



5

History and Structure of American Law Enforcement

The Structure of American Law Enforcement

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Learning Objectives

After completing this chapter, you should be able to:

1. Briefly describe the jurisdictional limitations of American law enforcement.
2. Trace the English origins of American law enforcement.
3. Discuss the early development of American law enforcement.
4. Describe the major developments that have occurred in American policing.
5. Describe the structure of American law enforcement.
6. Explain the relationship between the Federal Bureau of Investigation and the Department of Homeland Security.
7. Discuss the development and growth of private security in the United States.



CRIME STORY

On January 20, 2011, the Federal Bureau of Investigation (FBI) made the largest single-day Mob bust in U.S. history. The operation targeted New York's five Mafia families—the Gambinos, Genoveses, Bonnanos, Lucheses, and Colombos; the DeCavalcante family in Newark, New Jersey, and the New England mafia family in Providence, Rhode Island. More than 800 local, state, and federal law enforcement officers took part in the early morning sweeps that netted 119 of the 127 mobsters charged with crimes. One suspect was arrested in Italy with the aid of the Italian National Police. Some of the “big fish” snared were Colombo family street boss Andrew Russo, 76, Colombo family acting underboss Benjamin Castellazzo, 73, Colombo family consigliere Richard Fusco, 74, Gambino consigliere Joseph Corozzo, 69, Gambino ruling panel member Bartolomeo Vernace, 61, and New England boss Luigi “Baby Shacks” Manocchio, 83 (pictured). Other mobsters arrested also had colorful nicknames such as “Tony Bagels,” “Junior Lollipops,” “Johnny Pizza,” and “Vinny Carwash.”

The roster of suspects was disclosed when 16 indictments encompassing hundreds of charges were unsealed. The

crimes for which the mobsters were arrested included murder, drug trafficking, gambling, extortion, loan-sharking, and prostitution. Some of the crimes had been committed 30 years ago, including a double murder instigated by a barroom fight over a spilled drink. Attorney General Eric Holder, in Brooklyn to announce the arrests, described some of the crimes as “classic mob hits” to get rid of perceived rivals and others as “truly senseless murders.” To make the cases, the FBI used classic investigative techniques, such as telephone wiretaps and wired key informants.

Attorney General Holder stated, “As we’ve seen for decades, Mafia operations can negatively impact our economy—not only through a wide array of fraud schemes but also through the illegal imposition of mob “taxes” at our ports, in our construction industries, and on our small businesses. The violence outlined in these indictments, and perpetrated across decades, shows the lengths to which these individuals are willing to go to control their criminal enterprises and intimidate others.” He noted that the Mob “is probably not nation-wide in its scope and impact as it once was, but it is an ongoing threat.” He declared, “The Department of Justice and our partners are determined to eradicate these criminal enterprises once and for all, and to bring their members to justice.” FBI

Director Robert S. Mueller III added that it is a myth that organized crime “is a thing of the past. . . . Unfortunately, there are still people who extort, intimidate, and victimize innocent Americans.” FBI Assistant Director Janice Fedarcy commented that the arrests “made a serious dent” in organized crime’s leadership and strength. However, she cautioned, “Arresting and convicting the hierarchies of the five families several times over has not eradicated the problem. . . . As one generation of Mob leaders is wiped out by arrests or internal battles, a new generation takes over.” Organized crime evolves. Today, it is involved in cybercrime and health fraud, for example. Experts claim that arresting La Cosa Nostra suspects will do little to curb crimes since Albanian and Russian crime organizations now rule the streets.

Chapter 5 is about the history and structure of law enforcement. Among the issues examined is the FBI’s decades-long struggle against organized crime. How has organized crime been able to survive and flourish for so long? Should organized crime remain a priority of law enforcement? These are important questions not only for lawmakers and law enforcement officials at all levels of government but for concerned citizens as well.

The Limited Authority of American Law Enforcement

The United States has more than 15,700 public law enforcement agencies at the federal, state, and local levels of government. The vast majority of those agencies, however, are local and serve municipalities, townships, villages, and

jurisdiction The right or authority of a justice agency to act in regard to a particular subject matter, territory, or person.

counties. The authority of each agency—whether it is the FBI, a state highway patrol, or a county sheriff’s department—is carefully limited by law. The territory within which an agency may operate is also restricted. The city police, for example, may not patrol or answer calls for service outside the city’s boundaries unless cooperative pacts have been developed. **Jurisdiction**, which is defined as a specific geographical area, also means the right or authority of a justice agency to act with regard to a particular subject matter, territory, or person. It includes the laws a particular police agency is permitted to enforce and the duties it is allowed to perform. The Oklahoma Highway Patrol, for example, has investigative and enforcement responsibilities only in traffic matters, while the Kentucky State Police have a broader jurisdiction that includes the authority to conduct criminal investigations throughout the state. Each of the 70 federal law enforcement agencies, large and small, has a specific jurisdiction, although one criminal event may involve crimes that give several federal agencies concurrent jurisdiction. For example, in a bank robbery, if mail of any sort is taken, both the Postal Inspection Service and the FBI are likely to investigate the case.

Beyond the statutes that create and direct law enforcement agencies, the procedural law derived from U.S. Supreme Court decisions also imposes limitations on the authority of those agencies. Giving arrested suspects the familiar *Miranda* warnings before questioning is a good example of the Court’s role in limiting the authority of the police. In addition, police civilian review boards, departmental policies and procedures, and civil liability suits against officers who have abused their authority curtail the power of the police in the United States.

Thus, there is a great difference between law enforcement with limited authority, operating under the rule of law in a democratic nation, and law enforcement in countries where the law is by decree and the police are simply a tool of those in power. Even in comparison with other democratic nations of the world, however, the United States has remarkably more police agencies that operate under far more restrictions on their authority. To understand the origin of those unique qualities of law enforcement in the United States, it is necessary to look first at the history of law enforcement in England, the nation that provided the model for most of American criminal justice.



The only police contact most citizens have is in a traffic situation in a local or state jurisdiction. *Should citizens have more contact with the police in non-law-enforcement situations? Why or why not?*

THINKING CRITICALLY

1. Why do you think it is important that law enforcement agencies have limited authority?

English Roots

If you are the victim of a crime, you might expect that a uniformed patrol officer will respond quickly to your call and that a plainclothes detective will soon follow up on the investigation. Because there are thousands of police departments in local communities across the nation, you might also take for granted that the police handling your case are paid public servants employed by your city or county. Such was not always the case in the United States—or in England, where the basic concepts of American law enforcement and criminal justice originated. The criminal justice system in England took hundreds of years to develop, but eventually the idea arose of a locally controlled uniformed police force with follow-up plainclothes investigators.

THE TITHING SYSTEM

Before the twelfth century in England, justice was primarily a private matter based on revenge and retribution.¹ Victims of a crime had to pursue perpetrators without assistance from the king or his agents. Disputes were often settled by blood feuds in which families would wage war on each other. By the twelfth century, a system of group protection had begun to develop. Often referred to as the **tithing system** or the frankpledge system, it afforded some improvements over past practices. Ten families, or a *tithing*, were required to become a group and agree to follow the law, keep the peace in their areas, and bring law violators to justice. Over even larger areas, ten tithings were grouped together to form a *hundred*, and one or several hundred constituted a *shire*, which was similar to a modern American county. The shire was under the direction of the **shire reeve** (later called the *sheriff*), the forerunner of the American sheriff. The shire reeve received some assistance from elected constables at the town and village levels, who organized able-bodied citizens into **posses** to chase and apprehend offenders.² County law enforcement agencies in the United States still sometimes use posses to apprehend law violators. The Maricopa County (Arizona) Sheriff's Department, for example, has a 3,000-member volunteer posse, whose members are trained and often former deputies.³

THE CONSTABLE-WATCH SYSTEM

The Statute of Winchester, passed in 1285, formalized the **constable-watch system** of protection. The statute provided for one man from each parish to be selected as **constable**, or chief peacekeeper. The statute further granted constables the power to draft citizens as watchmen and require them to guard the city at night. Watchmen were not paid for their efforts and, as a result, were often found sleeping or sitting in a pub rather than performing their duties. In addition, the statute required all male citizens between the ages of 15 and 60 to maintain weapons and to join in the *hue and cry*, meaning to come to the aid of the constable or the watchman when either called for help. If they did not come when called, the male citizens were subject to criminal penalties for aiding the offender. This system of community law enforcement lasted well into the 1700s.

Two features of this system are worthy of note. First, the people were the police, and second, the organization of the protection system was local. These two ideas were transported to the American colonies centuries later.

tithing system A private self-help protection system in early medieval England, in which a group of 10 families, or a *tithing*, agreed to follow the law, keep the peace in their areas, and bring law violators to justice.

shire reeve In medieval England, the chief law enforcement officer in a territorial area called a *shire*; later called the *sheriff*.

posses Groups of able-bodied citizens of a community, called into service by a sheriff or constable to chase and apprehend offenders.

constable-watch system A system of protection in early England in which citizens, under the direction of a constable, or chief peacekeeper, were required to guard the city and to pursue criminals.

constable The peacekeeper in charge of protection in early English towns.

FYI Henry Fielding

Henry Fielding, founder of the Bow Street Runners, is perhaps better known for his literary accomplishments. His most famous work is *Tom Jones*, which first appeared in 1749 and is considered by literary scholars as the first “satisfactory” novel written in English.

Source: *William H. McNeill, History Handbook of Western Civilization* (Chicago: University of Chicago Press, 1965), 526.

THE BOW STREET RUNNERS

In 1748, Henry Fielding, a London magistrate, founded a group of professional law enforcement agents to apprehend criminals and recover stolen property in the entertainment district of London, known as Bow Street Covent Garden. This publicly funded detective force, named the Bow Street Runners, was by far the most effective official law enforcement organization of its day. Efforts to duplicate it in other parts of London proved unsuccessful, but Fielding’s work in organizing the first British detective force, and his writing addressing the shortcomings of the criminal justice system, had a great deal of influence. They helped pave the way for a more professional and better-organized response to the crime problems that were dramatically increasing in London by the end of the eighteenth century.⁴

THE LONDON METROPOLITAN POLICE

Because of the Industrial Revolution, urban populations in cities like London swelled with an influx of people from the countryside looking for work in factories. A major result of this social transformation was that England began experiencing increasing poverty, public disorder, and crime. There was no clear consensus about what to do. Several efforts to establish a central police force for London had been opposed by people who believed that police of any kind were a throwback to the absolute power formerly wielded by English kings. Parliament eventually responded, in 1829, with the London Metropolitan Police Act. It created a 1,000-officer police force with professional standards to replace the patchwork of community law enforcement systems then in use. Members of the London Police became known as *bobbies*, or *peelers*, after Robert Peel, the British Home Secretary who had prodded Parliament to create the police force.

To ensure discipline, the London Police were organized according to military rank and structure and were under the command of two magistrates, who were later called commissioners. According to Peel, the main function of the police was to prevent crime, not by force but by preventive patrol of the community. Londoners, who resented such close scrutiny, did not at first welcome this police presence in the community. Eventually, though, the bobbies (the term was originally derogatory) showed that the police could have a positive



The London Metropolitan Police discover another victim of Jack the Ripper. *What do you suppose were some of the unique problems encountered by the first bobbies, or peelers?*

Table 5.1 Robert Peel's Principles of Policing

1. The police must be stable, efficient, and organized along military lines.
2. The police must be under governmental control.
3. The absence of crime will best prove the efficiency of police.
4. The distribution of crime news is essential.
5. The deployment of police strength both by time and area is essential.
6. No quality is more indispensable to a policeman than a perfect command of temper; a quiet, determined manner has more effect than violent action.
7. Good appearance commands respect.
8. The securing and training of proper persons is at the root of efficiency.
9. Public security demands that every police officer be given a number.
10. Police headquarters should be centrally located and easily accessible to the people.
11. Policemen should be hired on a probationary basis.
12. Police records are necessary to the correct distribution of police strength.

effect on the quality of life in the community. Peel's military approach to policing and some of his other principles remain in effect today throughout the world. **Peel's Principles of Policing** are outlined in Table 5.1.⁵

THINKING CRITICALLY

1. Do you think any of the early English systems of law enforcement (e.g., tithing) could work today? Why or why not?

Peel's Principles of Policing A dozen standards proposed by Robert Peel, the author of the legislation resulting in the formation of the London Metropolitan Police Department. The standards are still applicable to today's law enforcement.

The Development of American Law Enforcement

The United States has more police departments than any other nation in the world. The major reason for this is that local control is highly regarded in the United States. Thus, like many other services, even small communities that can barely afford police service provide it locally. This practice is primarily responsible for the disparity in the quality of American police personnel and service. The struggle to improve American law enforcement began even before formal police departments came into existence.

EARLY AMERICAN LAW ENFORCEMENT

The chance for a better life free of government intervention was key in the decision of many colonists to cross the Atlantic and settle in the New World. American colonists from England brought with them the constable-watch system with which they were familiar if not completely satisfied. Boston established a night watch as early as 1634. Except for the military's intervention in major disturbances, the watch system, at least in the cities, was the means of preventing crime and apprehending criminals for the next two centuries. As in England, the people were the police. Citizens could pay for watch replacements, and often the worst of the lot ended up protecting the community. In fact, Boston and other cities frequently deployed the most elderly citizens and occasionally sentenced minor offenders to serve on the watch.⁶ Later, in rural and southern areas of the country, the office of sheriff was established and the power of the posse was used to maintain order and apprehend offenders. In essence, two forms of protection began to evolve—the watch in the villages,

FYI The "Leatherheads"

In Dutch-influenced New York in the seventeenth century, the first paid officers on the night watch were known as *leatherheads* because they wore leather helmets similar in appearance to the helmets worn by today's firefighters. The leatherheads were not known for their attention to duty and often spent entirely too much of their watch schedule inside.

Source: Carl Sifakis, "Leatherheads: First New York Police," in *The Encyclopedia of American Crimes* (New York: Smithmark Publishers, Inc., 1992).



New York had a watch system as early as 1658. *Why did the watch system of policing last so long?*

towns, and cities and the sheriff in the rural areas, unincorporated areas, and counties. Communities in the North often had both systems.

LAW ENFORCEMENT IN THE CITIES

As had happened in England, the growth of the Industrial Revolution lured people away from the farms to cities. Large groups of newcomers, sometimes immigrants from other countries, settled near factories. Factory workers put in long days, often in unsafe and unhealthy working conditions. Some workers organized strikes, seeking better working conditions, but the strikes were quickly suppressed. As the populations of cities swelled, living conditions in some areas became overcrowded and unhealthy. Major episodes of urban violence occurred in the first half of the nineteenth century because of the social and economic changes transforming American cities. Racial and ethnic tensions often reached a boiling point, resulting in mob disturbances that lasted for days. A particular source of trouble was the drinking establishments located throughout working-class districts of cities. Regular heavy drinking led to fights, brawls, and even full-scale riots.

Unlike London, which organized its police force in 1829, American citizens resisted the formation of police departments, relying instead on the constable-watch system, whose members lit streetlights, patrolled the streets to maintain order, and arrested some suspicious people. Constables often had daytime duties, which included investigating health hazards, carrying out orders of the court, clearing the streets of debris, and apprehending criminals against whom complaints had been filed. Nei-

ther the night watch nor the constables tried to prevent or discover crime, nor did they wear any kind of uniform. This weak protection system was unable to contain the increasing level of lawlessness.

Municipal Police Forces In 1844, New York City combined its day and night watches to form the first paid, unified police force in the United States. Close ties developed between the police and local political leaders. As with the first police in London, citizens were suspicious of the constant presence of police officers in their neighborhoods. Also, citizens had little respect for the New York police because they thought they were political hacks appointed by local officials who wanted to control the police for their own gain. During the next several years, the struggle to control the police in New York built to a fever pitch.⁷

In 1853, the New York state legislature formed the Municipal Police Department, but within 4 years that force was so corrupt from taking bribes to overlook crime that the legislature decided to abolish it. It was replaced by the Metropolitan Police, which was administered by five commissioners appointed by the governor. The commissioners then selected one superintendent. Each commissioner was to oversee the others, as well as the superintendent, and keep them all honest. In the minds of the legislature, the new structure was an improvement that would prevent corruption in the top level of the department. But when the Metropolitan Police Board called on Mayor Fernando Wood to abolish the Municipal Police, he refused. Even after New York's highest court upheld a decision to disband the Municipals, the mayor refused. The Metropolitans even tried to arrest Mayor Wood, but that failed attempt resulted in a pitched battle between the two police forces. When the National Guard was called in, Mayor Wood submitted to arrest but was immediately released on bail.

During the summer of 1857, the two police forces often fought over whether to arrest certain criminals. A particularly troubling practice was one police force releasing from custody the criminals arrested by the other force. Lawbreakers operated freely during the dispute between the two police forces. Criminal gangs had a free hand to commit robberies and burglaries during most of that summer. The public became enraged over this neglect of duty and the increased danger on the streets of New York City. Only when another court order upheld the decision to disband the Municipal Police did Mayor Wood finally comply.

Following the course charted by New York City, other large cities in the United States soon established their own police departments. In 1855, Boston combined its day and night watches to form a city police department. By the end of the decade, police departments had been formed in many major cities east of the Mississippi. The officers' duties did not vary substantially from the duties of those who had served on the watch. After the Civil War, however, peace officers began to take on the trappings of today's police. They began to wear uniforms and carry nightsticks and even firearms, although many citizens resisted giving this much authority to the police.



A street arrest in 1878 Manhattan, New York. *What problems did the police of this era encounter?*

Tangle of Politics and Policing Until the 1920s in most American cities, party politics prevented the development of professional police departments. Local political leaders understood that controlling the police was a means of maintaining their own political power and of allowing criminal friends and political allies to violate the law with impunity. In fact, in some cities, the police were clearly extensions of the local party machine, which attempted to dominate all activity in a community. If local politicians gave police applicants a job, it became the hired



By the early 1900s, most American cities had organized, uniformed police forces similar to the police force of Newport, Rhode Island, pictured circa 1910. *How do current police officers differ from those depicted in the photo?*

officers' job to get out the vote so the politicians could keep their positions. The system was so corrupt in some cities that police officers bought their jobs, their promotions, and their special assignments. In collaboration with local politicians, but often on their own, the police were more than willing to ignore violations of the law if the lawbreakers gave them money, valuables, or privileges.

A Brief History of Blacks in Policing For most of American history, blacks who have wanted to be police officers have faced blatant discrimination and have generally been denied the opportunity.⁸ The first black police officers in the United States were “free men of color.” They were hired around 1805 to serve as members of the New Orleans city watch system. They were hired primarily because other people did not want the job. In addition to serving on the watch, they were responsible for catching runaway slaves and generally policing black slaves in New Orleans.

By 1830, policing had become more important in New Orleans, and the “free men of color” lost their jobs on the city police force to others who wanted them. Not until after the Civil War were black Americans allowed to be police officers again. During Reconstruction, black Americans were elected to political office and hired as police officers throughout the South. This did not last long. By 1877, the backlash to Reconstruction drove black Americans and their white Republican allies from elective offices, and black police officers throughout the South lost their jobs. By 1890, most southern cities had all-white police departments. The few black police officers in the southern cities that retained them generally could not arrest white people and were limited to patrolling only areas and communities where other black Americans lived. By 1910, there were fewer than 600 black police officers in the entire United States, and most of them were employed in northern cities.

The hiring of black police officers did not begin again in most southern cities until the 1940s and 1950s. They were hired primarily to patrol black communities, to prevent crime, and to improve race relations. Still, few black Americans ever rose to command positions in their departments. Indeed, prior to the 1950s, only two black Americans had ever been promoted to the command position of captain: Octave Rey of New Orleans and John Scott of Chicago. Both served relatively short tenures in the position: Rey from 1868 to 1877 and Scott from 1940 to 1946.

LAW ENFORCEMENT IN THE STATES AND ON THE FRONTIER

The development of law enforcement on the state level and in the frontier territories was often peculiar to the individual location. Without large population centers that required the control of disorderly crowds, law enforcement was more likely to respond to specific situations—for example, by rounding up cattle rustlers or capturing escaped slaves. Still, out of this kind of limited law enforcement activity, the basic organizational structure of police units with broader responsibilities was born.

Southern Slave Patrols In the South, the earliest form of policing was the plantation **slave patrols**.⁹ They have been called “the first distinctively American police system.”¹⁰ The slave patrols were created to enforce the infamous slave codes, the first of which was enacted by the South Carolina legislature in 1712. Eventually all the Southern colonies enacted slave codes. The slave codes protected the slaveholders' property rights in human beings, while holding slaves responsible for their crimes and other acts that were not crimes if they were committed by free persons. Under some slave codes, enslaved people could not hold meetings, leave the plantation without permission from the master, travel without a pass, learn to read and write, carry a firearm, trade, or gamble. Both the slave codes and the slave patrols were created in part because of a fear of bloody slave revolts, such as had already occurred in Virginia and other parts of the South.

The most publicized slave revolt was the Nat Turner Rebellion of 1831 in Virginia. Turner and five other slaves killed Joseph Travis, Turner's owner, and

slave patrols The earliest form of policing in the South. They were a product of the slave codes. The plantation slave patrols have been called “the first distinctively American police system.”

his family. Approximately 70 more rebels joined Turner, whose immediate plan was to capture the county seat, where munitions were stored. Turner was unsuccessful in his plan, but during the siege, he and his rebels killed 57 whites. Turner was tried, convicted, and hanged, along with 16 other rebels. In response to the revolt, white mobs lynched nearly 200 blacks, most of whom were innocent.¹¹

Slave patrols generally consisted of three men on horseback who covered a beat of 15 square miles. They were responsible for catching runaway slaves, preventing slave uprisings, and maintaining discipline among the slaves. To maintain discipline, the patrols often whipped and terrorized black slaves who were caught after dark without passes. The slave patrols also helped enforce the laws prohibiting literacy, trade, and gambling among slaves. Although the law required that all white males perform patrol services, the large plantation owners usually hired poor, landless whites to substitute for them. The slave patrols lasted until the end of the Civil War in 1865. After the Civil War, the Ku Klux Klan served the purpose of controlling blacks just as the slave patrols had before the Civil War.



The plantation slave patrols have been called “the first distinctively American police system.” *Have any elements of the slave patrols influenced contemporary American policing? If yes, what are they?*

Frontier Law Enforcement In the remote and unpopulated areas of the nation, and particularly on the expanding frontier, justice was often in the hands of the people in a more direct way. Vigilantism was often the only way that people could maintain order and defend themselves against renegades and thugs.¹² Even when formal law enforcement procedures were provided by the sheriff or a marshal, courts in many communities were held only once or twice a year, leaving many cases unresolved. This idea of self-protection remains very popular in the South and the West, where firearms laws in many states permit people to carry loaded weapons in a vehicle or even on their persons if they have completed a qualification and licensing procedure.



The Texas Rangers, organized in the early 1800s to fight Native Americans, patrol the Mexican border, and track down rustlers, were the first form of state police. *Why and how do you think the Rangers have endured for so long?*



Texas Rangers

To learn more about the history of the Texas Rangers, visit the Texas Ranger Hall of Fame and Museum website at www.texasranger.org/index.htm. *Why do you think the Texas Rangers have elite status?*

State Police Agencies Self-protection did not prove sufficient as populations and their accompanying problems increased. As early as 1823, mounted militia units in Texas protected American settlers throughout that territory. Called *rangers*, these mounted militia fought Native Americans and Mexican bandits. The Texas Rangers were officially formed in 1835, and the organization remains in existence today as an elite and effective unit of the Texas Department of Public Safety.¹³

The inefficiency and unwillingness of some sheriffs and constables to control crime, along with an emerging crime problem that exceeded the local community's ability to deal with it, prompted other states to form state law enforcement agencies. In 1905, Pennsylvania established the first modern state law enforcement organization with the authority to enforce the law statewide, an authority that made it unpopular in some communities where enforcement of state laws had been decidedly lax.¹⁴ The Pennsylvania state police officially had been created to deal with crime in rural areas, but in its early years it frequently responded to industrial discord. The event that led directly to the formation of the state agency was the 1902 anthracite coal strike, which caused a national crisis and the intervention of President Theodore Roosevelt. Industrialists believed municipal police departments and the state militia were too unreliable during strikes because officers were overly sympathetic to workers with whom they often shared community ties and social origins. Industrialists assumed that a centralized mobile force, recruited statewide with ties to no particular community, would eliminate any sympathy between officers and workers.¹⁵ The authority of state police agencies was extended with the advent of the automobile and the addition of miles of state highways. Some form of state law enforcement agency existed in every state by the 1930s.

PROFESSIONALISM AND REFORM

You will recall that the people themselves were once the police, as they served on the watch. Being an adult citizen was about the only qualification. No training was required, and it was common practice for citizens who did not want to serve to hire replacements, sometimes hiring sentenced offenders. Because of the few services and the little order the watch provided, not much else seems to have been required. Even when organized police forces were developed in the 1840s and 1850s in the United States, qualifications for the job mattered little beyond the right political connections or the ability to purchase one's position outright.

Not until the latter part of the nineteenth century did qualifications for the position of police officer begin to evolve. In the 1880s, Cincinnati posted two qualifications to be a police officer.¹⁶ First, an applicant had to be a person of high moral character—an improvement over earlier times. Three citizens had to vouch for the applicant's character at a city council meeting. If deemed acceptable by the council, the applicant was immediately taken to a gymnasium and tested for the second qualification, foot speed.

Both Cincinnati and New York began police academies in the 1880s, but the curriculum was meager and recruits were not required to pass any examinations to prove their competence. The lack of adequate standards and training for police officers was recognized as a major stumbling block to improved policing. A group of reformers within policing allied themselves with the Progressives, a movement for political, social, and economic change. Among the reformers was August Vollmer, who became chief of police of Berkeley, California, in 1909. During his tenure as chief from 1909 to 1932, Vollmer attempted to create a professional model of policing. With Vollmer and a succession of internal reformers who followed, a new era of professional policing began.

