?

(7) *Tale*—It is nearly always possible to ascertain the account which the criminal has given of himself, including the particular business which brought him into the neighborhood at the time. It is almost impossible for a stranger to stay for even a short time in a new community without disclosing his business, whether he desires to or not. The criminal is usually prepared with some explanation so as to be ready for any inquisitive persons.

(8) *Pal*—To an expert officer investigating a crime which has been committed, it should be nearly always possible to ascertain whether the work is that of one man or more. Many facts revealed in the investigation will lead him to this expert opinion. It is appreciated that some criminals work in pairs or more, and others invariably by themselves; this point, therefore, is important in reducing the scope of detection.

(9) *Transport*—The investigating officer will invariably seek for “traces” of vehicles, etc., in the neighborhood of the property that has been broken into, such as bicycles, motor cars, carts, etc., marks of which on inquiry cannot be accounted for by the ordinary traffic at the scene of the crime. If present, this point should be noted as having a possible connection with the crime. Many good cases of detection have been attributable to traces of the way in which the thieves have moved about themselves, or taken away the property.

(10) *Trademark*—Expert criminals are known frequently to commit certain extraordinary acts not associated with the object of the crime, such as “poisoning the dog,” “leaving a note behind,” “changing their clothes,” “drinking the wine and smoking cigars,” or even “committing a nuisance on the scene of the crime.”<sup>12</sup>

The outline, above given, covers the *modus operandi* phase of the detective’s investigation. It is, of course, used in connection with the two other clues that we spoke of, namely, the property clue (i. e., de-

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<sup>12</sup>For elaboration of these points see Major Atcherley’s pamphlet above referred to, pp. 9, ff.

tailed description of property taken) and the description of the offender if it is to be had. That is, on the same report that goes to the file at police headquarters or to the clearing-house file appears the list of stolen property, the description of the suspect (if obtained) and his methods of operation in the ten-headed form above shown.

Now how shall this *modus operandi* information be classified? Major Atcherley devised a set of formulas by which the whole crime can be described in a number, while the particular method employed is characterized in a few additional words. Without going into detail, his idea, which is unexpectedly simple, can be explained by the following illustrations of the symbols used:

Thieves who by means of a confidential position have misapplied money, etc., are described as *M. O. 1.*

Thieves who break into dwelling-houses, habitable offices and buildings—*M. O. 2.2.*

Thieves who break into any place used for public worship—*M. O. 2.3.*

Thieves who break into unoccupied buildings—*M. O. 2.4.*

Thieves who take without violence from the person—*M. O. 3.1.*

On this basis a card in the file, for example, would appear as follows:

<i>M. O. 2.2.</i>	Residence (Detached)	Jewelry and clothing	Evening (Date)
	Ground floor window, Catch		
	Sticky paper, smashing		

This seemingly unintelligent group of figures and words is interpretable as follows: A burglary was committed in a detached residence, by an unknown person who pasted a piece of sticky fly-paper over a window glass on the ground floor, so that it would not fall when broken, then smashed the glass and slipped the catch. Jewelry and clothing were stolen. The burglary occurred in the evening. Apparently the offender was alone and walked to the scene of his crime.

Following this information, which constitutes the heading for the classification, details are given on the filing card as to the kind of property stolen, the exact hour of the crime, the description of the suspect if obtained, etc. A similar crime would find the same place in the *modus operandi* file, so that ultimately there would be on hand a complete description of all crimes occurring in the community, grouped according to the particular methods employed.

Major Atcherley's system is daily growing in usefulness as its operation becomes more widespread. At the present time it is confined practically to the Northern District of England, where it is employed by both county and borough forces. It is highly probable, however, that it will soon be adopted in the Southern District. Even Scotland Yard, despite its conservative traditions and tendencies, is beginning to look upon it with favor. Indeed, the "M. O." system or some similar system must ultimately compel attention everywhere. Classification of crime by methods, with clearing-houses covering a wide territory, is bound to become a permanent feature of detective work. Just as the invention of a formula has made identification by finger-prints of practical utility by connecting the prisoner with his past record, so the application of a formula to other peculiarities of the criminal will be of enormous value in facilitating his apprehension.