

The background of the cover is a light yellow-green color. It is decorated with several stylized, light green leaf motifs that appear to be floating or falling from the top left towards the bottom right. These motifs are scattered across the entire cover, adding a natural, organic feel to the design.

ROUND UP THE USUAL SUSPECTS

**Criminal Investigation In Law & Order,
Cold Case, And CSI**

Raymond Ruble

 **Greenwood**
PUBLISHING GROUP

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SUSPECTS

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Raymond Ruble

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Major Strasser has been shot. Round up the usual suspects.

—Captain Renault, *Casablanca*

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PREFACE

In the last twenty years, TV detective shows have ventured into previously underexplored territories. The robbers are up to their old tricks all right—thankfully this has not changed—but the cops have developed new ways of dealing with the rascals.

Three TV series—*CSI: Crime Scene Investigation*, *Cold Case*, and *Law & Order*—are at the forefront of these changes in the popular culture of small-screen crime fighting. Each of these shows is anchored in its own model of crime fighting. *CSI* has the “forensic science” model of criminal detection in which good detective work involves the combination of biology, chemistry, and physics lab sciences. *Cold Case* offers the “memory romance” model of criminal detection, which sees the detective as a sort of fairy godmother fulfilling the victim’s heart-felt longings. *Law & Order* presents the “legal cooperation” model of criminal detection, according to which successful crime fighting is an outcome of bureaucratic efficiency (except with the Feds!) and properly playing by the rules.

Pity the poor old TV gumshoe; he’s been transformed into an organizational bean counter, a lab rat, or a devout sentimentalist! Where are you now, Joe Friday? A la Joe DiMaggio, gone, gone away.

Like a good cookbook, a criminal detection model is a type of blueprint that comes with its own unique set of operating instructions. It tells the members of the criminal justice system how to proceed as a crime is discovered, evidence is collected, and suspects are found, interrogated, and prosecuted. Each of these model “cookbooks” is significantly different from the others, yet they all have the same purpose: to round up the usual suspects.

This is a book about these TV detective series and the different crime-fighting models that distinguish them. To understand the three main models of criminal detection even further, two additional TV series will be explored—*Boomtown* and *Without a Trace*. *Boomtown*’s crime-fighting model is the “points-of-view” model in which truth and justice are quilts stitched together out of many separate and divergent patches. *Without a Trace* is based

on the “essential self” model of criminal detection, according to which detective work seeks to uncover the hidden true identity of the victim.

All five of these series embody uniquely sculptured formats that differ from each other just as a cookbook with crockpot recipes differs dramatically from one with recipes for grilling. Each aims at producing a nourishing meal, but each completes its objectives in distinctly different ways.

The pages below discuss a number of interesting philosophical issues raised in the popular TV police procedural series *CSI* (debut 2000), *Cold Case* (debut 2003), *Without a Trace* (debut 2002), *Boomtown* (debut 2002), and *Law & Order* (debut 1990); these issues make each series the informative and entertaining vehicle that it is. As spinoff series, *Law & Order* produced *Law & Order: Special Victims Unit* (debut 1999), *Law & Order: Criminal Intent* (debut 2001), *Law & Order: Trial by Jury* (which debuted in 2005 but was cancelled after thirteen episodes), and *Law & Order: London*, set to debut in 2009. *CSI* produced two spinoff series, *CSI: Miami* (debut 2002) and *CSI: New York* (debut 2004). *Cold Case* and *Without a Trace* have yet to produce a spinoff series. *Boomtown* went bust early in its second season. Each of these series except *Law & Order: Trial by Jury*, produced more than twenty episodes a season and each of them except *Boomtown* is still in production at the time of this writing.

CSI's spinoff series are, quite appropriately, clones of their parent, so no attempt will be made here to pursue the nuances offered by these replicates. *Law & Order*'s spinoff series differ from their parent in that *Special Victim's Unit* and *Criminal Intent* fail to give the sort of attention to that which is really unique about the parent series—the prosecution of the defendants uncovered by the detectives in the first half of each episode and the resulting cooperation between the police detectives and the DA's office.