Vollmer and his followers advocated training and education as two of the key ingredients of professionalism in policing. He also believed strongly that the police should stay out of politics and that politics should stay out of policing. Vollmer believed that the major function of the police was fighting crime, and he saw great promise in professionalizing law enforcement by emphasizing

that role.¹⁷ He began to hire college graduates for the Berkeley Police Department, and he held college classes on police administration.

Within a few decades, this professional model, sometimes called the reform model, had taken root in police departments across the country. To eliminate political influences, gain control of officers, and establish crime-fighting priorities, departments made major changes in organization and operation. Those changes included the following:

- Narrowing of the police function from social service and the maintenance of order to law enforcement only.
- Centralization of authority, with the power of precinct captains and commanders checked.
- Creation of specialized, centrally based crime-fighting units, as for burglary.
- A shift from neighborhood foot patrol to motorized patrol.
- Implementation of patrol allocation systems based on such variables as crime rates, calls for service, and response times.
- Reliance on technology, such as police radios, to both control and aid the policing function.
- Recruitment of police officers through psychological screening and civil service testing.
- Specific training in law enforcement techniques.

Policewomen It took a long time for policewomen to gain the opportunity to perform the same roles and duties as their male counterparts. From the early 1900s until 1972, when the Equal Employment Opportunity Commission began to assist women police officers in obtaining equal employment status with male officers, policewomen were responsible for protection and crime prevention work with women and juveniles, particularly with girls. The Los Angeles Police Department created the City Mother's Bureau in 1914 and hired policewomen to work with delinquent and predelinquent children whose mothers did not want formal intervention by a law enforcement agency. Policewomen were also used to monitor, investigate, and punish young girls whose behavior flouted social and sexual conventions of the times.

The first woman to have full police power (1905) was Lola Baldwin of Portland, Oregon. The first uniformed policewoman was Alice Stebbins Wells, who was hired by the Los Angeles Police Department in 1910. By 1916, 16 other police departments had hired policewomen as a result of the success in Los Angeles.¹⁸

CONFLICTING ROLES

Throughout their history, Americans have never been sure precisely what role they want their police officers to play. Much of the ambivalence has to do with American heritage, which makes many Americans suspicious of government authority. At one time or another, local police have acted as peacekeepers, social workers, crime fighters, and public servants, completing any task that was requested. Often, the police have been asked to take on all those roles simultaneously.

For most of the nineteenth century, distrust of government was so strong and the need to maintain order in the cities so critical that the police operated almost exclusively as peacekeepers and social service agents, with little or no concern for enforcing the law beyond what was absolutely necessary to maintain tranquility.¹⁹ In this role, the police in many American cities administered the laws that provided for public relief and support of the poor. They fed the hungry and housed the homeless at the request of the politicians who controlled them. Later, other social service agents, such as social workers, began to replace them, and a reform effort developed to remove policing from the direct control of corrupt politicians. As a result, the police began to focus on crime-fighting as early as the 1920s. Having the police enforce the law fairly and objectively was thought to be a major way of professionalizing law enforcement. This approach also fit the professional model of policing advocated by Vollmer and other reformers.



August Vollmer. *Do you agree with Vollmer's idea that police should focus on law enforcement and leave social services and the maintenance of order to others? Why or why not?*



Brutal tactics by some police officers to suppress civil rights protests during the 1960s led to calls for improved standards of police conduct and training. *Have new standards of conduct and training ended brutal police tactics?*

By the end of the 1960s, strong doubts about the role of the police emerged again. The role they had been playing encouraged them to ferret out crime and criminals through such practices as aggressive patrol, undercover operations, and electronic surveillance. In some neighborhoods, the police came to be viewed as armies of occupation. Some confrontations between police and citizens resulted in violence. The civil rights movement produced a series of demonstrations and civil disorders in more than 100 cities across America, beginning in 1964. As in the labor struggles of the late nineteenth and early twentieth centuries, the police were called in to restore order. Some police officers suppressed the demonstrations with brutal tactics. The anti-Vietnam War movement during the 1960s sparked protests all over the country, especially on college campuses. Again, police officers were called on to maintain and sometimes to restore order. Thousands of students were sprayed with tear gas, and some were beaten and even killed by police.

By the end of the 1960s, it was clear that police standards and training had to be improved. To many observers, fast response and proactive patrols did not seem effective in reducing crime, and officers increasingly were seeing their work world through the windshield of a cruiser. The likelihood of establishing rapport with the people they served was remote as officers dashed from one crime scene to another.

Four blue-ribbon commissions studied the police in the United States. The four commissions and the years in which they released their reports are:

National Advisory Commission on Civil Disorders, 1967

President's Commission on Law Enforcement and the Administration of Justice, 1967

National Advisory Commission on Criminal Justice Standards and Goals, 1973

American Bar Association's Standards Relating to Urban Police Function, 1973

All four reports made the same major recommendations: They pointed out the critical role police officers play in American society, called for careful selection of law enforcement officers, and recommended extensive and continuous training. The reports also recommended better police management and supervision as well as internal and external methods of maintaining integrity in police departments.

In an attempt to follow many of the specific recommendations of the reform commissions' reports, police selection became an expensive and elaborate process. It was designed to identify candidates who had the qualities to be effective law enforcement officers: integrity, intelligence, interpersonal skills, mental stability, adequate physical strength, and agility. Attempts were also made to eliminate discriminatory employment practices that had prevented minorities and women from entering and advancing in law enforcement. Finally, it became more common for police officers to attend college, and some police agencies began to set a minimum number of college credit hours as an employment qualification.

COMMUNITY POLICING

By the 1970s, research began to show that a rapid response to crime does not necessarily lead to more arrests and that having more police officers using methods made popular under the professional or reform model does not significantly reduce crime.²⁰ What was emerging was the view that unattended disorderly behavior in neighborhoods—such as unruly groups of youths, prostitution, vandalism, drunk and disorderly vagrants, and aggressive street people—is a signal to more serious criminals that residents do not care what goes on in their community and that the criminals can move in and operate with impunity.

The 1970s and 1980s saw some experimentation with community- and neighborhood-based policing projects.²¹ Those projects got mixed results, and many were abandoned because of high costs, administrative neglect, and citizen apathy. However, higher crime rates, continued community deterioration, and recognition of the failure to control crime caused law enforcement to again question the role it was playing. The enforcer role still was not working well enough. It appeared senseless simply to respond to calls for service and arrive at scenes of crime and disorder time and time again without resolving the problems or having any lasting effect on the lives of the residents of the community. Out of this failure and frustration came the contemporary concept of **community policing**.

Under a community policing philosophy, the people of a community and the police form a lasting partnership in which they jointly approach the problems of maintaining order, providing services, and fighting crime.²² If the police show they care about the minor problems associated with community disorder, two positive changes are likely to occur: Citizens will develop better relations with the police as they turn to them for solutions to the disorder, and criminals will see that residents and the police have a commitment to keeping all crime out of the neighborhood. Once again, the emphasis has shifted from fighting crime to keeping peace and delivering social services. The goal is eradicating the causes of crime in a community, not simply responding to symptoms.

In the early 1990s, many communities across the nation began implementing community policing strategies. Community policing called for a shift from incident-based crime fighting to a problem-oriented approach in which police would be prepared to handle a broad range of troublesome situations in a city's neighborhoods. There was greater emphasis on foot patrol so that officers could come to know and be known by the residents of a neighborhood. Those citizens would then be more willing to help the police identify and solve problems in the neighborhood. Many other aspects of community policing are discussed more fully in Chapter 6.

COMPSTAT

At about the same time that community policing was becoming popular in many American cities, a new policing strategy was being implemented in New York

MYTH

Random patrol, as opposed to directed patrol, reduces crime. It is important to have police out in patrol cars scouting neighborhoods and business districts.

FACT

There is not much value to such random patrols other than perhaps helping people feel safe. They would probably feel even safer if the police were walking a beat. However, little research supports the idea that officers who ride around for 3 to 5 hours of their shifts are repressing crime. Even being available to respond to calls from the public is not a strong argument for such patrols. Only a small percentage of reported crimes and other incidents require a rapid response.

community policing A contemporary approach to policing that actively involves the community in a working partnership to control and reduce crime.

CompStat A technological and management system that aims to make the police better organized and more effective crime fighters. It combines innovative crime analysis and geographic information systems, that is, crime mapping (described in Chapter 6) with the latest management principles.

City.²³ By the beginning of the new millennium, a third of the nation's largest police departments had adopted it, and another 25% were planning to do so. The new strategy was called CompStat, an abbreviation of “compare stats” or “computer statistics meetings.” **CompStat** is a technological and management system that aims to make the police better organized and more effective crime fighters. It combines innovative crime analysis and geographic information systems, that is, crime mapping (described in Chapter 6), with the latest management principles.

CompStat is based on four interrelated crime-reduction principles: (1) provide accurate and timely crime data to all levels of the police organization, (2) choose the most effective strategies for specific problems, (3) implement those strategies by the rapid deployment of personnel and resources, and (4) diligently evaluate the results and make adjustments to the strategy as necessary. Problems are identified by crime analysts who collect data, analyze it, and then map it to show trends or trouble spots. Armed with this information, precinct commanders are responsible for formulating a response and solving the problem. Failure to get the job done results in harsh reprimands from top administrators, and repeated failures can lead to removal from command.

Supporters of CompStat claim that it has reduced crime, and FBI statistics show that crime rates have declined in those cities that have implemented it. However, the simultaneous decrease in crime rates reported by the FBI and the implementation of CompStat may be nothing more than a coincidence. In fact, a few studies reveal that crime rates were already declining in cities before CompStat was implemented. Critics contend that CompStat is incompatible with community policing. Whereas community policing is based on the decentralization of decision-making authority and the empowerment of patrol officers to make decisions in their communities, CompStat concentrates decision-making power among command staff who issue orders to the rank and file. Centralized command and control are key features of the traditional model of police organizations, and therein lies the appeal of CompStat to police administrators who are uncomfortable giving up too much control. CompStat allows the chief of police to judge the performance of precinct commanders and allows precinct commanders to hold their officers accountable. CompStat returns the control of everyday policing to police administrators and requires minimal disruption to the traditional police organization. At the same time it allows police administrators to tout their use of innovative technologies and problem-solving techniques. It will be interesting to see whether the future of policing is community policing, CompStat, or some other system.

THINKING CRITICALLY

1. Which of the major changes in the organization and operation of police departments listed on page 147 do you think brought about the most significant change? Why?
2. What do you think are the key benefits of community policing? Why?
3. Which system of policing do you believe will best serve the interests of the American public: community policing or CompStat? Why?

History of Four Federal Law Enforcement Agencies

Since the United States was formed, the American public has held a healthy skepticism about a centralized police system. This is why law enforcement in the United States, unlike in many other countries, is primarily a state and local matter. However, the creation of a federal system of government and laws necessitated a national law enforcement presence. The result has been dozens of federal law enforcement agencies. Although space limitations preclude an examination

of all these agencies' histories, the histories of four of the more prominent ones—the U.S. Marshals Service, the Secret Service, the Federal Bureau of Investigation, and the Drug Enforcement Administration—are described below.

U.S. MARSHALS SERVICE

The first federal law enforcement agents in the United States were the U.S. Marshals, a product of the Judiciary Act of 1789.²⁴ The act fleshed out details of the new federal judicial system as provided for in the U.S. Constitution. Duties of the federal Marshals and their deputies included protecting the federal courts, supporting their operation, and enforcing federal court decisions and federal laws. In supporting the operation of the federal courts, U.S. Marshals served summonses, subpoenas, writs, warrants and other process (that is, proceedings in any action or prosecution) issued by the courts; arrested people suspected of committing federal crimes; were responsible for all federal prisoners; disbursed funds as ordered by the federal courts; paid the fees and expenses of court clerks, U.S. Attorneys, jurors, and witnesses; rented courtrooms and jail space and hired bailiffs, court criers, and janitors; and made sure that prisoners were present, jurors were available, and witnesses were punctual. U.S. Marshals also were charged with carrying out the lawful orders of Congress and the president. The position of U.S. Marshal was modeled after the position of county sheriff. In Virginia, between 1619 and about 1634, local sheriffs were called provost marshals or marshals. The same was true in Georgia between 1733 and 1773.

President George Washington personally selected the first 13 Marshals—one for each state. The president still nominates U.S. Marshals who must be confirmed by the Senate. Washington wanted men who would support the federal government without jeopardizing states' rights. Most of his appointees had a previous association with him, including service under his command during the Revolutionary War. The first Marshals helped to establish the federal judicial system and place the new federal government on sound footing because of their local ties, which made the exercise of federal power a little more palatable to the American public. Throughout their history, U.S. Marshals have been required to live within the districts they served. As civilian law enforcers, the availability of the U.S. Marshals frequently prevented military intervention in state and local affairs.

The U.S. Marshals represented the federal government's interests at the local level and performed a variety of non-law enforcement duties needed to keep the central government functioning effectively. For example, they conducted the first national census in 1790 and continued to do so until 1870. They also distributed presidential proclamations and collected statistical information on commerce and manufacturing. Until 1861, they reported directly to the Secretary of State; in 1861, Congress assigned their supervision to the Attorney General. Nevertheless, until the 1960s and the establishment of a centrally administered U.S. Marshals Service with control over district budgets and the hiring of deputies, the U.S. Marshals operated with little supervision. Working with federal judges and U.S. Attorneys, prior to 1960, U.S. Marshals were relatively free to determine how they would enforce the law.

One of the Marshals' first law enforcement duties—one they still perform today—was to conduct executions authorized by the federal courts. U.S. Marshal Henry Dearborn of Maine conducted the first federal execution in 1790. He executed Thomas Bird for a murder committed at sea. Another early duty of the U.S. Marshals was to enforce the Sedition Act of 1798. The act punished unlawful combinations against the government and publishing "false, scandalous, and malicious writing" about the government. Prior to the creation of the U.S. Secret Service in 1865, the Treasury Department used U.S. Marshals and their deputies to investigate and pursue counterfeiters nationwide. U.S. Marshals also were charged with enforcing the Fugitive Slave Act of 1850. The Marshals arrested fugitive slaves and returned them to their Southern masters. During the Civil War, U.S. Marshals confiscated property used to support the Confederacy, and they helped capture Confederate spies.



U.S. Marshals helping to break the Pullman railroad strike of 1894. *Was this an appropriate use of the U.S. Marshals? Why or why not?*

Following the Civil War, U.S. Marshals and their deputies were instrumental in keeping law and order in the “Wild West.” One of the most infamous incidents involving the Marshals occurred in Tombstone, Arizona, in 1881. The gunfight at the O.K. Corral pitted U.S. Marshal Virgil Earp and his deputies, brothers Wyatt and Morgan Earp, and John “Doc” Holiday, against the Clanton gang. The U.S. Marshals became a part of the newly created Justice Department in 1870. During the Pullman Railroad Strike of 1894, President Grover Cleveland and the federal courts ordered the U.S. Marshals to help United States Army troops break the strike and keep the trains rolling.

In 1896, U.S. Marshals began to receive an annual salary for the first time. They had previously worked under a fee system in which they would collect set amounts for performing specific tasks. Getting paid under the fee system was frequently an ordeal. During World War I, U.S. Marshals helped protect the home front from enemy aliens, spies, and saboteurs. They also arrested draft dodgers and people who tried to disrupt Selective Service operations. With the ratification of the 18th Amendment in 1919, which prohibited the manufacture, sale, and transportation of intoxicating beverages in the United States, the U.S. Marshals Service assumed the primary responsibility for enforcing the Prohibition laws. They continued in that role until 1927, when the Treasury Department gave the responsibility to the newly created Bureau of Prohibition. After that, the Marshals, along with other federal agencies, assisted in Prohibition efforts.

In the 1960s, U.S. Marshals helped enforce desegregation orders. For example, when James Meredith, a black man, enrolled in the University of Mississippi in 1962, deputies protected him 24 hours a day for an entire year. Following passage of the Organized Crime Control Act of 1970, the U.S. Marshals Service was given responsibility for the Witness Security Program. In 1979, the U.S. Attorney General transferred primary jurisdiction for the apprehension of escaped federal prisoners from the FBI to the U.S. Marshals Service. In 1985, U.S. Marshals were given the task of managing and disposing of properties seized and forfeited by federal law enforcement agencies and U.S. Attorneys nationwide. In 1996, following a series of bombings, the U.S. Marshals Service was charged with protecting abortion clinics and doctors.

Throughout their more than 220-year history, U.S. Marshals and their deputies have been “general practitioners within the law enforcement community,” capable of responding quickly to new problems. Unlike other federal law enforcement agencies, the U.S. Marshals have not been restricted by legislation to specific, well-defined duties and jurisdictions. Today, their major responsibilities include:

- Judicial security
- Fugitive investigations
- Witness security
- Prisoner services (for example, detaining pre-sentenced federal prisoners)
- Transporting federal prisoners and criminal aliens
- Managing and disposing of seized and forfeited property
- Serving federal court criminal and some civil process
- Conducting special operations (for instance, providing security assistance when Minuteman and cruise missiles are moved between military facilities)

THE SECRET SERVICE

In 1865, the United States Secret Service was created as a branch of the Treasury Department to combat the counterfeiting of U.S. currency.²⁵ During the mid-nineteenth century, approximately 1,600 state banks designed and printed their own bills, making it difficult to distinguish between counterfeit bills and the more than 7,000 uniquely designed legitimate bills. Counterfeiting was a serious problem. It was estimated that one-third to one-half of all currency in circulation was counterfeit. By comparison, the counterfeit rate today is a fraction of a percent. To resolve the counterfeiting problem, a national currency was adopted in 1862, but it was soon counterfeited extensively, too. The enforcement of anti-counterfeiting laws was clearly necessary, and the Secret Service was and continues to be effective in suppressing the problem.

In 1867, Secret Service responsibilities were expanded to include “detecting persons perpetrating frauds against the government.” This resulted in investigations into the Ku Klux Klan, nonconforming distillers, smugglers, mail robbers, land frauds, and a number of other federal law violations. In 1984, Congress enacted legislation further expanding the investigative responsibilities of the Secret Service to violations relating to credit and debit card fraud, federal-interest computer fraud, and fraudulent identification documents.

In 1894, the Secret Service began informal part-time protection of President Grover Cleveland, and, in 1902, a year after the assassination of President William McKinley, it was given full-time responsibility for the protection of the U.S. president. In 1951, Congress enacted legislation permanently authorizing Secret Service protection of the president, his or her immediate family, the president-elect, and the vice president, if he or she wishes. Ten years later, Congress authorized Secret Service protection of former presidents for a reasonable period of time. In 1962, Congress expanded Secret Service protection to include the vice president or the next officer to succeed the president and the vice president-elect. Congress passed legislation in 1963 to provide Secret Service protection of Mrs. John F. Kennedy and her minor children for two years. In 1965, Congress authorized Secret Service protection of former presidents and their spouses during their lifetime and minor children until age 16. Following the assassination of Robert F. Kennedy in 1968, Congress expanded Secret Service protection to major presidential and vice presidential candidates and nominees; it also authorized protection of widows of presidents until death or remarriage, and their children until age 16.

In 1922, President Warren Harding requested the creation of the White House Police, which was placed under the supervision of the Secret Service in 1930. The White House Police was renamed the Executive Protection Service in 1970, and the Secret Service Uniformed Division in 1977. The Treasury Police Force was merged into the Secret Service Uniformed Division in 1986. The Secret Service was transferred from the Treasury Department to the Department of



Secret Service

To learn more about the U.S. Secret Service, visit its website at www.secretservice.gov/. Based on what you have learned from the website, do you think that you would be interested in a career with the Secret Service? Why or why not?



The Secret Service reported that ink-jet counterfeiting accounted for 60% of the \$103 million in counterfeit money it removed from circulation from October 2007 to August 2008. The figure in 1995 was less than 1%. Many of today's counterfeiters simply use pictures of bills from their computers, buy paper at an office supply store, and print out a few bills, usually for \$1, \$5, or \$10. They cut the bills apart, go into a store or bar, and pass one or two. Many offenders are involved with drugs, especially methamphetamine. In the past, the best counterfeiters were skilled printers who used heavy offset presses to make decent 20s, 50s, and 100s. Now that kind of work is rare, and almost all comes from abroad.

Source: Joe Lambe, “Fake Money Isn’t What It Used to Be,” *The Kansas City Star*, December 26, 2008, A1.



U.S. Secret Service agent Tim McCarthy “took a bullet” protecting President Ronald Reagan from would-be assassin John Hinckley Jr. in 1981. *Could you be a U.S. Secret Service agent?*

Homeland Security in 2003. Today, “the mission of the United States Secret Service is to safeguard the nation’s financial infrastructure and payment systems to preserve the integrity of the economy, and to protect national leaders, visiting heads of state and government, designated sites and National Special Security Events.”

THE FEDERAL BUREAU OF INVESTIGATION (FBI)

When he assumed the presidency following President McKinley’s assassination in 1901, Theodore Roosevelt, who had served as New York City Police Commissioner from 1895–1897, began his crusades to break up big-business monopolies in the East and to stop land theft in the West.²⁶ He successfully employed Secret Service agents in that effort. Four years later, Roosevelt appointed Charles Bonaparte as U.S. Attorney General. As head of the Justice Department, Bonaparte had only a few special agents of his own and a group of Examiners, who were trained as accountants and charged with reviewing the federal courts’ financial transactions. Since its establishment in 1870, the Justice Department had to hire private detectives and later investigators from other federal agencies to investigate federal crimes.

By 1907, the Justice Department primarily relied on Secret Service agents to conduct its investigations. These Secret Service agents reported to the Chief of the Secret Service and not to the Attorney General. Bonaparte did not like the arrangement and wanted complete control of investigations under his jurisdiction. In 1908, big business and land interests were successful in getting Congress to pass a law prohibiting the Justice Department and all other executive agencies, except the Treasury Department, from hiring Secret Service agents to conduct investigations. The law was intended to thwart President Roosevelt’s reform agenda. A month after the law was passed, Roosevelt ordered Bonaparte to appoint a force

of what turned out to be 34 Special Agents within the Justice Department. Ten of his new appointees were former Secret Service agents. The primary purpose of the new force was to investigate violations of the Sherman Anti-Trust Act, which was passed in 1890, and was intended to prevent business monopolies from artificially raising prices by restriction of trade or supply. On July 26, 1908, Bonaparte ordered his new agents to report to Chief Examiner Stanley W. Finch. This act is considered the beginning of the FBI. The force of 34 agents became a permanent part of the Justice Department in 1909, following the recommendations of both Attorney General Bonaparte and President Roosevelt. Later in 1909, George Wickersham, who succeeded Bonaparte as Attorney General, named the force the Bureau of Investigation and the Chief Examiner as the Chief of the Bureau of Investigation.

When the Bureau was created, there were few federal crimes. Investigations were limited mostly to crimes involving national banking, bankruptcy, naturalization, antitrust, land fraud, and peonage, the system by which debtors or legal prisoners were held in servitude to labor for their creditors or for persons who leased their services from the state. The Bureau began to expand in 1910, after Congress passed the Mann (“White Slave”) Act. The Mann Act made it a crime to transport women across state lines for immoral purposes.

When the U.S. entered World War I in 1917, President Woodrow Wilson enlarged the Bureau’s responsibility to include crimes of espionage and sabotage and violations of the Selective Service Act. The Bureau also assisted the Labor Department in the investigation of enemy aliens. In 1919, William J. Flynn, a former chief of the Secret Service, became the head of the Bureau of

Investigation and was the first to use the title of Director. Also in 1919, Congress passed the National Motor Vehicle Theft Act, which further expanded the Bureau's investigative responsibilities.

In 1921, President Warren Harding's Attorney General Harry M. Daugherty appointed William J. Burns Director of the Bureau. Burns, like Flynn, had been chief of the Secret Service but gained notoriety by running the William J. Burns International Detective Agency. Because of his involvement in the infamous Teapot Dome Scandal, Attorney General Harlan Fiske Stone asked Burns to resign from the Bureau in 1924. Burns's short-lived career as Director of the Bureau is perhaps best remembered for his appointment of a 26-year-old graduate of George Washington University Law School named John Edgar Hoover to the position of Assistant Director of the Bureau. Hoover had worked for the Justice Department since 1917, where he headed enemy alien operations during World War I and assisted in the investigation of suspected anarchists and communists in the General Intelligence Division under Attorney General A. Mitchell Palmer. Following Burns's resignation in 1924, Attorney General Stone appointed then 29-year-old J. Edgar Hoover as Director of the Bureau of Investigation, a position he would hold for the next 48 years.

Under Hoover's leadership, the Bureau of Investigation became a major factor in policing. A few spectacular and well-publicized crimes in the early 1930s, coupled with the problem of Prohibition and gangland killings in Chicago in the 1920s, fueled a public panic about a national crime emergency. The pivotal event was probably the Lindbergh baby kidnapping in 1932. Because of Charles Lindbergh's fame, the kidnapping received international attention. In response, Congress quickly passed a federal kidnapping statute dubbed the "Lindbergh Law." Prior to 1932, Hoover's only major accomplishment was getting the Bureau designated as the national clearinghouse and publisher of the new Uniform Crime Reports (UCR) in 1930. However, following passage of the Lindbergh Law, the Bureau, at Hoover's direction, mounted a massive publicity campaign that emphasized the threat of crime and the Bureau's role as the guardian of law and order. Through Bureau press releases about the killing of



FBI Director J. Edgar Hoover was considered by many as the nation's "top cop." *Did FBI Director J. Edgar Hoover have too much power? Why or why not?*

John Dillinger in 1934, and, in the next few years, the killing or apprehension of Pretty Boy Floyd, Baby Face Nelson, Ma Barker, and Alvin “Creepy” Karpis, a mythology was created about the Bureau’s success in fighting crime. This mythology, which was promoted and exploited by Hoover over his long FBI career, appealed to many Americans, who found the sensationalized crime stories about “G-Men” and “Public Enemies” a titillating diversion from life’s demoralizing daily drudge during the Great Depression.

In the next few years, the FBI expanded in size and prominence and gained increasing influence over local policing. This influence began in 1930, when the Bureau became responsible for the Uniform Crime Reports system. It received added momentum in 1932, when the Bureau established its own crime lab and, in 1935, when it founded the National Police Academy. In the midst of what appeared to be a mounting crime wave, few people objected to the establishment of a “national police force.” As a result, in 1935, under Hoover’s leadership the Bureau of Investigation became the Federal Bureau of Investigation (FBI), and thanks to his aggressive public relations department, Hoover managed to win for himself the image of the nation’s “top cop.” The FBI’s influence over local policing increased further in 1940, when it was given responsibility for coordinating domestic security during World War II.

When the war ended and the Cold War began, the FBI continued its domestic security responsibilities. For example, it was given the job of investigating allegations of disloyalty among federal employees and was relentless in combating the communist threat, which Hoover always equated with U.S. labor union activity. Hoover began to consider himself as internal security czar, who was not subordinate to the Attorney General but rather a coequal consultant and advisor. The Bureau also began devoting a larger portion of its resources to helping state and local law enforcement agencies.

In the 1960s, Congress passed new laws giving the FBI the authority to fight civil rights violations, racketeering, and gambling. However, under Hoover, the FBI “dragged its feet” in the field of civil rights, primarily because Hoover, a virulent racist, maintained, despite evidence to the contrary, that civil rights organizations such as the Southern Christian Leadership Conference (SCLC) had been infiltrated and were being led by Communists. The leader of the SCLC was Martin Luther King Jr. Hoover also was less than enthusiastic about enforcement of the civil rights laws because he did not want to jeopardize mutually beneficial relationships with powerful southern Congressmen and local law enforcement agencies, whose officers were often sympathetic to Ku Klux Klan activities.

As for organized crime, new laws passed by Congress in 1968 enabled the FBI to engage in court-ordered electronic surveillance, and together with increased undercover work, to successfully develop cases against nearly all the heads of the U.S. organized crime families. Ironically, until 1957, Hoover insisted that organized crime in the United States (at least an Italian-dominated national syndicate) did not exist. According to extensive documentation, the reason for Hoover’s denial of organized crime’s existence was that the “Mafia” had evidence of Hoover’s gambling debts and his homosexuality. However, in 1957, the major U.S. organized crime families held a conference in Apalachin, New York, and were detected by New York state police officers. This event proved that organized crime existed in the United States, and Mafia-deniers, including Hoover, were forced to admit as much. In 1961, Attorney General Robert Kennedy created an Organized Crime and Racketeering Section in the Department of Justice to coordinate activities against organized crime by the FBI and other department agencies.

As just shown with regard to civil rights and organized crime, the FBI and its long-time director had a darker, more sinister side. This was epitomized by the FBI’s infamous covert domestic counterintelligence programs (“COINTELPROS”), which were used against dissidents and their organizations from 1956 through 1971. The purpose of COINTELPROS, according to Hoover, was to “expose, disrupt, misdirect, discredit and otherwise neutralize” specific groups and individuals. To impede constitutionally protected political activity against groups and individuals who opposed government domestic and foreign policy,

the FBI used surveillance, infiltration, harassment, intimidation, sabotage, provocation, media manipulation, and other often illegal tactics, including complicity in the alleged assassination of Black Panther leader Fred Hampton. COINTELPROS' targets included the Communist Party; the Socialist Worker's Party; the National Association for the Advancement of Colored People (NAACP); the American Civil Liberties Union (ACLU); the National Lawyer's Guild; the American Friends Service Committee (a Quaker service organization that received the Nobel Peace Prize in 1947); the American Indian Movement; Black Nationalist groups, such as the Black Panther Party; White hate groups, such as the Ku Klux Klan; and many members of the New Left including the Students for a Democratic Society (SDS) and numerous antiwar, antiracist, feminist, lesbian and gay, environmentalist, and other groups. It also targeted individuals such as civil rights leader Martin Luther King Jr., whom the Bureau set out to destroy in 1963, and civil rights leader and labor organizer Cesar Chavez. Some of the aforementioned groups, such as the ACLU, had been under FBI surveillance since the 1920s because of their criticism of the Bureau.

Hoover was able to freely pursue these clandestine and often illegal activities because he was able to successfully insulate himself and the Bureau from executive and legislative control. He did this by amassing secret files on the conduct and associations of presidents and legislators that might prove embarrassing to them if revealed. He also kept extensive investigative files on thousands of other individuals who had been involved in controversial causes and



Top (L/R): Helen Keller, Felix Frankfurter, Joe Namath, and Marlon Brando. Bottom (L/R): Paul Newman, Rock Hudson, Joe Louis, and Muhammad Ali. *Why did the FBI keep secret files on these individuals?*

dissident organizations, including deaf and blind educator Helen Keller; U.S. Supreme Court Justice Felix Frankfurter; football player Joe Namath; actors Marlon Brando, Paul Newman, and Rock Hudson; and boxers Joe Louis and Muhammad Ali. Yet, as an enduring monument to his government service, adoration, and power, the mammoth FBI headquarters in Washington, DC, the preoccupation of his last years, was named the J. Edgar Hoover Building. The building, formally dedicated in 1975, dwarfs the Justice Department headquarters building and dominates the inaugural route between the Capitol and the White House.

The day after Hoover's death in 1972, President Richard Nixon appointed L. Patrick Gray III as the FBI's Acting Director. Gray, who most recently had been the Justice Department's Assistant Attorney General for the Civil Division, allowed the Bureau to become a part of the Watergate cover-up, authorized and approved illegal break-ins and burglaries, and even coached Deputy Attorney General Richard Kleindienst on his testimony before the Senate Judiciary Committee. The Justice Department had been charged with compromising its case against the International Telephone and Telegraph Company (ITT) in exchange for promised campaign contributions and other favors. When Gray's personal involvement in these nefarious activities became public, he resigned and withdrew his name from Senate consideration to be director. Hours after Gray resigned in 1973, William Ruckelshaus, a former Congressman and the first head of the Environmental Protection Agency, was appointed acting director and served in that capacity for three months until Clarence Kelley was appointed director. Kelley, who had been an FBI agent from 1940 to 1961, was Kansas City, Missouri, Police Chief at the time of his appointment. Kelley labored to restore public trust in the FBI; he also established three national priorities for the FBI: foreign counterintelligence, organized crime, and white-collar crime. To accomplish his priorities, Kelley intensified the Bureau's recruitment of accountants, women, and minorities.

In 1978, Kelley resigned as FBI director and was replaced by former federal Judge William H. Webster. Webster made terrorism a fourth FBI national priority in 1982, following a series of worldwide terrorist incidents. Also in 1982, the attorney general gave the FBI concurrent jurisdiction with the Drug Enforcement Administration (DEA) over the War on Drugs. The FBI also served as lead security agency at the 1984 Los Angeles Olympics. In the mid-1980s, the FBI was successful in solving several espionage cases, the most serious of which involved John Walker and his spy ring. Under Webster's leadership, the FBI also attacked public corruption and white-collar crime nationwide. FBI operations led to convictions of members of Congress (ABSCAM), the judiciary (GREYLORD), defense procurement officials (ILLWIND), and state legislators in California and South Carolina. FBI investigations in the 1980s successfully uncovered massive fraud in the Savings and Loan debacle, too. Webster left the Bureau in 1987 to become director of the Central Intelligence Agency (CIA). He was temporarily replaced by FBI Executive Assistant Director John E. Otto, who during his five-month tenure made drug investigations the FBI's fifth national priority.

Later in 1987, federal Judge William S. Sessions was appointed as the eighth FBI director. Following the fall of the Berlin Wall in 1989, and a steep rise in violent crime over the preceding ten years, Sessions designated the investigation of domestic violent crimes as the FBI's sixth national priority. To address the new priority, he reassigned 300 Special Agents from foreign counterintelligence responsibilities to domestic violent crime investigations. By 1991, the FBI had instituted "Operation Safe Streets" in Washington, DC, which involved the coordination of federal, state, and local police task forces in the targeting of fugitives and gangs. With the FBI's assistance, the program would soon be expanded nationwide.

At about the same time, the FBI Crime Laboratory revolutionized violent criminal identification by successfully employing DNA technology. Under Sessions's leadership, the FBI refocused resources to combat a new wave of large-scale insider bank fraud and other financial crimes, complex health care frauds, and newly created environmental crimes. National security priorities were also refocused from the threats of communism and nuclear war to protecting U.S.

information and technologies; the proliferation of biological, chemical, and nuclear weapons; and the theft of economic trade secrets and proprietary information. Also under Sessions' watch, the FBI's image was tarnished by the mishandling of two crisis situations: one in 1992, at Ruby Ridge, Idaho, where the wife of fugitive Randall Weaver was accidentally shot and killed by an FBI sniper, and the other in 1993, at Waco, Texas, where 74 members of the Branch Davidian religious sect, including women and children, died as a result of the government's misguided attack of their compound. During the summer of 1993, President Bill Clinton removed Director Sessions from office when he refused to resign following allegations of ethics violations involving the misuse of government planes and limousines. President Clinton appointed Deputy Director Floyd I. Clarke as acting FBI director.

In the fall of 1993, Louis J. Freeh was sworn in as the ninth director of the FBI. Freeh had been a federal judge at the time of his appointment and a former FBI agent. Freeh's primary goal was to forge strong international police partnerships to fight evolving crime problems at home and abroad. He was instrumental in the establishment of the first International Law Enforcement Academy in Budapest, Hungary, in 1995. Between 1993 and 1996, the FBI conducted successful investigations into the 1993 World Trade Center bombing in New York City, the 1995 bombing of the Murrah Federal Building in Oklahoma City, the UNABOMBER Theodore Kaczynski in 1996, and the arrests of Russian crime boss Vyacheslav Ivankov in 1995 and Mexican drug-trafficker Juan Garcia-Abrego in 1996. The Bureau under Freeh also created the Critical Incident Response Group (CIRG) in response to the tragedies at Ruby Ridge, Idaho, and Waco, Texas. To deal with crime in cyberspace, the Bureau under Freeh established the Computer Investigations and Infrastructure Threat Assessment Center (CITAC) and employed its Computer Analysis and Response Teams (CART) to successfully investigate and prevent computer crimes. In 1998, the FBI under Freeh instituted its National Infrastructure Protection Center (NIPC) to monitor the spread of computer viruses, worms, and other malicious programs and to warn government and businesses about these threats to their computers. Freeh resigned from the Bureau in the summer of 2001 amid criticism that the FBI needed stronger leadership—especially after allegations that 25-year FBI agent Robert Hanssen had been a spy for the Soviet Union and Russia since 1985, the FBI bungling of the investigation of Los Alamos National Laboratory scientist Wen Ho Lee, and allegations of incompetence at the FBI crime laboratory.

On September 4, 2001, President George W. Bush appointed U.S. Attorney Robert S. Mueller to succeed Director Freeh. At this writing, Mueller is the FBI's current director. Mueller's mandate as FBI director was to refine the Bureau's information technology infrastructure, to improve its records management system, and to upgrade FBI foreign counterintelligence analysis and security because of the damage done by former Special Agent and convicted spy Robert Hanssen. However, only days after Mueller took office, the terrorist attacks of September 11 occurred, and Mueller's mandate changed. Today, the mission of the FBI is "to protect and defend the United States against terrorist and foreign intelligence threats, to uphold and enforce the criminal laws of the United States, and to provide leadership and criminal justice services to federal, state, municipal, and international agencies and partners." Its priorities are these:

1. Protect the United States from terrorist attack.
2. Protect the United States against foreign intelligence operations and espionage.
3. Protect the United States against cyber-based attacks and high-technology crimes.
4. Combat public corruption at all levels.
5. Protect civil rights.
6. Combat transnational/national criminal organizations and enterprises.
7. Combat major white-collar crime.
8. Combat significant violent crime.
9. Support federal, state, local, and international partners.
10. Upgrade technology to successfully perform the FBI's mission.



FBI Fights Terrorism

To learn more about the FBI's efforts to combat terrorism, visit its website at www.fbi.gov. Click on "Counterterrorism Operations." *From what you have learned, do you think the FBI will be effective in combating terrorism?*



FBI Director Robert S. Mueller. *What attributes are needed to succeed in this position?*

THE DRUG ENFORCEMENT ADMINISTRATION (DEA)

President Richard Nixon created the Drug Enforcement Administration by executive order in 1973.²⁷ His goal was to establish a single unified command to wage “an all-out global war on the drug menace.” The DEA traces its history through several Treasury Department bureaus: the Bureau of Internal Revenue (1915–1927), the Bureau of Prohibition (1927–1930), and the Bureau of Narcotics (1930–1968), and the Justice Department’s Bureau of Narcotics and Dangerous Drugs (1968–1973).

The federal law that inaugurated America’s War on Drugs was the Harrison Narcotics Tax Act of 1914. The Act provided that all persons who produced, imported, manufactured, compounded, dealt in, dispensed, sold, distributed, or gave away opium or coca leaves, their salts, derivatives (such as morphine, heroin, and cocaine), or preparations had to register with the Bureau of Internal Revenue, pay a special tax, and keep records of all transactions. The Act further authorized the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to appoint such agents as necessary to enforce the provisions of the Act. The Act stipulated that any person who violated the law could be fined not more than \$2,000 or be imprisoned for not more than five years, or both. On its face the Harrison Act was a tax law and not a prohibition law, but the Treasury Department interpreted the law to mean that it was illegal for a doctor to prescribe any of the aforementioned drugs to an addict to maintain his or her use and comfort. The U.S. Supreme Court made that interpretation official in 1919 in *Webb v. U.S.* In 1922, the Court in *U.S. v. Behrman* added that a narcotic prescription for an addict was illegal, even if the drugs were prescribed as part of a cure program. (Cocaine was included although it is not a narcotic.) These decisions made it nearly impossible for addicts to legally obtain their drugs. And despite the Court’s reversing its *Behrman* decision in *Lindner v. U.S.* in 1925 (holding that addicts were entitled to medical care), the damage was done because physicians refused to treat addicts under any circumstances. As a result, a well-developed illegal drug marketplace arose to cater to addicts’ needs.

How large the hardcore drug addict problem was before passage of the law is controversial. However, several indicators suggest that the use of the drugs among Americans was relatively widespread. First, in the eighteenth, nineteenth, and early twentieth centuries, a booming so-called patent medicine (even though

they were not patented) and elixir industry flourished. The active ingredient in many of these medicines and elixirs was the prohibited drugs. In 1804, about 90 brands of elixirs were advertised; by 1905, the list had increased to more than 28,000. As for advertising, following the Civil War, the patent medicine industry was the leader in national advertising, with some individual proprietors spending more than \$1 million a year. A second indicator of the widespread use of the drugs is an ad in the 1897 Sears Roebuck catalog that offered “hypodermic kits, which included a syringe, two needles, two vials, and a carrying case for as little as \$1.50, with extra needles available at 25 cents each or \$2.75 per dozen.” A third indicator is the law, itself. It is unlikely Congress would have passed a tax act unless it believed that revenue from the tax would be substantial. Finally, a fourth indicator comes from an editorial in *American Medicine*, published six months after the Harrison Act was signed into law. The editorial also sounded a warning about the legislation: “Narcotic drug addiction is one of the gravest and most important questions confronting the medical profession today. Instead of improving conditions the laws recently passed have made the problem more complex.” The complex problems to which the editorial referred were made explicit in an editorial published in the *New York Medical Journal* just six weeks after the Harrison Act went into effect:

As was expected . . . the immediate effects of the Harrison antinarcotic law were seen in the flocking of drug habitues to hospitals and sanatoriums. Sporadic crimes of violence were reported too, due usually to desperate efforts by addicts to obtain drugs, but occasionally to a delirious state induced by sudden withdrawal. . . . The really serious results of this legislation, however, will only appear gradually and will not always be recognized as such. These will be the failures of promising careers, the disrupting of happy families, the commission of crimes which will never be traced to their real cause, and the influx into hospitals to the mentally disordered of many who would otherwise live socially competent lives.

The Bureau of Prohibition originated in 1920 as the Prohibition Unit of the Bureau of Internal Revenue. The purpose of the Prohibition Unit was to enforce the National Prohibition Act of 1919 (also known as the Volstead Act). The Act was passed to support the U.S. Constitution’s newly ratified Eighteenth Amendment, which prohibited the manufacture, sale, and transportation of alcoholic beverages. In 1927, Congress passed the Bureau of Prohibition Act, which created the Bureau of Prohibition and the Bureau of Customs as independent agencies within the Treasury Department. The Bureau of Prohibition’s most famous agent was Eliot Ness of *The Untouchables* fame. In 1930, the largely ineffective and corrupt Bureau was transferred from the Treasury Department to the Justice Department. With the ratification of the Twenty-First Amendment in 1933, the failed national experiment with alcohol prohibition was abandoned and with it, its primary enforcement agency. Commenting on the experiment’s demise, early supporter of Prohibition John D. Rockefeller Jr., had this to say:

When Prohibition was introduced, I hoped that it would be widely supported by public opinion and the day would soon come when the evil effects of alcohol would be recognized. I have slowly and reluctantly come to believe that this has not been the result. Instead, drinking has generally increased; the speakeasy has replaced the saloon; a vast army of lawbreakers has appeared; many of our best citizens have openly ignored Prohibition; respect for the law has been greatly lessened; and crime has increased to a level never seen before.

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For Colds, Sore Throat, Nervousness, Neuralgia, Headache, Sleeplessness, Dyspepsia, Indigestion, Heartburn, and Flatulency.
USED BY ELOCUTIONISTS, VOCALISTS, AND ACTORS.

NASAL TABLOIDS.
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A patent-medicine advertisement. Why were narcotics so popular with the American public?



Advertisement for the 1936 movie *Reefer Madness*. Why did the FBN sensationalize the effects of marijuana consumption? Was it a good idea? Why or why not?

In 1930, Congress created the Federal Bureau of Narcotics (FBN) in the Treasury Department following the collapse of the Department's Narcotics Division the year before amid evidence of corruption. The first and only commissioner of the FBN was Harry J. Anslinger, who held the post for 32 years. Before his appointment to the FBN, Anslinger was the assistant commissioner in the Bureau of Prohibition. Anslinger is considered the United States' first "drug czar" and is best known for his sensational campaign to demonize marijuana, which he used to elevate himself to national prominence. To fuel his national anti-marijuana campaign, Anslinger maintained a "gore file" of reefer madness exploitation stories that linked the drug to heinous offenses featuring ax murderers and crazed black men sexually assaulting white women. Anslinger's campaign resulted in the Marijuana Tax Act passed by Congress in 1937.

Like the Harrison Narcotics Tax Act of 1914, the Marijuana Tax Act of 1937, on its face, was not intended to prohibit the popular and therapeutic use of marijuana. The ostensible purpose of the legislation was to levy a token tax on anyone who imported, manufactured, produced, compounded, sold, dealt, dispensed, prescribed, administered, or gave away marijuana or any of its derivatives. The Act granted Commissioner Anslinger and his Bureau absolute administrative, regulatory, and enforcement authority. For most individuals, the tax was either one or three dollars a year or a fraction thereof; for importers, manufacturers, and compounders, the tax was \$24 a year or fraction thereof. Those people who provided the drug, including physicians, also were required to maintain detailed records of their transactions (names, addresses, dates, amounts, and so on) that had to be made available on request to Bureau agents for inspection.

Also like the Harrison Act, the ostensible purpose of the Marijuana Tax Act was belied by the punishment provisions of the law: five years' imprisonment, a \$2,000 fine, or both. The penalties are curiously severe for failing to pay a tax that, even if collected, would produce only a tiny amount of revenue for the government. (A later version of the Act made it possible to impose a life sentence for selling just one marijuana cigarette to a minor.) Another telltale sign of the Act's "real" purpose was the onerous record-keeping requirement that had a chilling effect on anyone who wanted to legally provide the drug. Finally, the Act erroneously classified marijuana as a narcotic, thus placing it in the same category and under the same controls as opium and coca products. (Marijuana is still included in the same category as heroin today.)

Although Anslinger is best known for criminalizing marijuana, he also was instrumental in strengthening the Harrison Narcotics Tax Act of 1914 and lobbying for severe penalties for illegal drug usage generally. For example, in the 1950s, federal laws were passed that set mandatory sentences for drug-related offenses, including marijuana. A first-offense for possession of marijuana, for instance, carried a minimum sentence of 2 to 10 years with a fine of up to \$20,000. Still, the main focus of the FBN during Anslinger's long tenure was combating opium and heroin smuggling. To that end, he opened offices in France, Italy, Turkey, Lebanon, Thailand, and other countries involved in the illegal drug trade. However, Anslinger's efforts in this area were handicapped by U.S. foreign policy considerations that shielded U.S. allies. For example, during the Vietnam War, investigations of large-scale smuggling operations in allied countries such as Thailand were never completed.



The United States' first "drug czar" Harry J. Anslinger. *In what ways were FBN Director Anslinger and FBI Director Hoover alike, and in what ways were they different?*

In 1968, the Justice Department's Bureau of Narcotics and Dangerous Drugs (BNDD) was formed by combining the Treasury Department's Bureau of Narcotics with the Food and Drug Administration's Bureau of Drug Abuse Control. The Food and Drug Administration was under the Department of Health, Education, and Welfare. The Bureau of Narcotics was responsible for the control of marijuana and narcotics such as heroin, while the Bureau of Drug Abuse Control was charged with the control of other dangerous drugs, including depressants, stimulants, and hallucinogens, such as LSD. The only director of the BNDD was John E. Ingersoll, who had been the police chief of Charlotte, North Carolina, immediately before his appointment. Under Ingersoll's leadership, the BNDD became the primary U.S. drug law enforcement agency. The Bureau's goals were fourfold: (1) to consolidate the authority and preserve the experience and manpower of the Bureau of Narcotics and Bureau of Drug Abuse Control; (2) to work with state and local governments in their crackdown on illegal trade in drugs and narcotics, and help to train local agents and investigators; (3) to maintain worldwide operations, working closely with other nations, to suppress the trade in illicit narcotics and marijuana; and (4) to conduct an extensive campaign of research and a nationwide public education program on drug abuse and its tragic effects.

In 1970, under the BNDD, the first joint narcotics task force, comprising federal, state, and local law enforcement officers, was formed in New York to conduct complex drug investigations into the heroin trade. In 1971, the BNDD was given authority to enforce what became the Diversion Control Program, which investigated the large-scale diversion of such legitimate drugs as amphetamines and barbiturates to illicit markets. The BNDD also was responsible for the successful 1972 French Connection heroin investigation.

In 1973, the short-lived BNDD became a part of the newly created Drug Enforcement Administration (DEA) within the Justice Department. In addition to the BNDD, the DEA combined the Justice Department's Office of National Narcotics Intelligence and the Office of Drug Abuse Law Enforcement, the

Treasury Department's Drug Investigation Unit of the U.S. Customs Service, and the Narcotics Advance Management Research Team in the Executive Office of the President. The official rationale for combining the various drug enforcement agencies was (1) the growing availability of illegal drugs in most areas of the United States, (2) the lack of coordination and the perceived lack of cooperation between U.S. Customs and the BNDD, and (3) the need for better intelligence gathering on drug-trafficking organizations. The anticipated benefits of the new DEA included:

1. Putting an end to the interagency rivalries that have undermined federal drug law enforcement, especially the rivalry between the BNDD and the U.S. Customs Service.
2. Giving the FBI its first significant role in drug enforcement by requiring that the DEA draw on the FBI's expertise in combating organized crime's role in the trafficking of illicit drugs.
3. Providing a focal point for coordinating federal drug enforcement efforts with those of state and local authorities, as well as with foreign police forces.
4. Placing a single administrator in charge of federal drug law enforcement in order to make the new DEA more accountable than its component parts had ever been, thereby safeguarding against corruption and enforcement abuses.
5. Consolidating drug enforcement operations in the DEA and establishing the Narcotics Division in Justice to maximize coordination between federal investigation and prosecution efforts and eliminate rivalries within each sphere.



Multiple bombing suspect Eric Robert Rudolph is escorted by law enforcement officials from the Cherokee County Courthouse and Jail in Murphy, North Carolina, June 2, 2003, to a federal court hearing in Asheville, North Carolina. *What causes interagency rivalries, and how can they be reduced?*

6. Establishing the DEA as a superagency to provide the momentum needed to coordinate all federal efforts related to drug enforcement outside the Justice Department, especially the gathering of intelligence on international narcotics smuggling.

The official version of the DEA's origins omits the DEA's link to the Watergate scandal that ultimately led to President Nixon's humiliating resignation from office. Many of the key participants in the DEA's creation were key conspirators in the Watergate affair. The Nixon White House wanted to establish its own domestic-intelligence system and private police force so it could control and eliminate Nixon administration enemies. The war on heroin provided the needed cover, and the Offices of National Narcotics Intelligence (ONNI) and Drug Abuse Law Enforcement (ODALE) became the vehicles. (No information could be found on the Narcotics Advance Management Research Team.) The new offices, which were created in 1972 by executive order, were placed in the Justice Department instead of the White House to satisfy concerns of BNDD Director Ingersoll and Deputy Attorney General Richard Kleindienst. ONNI and ODALE agents installed illegal "national security" wiretaps and committed burglaries, warrantless raids, and other crimes on the orders of John Ehrlichman, who was counsel and Assistant to the President for Domestic Affairs, and other high-ranking Nixon administration officials.