No matter. The parent series *CSI* and *Law & Order* are thriving. Well over 500 of these parental episodes are currently enjoying a robust afterlife in the immortal world of TV reruns. Few viewers have seen all of these episodes or can remember many of their plot lines. Fortunately, for the avid fan, many seasons' worth of these shows are readily available on DVDs, at NBC's or CBS's network Web pages, and at such generic websites such as TV.com, which list all of these episodes and their plot lines. This text will briefly discuss several episodes from each series, morsels selected for the flavor they add to the meal we are cooking here. Each series has its unique style, which, to overcook the metaphor, makes it equivalent to the soup, the salad, the meat, the potatoes, or the dessert of a full-fledged dinner. For readers who have not seen or cannot remember a particular TV episode discussed in the text, enough of the episode's plot line is included to make sense of the conclusions drawn from it. Occasionally, passages cited from series' episodes have been compressed or slightly rearranged in order to clarify their meaning. To that end, the practice of using ellipsis points (...) to separate quotations has been omitted so as not to stifle the smooth flow of dialogue so essential to the broadcast medium. The sheer volume of available episodes makes it impossible to cite much of the

broadcast material in each episode examined in the text or even to discuss most of the episodes in anything short of an encyclopedia. To the reader who is disappointed that his or her favorite episodes are not included in this discussion, there is always the solace of Internet chat rooms and blogs, the endless supply of which more than make up for the limitations imposed on this text for brevity's sake. But the flavor of the meal lies in the tasting, and the tasting lies in the interesting points suggested by the raw ingredients of the episodes contained in these series. The reader ought to be able to extract the issues from the examples presented in the text and apply their lessons as "cooking instructions" to the vast bulk of the episodes of these series for which spatial limitations prevent discussion.

Sharp-eyed and sharp-eared readers and TV viewers may uncover a few errors regarding the names of the legion of minor characters that populate the many episodes cited in this text. All citations are taken from the broadcast episodes themselves. Citation errors are solely the responsibility of the author. It is my hope that there are no such citation miscues, but it would be a case of rank hubris to claim to succeed in accurately naming every minor character in each of these dramas, especially when a name is not specifically or unambiguously attached to a character in the course of a given episode.

A final wash up before dinner time: These five models of criminal detection—forensic science, memory romance, the essential self, points of view, and the legal cooperation model—are cookbooks for preparing many more dishes than just the criminal detective show. These models can produce equally well dramatic thrillers, action movies, science fiction tales, romances, war stories, histories, documentaries, or what have you. The list can be extended to any storytelling subject because each of these models embodies a component of how we humans understand the world we live in, which leads to the point of the Introduction.

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INTRODUCTION: POLICE PROCEDURALS AND THE HUMAN NEED FOR STORIES

Human beings are the only critters we know of who possess the desire and the capacity to engage in the art of storytelling. The telling of and listening to stories runs so deeply within us that it is inconceivable that human culture could exist without this art form. Why is storytelling so important to us? Storytelling fulfills a number of basic human needs: 1) the need for information, 2) the need for enlightenment, and 3) the need for entertainment.

The need for information is basic to human existence. Humans are born with little, if any, innate knowledge, and therefore our very ability to live depends on our capacity to gather, store, and recollect accurately information about our ever-changing environment. Survival needs present us with some unavoidable complications. There is almost always too much information from which to select. Ways must therefore be devised to sift relevant and important data from the sheer mass of stuff out there in order to find the small needle in the large haystack. But our information-sifting strategies may be inefficient or incapable of getting the job done at all or getting it done quickly enough. Even worse than this, we may mistakenly believe we have the right answer to a situation when we do not have it, and this sort of mistake frequently leads to undesirable outcomes. How do we know that we have gathered the right evidence and that we have interpreted that evidence correctly? These are perpetual perplexities.

Second, humans have a need for what may be termed “enlightenment satisfaction.” This concept means that we wish to know valuable and significant things about the nature of the world and our proper place in it. As a species, we are not mere animals; we are also philosophers. We are not content to simply live in the world. We are self-consciously aware of the world’s existence and our place in it, and we have the human drive to wonder about this. We have the self-reflective capacity to be *concerned* with our existence. We naturally ask questions such as: “Are we right about thinking such and such?” “Are these things really important?” “How important are they?” Possible answers to these questions are in turn subjects for further reflection and second-guessing. Questions and reflective answers there will always be.

Finally, we humans have a deep-seated desire for entertainment. Life can be full of drudgery, tedium, and danger. These factors wear us out, and our existence can be more or less consumed by them. The English philosopher Thomas Hobbes famously likened this to a state of nature in which our lives are “solitary, poor, nasty, brutish, and short.” We want to experience during our lifetimes not a mere brutish existence, but a joyful existence. We want to have some plain old fun.

One form of entertainment is the telling of and listening to (or viewing of) stories. These stories may be completely true, completely fictitious, or somewhere in between, but in any event, some of them must be entertaining, whether or not they are also informative or enlightening. What is experienced as entertaining, of course, varies across cultures, within a culture, between individuals, and even within a given individual himself depending on his mood. What someone finds entertaining at one time may be experienced as uninteresting or even boring the next time around.