Besides the Watergate break-in, one of the more notorious operations of ONNI agents, called "plumbers," was the burglary of Daniel Ellsberg's psychiatrist's office. The "plumbers" were a special investigative unit charged with fixing "leaks" to the press, something with which the Nixon White House was obsessed. Ellsberg was a former military analyst, who "leaked" to the *New York*

Times and other newspapers the *Pentagon Papers*, a top-secret Pentagon study that revealed faulty government decision making about the Vietnam War that was embarrassing to the Kennedy, Johnson, and Nixon administrations. The plumbers were seeking information to discredit Ellsberg, who had also been the subject of illegal wiretapping.

Today, the mission of the Drug Enforcement Administration (DEA) is:

to enforce the controlled substances laws and regulations of the United States and bring to the criminal and civil justice system of the United States, or any other competent jurisdiction, those organizations and principal members of organizations, involved in the growing, manufacture, or distribution of controlled substances appearing in or destined for illicit traffic in the United States; and to recommend and support non-enforcement programs aimed at reducing the availability of illicit controlled substances on the domestic and international markets.

In carrying out its mission, the agency's primary responsibilities include:

- Investigation and preparation for the prosecution of major violators of controlled substance laws operating at interstate and international levels.
- Investigation and preparation for prosecution of criminals and drug gangs who perpetrate violence in our communities and terrorize citizens through fear and intimidation.
- Management of a national drug intelligence program in cooperation with federal, state, local, and foreign officials to collect, analyze, and disseminate strategic and operational drug intelligence information.
- Seizure and forfeiture of assets derived from, traceable to, or intended to be used for illicit drug trafficking.
- Enforcement of the provisions of the Controlled Substances Act as they pertain to the manufacture, distribution, and dispensing of legally produced controlled substances.
- Coordination and cooperation with federal, state, and local law enforcement officials on mutual drug enforcement efforts and enhancement of such efforts through exploitation of potential interstate and international investigations beyond local or limited federal jurisdictions and resources.
- Coordination and cooperation with federal, state, and local agencies, and with foreign governments, in programs designed to reduce the availability of illicit abuse-type drugs on the United States market through non-enforcement methods such as crop eradication, crop substitution, and training of foreign officials.
- Responsibility, under the policy guidance of the secretary of state and U.S. ambassadors, for all programs associated with drug law enforcement counterparts in foreign countries.
- Liaison with the United Nations, Interpol, and other organizations on matters relating to international drug control programs.

A detailed critique of America's War on Drugs is presented in Chapter 6.

THINKING CRITICALLY

1. Which of the four federal law enforcement agencies described in this section—the U.S. Marshals Service, the Secret Service, the FBI, and the DEA—is the most important, and why?
2. Do you think it is a good idea for any individual to head a federal law enforcement agency as long as J. Edgar Hoover or Harry J. Anslinger did? Why or why not?
3. Why do you suppose the DEA continues to include marijuana in the same category as heroin?

The Structure of American Law Enforcement

Describing American law enforcement and its structure is especially difficult today because of its ongoing restructuring and transformation, from community policing at the local level to the new Department of Homeland Security at the federal level and increasing privatization at all levels. It is also difficult to describe because law enforcement agencies are so diverse. To begin with, you must decide which law enforcement agency you are talking about.

For example, Oklahoma Highway Patrol officers cruise the highways and back roads, enforcing traffic laws, investigating accidents, and assisting motorists over seemingly endless miles of paved and unpaved routes. They do not ordinarily investigate criminal violations unless the violations are on state property. In contrast, a sheriff and two deputies in rural Decatur County, Kansas, conduct criminal investigations, serve subpoenas, and investigate accidents. In the towns of Homer, Kincaid, and Leland, Illinois, only one employee, the chief of police, works in each department, and that person is responsible for all law enforcement, public order, and service duties. About 60 sworn law enforcement officers at the University of Texas in Austin are also a part of American law enforcement.²⁸

Altogether, tens of thousands of law enforcement officers at the federal, state, county, and municipal levels protect life and property and serve their respective publics. They are employed by government, private enterprise, and quasi-governmental entities. Their responsibilities are specific and sometimes unique to the kind of organization that employs them. Examples of these organizations are airports, transit authorities, hospitals, and parks.

At the state level, there are highway patrols, bureaus of investigation, park rangers, watercraft officers, and other law enforcement agencies and personnel with limited jurisdictions. Colleges and universities employ police officers, and some of those forces are comparable to many medium-sized police departments in the United States.

At the federal level, there are 70 law enforcement agencies if all of the small agencies with very specific jurisdictions are included. The FBI, the U.S. Secret Service, and the DEA are three of the better-known agencies. The U.S. Marshals Service, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and



Before entering some schools, students have their bags checked every day by special law enforcement officers with limited jurisdiction. *Is this practice necessary? Why or why not?*

the U.S. Immigration and Customs Enforcement (ICE) are other federal law enforcement agencies, as are the Criminal Investigation Division of the Internal Revenue Service, the United States Postal Inspection Service, the U.S. Customs and Border Protection (CBP), and several dozen other agencies. As of 2010, federal law enforcement agencies employed more than 188,000 law enforcement personnel.²⁹

As the aforementioned list of law enforcement agencies suggests, explaining the law enforcement mandate and its execution in the United States is difficult. The structure of American police services is different from those of other countries. Japan and many other nations have only one police department. The United States has more than 15,700 public law enforcement agencies, and probably more when all the special police jurisdictions in the public sector are counted—including game protection agencies, water conservancies, and mental health institutions. Figure 5.1 summarizes the various law enforcement agencies in the United States.

You have already learned that law enforcement in America is fragmented, locally controlled, and limited in authority; to that, you can also add the terms *structurally* and *functionally different*. Virtually no two police agencies in America are structured alike or function in the same way. Police officers themselves are young and old; well-trained and ill-prepared; educated and uninformed; full-time and part-time; rural, urban, and suburban; generalists and specialists; paid and volunteer; and public and private. These differences lead to the following generalizations about law enforcement in the United States:

1. The quality of police services varies greatly among states and localities across the nation.
2. There is no consensus on professional standards for police personnel, equipment, and practices.
3. Expenditures for police services vary greatly among communities.
4. Obtaining police services from the appropriate agency is often confusing for crime victims and other clients.

LOCAL POLICING AND ITS DUTIES

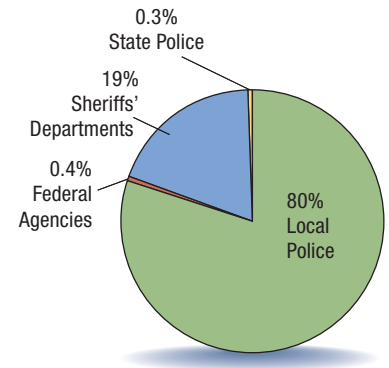
If a person knows a law enforcement agent at all, it is probably a local police officer. The officer may have given the person a traffic ticket or investigated an automobile accident. The officer may have conducted a crime prevention survey. Children meet local police officers through Drug Abuse Resistance Education (D.A.R.E.) in public or private schools. Almost everyone has seen the beat cop drive by in a patrol car. Some people have reported thefts or burglaries, but it is doubtful that even they understand what local police officers in America really do, besides what they see on television and in movies.

Municipal Police Departments The estimated 12,575 municipal police departments in the United States come in all sizes, but most of them are small in the number of officers employed. The overwhelming majority of police departments in America employ fewer than 50 sworn officers. Figure 5.2 shows the number of sworn officers in local police agencies in the United States. As shown, nearly one-half of all local police departments in the United States employ fewer than 10 officers, and fewer than 1% employ more than 1,000 sworn personnel.

What are some of the characteristics of the sworn personnel who occupy the ranks of municipal police agencies in the United States? Most police officers are white males. In 2007 (the latest year for which data were available), about 75% of full-time sworn officers were white and about 88% were men. By comparison, in 1987, about 90% of full-time sworn officers were white and slightly more than 92% were men. Generally, the larger the police agency, the more likely it is to employ minority officers. Women represented 11.9% of all sworn officers in the nation's local police departments in 2007, which is up

Figure 5.1
Public Law Enforcement Agencies in the United States

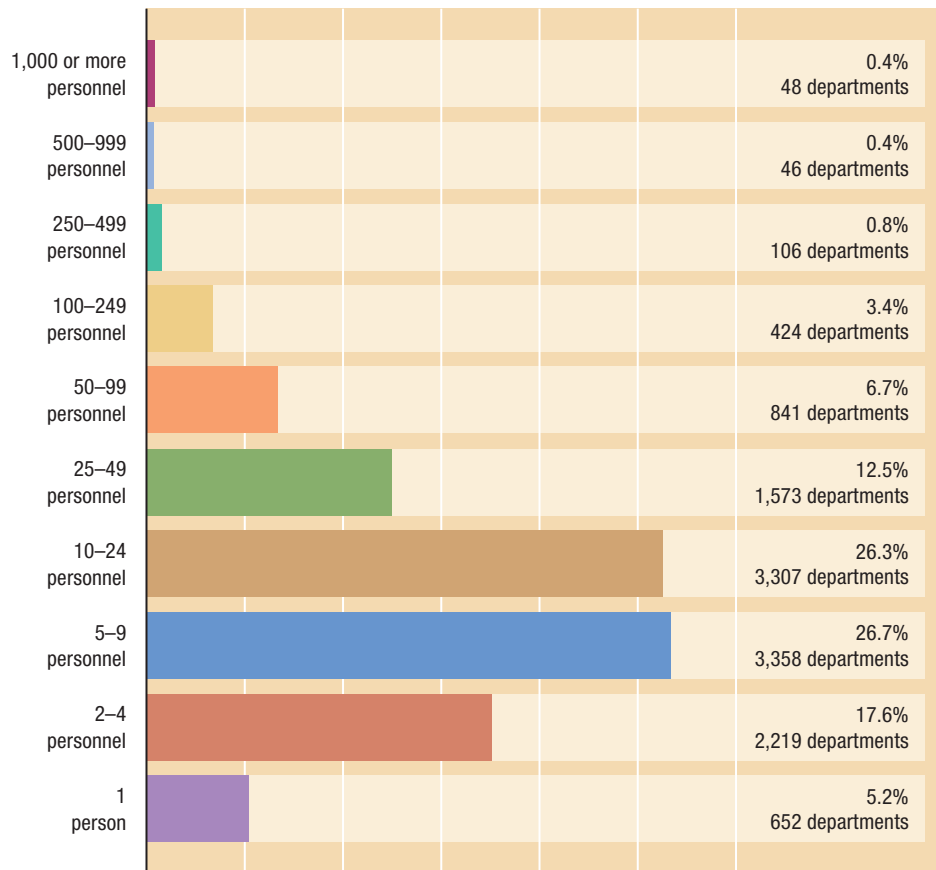
The United States has more than 15,700 public law enforcement agencies.



Source: Calculated from Brian A. Reaves, *Local Police Departments, 2007*, U.S. Department of Justice, Bureau of Justice Statistics (Washington, DC: U.S. Government Printing Office, December 2010), 8, Table 1, <http://bjs.ojp.usdoj.gov/content/pub/pdf/1pd07.pdf>. Not included are special police and some other agencies, such as county constable offices in Texas. Seventy federal law enforcement agencies were added to Table 1.

Figure 5.2

Number of Sworn Personnel in Local Departments, 2007



Source: Brian A. Reaves, *Local Police Departments, 2007*, U.S. Department of Justice, Bureau of Justice Statistics (Washington, DC: U.S. Government Printing Office, December 2010), 9, Table 2, <http://bjs.ojp.usdoj.gov/content/pub/pdf/1pd07.pdf>.

from 7.6% of officers in 1987.³⁰ Figure 5.3 provides a breakdown of police employment in local agencies by gender, race, and ethnicity.

Local Police Duties The local police are the workhorses of the law enforcement system in America. They have many duties and tasks that will never be included in police detective novels or in movies about law enforcement. Their duties have been categorized in several different ways. One general grouping lists these four categories of local police duties:

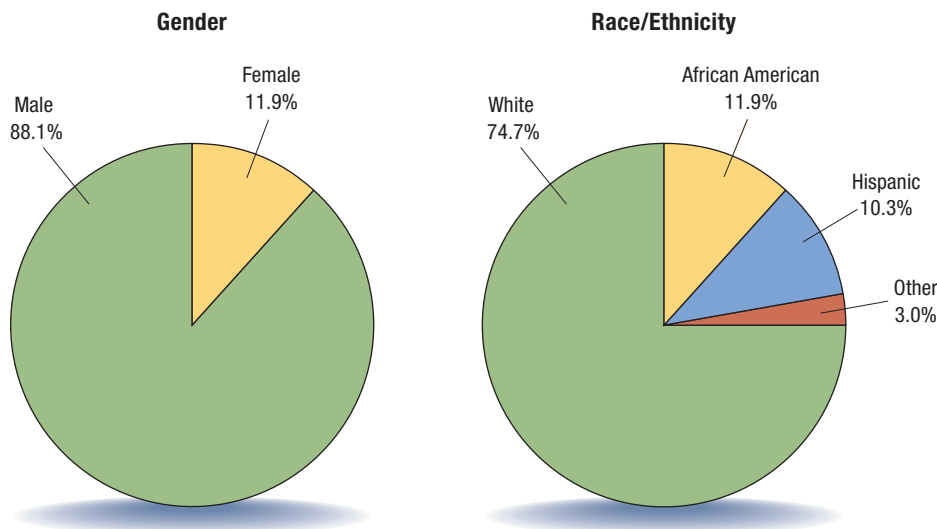
1. **Law Enforcement**—examples are investigating a burglary, arresting a car thief, serving a warrant, or testifying in court.
2. **Order Maintenance or Peacekeeping**—examples are breaking up a fight, holding back a crowd at a sporting event, or intervening in a domestic dispute before it gets violent.
3. **Service**—examples are taking people to the hospital, escorting funeral processions, delivering mail for city officials, or chasing bats out of a caller's house.
4. **Information Gathering**—examples are determining neighborhood reactions to a proposed liquor license in the community, investigating a missing child case, or investigating and reporting on a dangerous road condition.

Some police academies teach recruits the duties of a police officer through the use of the acronym *PEPPAS*:

P—Protect life and property (patrol a business district at night, keep citizens from a fire scene, recover and return lost property).

Figure 5.3

Characteristics of Local Full-Time Police Officers, 2007



Source: Matthew J. Hickman and Brian A. Reaves, *Local Police Departments, 2007*, U.S. Department of Justice, Bureau of Justice Statistics (Washington, DC: U.S. Government Printing Office, December 2010), <http://bjs.ojp.usdoj.gov/content/pub/pdf/1pd07.pdf>.

- E**—Enforce the law (ensure traffic laws are obeyed, warn jaywalkers of the inherent danger, make out criminal complaints, seize illegal weapons).
- P**—Prevent crime (give home security advice, patrol high crime areas, work as a D.A.R.E. officer in schools).
- P**—Preserve the peace (disband disorderly groups, have a visible presence at sporting events, intervene in neighbor conflicts).
- A**—Arrest violators (apprehend fleeing suspects, give citations to alcohol permit-holders who sell to minors, conduct drug raids).
- S**—Serve the public (give directions to travelers, deliver emergency messages, administer first aid).

MYTH

The police spend most of their time and resources apprehending law violators and combating crime.

FACT

Only about 10% of police time and resources are devoted to apprehending law violators and combating crime. Most of their time and resources are spent “keeping the peace,” which means maintaining a police presence in the community, for example, by routine patrolling.



Local police departments, which make up the bulk of law enforcement agencies in America, are responsible for law enforcement, order maintenance, service, and information gathering. *How important is public relations for local police departments? Why?*

There are literally dozens of other duties that the police of a city, town, or village carry out, and much of the work falls into the category of helping out when no one else seems to be available. Because the police are on duty 24 hours a day in nearly every community, they are often called on to perform services that have nothing to do with law enforcement. That round-the-clock availability also significantly affects the structure, work life, and activity of a police agency.

Organizational Structure How a police agency is structured depends on the size of the agency, the degree of specialization, the philosophy the leadership has chosen (such as community policing), the political context of the department (the form of municipal government), and the history and preferences of a particular community. Most medium- to large-staffed police agencies are subdivided into patrol, criminal investigation, traffic, juvenile, and technical and support services. Subspecialties include robbery, gangs, training, bombs, property, victims' services, jail, and mounted patrol. Table 5.2 lists the specialty units of the Seattle (Washington) Police Department (SPD). The SPD has approximately 1,250 sworn officers and about 500 civilian employees. The SPD usually requires officers to work at least their first 3 years in uniformed patrol assignments. Many officers choose to remain in patrol much longer or return to patrol after assignments in other units. Others choose to vary their assignments within the Department. Some assignments outside of uniformed patrol are officer positions and some are detective positions. After 3 years in patrol, officers are eligible to attend a week-long detective school. Upon completion of the course, officers are placed on the Detective Eligibility List and are then available for assignment to a detective position. This is considered a lateral move, not a promotion.

To be promoted within the SPD, officers are required to take a civil service test, which is administered every other year. Tests are given for the rank of sergeant, lieutenant, and captain. The chief appoints assistant chiefs from the rank of captain. Officers may be promoted to sergeant after 5 years of experience with the SPD and passing the sergeant's test. Lieutenants must have at least 3 years experience as sergeants, and captains must have at least 3 years experience as lieutenants. A bachelor's degree may substitute for one year of experience but can be used only for one promotional exam.

The Dallas (Texas) Police Department has about 3,600 sworn officers and 600 civilian employees and, like the SPD, is large, sophisticated, and very specialized. For example, it has a separate detective unit for each major category of crime. Evidence technicians collect and preserve evidence during the preliminary investigation of a crime. An entire contingent of officers is assigned to traffic regulation and enforcement duties. Bicycle patrol officers work the popular West End entertainment and restaurant section downtown. The Dallas police

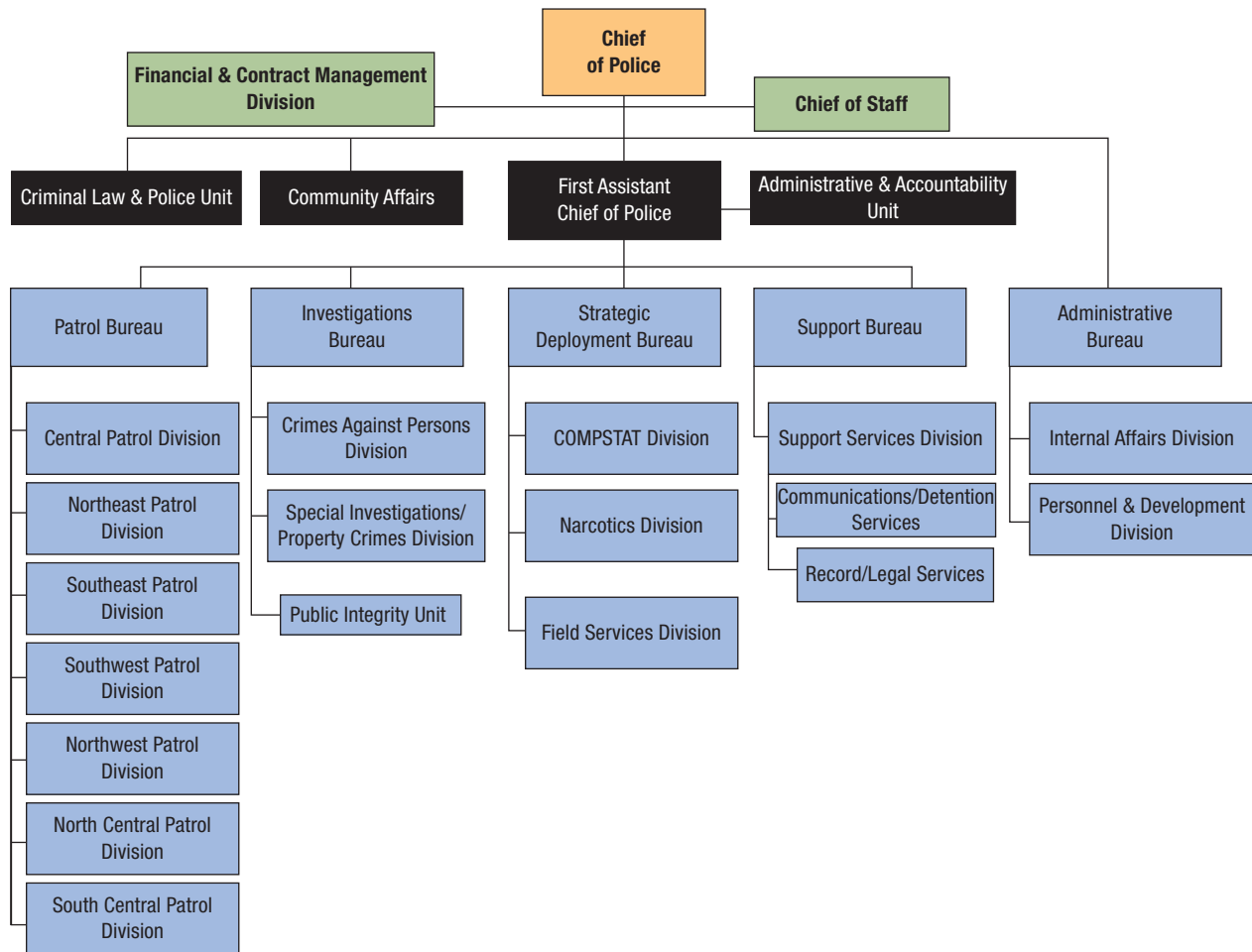
Table 5.2 Specialty Units of the Seattle Police Department

K-9	Traffic Enforcement	Special Activities (Seattle Center)
Auto Theft	Arson/Bomb Squad	Pawn Shop Detail
DUI Squad	Audit/Inspections	Traffic Collision Unit (T.C.I.)
Training	Anti-Crime Teams	Mounted (horses)
Bias Crimes	Community Police	Domestic Violence
Gang Unit	School Emphasis	Sexual Assault
Robbery	Vice	Burglary/Theft
Narcotics	Media Relations	Crime Analysis
Juvenile	Harbor (boats, divers)	Motorcycle
Homicide	Checks & Forgery	SWAT
C.S.I. Unit	Recruitment	Homeland Security
Background Unit	Violent Crimes	Fugitive Warrants
Internet Crimes	Child Exploitation	Cold Cases—Homicide
Missing Persons	Criminal Intelligence	Crisis Intervention Team

Source: www.cityofseattle.net/police/jobs/work/speciality.htm/.

Figure 5.4

Dallas Police Department Organization Chart



even have sworn officers who serve as crime analysts and collect, analyze, map, and report crime data to enable better prevention and repression of crime by means of scientific deployment of officers and other strategies. Figure 5.4 presents the organizational structure of the Dallas Police Department.

Most police agencies in the United States do not have or need elaborate organizational structures. Police officers on the beat are generalists, and when special circumstances arise, such as a homicide or a complex financial investigation, they can usually rely on state bureaus of investigation to assist them. Moreover, local cooperation pacts among departments in a particular region often provide for sharing resources and specialized assistance when needed.

The infrequent need for homicide investigation skills in communities under 30,000 people, for example, makes it impractical to train one or more officers in the methods of conducting a thorough death investigation. An officer so trained might have to wait an entire career to put into practice the acquired skills, and it is most likely that by the time they were needed, the officer would have forgotten them. The lack of a trained specialist for the infrequent complex investigation, however, is one of the major reasons criminal investigation services in small communities are not equal to those in larger police departments.

The question has been raised whether larger, regional police departments would be more efficient providers of police services. However, as you have already discovered, policing in America is a local concern, and that is not likely to change.

The police are organized militarily with regard to accountability, discipline, rank, dress, and decorum. Many people believe that the military structure of a chain of command may be dysfunctional because police work is so varied. Some people believe that a military structure is best suited for situations where the objectives are simple and few, which is not the case in municipal policing. Some commentators think the military structure impedes the flow of communication and the development of good community relations because people are suspicious of the police or even fear them in some neighborhoods. Despite these criticisms, most police departments retain this organizational structure, which originated in the hiring of military leaders as the first police chiefs. Attempts to change the military structure of policing have generally failed. One reason is that police officers have often resisted any type of reorganization.

The Political Context of Policing A police department of any size is part of a larger government entity. Municipalities generally operate under one of four forms of municipal government:³¹

Strong Mayor-Council—Voters elect the mayor and the city council; the mayor appoints heads of departments.

Weak Mayor-Council—Voters elect the mayor and the city council; the city council appoints heads of departments.

City Manager—Voters elect the city council and, in some cities, a mayor; the city council selects the city manager, who appoints heads of departments.

Commission—Voters elect a board of commissioners, who become the heads of departments; the commission or the voters may choose one commissioner to be mayor.

As you can see, the forms of municipal government vary in the amount of control citizens have over the municipality's leaders, the source of the executive authority of the chief of police, and the degree of insulation a chief of police has from interference by the executive head of the city (mayor or city manager) or the city council. Each form has advantages and disadvantages. At one time it was thought that city manager government was the system under which the police were most likely to develop professionally, be free of political meddling from city lawmakers, and be insulated from local corruption. Although many progressive and effective police departments operate under a city manager form of government, other municipal forms of government have records of both success and failure in local police effectiveness and integrity.

You have probably noticed from reading newspapers, listening to radio, and watching television that chief executives of local police agencies have different titles, depending on the locale. Popular titles are chief of police (Kansas City), director of police (Dayton, Ohio), and commissioner (New York City).

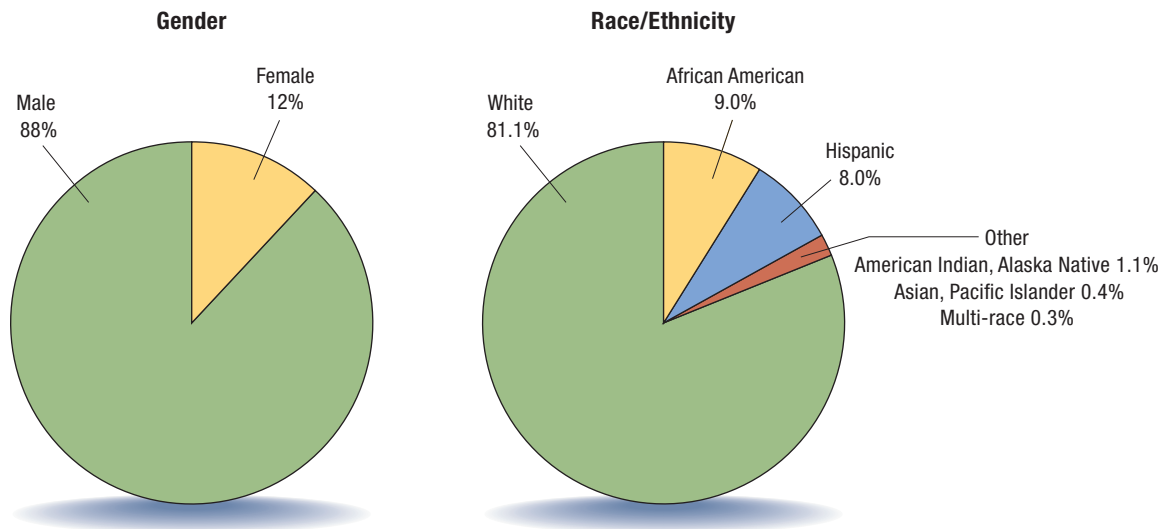
COUNTY LAW ENFORCEMENT

A substantial portion of law enforcement work in the United States is carried out by sheriffs' departments. In 2007 (the latest year for which data were available), the nation had 3,012 sheriffs' departments, employing 346,337 full-time personnel. About 50% of the personnel were sworn peace officers. Sheriffs frequently employ part-time personnel who work as special deputies assisting with posses, disasters, county fairs, traffic control, and other duties. Sheriffs' departments represent about 19% of all the law enforcement departments in the United States.³²

Sheriffs' personnel are 81.1% white, 9.0% black, 8.0% Hispanic, 1.1% American Indian or Alaska Native, 0.4% Asian or Pacific Islander, and 0.3% multi-race. Women make up 12% of the sworn personnel working for sheriffs' departments.³³ (See Figure 5.5.) Like most municipal police departments, most

Figure 5.5

Characteristics of Sheriffs' Personnel, 2007



Source: Bureau of Justice Statistics, *2007 Law Enforcement and Administrative Statistics Survey*. (Data generously provided by Brian Reaves, January 28, 2011.)

sheriffs' departments in America are small. Figure 5.6 shows the number of departments and their respective sizes. More than one-half of all sheriffs' departments employ fewer than 25 sworn personnel.

Sheriffs' departments often have employment qualifications similar to those of municipal police agencies. (Employment qualifications for police departments are described in Chapter 7.) A high school diploma or higher educational achievement was required by 89% of sheriffs' departments in 2007 (down from 99% in 2003). Three percent of sheriffs' departments in 2007 required some college courses (down from 4% in 2003), and 7% of the departments required recruits to have a 2-year college degree (up from 5% in 2003). Fewer than one-half of 1% of departments required new recruits to have a 4-year college degree (the same as in 2003).³⁴

In 2007, entry-level deputy sheriffs' average salaries ranged from a minimum of \$32,800 to a maximum of \$41,400. Entry-level salaries in departments serving populations of one million or more ranged from \$45,600 to \$60,600, while entry-level salaries in departments serving populations of under 10,000 ranged from \$27,800 to \$30,400.³⁵

County Law Enforcement Functions The sheriff and department personnel perform functions that range from investigation to supervision of sentenced offenders. Even in the smallest departments, sheriffs are responsible for investigating crimes and enforcing the criminal and traffic laws of the state. They also perform many civil process services for the court, such as serving summonses, warrants, and various writs. In addition, they provide courtroom security and confine and transport prisoners. The larger the sheriff's department, the more confinement and corrections responsibilities it has. Sheriffs' departments frequently operate the county jail, which houses hundreds and even thousands of prisoners, depending on the particular county. In some counties, the sheriff's department shares law enforcement duties with a separate police department.

Politics and County Law Enforcement Most sheriffs are directly elected and depend on an elected board of county commissioners or supervisors for their funding and some oversight of their operations. Sheriffs generally have a freer hand in running their agencies than police chiefs do. In many counties, local politics govern the operation of the sheriff's department, and the sheriff must operate as a partisan politician to remain in office. The authority to appoint

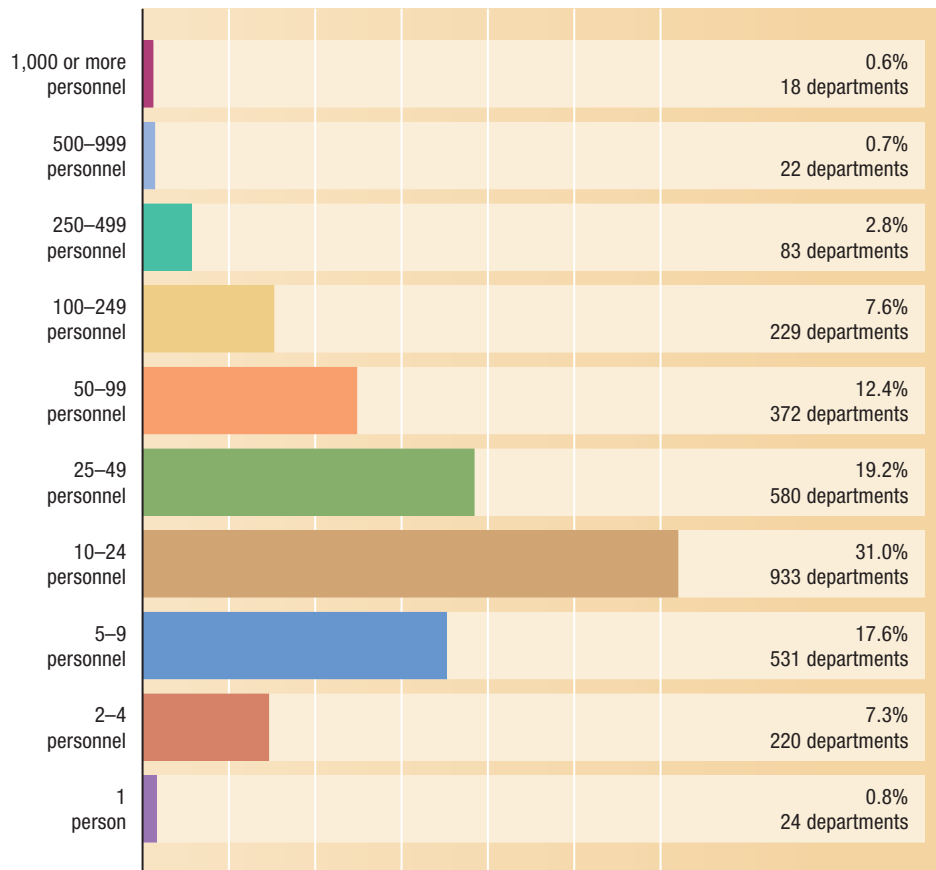
FYI Female Sheriffs

Before 1992, no woman had ever been elected to the position of sheriff in the United States. The first two were elected in 1992: The first was Jackie Barrett in Fulton County, Georgia, and the second was Judy Pridgen in Saline County, Arkansas.

Source: Matthew J. Hickman and Brian A. Reaves, *Sheriffs' Offices, 2003*, Bureau of Justice Statistics (Washington, DC: U.S. Government Printing Office, 2006).

Figure 5.6

Number of Sworn Personnel in Sheriffs' Departments, 2007



Source: Bureau of Justice Statistics, *2007 Law Enforcement and Administrative Statistics Survey*. (Data generously provided by Brian Reaves, January 28, 2011.)

special deputies and to award patronage jobs contributes to the sheriff's power and influence in a county.

STATE LAW ENFORCEMENT

Filling the complement of law enforcement agencies in a particular state are one or more state law enforcement agencies, which provide criminal and traffic law enforcement, as well as other services peculiar to the needs of that state government. In 2007 (the latest year for which data were available), the 49 primary state law enforcement agencies (Hawaii has no state police agency) had 93,364 employees, of which 60,958, or 65%, were full-time sworn officers. The California Highway Patrol is the largest state law enforcement agency with more than 10,000 personnel, of which 69% are sworn officers.³⁶

For the most part, each state has chosen one of two models for providing law enforcement services at the state level. The first model is the **state police model** in which the agency and its officers have essentially the same enforcement powers as local police in the state and can work cases and enforce the law anywhere within the state's boundaries. One of the best-known state police agencies is the Texas Rangers, part of the Texas Department of Public Safety, which also employs state troopers to enforce criminal and traffic laws. The Rangers usually focus on special and complex investigations, such as the

state police model A model of state law enforcement services in which the agency and its officers have the same law enforcement powers as local police but can exercise them anywhere within the state.



State police agencies in every state except Hawaii have statewide jurisdiction and may be set up according to state police or highway patrol models. *Are state police agencies necessary? Why or why not?*

Branch Davidian case in Waco in 1993. A number of states have placed some restrictions on state police activities to avoid clashes with local politicians and local police agencies.

The second model for state law enforcement services is the **highway patrol model** in which officers focus almost exclusively on highway traffic safety, enforcement of the state's traffic laws, and investigation of accidents on the state's roads and highways. Even highway patrols, however, may retain responsibility for investigating criminal violations on state property and in state institutions or for conducting drug interdictions.

States that employ the highway patrol model often have other state law enforcement agencies with narrow service mandates, such as these:

- Bureaus of criminal investigation (to investigate white-collar and organized crime, narcotics, and so on)
- State criminal identification services
- Forest, game, and watercraft protection services
- Alcoholic beverage control and enforcement
- Crime laboratory and criminalistics services
- Driver's license examinations
- Drug interdiction activities
- Peace officer training and certification

Both state police and highway patrol agencies help regulate commercial traffic, conduct bomb investigations, protect the governor and the capitol grounds and buildings, and administer computer-based information networks for the state, which link up with the National Crime Information Center (NCIC) run by the FBI.

Some tension always seems to exist between state police agencies and local law enforcement over legal jurisdiction and recognition for conducting investigations and making arrests. Recall that policing in America and the political system that governs it are local. Much of the resentment by locals over state interference is similar to the suspicions and doubts concerning federal involvement at the local level.

A significant function performed by a special category of state law enforcement officers is university or campus policing. Some of the large state and

highway patrol model A model of state law enforcement services in which officers focus on highway traffic safety, enforcement of the state's traffic laws, and the investigation of accidents on the state's roads, highways, and property.



CAREERS IN CRIMINAL JUSTICE

Kentucky Department of Fish and Wildlife Officer

My name is Myra Minton. I am a captain with the Kentucky Department of Fish and Wildlife Resources Law Enforcement Division. As a captain, I am responsible for the oversight of a Law Enforcement District and the officers that patrol there. A conservation officer is responsible for patrolling the fields, forests, lakes, and streams. During patrol an officer looks for license and safety violations, and enforces regulations that are in place to protect Kentucky's natural resources. An officer is also

charged with enforcing boating regulations to maintain safety on the waterways of the Commonwealth in addition to other general peace officer duties. I graduated from Ohio Northern University with a Bachelor of Science degree in environmental studies before being hired by the Kentucky Department of Fish and Wildlife Resources Law Enforcement Division.

The requirements for becoming a Kentucky conservation officer include having either a four year degree, four years of law enforcement experience, or four years of experience in a fish and wildlife-related field. Candidates must be able to pass

a written exam, a physical fitness test, a psychological exam, and a polygraph examination. Upon hiring, a recruit spends the next 30 weeks in two separate training programs. The Kentucky Department of Criminal Justice Training provides law enforcement agencies with a Basic Law Enforcement Training Program that spans 18 weeks. Upon successful completion of the Basic Law Enforcement Training Program, a conservation officer recruit attends a 12-week Fish and Wildlife Law Enforcement Academy. During this phase of training the recruits learn fish and wildlife laws, boating laws, boat operation, all-terrain vehicle (ATV) operation, wildlife identification, wildlife forensics, water survival, defensive

tactics, and federal laws that pertain to their job.

As in most professions there are high points and low points. A drawback with regard to the job as a conservation officer is that you work when most people are off. The busiest time is normally on a weekend or holiday, which can affect your personal life. But the realization that every day when you go to work there is something new makes and keeps the job interesting. You just never know what you are going to find.

If you are interested in a job in fish and wildlife law enforcement, contact the agency that you are interested in working for. Meet the people, ask to ride with an officer, establish a relationship, and find out what their requirements are.

private universities and colleges have full-blown police agencies with many special subdivisions. They are very much like municipal police departments—and rightly so because a community's problems with crime and public order do not end at the university gate.

FEDERAL LAW ENFORCEMENT

Everyone has heard of a few of the better-known federal law enforcement agencies. The FBI, the U.S. Secret Service, and even the T-men and T-women of the Treasury Department have had their own television shows, creating wider public recognition of those agencies. The unrelenting war on drugs has brought to the attention of the American public the activities of the DEA. There are also other, lesser-known federal police agencies. Their law enforcement jurisdictions are narrowly defined by specific statutes, and their work is unlikely to come to the attention of most American citizens.

Three major differences exist between federal law enforcement and the local and state police agencies with which we are likely to be more familiar. First, federal agencies such as the FBI operate across the entire nation and even have agents serving abroad. Second, federal police agencies do not, as a rule, have the peacekeeping or order maintenance duties typical in local policing. Finally, some federal law enforcement agencies have extremely narrow jurisdictions. (The U.S. Supreme Court Police, for example, provide protective and investigative services for the Supreme Court only.)

As noted previously, in 2010, the 70 federal law enforcement agencies employed about 188,000 personnel, an increase of about 79% since 2004.³⁷ Combined, those 70 agencies cost taxpayers nearly \$22 billion in 2007 (the latest year for which data were available), which represents an increase of approximately 7% since 2003.³⁸



Federal law enforcement agencies investigate violations of federal law, enforce laws that involve interstate crimes, and conduct activities to prevent and control domestic and international terrorism. *How do the jobs of federal law enforcement agents differ from the jobs of other law enforcement officers?*

Table 5.3 shows some of the largest federal law enforcement agencies. U.S. Customs and Border Protection (CBP), a component of the U.S. Department of Homeland Security, is the largest of the agencies with more than 50,000 employees, including approximately 18,000 border patrol agents (as of year-end 2008).³⁹ CBP is responsible for protecting more than 5,000 miles of border with Canada, 1,900 miles of border with Mexico, and 95,000 miles of shoreline. In 2008, CBP collected more than \$34.5 billion in revenue; processed 409 million pedestrians and passengers, 121 million vehicles, and 94 million aircraft passengers; seized 3.1 million pounds of illegal drugs, including 178,770 pounds of cocaine, 2,178 pounds of heroin, 2,471,931 pounds of marijuana, and 2,770 pounds of methamphetamine; and apprehended 723,825 illegal aliens between ports of entry and interdicted 224,804 inadmissible aliens at ports of entry.

Also in 2008, CBP reported “making tremendous progress in its effort to deploy approximately 670 miles of pedestrian and vehicle fencing in priority areas along the southern border to disrupt the flow of illegal immigrants and drugs into the country.”⁴⁰ In 2005, the Department of Homeland Security gave CBP the responsibility of managing the Bush administration’s Secure Border Initiative (SBI) and developing a comprehensive border protection system. The multiyear, multibillion-dollar project was to have two major components: SBInet, which would employ a “virtual fence” consisting of “radars, sensors, and cameras to detect, identify, and classify the threat level associated with an illegal entry into the United States,” and SBI tactical infrastructure (TI) consisting of “fencing, roads, and lighting intended to enhance U.S. Border Patrol agents’ ability to respond to the area of the illegal entry and bring the situation to a law enforcement resolution (i.e., arrest).”

However, January 14, 2011, the Obama administration canceled the SBInet part of SBI because, as Homeland Security Secretary Janet Napolitano put it, SBInet “cannot meet its original objective of providing a single, integrated border security technology solution.” The “virtual fence” was supposed to be operative in 2011, but, instead, taxpayers will receive about 53 miles of problem-plagued “virtual fence” in Arizona at a cost of at least \$15 million a mile. Secretary Napolitano also announced “a new path forward for security technology along the border that is tailored to the needs of each region and provides faster deployment of technology, better coverage, and a more effective balance between cost and capability.” Her new plan will use mobile surveillance systems, drones, thermal imaging devices, and tower-based remote video surveillance. She added,

Table 5.3 Largest Federal Law Enforcement Agencies, Department of Government, and Number of Personnel

Agency	Department	Number of Personnel	Year of Data
U.S. Customs and Border Protection	Homeland Security	51,552, including approximately 18,000 Border Patrol Agents	2008
Federal Bureau of Prisons	Justice	37,544	2010
Federal Bureau of Investigation	Justice	35,506, including 13,807 Special Agents	2010
U.S. Immigration and Customs Enforcement	Homeland Security	more than 20,000	2010
U.S. Secret Service	Homeland Security	6,644, including 3,483 Special Agents and 1,344 Uniformed Division Officers	2009
Drug Enforcement Administration	Justice	5,235 Special Agents	2010
Bureau of Alcohol, Tobacco, Firearms and Explosives	Justice	5,008, including 2,450 Special Agents and 789 Industry Operations Investigators	2009
U.S. Marshals Service	Justice	4,942, including 94 U.S. Marshals and 3,345 Deputy U.S. Marshals	2010
National Park Service	Interior	4,441, including 3,861 Park Rangers and 580 Park Police	2010
Internal Revenue Service, Criminal Investigation	Treasury	4,100, including 2,700 Special Agents	2010
U.S. Postal Inspection Service	Independent Agency	2,700, including 1,400 Postal Inspectors and 700 Postal Police Officers	2010

Sources: *U.S. Customs and Border Protection, Performance and Accountability Report, Fiscal Year 2008*, www.cbp.gov/linkhandler/cgov/newsroom/publications/admin/par_fy08_pub.ctt/par_fy08.pdf; Federal Bureau of Prisons, "Quick Facts," www.bop.gov/about/facts.jsp#5; Federal Bureau of Investigation, "Quick Facts," www.fbi.gov/about-us/quick-facts; U.S. Immigration and Customs Enforcement, "ICE Overview," www.ice.gov/about/overview/; U.S. Department of Homeland Security, United States Secret Service, *United States Secret Service Fiscal Year 2009 Report*, www.secretservice.gov/FY09_SecretService_Annual%20Report-Web.pdf; U.S. Drug Enforcement Administration, "DEA History," www.justice.gov/dea/history.htm; Bureau of Alcohol, Tobacco, Firearms & Explosives, "Fact Sheet," www.atf.gov/publications/factsheets/factsheet-facts-and-figures.html; U.S. Marshals Service, "Fact Sheets," www.usmarshals.gov/duties/factsheets/facts-1209.html; IRS.gov, "Criminal Investigation (CI) at-a-Glance," www.irs.gov/irs/article/0,,id=98398,00.html; U.S. Department of the Interior, National Park Service, "Working with Us," www.nps.gov/aboutus/workwithus.htm.

"Where appropriate, this plan will also incorporate already existing elements of the former SBInet program that have proven successful, such as stationary radar, and infrared and optical sensor towers."⁴¹

Some of the other federal law enforcement agencies already have been discussed in this chapter or will be discussed in later chapters.

Training Federal Law Enforcement Officers The Federal Law Enforcement Training Center (FLETC) is the largest law enforcement-training establishment in the United States.⁴² It provides some or all of the training for a majority of federal law enforcement agencies, as well as for many state, local, and international law enforcement agencies. Notable exceptions are the FBI and DEA, which train their special agents at their respective academies in Quantico, Virginia. Until 2003, when it became a part of the Department of Homeland Security, FLETC was a bureau of the Treasury Department with an annual budget of about \$200 million.

The FLETC got its start in the late 1960s, when a federal government study disclosed that the training of most federal law enforcement personnel was inadequate at worst and substandard at best. With only a few exceptions, part-time instructors, on an irregular basis, conducted most training in inferior facilities. Much of the training duplicated the training of other federal agencies or was inconsistent with it. A government task force recommended that a federal law enforcement training center be established to provide the training for most federal law enforcement personnel. The center would have a professionally trained, full-time staff that offered consistent and high-quality programs in state-of-the-art facilities.

FLETC first opened in Washington, DC, in 1970. That year it graduated 848 students. In 1975, its first full year of operation at its current headquarters

location on a 1,500-acre campus in Glenn County (“Glynco”), Georgia (near Brunswick, Georgia), it graduated more than 5,000 students. At year-end 2005, more than 19,000 students graduated from the FLETC at Glynco, including 566 state and local officers. Another 4,910 students graduated from the FLETC Office of Artesia Operations (OAO) in New Mexico, which opened in 1989 to provide training for the Bureau of Indian Affairs and agencies with a large number of officers in the western United States. It also hosts the new U.S. Border Patrol Academy. A temporary satellite training campus was opened in Charleston, South Carolina, in 1995, to train an increasing number of Immigration and Naturalization Service (INS) and border patrol agents. In 2003, the Charleston facility became the third FLETC residential campus and, in 2004, all of the border patrol training operations were moved to FLETC-Artesia. Besides some of the same training programs offered at FLETC-Glynco and FLETC-Artesia, the FLETC-Charleston facility specializes in maritime law enforcement training. In 2005, the facility graduated nearly 1,850 officers. A fourth training facility that was developed in 2002 in Cheltenham, Maryland, is used primarily for in-service and requalification training for officers and agents in the Washington, DC, area. It also serves as the new home for the U.S. Capitol Police Training Academy. In 2005, it graduated 15,591 students. FLETC also provides training at other temporary sites in the United States and in foreign countries.

Because basic training requirements for federal officers vary by agency and by position within agencies, FLETC provides more than 150 different agency-specific training programs. About half the instructors are permanent employees, and the other half are federal officers on short-term assignment from their respective agencies. Depending on the agency, classroom instruction ranges from about 8 to 22 weeks for criminal investigators and from 4 to 26 weeks for patrol officers. Field training requirements range from 2 weeks to 6 months for patrol officers and up to 2 years for investigators.



Federal Law Enforcement Training Center

To learn more about the FLETC, visit its website at www.fletc.gov. Access “Training Programs”. Which programs, if any, would be of interest to you? Why?

THINKING CRITICALLY

1. What do you think are the pros and cons of working at the local, state, and federal levels of law enforcement?
2. Do you think that any one of the three major areas of law enforcement (local, state, federal) is most prestigious? Why?

The Department of Homeland Security

The U.S. Congress responded to the terrorist attacks of September 11, 2001 (described in Chapter 6), by enacting the Homeland Security Act of 2002.⁴³ Among other provisions, such as allowing commercial pilots to carry guns in cockpits, the Act established the Department of Homeland Security (DHS). According to the legislation, this new executive department was created to:

1. Prevent terrorist attacks within the United States.
2. Reduce the vulnerability of the United States to terrorism.
3. Minimize the damage, and assist in the recovery, from terrorist attacks that do occur within the United States.
4. Carry out all functions of entities transferred to the Department, including by acting as a focal point regarding natural and manmade crises and emergency planning.
5. Ensure that the functions of the agencies and subdivisions within the Department that are not related directly to securing the homeland are not diminished or neglected except by an explicit act of Congress.



A UH-60 Black Hawk helicopter from the Department of Homeland Security's new Bureau of Immigration and Customs Enforcement patrolling restricted airspace over the New York metropolitan area to detect unauthorized intrusions. *Is this an effective defensive strategy against terrorism? Why or why not?*

6. Ensure that the overall economic security of the United States is not diminished by efforts, activities, and programs aimed at securing the homeland.
7. Monitor connections between illegal drug trafficking and terrorism, coordinate efforts to sever such connections, and otherwise contribute to efforts to interdict illegal drug trafficking.

The act also stipulates that “primary responsibility for investigating and prosecuting acts of terrorism shall be vested not in the Department, but rather in Federal, State, and local law enforcement agencies with jurisdiction over the acts in question.”

The creation of the DHS represents the most dramatic transformation of the U.S. government since 1947, when President Harry S. Truman combined the various branches of the U.S. military into the Department of Defense (DOD). On an even grander scale, President George W. Bush combined 22 previously separate domestic agencies into the new department to protect the country from future threats. To head the new department, President Bush selected former Pennsylvania Governor Tom Ridge. On February 15, 2005, Michael Chertoff, former U.S. Court of Appeals judge, was sworn in as the second Secretary of DHS; on January 21, 2009, former Arizona Governor Janet Napolitano became the third Secretary of DHS.

CJ Online

Department of Homeland Security

To learn more about the Department of Homeland Security, visit its website at www.dhs.gov/index.shtm. *Based on what you have learned, do you think the DHS will be effective in preventing terrorism on American soil?*

DEPARTMENT COMPONENTS

The new department, which has been reorganized since its inception, comprises the following major components.

1. The **Directorate for Management** is responsible for Department budgets and appropriations, expenditure of funds, accounting and finance, procurement, human resources, information technology systems, facilities and equipment, and the identification and tracking of performance measurements.