Storytelling is not just for fun however. Stories also give us information about the world. Whether it’s grandpa telling us about his adventures in the Big War or students explaining how it is that the computer dogs ate their homework, stories pack in a great deal of information. Some of this information is designed to provide answers both informative and enlightening. When Chief says to the kids in *South Park*, “Children, there’s a time and place for that and it’s called college,” he was not only attempting to give the kids information, he was also giving them important advice about the ways of the world and the proper manner to live within it.

For more than a century, detective stories have been instrumental in satisfying audiences’ need for information, enlightenment, and pure entertainment. From their comic-book-type origins through Victorian novels into radio, TV, and film, and now finally into the Internet, detective stories have become a popular cultural staple. In the history of TV alone, hundreds of series can properly be labeled as detective shows. But TV detective show audiences too commonly have seen these series as pure entertainment when in fact they offer much more. TV detective shows are cultural weathervanes of enlightenment. They focus on more than just the “whodunit.” They also exemplify the issues that are judicially important to our culture. An issue could not become judicially important if it were not already seen as culturally important. In a nutshell, TV detective stories are chock-a-block with value-packed information and (supposed) enlightenment. The old saying, “Crime does not pay!” is just one obvious example of TV detective enlightenment that purports to make us an offer “we cannot refuse.”

On Problems and Puzzles

Life is full of problems. Problems are situations that are difficult to deal with or understand. Problems like what to eat for dinner or how to get to

work every day are handled by routine activities that solve these recurring problems in a similar manner each and every time they happen. Other problems are infrequent or dramatic enough to outstrip everyday routines. These call for special attention, attention that can be frustrating and time-consuming at best, futile at worst. Murder and mayhem fall into this latter category. Ordinary folk have no occasions for dealing with these sorts of traumatic encounters and are completely flustered when they do occur. We have developed no individual resources with which to respond to them adequately. For these sorts of cases, we have created police departments and courts of law. In order to operate, however, police departments and courts of law have to treat murder and mayhem as themselves subject to an array of problem-solving routines. The legal system has to devise a series of problem-solving routines that allow it to handle smoothly what the ordinary public finds so disruptive.

A *police procedural* is the name given to a type of detective story that presents cases of murder and mayhem as they are routinely handled by police departments and the judicial system. A procedural focuses on how the police and the courts apply their problem-solving skills and technical routines to the case at hand. But police routines, like the routines of the everyday person, are not static, fixed, and unmoving. Times change and with changing times come the development of new procedures as old ones are allowed to fade away into obsolescence. DNA fingerprinting is all the current rage. Phrenology, the analysis of criminal character by studying the bumps and lumps on the skull, is not only passé, it is downright hilarious. How could anyone ever think that the shape of someone's lumpy skull would offer important clues about that person's supposedly criminal behavioral tendencies? But in the last half of the nineteenth century, phrenology was all the rage among the European intellectual elite. How times change.

Some problems, however, defy solution even by the techniques ordinarily applied in police procedurals. When this happens, it is called a *puzzle*. A puzzle is a problem that routines cannot solve easily or cannot solve at all. Some puzzles tickle our need for information, others invoke the need for justice, and still others are merely entertaining. Stumbling over puzzles also provokes a range of responses. To the person charged with solving the puzzle, a common response is increased interest in the case, frequently followed by surprise and frustration. Why are the routines not working like they ought to? How can we make them work? Do we need new routines? If so, what are they? To the victim and the victim's family and friends, the puzzling lack of results can be very unsettling. To them this is not a mind-game. Their problems literally cry out for resolution. Do something! Why can't you solve this? This is commonly deemed the victim's need for *closure*. The puzzle of Amelia Earhart's fate fascinates us still, even though she and her airplane went missing more than seventy years ago. Sometimes closure is so far off the radar screen that it seems but a hopelessly romantic ideal.

While the real-life victim needs a quick and decisive resolution of her situation, to the TV viewer at home or the reader of the mystery novel, puzzles are the meat and potatoes of storytelling because they simultaneously fulfill our needs for information, enlightenment, and entertainment. Got a nifty puzzle? Excellent! Now that is an interesting story. If it is not your own ox being gored, then in some ways the worse the puzzle the better. This comes with one caveat, however: There must be a solution or resolution to the problem at the end of the book or the movie. Do not tell the reader or the viewer, "We do not know whodunit. We will never figure it out." There are plenty of unsolved cases, but unless they appear for further resolution in episodes of *Cold Case*, audiences don't want to hear much about them. They are not sufficiently informative; therefore, they are neither enlightening nor entertaining. They are just frustrating. In popular culture, frustration is the kiss of death.