2. The **Directorate for Science and Technology** is the primary research and development arm of the Department. It provides federal, state, and local officials with the technology and capabilities to protect the homeland.
3. The **Directorate for National Protection and Programs** works to advance the Department's risk-reduction mission. Reducing risk requires an integrated approach that encompasses both physical and virtual threats and their associated human elements.
4. The **Office of Policy** is the primary policy formulation and coordination component for the DHS. It provides a centralized, coordinated focus to the development of Department-wide, long-range planning to protect the United States.
5. The **Office of Health Affairs** coordinates all medical activities of the DHS to ensure appropriate preparation for and response to incidents having medical significance.
6. The **Office of Intelligence and Analysis** is responsible for using information and intelligence from multiple sources to identify and assess current and future threats to the United States.
7. The **Office of Operations Coordination and Planning** is responsible for monitoring the security of the United States on a daily basis and coordinating activities within the Department and with governors, homeland security advisors, law enforcement partners, and critical infrastructure operators in all 50 states and more than 50 major urban areas nationwide.
8. The **Federal Law Enforcement Training Center** provides career-long training to law enforcement professionals to help them fulfill their responsibilities safely and proficiently.
9. The **Domestic Nuclear Detection Office** works to enhance the nuclear detection efforts of federal, state, territorial, tribal, and local governments, and the private sector and to ensure a coordinated response to such threats.
10. The **Transportation Security Administration (TSA)** protects the nation's transportation systems to ensure freedom of movement for people and commerce.
11. **United States Customs and Border Protection (CBP)** is responsible for protecting our nation's borders in order to prevent terrorists and terrorist weapons from entering the United States, while facilitating the flow of legitimate trade and travel.
12. **United States Citizenship and Immigration Services** is responsible for the administration of immigration and naturalization adjudication functions and establishing immigration services policies and priorities.
13. **United States Immigration and Customs Enforcement (ICE)**, the largest investigative arm of the DHS, is responsible for identifying and shutting down vulnerabilities in the nation's border, economic, transportation, and infrastructure security.
14. The **United States Coast Guard** protects the public, the environment, and U.S. economic interests—in the nation's ports and waterways, along the coast, on international waters, or in any maritime region as required to support national security.
15. The **Federal Emergency Management Agency (FEMA)** prepares the nation for hazards, manages federal response and recovery efforts following any national incident, and administers the National Flood Insurance Program.
16. The **United States Secret Service** protects the president and other high-level officials and investigates counterfeiting and other financial crimes, including financial institution fraud, identity theft, computer fraud; and computer-based attacks on our nation's financial, banking, and telecommunications infrastructure.

Office of the Secretary The **Office of the Secretary** of the DHS oversees activities with other federal, state, local, and private entities as part of a collaborative

FYI TSA and Federal Air Marshals

The Transportation Security Administration (TSA) was created in response to the terrorist attacks of 9/11. One of its first actions was to significantly expand the Federal Air Marshals program to provide security on commercial aircraft. Although exact numbers are not available, there are an estimated 3,000–4,000 Federal Air Marshals.

Source: Brian A. Reaves, *Federal Law Enforcement Officers, 2004*, U.S. Department of Justice, Bureau of Justice Statistics (Washington, DC: U.S. Government Printing Office, July 2006), 11, Exhibit B.



CAREERS IN CRIMINAL JUSTICE

U.S. Immigration and Customs Special Agent

My name is Jose Pagan, and I became a U.S. Customs Special Agent/Criminal Investigator in 1987 (before the creation of the Department of Homeland Security). During my career, I have served as a federal law enforcement officer in the U.S. Virgin Islands, Puerto Rico, and Orlando, Florida, where I have been assigned since December 2000.

I have had the opportunity to conduct and participate in numerous narcotic interdiction investigations, as well as become a liaison officer between

U.S. Customs and other federal and international law enforcement agencies.

As a U.S. Immigration and Customs Special Agent, I have learned the value of organization and sound criminal investigation procedures as the primordial law enforcement tools. The investigation of crimes, regardless of type (passion, violence, financial, fraud, narcotic smuggling, counterfeiting, etc.), depends on sound standardized investigatory procedures. I have also mastered many investigative techniques. Among these techniques are interviewing skills such as detecting and utilizing flaws in elicited responses from a suspect, as well as observing

behavior that could assist me in assessing the subject's veracity.

By utilizing proven criminal investigation procedures in conjunction with the officer's experience, crime investigation becomes a scientific, measurable, and reliable method of protecting the public. Even in the investigation of the most heinous crimes, a reliable investigation, based on facts properly discovered and presented in an orderly, organized, and logical fashion, will always portray a fair, just, and clear case for the jury.

I have participated in operations such as the marine interdiction of narcotics and illegal aliens, as well as serving dozens of search warrants, all of which have demanded a great deal of physical exertion (added to the emotional stress that an assertive law enforcement action creates on the

officers). Cases such as joint international investigations of narcotic smuggling have given me the opportunity to learn other countries' law enforcement techniques, customs, and points of view. At the same time, counterfeiting cases offer the opportunity to learn about the U.S. and international trade systems, as well as to teach the true impact that unfair trade practices have on the U.S. economy.

There are no typical days at the office in this career. On any given day, I could be on a vessel, sailing to prevent narcotic smuggling into the United States, or interviewing the operation manager of a large company whose product has been counterfeited.

What parts of the U.S. Immigration and Customs Special Agent's role do you find most and least appealing? Why?

effort to strengthen our borders, provide for intelligence analysis and infrastructure protection, improve the use of science and technology to counter weapons of mass destruction, and create a comprehensive response and recovery system. The Office of the Secretary includes the following multiple offices that contribute to the overall Homeland Security mission.

1. The **Privacy Office** works to minimize the impact on the individual's privacy, particularly the individual's personal information and dignity, while achieving the mission of the DHS.
2. The office for **Civil Rights and Civil Liberties** provides legal and policy advice to DHS leadership on civil rights and civil liberties issues, investigates and resolves complaints, and provides leadership to Equal Employment Opportunity Programs.
3. The **Office of Inspector General** is responsible for conducting and supervising audits, investigations, and inspections relating to the programs and operations of the DHS, recommending ways for the Department to carry out its responsibilities in the most effective, efficient, and economical manner possible.
4. The **Citizenship and Immigration Services Ombudsman** provides recommendations for resolving individual and employer problems with the United States Citizenship and Immigration Services in order to ensure national security and the integrity of the legal immigration system, increase efficiencies in administering citizenship and immigration services, and improve customer service.
5. The **Office of Legislative Affairs** serves as primary liaison to members of Congress and their staffs, the White House and Executive Branch, and to other federal agencies and governmental entities that have roles in assuring national security.

6. **Office of the General Counsel** integrates approximately 1,700 lawyers from throughout the DHS into an effective, client-oriented, full-service legal team and comprises a headquarters office with subsidiary divisions and the legal programs for eight Department components.
7. **Office of Public Affairs** coordinates the public affairs activities of all of the DHS components and offices, and serves as the federal government's lead public information office during a national emergency or disaster. Led by the assistant secretary for public affairs, it comprises the press office, incident and strategic communications, speechwriting, Web content management, employee communications, and the Department's Ready Campaign designed to help Americans prepare for and respond to emergencies.
8. **Office of Counternarcotics Enforcement** coordinates policy and operations to stop the entry of illegal drugs into the United States and to track and sever the connections between illegal drug trafficking and terrorism.
9. The **Office of the Executive Secretariat (ESEC)** provides all manner of direct support to the secretary and deputy secretary, as well as related support to leadership and management across the DHS. This support takes many forms, the most well-known of which is accurate and timely dissemination of information and written communications from throughout the DHS and our homeland security partners to the secretary and deputy secretary.
10. **Military Advisor's Office** advises on facilitating, coordinating and executing policy, procedures, preparedness activities and operations between the DHS and the Department of Defense.
11. **Office of Intergovernmental Affairs (IGA)** has the mission of promoting an integrated national approach to homeland security by ensuring, coordinating, and advancing federal interaction with state, local, tribal, and territorial governments.

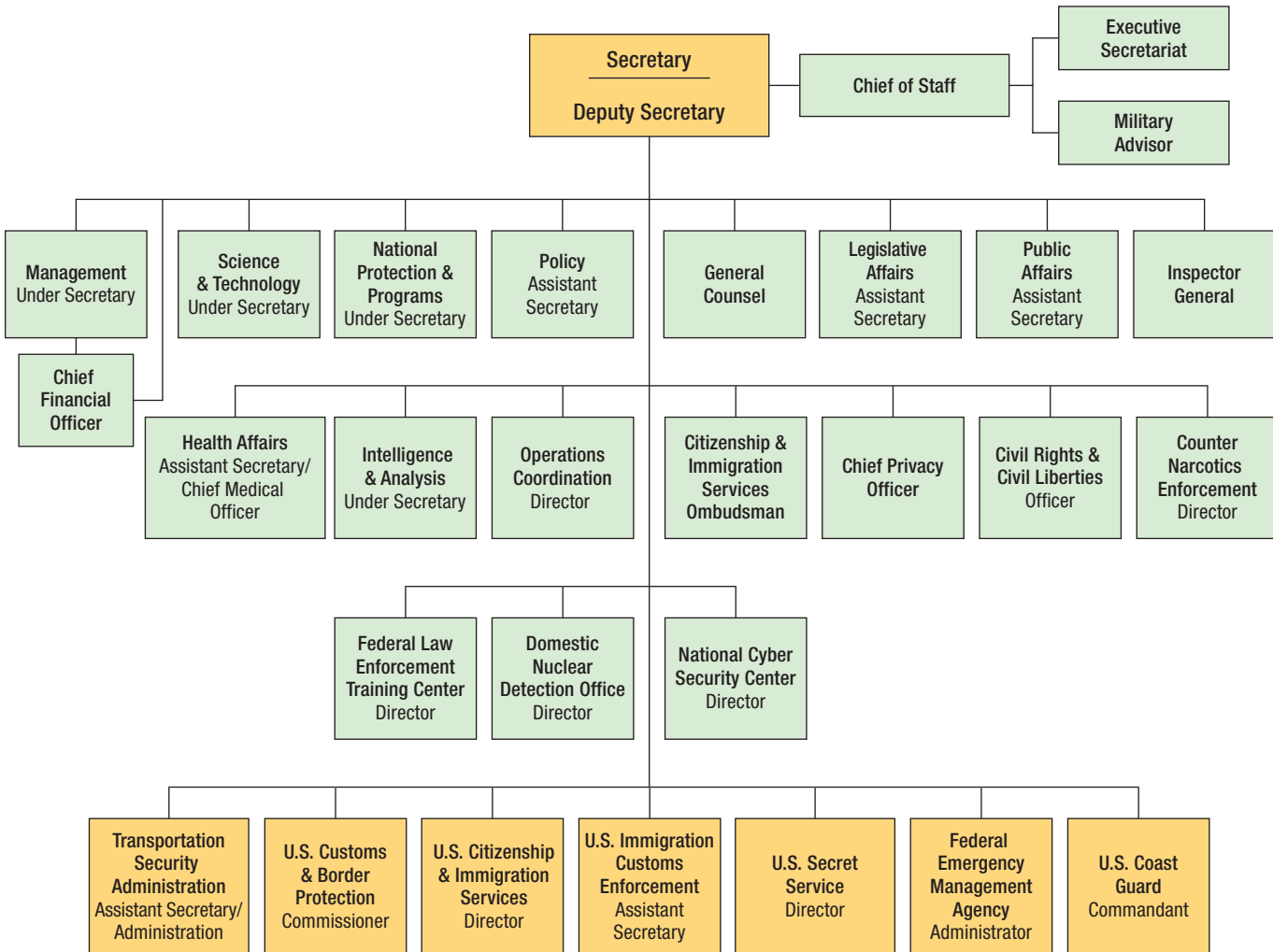
ADVISORY PANELS AND COMMITTEES

- The **Homeland Security Advisory Council** provides advice and recommendations to the secretary on matters related to homeland security. The Council comprises leaders from state and local government, first responder communities, the private sector, and academia.
- The **National Infrastructure Advisory Council** provides advice to the secretary of homeland security and the president on the security of information systems for the public and private institutions that constitute the critical infrastructure of our nation's economy.
- The **Homeland Security Science and Technology Advisory Committee** serves as a source of independent, scientific, and technical planning advice for the under secretary for science and technology.
- The **Critical Infrastructure Partnership Advisory Council** was established to facilitate effective coordination between federal infrastructure protection programs with the infrastructure protection activities of the private sector and of state, local, territorial, and tribal governments.
- The **Interagency Coordinating Council on Emergency Preparedness and Individuals with Disabilities** was established to ensure that the federal government appropriately supports safety and security for individuals with disabilities in disaster situations.
- The **Task Force on New Americans** is an inter-agency effort to help immigrants learn English, embrace the common core of American civic culture, and become fully American.
- The **DHS Labor-Management Forum** was established to support cooperative and productive labor-management relations.

The organization chart of the Department of Homeland Security is shown in Figure 5.7.

Figure 5.7

Department of Homeland Security Organization Chart



Source: Department of Homeland Security, accessed January 6, 2011, www.dhs.gov/xabout/structure/editorial_0644.shtm.

HOMELAND SECURITY AND THE FBI

Before the creation of the Department of Homeland Security, the FBI had primary responsibility for locating terrorist groups and preventing terrorist acts in the United States. It had many successes. According to FBI data, for example, the agency prevented 130 terrorist acts between 1980 and 1999.⁴⁴ However, following the al-Qaeda attacks on New York and Washington, the FBI was heavily criticized for missing clues and for intelligence failures.⁴⁵ For example, Senator John Edwards of North Carolina, who had oversight responsibility for the FBI as a member of both the Intelligence and Judiciary committees, remarked, “The FBI is clearly broken, and we can accept no further delay in the effort to fix it.” He added, “The FBI should do what it does best: law enforcement [rather than] collecting information, fitting it into a bigger picture and sharing that information with people who can act on it.” To root out terrorists within the United States, legislators on Capitol Hill called for the creation of a new domestic intelligence-gathering agency similar to the MI-5 in Great Britain.

FBI Director Robert Mueller defended his agency. He responded, “Establishing a new domestic intelligence agency would constitute a step backward in



CAREERS IN CRIMINAL JUSTICE

FBI Special Agent

My name is Michelle L. Rankin, and I am an FBI special agent in the Washington, DC field office, Public Corruption Unit (PCU). The Washington, DC, field office is the second largest field office in the FBI. I thoroughly enjoy my career with the FBI.

The PCU investigates allegations of bribery involving public officials, including extortion or using the mail to defraud the public. Examples include the issuance of licenses, permits, contracts, or zoning variances; judicial case fixing; and law enforcement corruption.

The PCU's responsibilities are divided into two squads. My squad focuses on the District of Columbia government. The

other squad concentrates on the executive branch of the federal government in the Washington, DC, area. Twelve agents are assigned to my squad, along with nonagent support specialists.

Prior to transferring to the PCU, I worked on a special inquiry squad, conducting background investigations for White House staff and presidential appointees. It was in this capacity that I had the opportunity to interview Attorney General Janet Reno as well as other prominent politicians.

People often ask about training at the FBI Academy. The program is 16 weeks of rigorous and intellectually challenging work. You have to study 12–15 major subject areas, you often have 3 hours of homework for the next day's classes, and you may also have

an exam in another course the next day. Some agents realize that the FBI is not what they thought it was. Others find it difficult to be away from family and friends.

I have a Bachelor of Arts degree in Criminal Justice from California State University at San Bernardino. While working on a Certificate in Crime and Intelligence Analysis through the California State University system and the California Department of Justice, I began to volunteer with the Riverside County Sheriff's Department. I eventually obtained a full-time position as an analyst there. Later I went to the Santa Clara Police Department as a Certified Crime and Intelligence Analyst. I designed and directed their crime analysis unit for 4 years. I left Santa Clara in 1999 to become an FBI agent.

To become an FBI Special Agent, applicants must be between the ages of 23 and 37.

The FBI prefers to hire people who are already successful in some other field. Prior work experience need not be in law enforcement. The FBI hires agents from four career categories: law, accounting, foreign languages, and "diversified"—which includes criminal justice. You need to have a minimum of 3 years of work experience in your chosen field before applying to be an agent. When hired, new FBI Special Agents start at a GS-10, step 1 pay grade, which is now (2011) nearly \$46,000 per year before overtime. My advice to someone who wants to become an FBI agent is to maintain the highest standards of conduct in your life. Your first job out of college does not have to be in criminal justice, but be sure to be successful in whatever you do.

After reading this account, what do you think is a key quality of a good FBI agent?

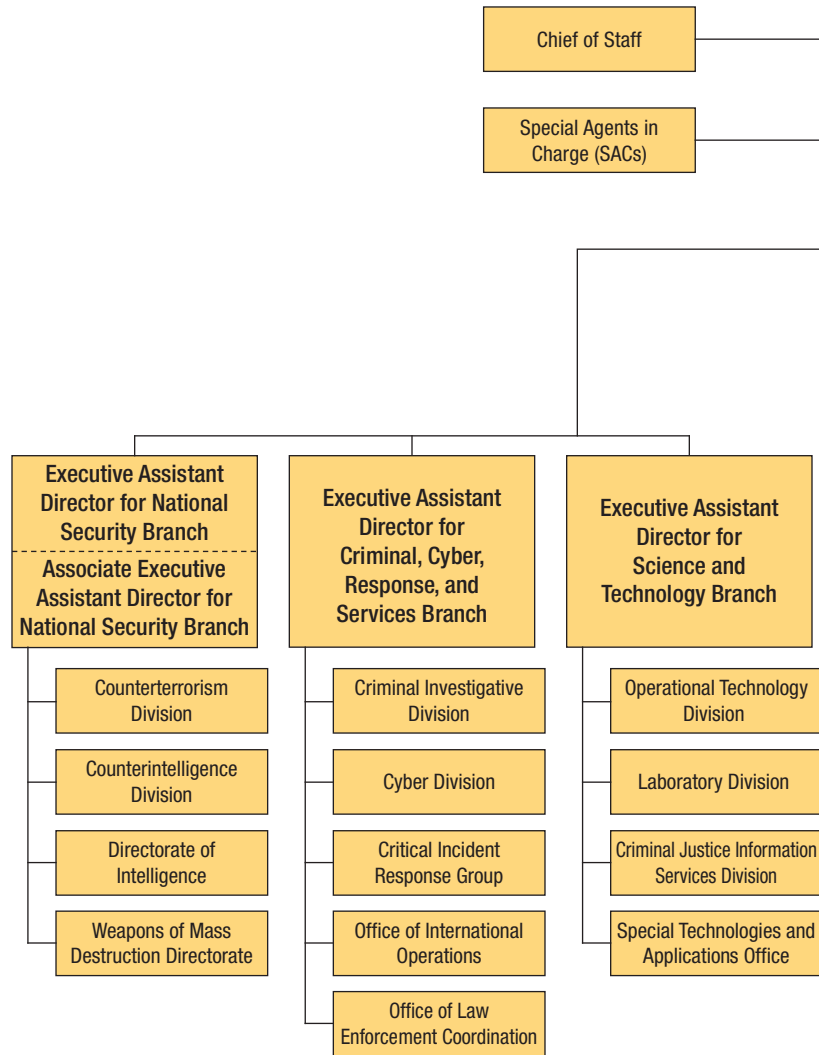
the war on terror, not a step forward." He maintained that rather than "create a new agency from whole cloth, the public would be better served by improving what the FBI is already doing."

Director Mueller won a reprieve for the FBI and quickly began implementing fundamental changes. First, he shifted the top priority of the FBI from being a federal police agency to being an intelligence and counterterrorism agency. In doing so, he no longer allows local field offices to establish their own distinct agendas. As a result, by 2008, the FBI had referred 40% fewer criminal investigations to the Justice Department than it did two decades ago.

Second, he restructured the management hierarchy at FBI headquarters in Washington to support counterterrorism efforts. Figure 5.8 shows the FBI's post-9/11 organization chart with the new emphasis on counterterrorism.

Third, he reassigned about one-quarter of the FBI's then 11,000 agents to work on counterterrorism. That represents a doubling of the number of agents handling terrorism cases, a quadrupling of the number of strategic analysts at FBI headquarters, but a decrease of about one-third of all agents in criminal programs. Consequently, although the FBI official in charge of criminal investigations correctly predicted the recent mortgage crisis in 2004 and believed the FBI could prevent it from spiraling out of control, by 2007, the FBI had only about 100 agents pursuing mortgage fraud. By comparison, during the Savings and Loan debacle of the 1980s and 1990s, the FBI had about 1,000 agents investigating banking fraud.⁴⁶ (In response to the recent financial collapse, the FBI is planning to double the number of agents working financial

Figure 5.8
Federal Bureau of Investigation Organization Chart

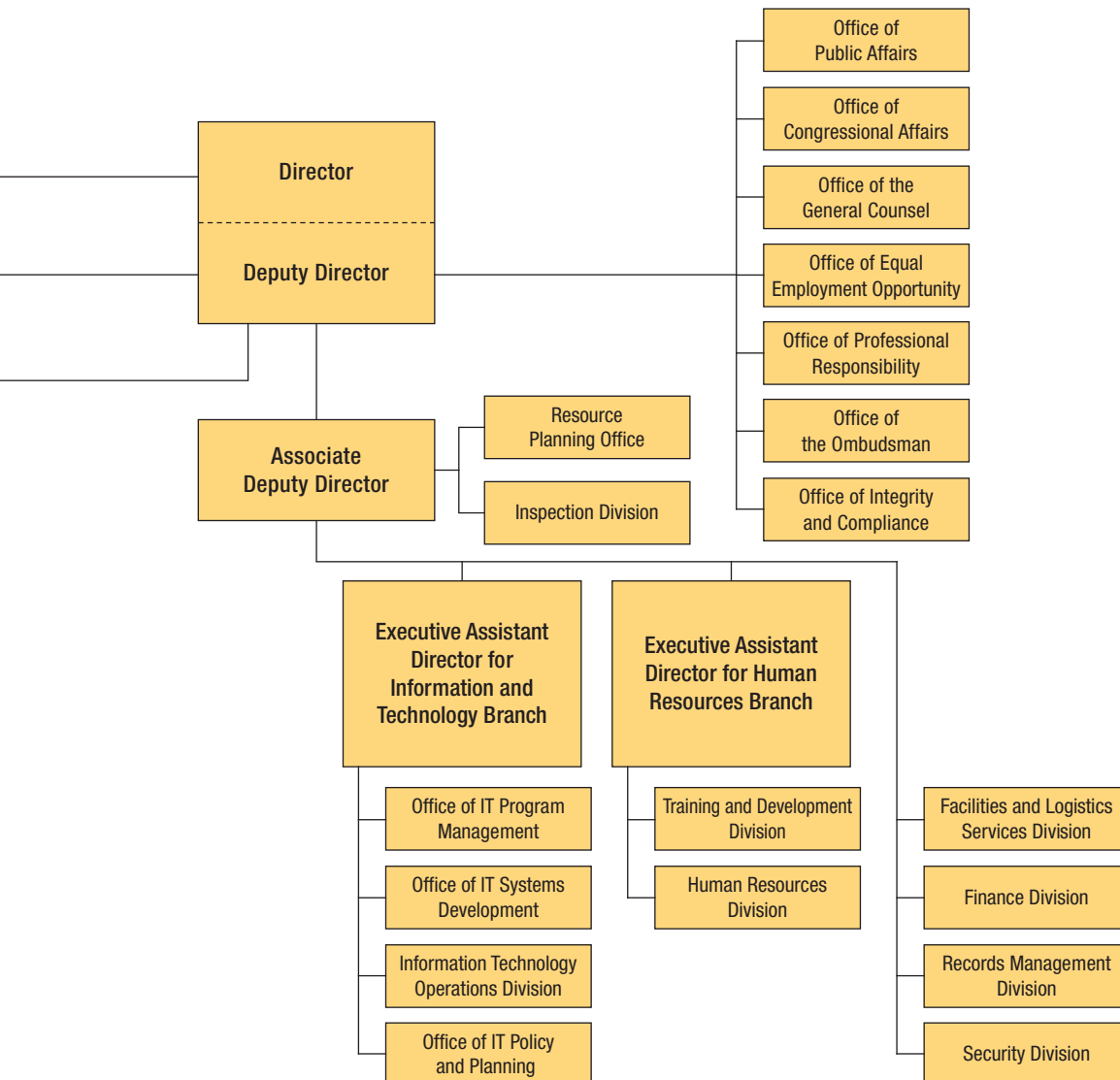


Source: www.fbi.gov/filelink.html?file=/aboutus/today/fbi/orgchart.pdf, accessed April 20, 2009.

crimes, but it is unclear where those agents will come from and whether there will be enough of them. Since 2004, the Bush administration had refused to approve new agents to investigate financial crimes.)⁴⁷

Fourth, he established a National Joint Terrorism Task Force at FBI headquarters that includes staffers from federal, state, and local agencies. They are responsible for coordinating the flow of information with task forces in each of the FBI's 56 field offices.

Fifth, to more directly address the global threat of al-Qaeda and other terrorist groups, he planned on opening FBI offices in Kabul, Afghanistan; Sarajevo, Bosnia; Jakarta, Indonesia; Tashkent, Uzbekistan; and Belgrade, Serbia. As of 2010, he had opened FBI offices in Kabul, Sarajevo, and Jakarta but not in Tashkent or Belgrade. He also planned on expanding FBI offices in Ottawa, Canada; Seoul, South Korea; London, Berlin, and Moscow. Since the tragic events of 9/11, about 500 FBI agents and 200 support personnel have



been working outside the United States on terrorism investigation. Already working outside the United States in 75 key cities worldwide were FBI agents known as permanent legal attaches, or “legats.” The job of legats is to feed information gathered from interviews back to the United States for further investigation. Unlike CIA agents, legats, who will work more closely with the CIA, do not operate covertly and are involved more with investigations than with gathering intelligence.

In 2005, in response to a presidential directive to establish a “National Security Service” that combined the missions, capabilities, and resources of the FBI’s counterterrorism, counterintelligence, and intelligence units, the FBI created a National Security Branch (NSB). In 2006, the Weapons of Mass Destruction (WMD) Directorate was established within the NSB to integrate WMD units that previously had been spread throughout the FBI. The NSB also includes the Terrorist Screening Center, whose role is to provide actionable intelligence to

state and local law enforcement. In creating the NSB, the FBI has moved beyond case-focused intelligence to building a Bureau-wide intelligence collection, analysis, and dissemination program that combines intelligence from across the Bureau. The FBI now uses intelligence not just to pursue investigations but to have greater awareness of national security threats and the total threat environment. The FBI now looks at information for its predictive value and shares that information—except that which it is legally proscribed from releasing—with its partners in law enforcement and the Intelligence Community.

An integral part of the FBI's information-sharing capabilities is the Guardian Terrorist Threat and Suspicious Incident Tracking System, which was introduced in 2002. However, according to a November 2008 Justice Department inspector general report, although Guardian is an improvement over the FBI's former program, the FBI could be more effectively using the new computer system and central database. For example, between July 2004 and November 2007, the FBI collected information on 108,000 potential threats, suspicious incidents, and encounters with people on a terrorist suspect watch list. The information triggered 600 investigations from October 2006 to December 2007. The FBI failed to enter into the Guardian system about half of those investigations, and supervisors had not reviewed 12% of the threat information among 218 incidents included in the audit. The report noted that the FBI did a good job following up on high-priority threats but generally failed to follow up low-priority threats within its 30-day goal.⁴⁸

In sum, through the efforts of Director Mueller, the FBI remains an independent agency, albeit with a new top priority, and retains its traditional responsibility of intelligence gathering and analysis. However, it now closely coordinates its antiterrorism activities with personnel from the Office of the Director of National Intelligence (ODNI), the CIA, DOD, and DHS at the new National Counterterrorism Center (NCTC) and with state, local, and tribal partners in task forces around the country. Today, the FBI shares intelligence gathered in the United States and overseas to provide a coordinated strategic and tactical response to threats.

THE WAR ON TERRORISM: AN EVALUATION

Advocates of the Department of Homeland Security are confident that the DHS will have the financial, intelligence, and tactical resources necessary to prevent and control domestic terrorism. At this writing, the DHS is assessing the threats against the United States and coordinating the resources of law enforcement and other kinds of agencies that are necessary to defeat terrorism at home. One of its first efforts was the creation of a color-coded warning system to alert citizens to the likelihood of a terrorist attack. The hope was that as the warning level was raised, the vigilance of Americans would increase and information would be discovered that would prevent a terrorist act. However, on January 27, 2011, Homeland Security Secretary Janet Napolitano announced the end to the color-coded warning system. Critics of the system argued that “each and every time the threat level was raised, very rarely did the public know the reason, how to proceed, or for how long to be on alert.” The old system will be replaced with a new, more targeted National Terror Advisory System that will provide law enforcement and potential targets critical information without unnecessarily alarming or confusing the public. According to Secretary Napolitano, the new alerts “may recommend certain actions or suggest looking for specific suspicious behavior. And they will have a specified end date.” One of the more obvious changes will occur at airports where public service recordings announcing the alert level will no longer be made. The aviation threat has been on orange, or “high” alert, since 2006.⁴⁹

The war on terrorism is an ongoing battle with no end in sight. Nevertheless, there already have been some successes. For example, since September 11, 2001, as a result of cooperation among law enforcement agencies, thousands of al-Qaeda members or their associates have been captured and detained in more than 100 countries.⁵⁰ In addition, most of al-Qaeda's top leadership,

FYI Rewards for Justice

Rewards of up to \$25 million are available through the Rewards for Justice program for information that prevents or favorably resolves acts of international terrorism against U.S. citizens or property anywhere in the world. Since its inception in 1984, Rewards for Justice has paid more than \$80 million to more than 50 people (as of January 6, 2011).

Source: Rewards for Justice, www.rewardsforjustice.net/index.cfm?page=success_stories&language=english.

including Osama bin Ladin on May 1, 2011, has been killed or captured.⁵¹ The financial resources of terrorist groups have also been successfully attacked. Leaders of 173 countries have ordered the freezing of more than \$136 million terrorist-related financial assets.⁵² In the United States, under the authority of Executive Order 13224, which was issued by President Bush on September 23, 2001, about 460 terrorist groups and entities have been listed as possible targets for the freezing of their U.S.-based assets (as of the end of 2007).⁵³ Further, any American citizen who contributes money or other aid to any of the 460 organizations and entities automatically becomes suspect. Most important, the United States, as of May 14, 2011, has not experienced a repeat of the 9/11 tragedy.

THINKING CRITICALLY

1. Do you think the United States has too many law enforcement agencies? Why or why not?
2. With the creation of the DHS, is the FBI needed any longer? Defend your answer.

American Private Security

Private security is a huge enterprise that complements public law enforcement in the United States. About twice as many people work in private security as in public law enforcement. In 2008, for example, 1.1 million people worked as security guards or gaming surveillance officers (who work in the gambling industry).⁵⁴ About 55 percent of the security guard jobs were in investigation and security services, including guard and armored car services. A recent study found that in major American cities, the ratio is three or four private security officers to each police officer.⁵⁵ Until recently, substantially more money was being spent on private security than on public policing, but that gap has been narrowing somewhat because of the increases in spending on public law enforcement during the 1990s and the federalizing of airport security (through the Transportation Security Administration) in the wake of the 9/11 terrorist assault.

A common way to categorize private security employment is to classify the agencies and personnel as either contract or proprietary. **Contract security** companies offer protective services for a fee to people, agencies, and companies that do not employ their own security personnel or that need extra protection. A state university, for example, may employ private security officers to work at a football game. Contract security employees are not peace officers. **Proprietary security** agents and personnel provide protective services for the entity that employs them. They are also not classified as sworn peace officers. For example, the Ford Motor Company employs its own security forces at its large manufacturing plants. Primarily for cost reasons, the number of contract security jobs is likely to increase faster than the number of proprietary security jobs. The Department of Labor's Bureau of Labor Statistics projects employment of security guards to grow by 14% between 2008 and 2018, which is faster than the average for all occupations; the Bureau projects employment of gaming surveillance officers and gaming investigators to grow by 12% between 2008 and 2018, as fast as the average for all occupations.

PRIVATE SECURITY OFFICERS

Private security officers, or guards, are hired to provide protection. Their duties vary and depend on the employers' particular needs. Private security officers generally specialize in one of the following areas:

- Protecting people, records, merchandise, money, and equipment in department stores; also working with undercover store detectives to prevent theft



The Homeland Security Department's color-coded national threat alert system was intended to help citizens better prepare for potential terrorist attacks. *Did the system also serve a public relations function? If so, what was it?*

contract security Protective services that a private security firm provides to people, agencies, and companies that do not employ their own security personnel or that need extra protection.

proprietary security In-house protective services that a security staff provides for the entity that employs it.



Private security is assuming an increasing role in maintaining order, investigating crime, and apprehending criminals. *Is this a positive trend? Why or why not?*

by customers or store employees and helping in the apprehension of shoplifting suspects before the police arrive.

- Patrolling the parking lots of shopping centers and theaters, sometimes on horseback or bicycles, to deter car theft and robberies.
- Maintaining order and protecting property, staff, and customers in office buildings, banks, and hospitals.
- Protecting people, freight, property, and equipment at air, sea, and rail terminals as well as other transportation facilities; also screening passengers and visitors for weapons and explosives using metal detectors and high-tech equipment, ensuring that nothing is stolen while being loaded or unloaded, and watching for fires and criminals.
- Protecting paintings and exhibits by inspecting people and packages entering and leaving public buildings such as museums or art galleries.
- Protecting information, products, computer codes, and defense secrets and checking the credentials of people and vehicles entering or leaving the premises of factories, laboratories, government buildings, data-processing centers, and military bases.
- Performing crowd control, supervising parking and seating, and directing traffic at universities, parks, and sports stadiums.
- Preventing access by minors, collecting cover charges at the door, maintaining order among customers, and protecting property and patrons while stationed at the entrance to bars and places of adult entertainment such as nightclubs.
- Protecting money and valuables during transit in armored cars; also protecting individuals responsible for making commercial bank deposits from theft or bodily injuries.
- Observing casino operations for irregular activities, such as cheating or theft, by employees or patrons.

Security guards typically work 8-hour shifts, 5 days a week. In 2008, the average salary for a private security officer was \$23,460. The middle 50% earned between \$19,150 and \$30,100. The lowest 10% earned less than \$16,680, and the highest 10% earned more than \$39,360. Median annual wages in the industries employing the largest numbers of security guards were as follows: general medical and surgical hospitals, \$29,020; elementary and secondary schools, \$27,980; local government, \$27,660; traveler accommodation, \$25,660; and investigation and security services, \$22,170. Gaming surveillance officers and gaming investigators had median annual wages of \$28,850 in 2008. The middle 50% earned between \$23,000 and \$37,690. The lowest 10% earned less than \$19,290, and the highest 10% earned more than \$48,310. Managers and corporate officers made more. Because of relatively low wages, private security officers frequently work part-time or have another “primary” job and use their security job wages to supplement their incomes.

REASONS FOR GROWTH

A number of factors have stimulated the phenomenal growth of private security since the 1970s.

Declining Revenues for Public Policing In virtually all major cities and in state governments in the United States, the competition for limited funds to

operate public services is fierce. Public police agencies have experienced their share of across-the-board government belt-tightening, and that has caused limitations and even freezes on the hiring of additional police officers. As a result, police departments have curtailed services no longer deemed critical. Often, businesses have filled the service gap by employing private security personnel.

The Private Nature of Crimes in the Workplace A business depends on a positive reputation to remain competitive. Widespread employee theft, embezzlement scandals, and substance abuse harm an organization's public image and may cause potential customers to question the quality of a company's products and services. By employing private security personnel to prevent and repress crime in their facilities, businesses can either hide the crimes that occur or minimize the negative publicity.

Better Control and Attention to the Problem By employing in-house security personnel or by contracting with an outside firm, the management of a business can direct security personnel to do precisely what is needed to prevent crime, minimize substance abuse, and discipline wayward employees. Public police would have to combine the concerns of a business with the priorities of the citizens of the community.

Fewer Constitutional Limitations Some of the constitutional restrictions that would limit the actions of public police officers working undercover to curtail drug trafficking in an industrial plant, for example, would not restrict private security personnel employed directly by that industry. U.S. Supreme Court prohibitions that restrict a public police officer's right to search and seize property, for instance, would not limit the actions of a private security agent.

ISSUES INVOLVING PRIVATE SECURITY

A number of unresolved problems and issues impinge on the potential for development of the private security industry. Some of them put the industry at odds with public law enforcement.

Legal Status and Authority Private security officers' legal status and authority derive from the rights of the owner who employs them to protect property on the premises. These rights are essentially the same ones you have to protect your life and property at home.

If this view prevails, private security personnel face few constitutional limitations in investigating crime, obtaining evidence, employing reasonable force, searching personal property stored in corporate spaces, and interrogating suspects. Although this is not a unanimous view among courts, it is the most prevalent one. However, private security officers and their employers face the possibility of being held civilly or criminally liable for violating an individual's civil rights or for false arrest.

Public Policing in a Private Capacity Although some police departments prohibit moonlighting, thousands of police officers still work in a private capacity during their off-duty hours. Some police agencies even cooperate with private agencies in scheduling their officers for off-duty assignments. With regard to their legal status and authority, are these officers considered public police or private security personnel? The private organization that employs them believes that off-duty police officers are better qualified, have more authority to arrest, and will have a greater deterrent effect on the crimes and disturbances of the peace the employer is trying to prevent.

An equally important question is, Who is liable should moonlighting officers abuse their authority or make a mistake? At present, it seems police agencies that take an active role in scheduling off-duty assignments accept greater liability



ASIS International

ASIS International is an organization for security professionals. Founded in 1955 as the American Society for Industrial Security, ASIS is dedicated to increasing the effectiveness and productivity of security professionals by developing educational programs and materials that address broad security interests. To learn more about ASIS, visit its website at www.asisonline.org/.

than the police departments that do not. Many agencies limit the assignments officers are allowed to accept and the number of hours they are permitted to work.

Qualifications and Training Many superbly qualified people work in private security at all levels throughout the United States, but those people are not the norm. Although the minimum qualifications for private security personnel at all levels of employment are increasing, they lag far behind those of the public police. Few states enforce any educational, physical, or background integrity qualifications for private security personnel. In most states, the training required to become a private security officer is less than a week long. However, private security officers at nuclear power plants, for example, receive months of training before they are placed on the job under close supervision. In some states, armed security officers must attend a firearms course, including a section on the laws applicable to the use of deadly force, and they must successfully complete a practical firearms qualification test. In nearly all states, public police officers who work off duty in a private policing capacity are exempt from any private security training, even if the nature of their private police work is substantially different from their police department functions.

The qualifications of proprietary security officers are generally higher than those of contract security officers, demonstrating corporate demand for high-quality security services even when they cost more.

Diminished Public Responsibility The current mixture of public and private protection is a matter of concern to many. What does it say about a government's ability to govern and provide for the general welfare—let alone what it says about American society—that ever more frequently it is shifting responsibility for protecting life and property to private security enterprises? To some, it seems to mean that public police officers and the governments that employ them have defaulted on a major portion of the social contract.

Private Security's Role in the Fight Against Terrorism Private security officers are often the first line of defense against terrorism in the United States and other nations. They guard government buildings, utilities, schools, courts, corporate headquarters, office complexes, laboratories, and transportation facilities, to name only a few. Security experts believe that 15% to 20% of the private security officers in the United States protect sites designated by the government as "critical infrastructure."⁵⁶ Unfortunately, with relatively few exceptions, most of the nation's more than one million security officers are unlicensed, untrained, and do not undergo background checks (see the FYI, "Laws Governing Private Security").

The private security industry and its officers have been given more protection responsibilities as the threat of domestic terrorism in the United States has increased. Public law enforcement alone cannot begin to meet the protection responsibilities necessary to prevent terrorism. This means that the private security industry, comprising about 11,000 companies throughout America, will have to begin improving its selection standards and training if the nation's people, visitors, and assets are to be protected. As unbelievable as it is, hundreds of security guards employed to protect the Statue of Liberty were found in 2002 to have no licenses, and their ranks included ex-convicts. According to a recent report, tens of thousands of security guard applicants were found to have criminal backgrounds.⁵⁷

Because it is so difficult to find enough capable private security officers, the proprietary security firms, motivated by large profits, have been employing hundreds if not thousands of unqualified and unmotivated applicants. For many of the guards, the position is a second or low-paying job that they can easily quit if they find a better-paying job or simply choose to do so. More troublesome is that foreign and domestic terrorists could easily obtain a private security position and inflict physical and emotional havoc on the nation by initiating some terrorist activity inside a vulnerable site.

FYI Laws Governing Private Security

As of early 2003, there were no federal laws governing the private security industry. No training was required for unarmed guards in 29 states and the District of Columbia. Private security officers did not have to be licensed in 22 states. In 16 states, background checks were not required.

Source: Mimi Hall, "Private Security Guards: Homeland Defense's Weak Link," *USA Today*, January 23, 2003, 1A.

Seldom is throwing money at a problem a solution in and of itself; yet, if the private security industry is to fulfill its obligation to protect the homeland, it is going to need more financial resources. It may be necessary, for example, to provide government subsidies for training and background checks and a significant increase in the amount of cooperation between the public police and the private security industry. That sort of investment and training can bring positive results. Following the 1993 World Trade Center bombing, the security officers at the World Trade Center were provided in-depth and regular follow-up training on such topics as emergency evacuation procedures and building layout. On September 11, 2001, security officers helped thousands of building workers safely out of the World Trade Center before the twin towers fell.

THINKING CRITICALLY

1. What do you think are some of the benefits and drawbacks of being a private security officer?
2. Do you think that stricter qualification standards should be established for private security personnel? Why or why not?

Summary

1. Briefly describe the jurisdictional limitations of American law enforcement.

The authority of public law enforcement agencies in the United States, whether they are local, state, or federal agencies, is carefully limited by law. The territory within which each may operate is also restricted.

2. Trace the English origins of American law enforcement.

Many institutions of American law enforcement evolved from the English tradition. The medieval tithing system and the constable-watch system were early methods of community protection that led to the development of the positions of sheriff and constable. The Bow Street Runners in the city of London in the 1750s were an early group of crime fighters who patrolled neighborhoods and pursued lawbreakers. The London Metropolitan Police, founded in 1829, became the model for municipal police departments in the United States.

3. Discuss the early development of American law enforcement.

Americans at first adopted the British system of community protection. When the constable-watch system proved inadequate in meeting the peacekeeping needs of the nation's major cities, municipal police forces were established in the mid-1800s. They soon became entangled with local politics. In the states and on the frontier, law enforcement reflected regional differences. In the South, the earliest policing was the plantation slave patrols. On the frontier, vigilantism and later, local sheriffs or U.S. Marshals dealt with lawbreakers. In some states, state police agencies, such as the Texas Rangers, were established to enforce laws statewide.

4. Describe the major developments that have occurred in American policing.

During the period of professionalism and reform that lasted from about 1920 to 1970, the police became professional crime fighters, relying on the centralization of authority, motorized patrols, specialization, and technological aids. In the 1960s, the crime-fighting role of the police came into

conflict with the social and political upheavals of the time, causing critics to call for improved standards and training. By the early 1990s, some police agencies began to turn to community policing, attempting to eliminate crime problems in neighborhoods and return to their role as peacekeepers. At the start of the twenty-first century, the prevention and repression of domestic terrorism has also become a major priority of police in America.

5. Describe the structure of American law enforcement.

Law enforcement agencies are found at all levels of government in the United States. Most law enforcement officers work for local governments and are responsible for enforcing laws, maintaining order, providing service, and gathering information. In rural areas, the county sheriff's department is responsible for law enforcement. Every state except Hawaii has a state law enforcement agency. The law enforcement agencies of the federal government are concerned primarily with violations of federal laws, especially violations that cross state boundaries; maintaining homeland security; and preventing domestic terrorism.

6. Explain the relationship between the Federal Bureau of Investigation and the Department of Homeland Security.

Since 9/11, the FBI has undergone fundamental changes. The biggest change is that it has shifted its top priority from being a federal police agency to being an intelligence and counterterrorism agency. Although it remains an independent agency in the Justice Department, it will now closely coordinate its antiterrorism activities with the CIA and the DHS.

7. Discuss the development and growth of private security in the United States.

The private security industry has grown rapidly over the past 35 years for a number of reasons: Revenues for public policing have declined (until recently); crimes in the workplace are often private, costly, and embarrassing; employers have better control of private security officers; and fewer constitutional limits restrict private security officers.

Key Terms

jurisdiction 138
tithing system 139
shire reeve 139
posses 139

constable-watch system 139
constable 139
Peel's Principles of Policing 141

slave patrols 144
community policing 147
CompStat 150
state police model 174

highway patrol model 175
contract security 189
proprietary security 189

Review Questions

1. What is meant by *jurisdiction*?
2. What was the *tithing system*?
3. Who were the Bow Street Runners?
4. In what year was the London Metropolitan Police founded?
5. Who was Robert Peel?
6. What system of English policing did the colonists bring to America?
7. What were the *slave codes*?
8. What group is considered to be the first state police agency?
9. How did August Vollmer change policing?
10. How did police response to the demonstrations and civil disorders of the 1960s affect policing?
11. What is *community policing*?

12. What is *CompStat*?
13. Why were the U.S. Marshals Service, the Secret Service, the FBI, and the DEA created?
14. What are the four main functions of local police?
15. Why do county sheriffs have more political clout than police chiefs?
16. What is the difference between a *state police model* and a *highway patrol model* of state law enforcement?
17. Name some federal law enforcement agencies.
18. Distinguish between *contract* and *proprietary private security services*.
19. What are some successes and problems with private security in the war on terrorism?
20. How do the employment qualifications for private security personnel in the United States compare and contrast with the qualifications to be a police officer, deputy sheriff, state police, or federal agent?

In the Field

1. **Your Local Law Enforcement** Identify all the local law enforcement agencies in your area. Divide up the list among your classmates, and arrange to visit your assigned agency. On the day that you visit, find out how many calls the department received and/or how many crimes the agency personnel investigated in the 24-hour period prior to your visit, what types of calls were received or crimes were investigated, and how the agency handled the situation. Categorize the actions of the agency personnel into law enforcement, order maintenance, service, or information gathering. Identify the category with the most action. Share your findings with others in the class. What conclusions can you draw about the operation of the local law enforcement agencies in your area?
2. **Local and Private Police** Describe the possibilities you see for local police departments and private security agencies to work together more closely. To prepare for this activity, interview a local police official and a private security manager, either by telephone or in person, asking them what obstacles prevent closer cooperation between local policing and private security.

On the Net

1. **Local Police Jobs** Go to the following links for sites dedicated to law enforcement careers. Select two municipal police departments, one large and one small, and one county sheriff's department that list each agency's employment qualifications on its Web page:
www.911hotjobs.com
www.jobs4police.com
www.lawenforcementjobs.com
www.policecareer.com
www.golawenforcement.com
 Then find the qualifications for a private security officer through other applicable career sites provided at www.securityjobs.net or www.bls.gov/oco/ocos159.htm. Make a list of the similarities and differences between police and deputy sheriff qualifications and private security officer qualifications. Given your background and abilities, for which type of work would you be best suited? Why? Compile your findings in a two-page report and present it to the class.
2. **Federal Law Enforcement** To learn about the responsibilities of some of the lesser-known federal law enforcement agencies, access their websites: (a) Food and Drug Administration, Office of Criminal Investigations, www.fda.gov/ICECI/CriminalInvestigations/default.htm; (b) National Park Service, United States Park Police, www.nps.gov/uspp/tindex.htm; (c) U.S. Fish and Wildlife Service, Office of Law Enforcement, www.fws.gov/le/; and (d) U.S. Capitol Police, www.uscapitolpolice.gov/home.php/tei51.htm. Which agency seems the most interesting? Why?

Critical Thinking Exercises

NEIGHBORHOOD WATCH

1. You live in a middle-class community of single-family homes close to the center of a midsize city. Over the past 5 years, everyone in your neighborhood has noted the rise in burglaries, and many people feel that it is not safe to walk around the neighborhood after dark. You think that setting up a neighborhood watch would help lower the burglary rate and make people feel safer. Prepare an oral presentation of your ideas for a community meeting. Use the following questions as a guide.
 - a. How would you go about organizing a night watch?
 - b. How would you select volunteers?
 - c. What training, if any, would volunteers have to have?
 - d. How would you maintain interest and participation in the watch?

PUBLIC OFFICER OR PRIVATE CITIZEN?

2. An off-duty police officer was seated in a restaurant when two men entered, drew guns, and robbed the cashier. The officer made no attempt to prevent the robbery or apprehend the robbers. Later the officer justified the conduct by stating that an officer, when off duty, is a private citizen with the same duties and rights as all private citizens. Do you agree? Explain.

To access more information and resources, including study questions, chapter summaries, and links, go to www.mhhe.com/bohm7e.



6

Policing: Roles, Styles, and Functions

Learning Objectives

After completing this chapter, you should be able to:

1. Identify characteristics of police work.
2. Distinguish among James Q. Wilson's three operational styles in policing.
3. List the four major functions of police departments.
4. List the drug enforcement strategies of local police agencies.
5. Explain the main components of community policing.
6. Identify the four steps in a community policing approach to problem solving.
7. Define terrorism, and identify different types of terrorism.

Chapter Outline

Policing in America

The Roles of the Police
Characteristics of Police Work
Operational Styles

Police Functions

Patrol
Investigation
Traffic
Drug Enforcement

Community Policing

The Philosophy and Components of Community Policing
Implementing Community Policing

Terrorism and Homeland Security

Definitions and Types of Terrorism
The Law Enforcement Response to Terrorism
How Prepared Is the United States to Defend Against Terrorism?



CRIME STORY

Cold case solved. In June 1979, Norma Page, a 28-year-old minister's wife and mother of two young sons, was brutally murdered inside the Nazarene church's parsonage in St. Cloud, Florida—a small central Florida city near Orlando. The case went unsolved for 30 years and may have remained unsolved if not for Cheryl Hickman, who had been watching a forensic-crime television show at her home in Kentucky on the night of June 21, 2009. While watching the show, Hickman remembered a Facebook friend request that came from her cousin and Norma Page's oldest sister, Beatrice "Bea" Miller. Hickman decided to call Miller, 75, with whom she had not spoken for more than 20 years. Miller mentioned that it was the 30th anniversary of Norma's death and that she could not believe the murder had never been solved. She expressed how frustrated she and her two sisters were that the killer was never caught. Hickman was sympathetic.

Hickman knew that Miller and her sisters had kept every newspaper article about the murder and notes of every conversation with investigators as well as letters they wrote dating back to the early 1980s seeking officials' support to reopen the case. Hickman, who works as a hospital nursing director, asked her

cousin for all of the material so that she could organize a file to show a Kentucky State Police investigator she knew. After reading the file, the Kentucky investigator said the case looked promising for DNA testing and contacted the St. Cloud Police Department. In July 2009, Hickman mailed the file to the St. Cloud Police Department, and a month later received word that the Department would review the case.

Fortunately, the St. Cloud Police Department had kept crime-scene evidence from the case, including three separate blood specimens from cuts the killer sustained while repeatedly hitting Page in the head with a glass Del Monte ketchup bottle that shattered during the attack. That blood could now be subjected to DNA testing, which was not possible in 1979. When the killer's DNA was entered into the Florida state DNA database, a match was found and, on December 29, 2010, Steve Bronson Jr. (pictured), now 62-years-old, was arrested for the murder of Norma Page. Bronson, who has a long prison record, confessed to St. Cloud detectives that he attacked Page after first seeing her watering the lawn at her home. Bronson said that he asked her for a glass of water and then overpowered her. He tied her to her bed, stripped her, and stabbed her 34 times.

Ironically, Bronson had provided one of the first DNA samples for the Florida statewide database in 1989 after

a still-unsolved murder in Osceola County. In October 1989, Bertha Hemminghaus, 79, was found beaten to death at a retirement village south of Orlando. Within days, Bronson was stopped for questioning near the murder scene. He voluntarily provided a DNA specimen, and that specimen led to his arrest in the Page case.