The Willing Suspension of Disbelief

This is a book about police procedurals. It is about the problem-solving routines devised by the legal system as these routines are mass marketed by TV drama. TV audiences gobble up detective series. As soon as one series becomes shopworn, two more arise to take its place. But something strange is going on here. While particular episodes of any of these series may be based on actual crimes, each episode is a work of fiction. It is understandable why audiences would find actual criminal cases such as those of O. J. Simpson or Scott Peterson interesting, but why do we find fictitious criminal cases interesting? After all, they are not real; they never happened. Indeed, fictitious cases are often far more interesting for audiences than real-life cases. Why is that? It is because the human need for information, enlightenment, and entertainment can be satisfied equally well by examining reality or by imagining the fictitious to be "factual." Ironically, fictitious "information" is just as important to audiences as knowledge of factual events. Humans have an amazing ability to suspend belief concerning the authenticity of cases they are viewing in favor of what makes sense to them at the time, regardless of the fictitious nature of the issue in question. This is a capacity akin to color vision. Surely, we could see the world strictly in terms of black and white, that is, we could stick to actual events and real people. Nancy Grace on *Court TV* tries to do just that. Sometimes, as the saying goes, truth is stranger than fiction. But not often, or not often enough for the many TV channels broadcasting twenty-four/seven. Our world is ever so much more rich and interesting when seen through the colored lenses of fiction too. For us, fiction can be even more "realistic" than reality itself. Fiction *colorizes* fact more than Ted Turner colorizes old black-and-white movies.

This apparently weird preference for the realistic over the real can be resolved by understanding the TV audiences' willing suspension of disbelief. Like all successful TV programs, police procedurals rest on the audiences'

willingness to accept certain fictions at face value while still knowing that they are fictions. Because of the limitations of commercial production, TV storytelling must make many assumptions, which the audience must take for granted. For example, successful TV dramas must compress a large number of factors into a simplified format. The forty-four-minute time frame and the number of actors involved in a drama must be packaged in such a manner that the audience does not lose track of the story line because of data overload. Scene changes must be orderly and limited in number for the same reasons. Individual roles must be integrated into the story line so that the identity and the motives of the characters can be easily and quickly recognized. But the real world is never so tidy. The audience knows this and is generally willing to go along with the story line for the purposes of the drama as long as the story line is "realistic." As was the case for *Boomtown*, poor ratings are frequently the result of the audiences' unwillingness or inability to let the storyteller tell a particular story in the manner of her choosing. The audience may decide that the story line is too poorly integrated to be interesting or simply too silly to be believable.

However it happens, TV detective show audiences have to be ready, willing, and able to suspend some pretty basic beliefs about the way the world runs in order to enjoy the materials TV presents. After all, these shows are all more or less complete fictions. But why should mere fictions engage the audience in the first place? Because audiences do not see these events as mere fictions. Each *Law & Order* episode opens with a supposed location and time and the trademark "chung chung" sound accompanying the queue card, which signals to the viewers that the scene is to be understood as taking place in the location and the time indicated, and not in some other locale at some other time. *Law & Order* is filmed on location in New York City, yet there are usually no actual specific locations in New York City proper as indicated by these cards. It is ironic that these fictions give the scenes such a great sense of reality. In essence, these are unreal, but realistic.

There is another, even stranger, problem with TV detective series. Their stories focus on unfortunate events that happen to people. Woes and misery are their bread and butter. To succeed in the public arena of popular entertainment, TV shows must produce a great deal of audience satisfaction. But how can audiences obtain satisfaction by watching the misfortunes of fellow humans? Seemingly the wretched events depicted would produce a negative response on the part of the audience, and TV shows cannot succeed if they produced such negative reactions. What is going on here? Why does an audience allow a storyteller to get away with depicting "a series of unfortunate events"? It would seem that viewing misfortune would insult the audiences' sensibilities just as much as would an illogical plot line. It is an old story that, contrary to what may logically be expected and humanely hoped, stories filled with "unfortunate events" may be all the more popular simply because of that fact. After all, the ancient Greeks seemed to have thoroughly enjoyed

watching Oedipus strut on stage after spiking out his own eyes or seeing Medea murder her own children out of pure cussedness. The answer for the weird popularity of misfortune as depicted by TV detective dramas rests on the voyeuristic human tendency to take perverse intellectual and emotional satisfaction out of watching others suffer.

Maybe Christianity has it right—it is our fallen natures. Original sin has not only poisoned our ability to act correctly, it has poisoned our ability to condemn fully the wanton actions of others. Yet the humanist is more optimistic. We generally do display compassion at the suffering of others; we are often willing to extend our kindness to strangers. Humans can display a high degree of empathy and sympathy for those who are the victims of misfortunes or natural disasters; therefore, it seems a strange thing that audiences should take such a delight in being entertained by scenes of carnage and suffering.

The Greek philosopher Aristotle had a famous answer to this age-old perplexity: We get pleasure by watching certain sorts of horrific events because these events arouse within us fear and pity for the victim, a sort of “There but for the grace of the gods go I” effect. In turn, the fear and pity aroused in us serve as a catharsis, a release, for our own internal anxieties, and this catharsis, this release of tension, is experienced as pleasurable. Thus we paradoxically experience pleasure by viewing certain sorts of sordid and painful subjects. But the victims of these events cannot be too badly abused, by which Aristotle meant that the victims could not be too morally good, because it would simply horrify us if really good people had really terrible things happen to them. Nor could the victims of great misfortunes be too evil, because then the audience would not care enough about their wretched fate to shed any tears. Nor can what befalls the victims be too wretched, because that would simply horrify the audience and not produce the requisite catharsis. For example, great care must be taken when representing children as victims, as their innocence makes their destruction particularly harsh for an audience to behold. What Medea did to her own kids was pretty heavy stuff even way back then.

The Scottish philosopher David Hume had a different explanation for the apparently contradictory phenomena of experiencing pleasure while viewing the misfortunes of others. Hume claimed that pleasure and pain are human affections that are closely related both as felt experiences and in their causal origins. Essentially the TV viewer sees the victim’s fate as a fiction. It is unreal, though realistic. But contra Aristotle, the viewer does not too closely identify herself with the victim’s fate, whether the victim be of good or bad character. Quite the contrary, the viewer is pleased not to be too closely identified with the victim’s misfortunes. The victim is seen as distant from the viewer, indeed, as safely distant, and that distance carries with it the corresponding pleasant feeling of safety for the viewer. Coupled with this distancing propensity, which keeps the unfortunate victim at arm’s length, Hume noted the human desire for novelty in explaining the popularity of viewing the pain and suffering of others. What was seen as emotionally moving in the

past becomes merely humdrum when repeated too often in the future. Familiarity breeds boredom. Hence those who write TV story lines are continually forced to push the envelope. Mere skeletal remains do not get the job done any more. Far more sensational special effects are required. Thus succeeding *CSI* seasons become increasingly flooded with yucky data ever more voyeuristically viewed. We do not just have killers, now everybody and her sister is a *serial killer*. If Hume's analysis is correct, future seasons of shows like *CSI* will bring us even more sordid and complex puzzles for viewers to put together. We have not yet reached the end of the slime line.

The TV Series

While hundreds of detective series pepper the history of TV, attention will primarily be paid to five of them here: *CSI*, *Cold Case*, *Without a Trace*, *Boomtown*, and *Law & Order*. These shows have been chosen because they are exceedingly popular with TV audiences and TV critics. (*Boomtown* was not popular with the TV audience, but it was very popular among the TV critics.) These series were also chosen for the high quality of their productions, acting, plot lines, and story locations. Primarily, however, these series were selected because they represent distinctly different models of police procedurals and storytelling techniques. They succeed as entertainment because, by incorporating their unique problem-solving methodologies, they supply their audiences with a great deal of information, enlightenment, and entertainment.

CSI presents a radically different model of police procedurals than any that have gone before it. While other TV police procedurals occasionally use forensics as a minor problem-solving tool in tracking down whodunit, *CSI* is all about the gathering of forensic evidence and the procedures used to extract it. *CSI* "criminalists" operate in the same manner as airplane crash investigators. Their job is to gather evidence objectively and explain it accurately so that the police and the courts, as well as the shows' audiences, may have a scientifically accurate understanding of what took place at the scene of the crime. The theory of the *CSI* format is to show that the "howdunit" is the only appropriate way to determine "whodunit." Because *CSI* focuses its laser-like intensity on the empirical evidence of crimes, evidence that exists solely for the purpose of being available for forensic examination, it pays little attention to the personal lives of the people who populate the Las Vegas crime lab, let alone the personal lives of the criminals and those of the victims it puts on the autopsy table. Each of its main characters is of interest primarily because of his or her ability to process evidence quickly, accurately, and thoroughly. Blood will tell; murder will out. Forget the eyewitness. Bring on the damned spots. They will always be there in the black light, glowing in the dark.

CSI is the paradigm case of the "forensic science" model of criminal detection.