Among the topics addressed in Chapter 6 are police functions, including the investigation of crimes and new technology used for that purpose. The availability of DNA evidence and testing has allowed the police to solve many crimes that likely would not have been solved without the new technology. In November 2010 alone, matches from Florida's DNA database were recorded in 379 unsolved crimes that helped identify suspects in 269 investigations. Still, the use of DNA evidence to solve crimes is controversial. How long should crime-scene evidence be kept? Should scarce resources be devoted to the maintenance of crime-scene evidence? To what extent? How much law enforcement time and effort should be devoted to solving cold cases? From whom should DNA samples be taken to form a DNA database? How long should DNA samples be stored? The answers to these and similar questions illustrate some of the concerns that accompany the implementation of new law enforcement technology.

Policing in America

The police are at the forefront of the criminal justice process and, for most people, the only personal experience they have with that process is contact with a local police officer. Most people have never been in a courthouse for a

criminal matter or in a jail or prison for any reason. This chapter examines what the police do and the qualities they need to do it.

THE ROLES OF THE POLICE

Our expectations of police behavior depend on where we live and when we consider the question. For example, we saw in the last chapter that Cincinnati wanted its police officers in the 1880s to be fleet-footed and honest. In Dallas, Miami, and New York City, citizens may expect police officers to have a working knowledge of Spanish. In Alaska, we would expect police officers to be self-reliant, enjoy the outdoors, and not mind working by themselves in lonely surroundings. In essence, what we expect from the police depends on how we view their role in society.

role The rights and responsibilities associated with a particular position in society.

role expectation The behavior and actions that people expect from a person in a particular role.

role conflict The psychological stress and frustration that results from trying to perform two or more incompatible responsibilities.

A **role** consists of the rights and responsibilities associated with a particular position in society. A related concept is **role expectation**, the behavior and actions that people expect from a person in a particular role. Suppose, for example, that teenagers living in a wealthy neighborhood have been caught drinking alcohol. Their parents probably expect police officers to warn the young people and bring them home. In a less affluent neighborhood, however, the expectation of community residents might be that the police will arrest the teenagers and bring them into juvenile court. This example illustrates a problem that often arises in our attempt to understand the police role in America. When the public's expectations differ from the official police role, the public may become disenchanted and sometimes hostile toward law enforcement officers. Such negative feelings cause officers personal frustration and role conflict. **Role conflict** is the psychological strain and stress that result from trying to perform two or more incompatible responsibilities. A common source of role conflict for the police is the expectation that they should be social or helping agents at the same time they are expected to be control agents by arresting law violators.

What we expect from police officers, then, depends on how we view the police role—a role that has been described as complex, ambiguous, changing, and repressive. Obviously, not everyone views the role of the police in the same way, but a definition that includes the majority of perspectives is possible. The police:

1. Are community leaders in public safety. (By nature, this makes the work potentially dangerous.)
2. Possess broad discretion.
3. Solve sociological and technological problems for people on a short-term basis.
4. Occasionally serve in a hostile or dangerous environment.¹

Think about some of the common situations in which police officers find themselves when people call and want something “fixed.” One example would be an officer’s response to freeway accidents in which vehicles are overturned and burning and people are trapped inside. Such situations require leadership, informed and quick decisions, the solving of numerous immediate problems, and the use of extreme caution to prevent further injury to citizens or the police officer. Another example would be intervention in a long-running family dispute that has suddenly turned violent. Such a situation requires caution, quick thinking, and the solving of a number of problems in an effort to ensure the safety of all parties. Still another typical role of a police officer is to provide protection at protests and strikes. Those potentially volatile circumstances clearly illustrate the key elements of the police role. Of course, sometimes an officer’s role may be simply to solve problems in the course of providing service, for example, when retrieving a citizen’s dropped keys from below a sewer grate.

CHARACTERISTICS OF POLICE WORK

Police work requires a combination of special characteristics. Personnel with the following qualities are best able to carry out the difficult service role mandated for law enforcement officers.



Police officers are expected to respond to traffic accidents. *How might such experiences affect them?*

Quick Decision Making Sometimes police officers must make on-the-spot decisions about whether to use force, how to maneuver a patrol car, or whether to stop a suspect. Making the wrong decision can be fatal for the officer or the other person. All of the work in a lengthy investigation can be ruined by a single procedural law violation if an officer unintentionally makes a wrong decision.

The Independent Nature of Police Work The position of peace officer in all states in the United States is a position of honor and trust. After patrol officers attend roll call, stand inspection, check out their equipment, and depart into the streets in their patrol cars, they work virtually unsupervised until the end of their tour of duty.

Figure 6.1 shows the Law Enforcement Officer's Code of Ethics, which was written as a guide for working police officers. It offers some professional direction in a line of work with many opportunities to go astray. The independent nature of police work increases the chances of malfeasance and corruption—topics discussed in the next chapter.

“Dirty Work” Most people agree that police work needs to be done, but police work is sometimes distasteful—for example, dealing with people who have committed horrible acts and viewing mangled, broken, and decomposed bodies. Often, the police must deal with people at their worst—angry, drunk, in trouble, victimized, violent, and so forth. The distasteful part of policing has been referred to as “dirty work.”²

Danger Police officers in the United States spend a substantial amount of their time trying to resolve conflicts, frequently in hostile environments.³ Table 6.1 identifies dangerous circumstances in which officers find themselves. Contrary to the media image, police officers are often afraid on the job, and far too many are injured or killed. The data reveal that disturbance calls (for example, a family quarrel or a man with a gun) and arrests of suspects are the most dangerous circumstances for police officers. Because of the danger they face, many departments require their field officers to wear body armor while on duty. Table 6.2 shows the percentage of local police departments, by size of population served, that required field officers to wear body armor while on duty in 2003 and 2007.

Despite the use of body armor and other precautions, each year police officers are killed while on duty. In 2009, for example, 48 officers were feloniously

FYI Killed in the Line of Duty

Today, more than 800,000 sworn officers put their lives on the line for our protection each day. The first known line-of-duty death was that of U.S. Marshal Robert Forsyth, who was shot and killed January 11, 1794, while serving court papers in a civil suit. Wilmington, Delaware, police matron Mary T. Davis was the first female officer killed on duty. She was beaten to death in 1924 while guarding a prisoner in the city jail.

Figure 6.1

Law Enforcement Officer Code of Ethics

The purpose of the Code of Ethics is to ensure that all peace officers are fully aware of their individual responsibility to maintain their own integrity and that of their agency. Every peace officer, during basic training, or at the time of appointment, shall be administered the [following] Code of Ethics.

As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all men to liberty, equality, and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty. I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence, and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession—law enforcement.

Canons

1. The primary responsibility of police officers and organizations is the protection of citizens by upholding the law and respecting the legally expressed will of the whole community and not a particular party or clique.
2. Police officers should be aware of the legal limits on their authority and the “genius of the American system,” which limits the power of individuals, groups, and institutions.
3. Police officers are responsible for being familiar with the law and not only their responsibilities but also those of other public officials.
4. Police officers should be mindful of the importance of using the proper means to gain proper ends. Officers should not employ illegal means, nor should they disregard public safety or property to accomplish a goal.
5. Police officers will cooperate with other public officials in carrying out their duties. However, the officer shall be careful not to use his or her position in an improper or illegal manner when cooperating with other officials.
6. In their private lives, police officers will behave in such a manner that the public will “regard (the officer) as an example of stability, fidelity, and morality.” It is necessary that police officers conduct themselves in a “decent and honorable” manner.
7. In their behavior toward members of the public, officers will provide service when possible, require compliance with the law, respond in a manner that inspires confidence and trust, and will be neither overbearing nor subservient.
8. When dealing with violators or making arrests, officers will follow the law; officers have no right to persecute individuals or punish them. And officers should behave in such a manner so the likelihood of the use of force is minimized.
9. Police officers should refuse to accept any gifts, favors, or gratuities that, from a public perspective, could influence the manner in which the officer discharges his or her duties.
10. Officers will present evidence in criminal cases impartially because the officer should be equally concerned with both the prosecution of criminals and the defense of innocent persons.

Table 6.1 Law Enforcement Officers Assaulted in the United States by Circumstance, 2009

Circumstances at Scene of Incident	Total	Percentage of Total
Total	57,268	100%
Disturbance calls (family quarrel, man with gun, etc.)	18,672	32.6
Burglaries in progress or pursuit of burglary suspects	850	1.5
Robberies in progress or pursuit of robbery suspects	552	0.9
Other arrest attempts	8,797	15.4
Civil disorders (mass disobedience, riot, etc.)	789	1.4
Handling, transporting, custody of prisoners	7,274	12.7
Investigation of suspicious persons and circumstances	5,475	9.6
Ambush (no warning) situations	228	0.4
Handling mentally deranged persons	1,146	2.0
Traffic pursuits and stops	5,479	9.6
All other	8,006	14.0

Source: United States Department of Justice, Federal Bureau of Investigation, *Law Enforcement Officers Killed and Assaulted*, www2.fbi.gov/ucr/killed/2009/data/table_68.html.

killed in the line of duty, many fewer than the 142 officers killed feloniously in 2001, and 9 fewer than the 57 officers killed feloniously in 2007. However, 2001 was an unusual year. Among the 142 officers feloniously killed were the 72 federal, state, and local officers killed during the tragedy of September 11—the most officers killed in the United States on a single day. In 1999, only 42 officers were feloniously killed in the line of duty, which was the lowest recorded figure in more than 35 years.⁴

Of the 48 officers feloniously killed in the line of duty in 2009, 15 were ambushed by their assailants, 8 died from felonious attacks during arrest situations, 8 were killed during traffic pursuits and stops, 6 were murdered answering disturbance calls, 5 during tactical situations (for example, barricaded offender, hostage taking, and so on), 4 while investigating suspicious persons or circumstances, and 2 while transporting or maintaining custody of prisoners.⁵ Accidents, such as automobile accidents, during the performance of official duties claimed the lives of an additional 47 officers in 2009, down from the 83 in 2007.⁶

Table 6.2 Body Armor Requirements for Field Officers in Local Police Departments, by Size of Population Served, 2003 and 2007

Population Served	PERCENTAGE OF AGENCIES REQUIRING FIELD OFFICERS TO WEAR ARMOR WHILE ON DUTY					
	Total		At All Times		In Some Circumstances	
	2003	2007	2003	2007	2003	2007
All Sizes	71%	75%	59%	65%	12%	10%
1,000,000 or more	63	77	44	62	19	15
500,000–999,999	79	81	60	55	19	26
250,000–499,999	68	78	56	61	12	17
100,000–249,999	68	73	50	55	18	18
50,000–99,999	69	74	52	62	17	12
25,000–49,999	74	77	61	66	13	11
10,000–24,999	74	81	63	71	11	11
2,500–9,999	80	79	69	73	11	7
Under 2,500	63	69	52	57	11	12

Source: Matthew J. Hickman and Brian A. Reaves, *Local Police Departments, 2003*, U.S. Department of Justice, Bureau of Justice Statistics (Washington, DC: U.S. Government Printing Office, May 2006), 25, Table 56; Brian A. Reaves, *Local Police Departments, 2007*, U.S. Department of Justice, Bureau of Justice Statistics (Washington, DC: U.S. Government Printing Office, December 2010), 19, Table K, <http://bjs.ojp.usdoj.gov/content/pub/pdf/1pd07.pdf>.

From 1972 through 2009, 5,293 law enforcement officers were killed in the line of duty: 2,909 were feloniously killed, and 2,384 were accidentally killed. The highest number of officers killed in any one year was 218 in 2001, while the lowest number killed in any year was 95 in 2009. In general, and with few exceptions, the number of law enforcement officers killed while on duty has declined since the early 1970s.⁷

OPERATIONAL STYLES

operational styles The different overall approaches to the police job.

After police officers are trained and begin to gain experience and wisdom from their encounters with veteran police officers and citizens on the street, it is believed that they develop **operational styles** that characterize their overall approach to the police job. If these styles actually exist, it means that the effort of the police department to systematically train and deploy officers with the same philosophy and practical approach to policing in the community has not been entirely successful. The research on operational styles shows that they vary both between departments and among officers of the same department.

One of the earliest scholars to report on the existence of policing styles was political scientist James Q. Wilson, who found the following three styles in a study of eight police departments:

1. **Legalistic Style**—The emphasis is on violations of law and the use of threats or actual arrests to solve disputes in the community. In theory, the more arrests that are made, the safer a community will be. This style is often found in large metropolitan areas.
2. **Watchman Style**—The emphasis is on informal means of resolving disputes and problems in a community. Keeping the peace is the paramount concern, and arrest is used only as a last resort to resolve any kind of disturbance of the peace. This style of policing is most commonly found in economically poorer communities.
3. **Service Style**—The emphasis is on helping in the community, as opposed to enforcing the law. Referrals and diversion to community treatment agencies are more common than arrest and formal court action. The service style is most likely to be found in wealthy communities.⁸

Sociologist John Broderick, who also studied operational styles among the police, classified police officers by their degree of commitment to maintaining order and their respect for due process:

1. **Enforcers**—The emphasis is on order, with little respect for due process.
2. **Idealists**—The emphasis is on both social order and due process.
3. **Optimists**—The emphasis is on due process, with little priority given to social order.
4. **Realists**—Little emphasis is given to due process or social order.⁹

Another classification is based on the way officers use their authority and power in street police work. The two key ingredients of this scheme are passion and perspective. Passion is the ability to use force or the recognition that force is a legitimate means of resolving conflict; perspective is the ability to understand human suffering and to use force ethically and morally. According to political scientist William Muir's styles of policing, police officers include:

1. **Professionals**—Officers who have the necessary passion and perspective to be valuable police officers.
2. **Enforcers**—Officers who have passion for the job, for enforcing the law, and for taking decisive action; their inner drive or value system allows them to be comfortable using force to solve problems.
3. **Reciprocators**—Officers who lack the passion to do the job; they have a difficult time taking action, making arrests, and enforcing the law; their values make it difficult for them to use force to solve problems.
4. **Avoiders**—Officers who have neither passion nor perspective, resulting in no recognition of people's problems and no action to resolve them.¹⁰

Are there identifiable styles of policing? What value do these styles hold for us? In any area of human endeavor, classifications have been constructed. We have developed classifications for leaders, prisoners, quarterbacks, and teachers. These classifications give us a framework of analysis, a basis for discussion. But can they be substantiated when we go into a police agency to see if they actually exist?

Social scientist Ellen Hochstedler examined the issue of policing styles with 1,134 Dallas, Texas, police officers and was not able to confirm the officer styles identified in the literature by Broderick, Muir, and others. Her conclusion was that it is not possible to “pigeonhole” officers into one style because the way officers think and react to street situations varies, depending on the particular situation, the time, and the officers themselves.¹¹

THINKING CRITICALLY

1. Which characteristics do you think are the most important for police officers to have? Why?
2. Is there an operational style of policing that you think is the most effective? If so, which one?
3. Do you think it is possible to identify styles of policing? If so, how can it be done? If not, what obstacles prevent identification?

Police Functions

The list of functions that police are expected to carry out is long and varies from place to place. In the following sections, we look at the major operations of police departments and the services they provide.

PATROL

Police administrators have long referred to patrol as the backbone of the department. It is unquestionably the most time-consuming and resource-intensive task of any police agency. More than half of the sworn personnel in any police department are assigned to patrol. In Houston, Chicago, and New York City, for example, patrol officers make up more than 65% of the sworn personnel in each department.

Patrol officers respond to burglar alarms, investigate traffic accidents, care for injured people, try to resolve domestic disputes, and engage in a host of other duties that keep them chasing radio calls across their own beats and the entire city and county when no other cars are available to respond. Precisely how to conduct patrol activities, however, is a matter of much debate in the nation today. Indeed, it seems that there are many ways to police a city.

Preventive Patrol For decades, police officers patrolled the streets with little direction. Between their responses to radio calls, they were told to be “systematically unsystematic” and observant in an attempt to both prevent and ferret out crime on their beats. In many police departments, as much as 50% of an officer’s time is uncommitted and available for patrolling the beats that make up a political jurisdiction. The simultaneous increases in the official crime rate and the size of police forces beginning in the 1960s caused police managers and academics to question the usefulness of what has come to be known as **preventive patrol** or random patrol. To test the usefulness of preventive patrol, the now famous Kansas City (Missouri) Preventive Patrol Experiment was conducted in 1972.

The Kansas City, Missouri, Police Department and the Police Foundation set up an experiment in which 15 patrol districts were divided into three matched groups according to size, record of calls for service, and demographic characteristics. In the first group, the “control beats,” the police department operated the same level of patrol used previously in those beats. In the second group

preventive patrol Patrolling the streets with little direction; between responses to radio calls, officers are “systematically unsystematic” and observant in an attempt to both prevent and ferret out crime. Also known as random patrol.



Street patrol is the most resource-intensive task of any police agency. *Are there acceptable alternatives to street patrol? If yes, what are they?*

of districts, the “proactive beats,” the police department doubled or even tripled the number of patrol officers normally deployed in the area. In the third group of districts, the “reactive beats,” the police department deployed no officers at all on preventive patrol. Officers only responded to calls for service and did no patrolling on their own. At the end of the 1-year study, the results showed no significant differences in crime rates among the three groups of patrol districts. In other words, a group of districts that had no officers on preventive patrol had the same crime rates as groups that had several times the normal level of staffing engaged in patrol activity. The number of officers made no difference in the number of burglaries, robberies, vehicle thefts, and other serious crimes experienced in the three groups of police districts. Perhaps even more important is that the citizens of Kansas City did not even notice that the levels of patrol in two of the three districts had been changed.¹²

The law enforcement community was astounded by the results of the study, which showed that it made no difference whether patrol officers conducted preventive, or random, patrol. The research was immediately attacked on both philosophical and methodological grounds. How could anyone say that having patrol officers on the street made no difference?

One of the criticisms of the study was that no one in the community was told that there were no officers on patrol in reactive districts. What might have happened to the crime rates had the community known no officers were on patrol? Moreover, during the course of the study, marked police cars from other departments and districts crossed the reactive districts to answer calls but then left when the work was completed. Thus, there appeared to be a police presence even in the so-called reactive districts.

This study has forced police executives and academics to reconsider the whole issue of how patrol is conducted, once considered a closed issue. Police administrators have begun to entertain the possibility of reducing the number of officers on patrol. Innovations in patrol methods have also been proposed.

Directed Patrol In **directed patrol**, officers are given guidance or orders on how to use their patrol time. The guidance is often based on the results of crime

MYTH

Adding more police officers will reduce crime.

FACT

Short of having a police officer on every corner, evidence indicates no relationship between the number of police officers and the crime rate.

directed patrol Patrolling under guidance or orders on how to use patrol time.

analyses that identify problem areas. Evidence shows that directed patrol can reduce the incidence of targeted crimes such as thefts from autos and robberies.¹³

Crime Mapping One technological innovation in crime analysis that has aided directed patrol is Geographic Information Systems (GIS) crime mapping. **GIS crime mapping** is a technique that involves the charting of crime patterns within a geographic area. Crime mapping makes it possible to keep a closer watch on crime and criminals through the generation of crime maps capable of displaying numerous fields of information. For example, if a series of armed robberies of dry cleaning stores had been committed over a period of several weeks in three adjacent police beats, police crime analysts would be able to record, analyze, and determine a definite pattern to these robberies, and make a reasonable prediction as to when and where the next robbery in the series is likely to occur. The patrol and investigation forces could be deployed at a prescribed time to conduct surveillance of the prospective target dry cleaning store or stores with a good chance the robber can be arrested. This use of crime mapping is referred to as “resource reallocation” and is probably the most widely used crime-mapping application. Figure 6.2 is an example of a crime map.

Crime mapping is also used as a tool to help evaluate the ability of police departments to resolve the problems in their communities. This is the primary purpose of the New York City Police Department’s CompStat process, for example.¹⁴ Begun in 1994, CompStat is a divisional unit responsible for statistical analysis of daily precinct crime reports frequently using crime mapping. The information produced by CompStat is used by the chief of police to judge the performance of precinct commanders and by precinct commanders to hold their officers accountable (see the discussion of CompStat in Chapter 5).

GIS crime mapping A technique that involves the charting of crime patterns within a geographic area.

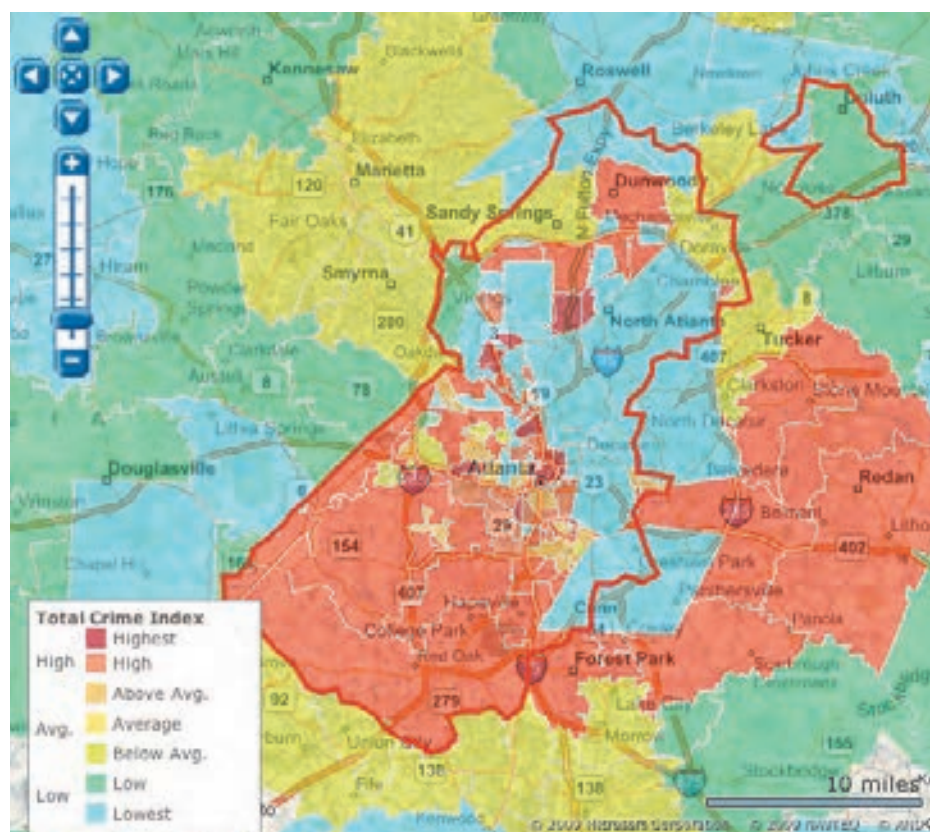


GIS Crime Mapping

To learn more about GIS crime mapping and how it works, visit the GIS Lounge at <http://gislounge.com/features/aa101100.shtml>. *Why is crime mapping important?*

Figure 6.2

Crime Map of Total Crime Index in the City of Atlanta, Georgia, 2008



Crime mapping is likely to be used increasingly in crime scene investigations and the forensic sciences. For example, a GIS-based system has been created that can determine the origin of gunshots through sound triangulation. Crime mapping will also be combined with other technologies such as aerial photography so that geocoded data can be superimposed on aerial photographs rather than computer-generated maps. This should aid community policing efforts by making census data, liquor license locations, drug-market data, and probationer addresses, for example, readily available in a more useful form. Another technology that will be combined with crime mapping is Global Positioning Systems (GPS) technology. It would allow beat officers to track and monitor probationers and parolees in the area, for example. It is currently used in some departments to help manage the department's fleet of vehicles.¹⁵

aggressive patrol The practice of having an entire patrol section make numerous traffic stops and field interrogations.

field interrogation A temporary detention in which officers stop and question pedestrians and motorists they find in suspicious circumstances.

Aggressive Patrol In nearly all police departments, some patrol officers have used aggressive patrol tactics and have been rewarded as high performers because they made many arrests for both minor and serious offenses. When the entire patrol section is instructed to make numerous traffic stops and field interrogations, the practice is referred to as **aggressive patrol**. A **field interrogation** is a temporary detention in which officers stop and question pedestrians and motorists they find in suspicious circumstances. Such procedures have been found to reduce crime in targeted areas.¹⁶

At least two problems can occur as a result of aggressive patrol. First, random traffic stops and field interrogations inconvenience innocent citizens. To avoid conflict, the police must be certain that those tactics are necessary, and they must explain the necessity to the public. Second, it is often difficult to get all officers on each work shift and in each patrol division motivated to use aggressive patrol tactics. Many officers are reluctant to carry out their duties in an aggressive way. Nevertheless, with crime rates high and research confirming that aggressive patrol can reduce crime, aggressive patrol tactics are likely to continue.

Foot Patrol For some time, there has been renewed interest in having police officers patrol their beats on foot. Is there value in this practice, or is it just nostalgia for a more romantic period in law enforcement? The use of motorized patrols has allowed the police to respond rapidly to citizen calls and to cover large geographical areas. Yet, officers working a busy shift, perhaps responding to more than two dozen calls, come to feel as if they are seeing the world through a windshield. Moreover, it is now generally accepted that rapid response time is useful in only a small portion of the incidents and crimes to which the police are asked to respond.

Challenging conventional wisdom about rapid response, two cities—Flint, Michigan, and Newark, New Jersey—launched substantial foot patrol programs. In Newark, the results of the foot patrol experiment showed that foot patrol had little or no effect on the level of crime. However, positive effects were identified:

1. Newark residents noticed whether foot patrol officers were present.
2. They were more satisfied with police service when foot patrol officers delivered it.
3. They were less afraid than citizens being served by motorized patrol.¹⁷

In Flint, Michigan, the extensive neighborhood foot patrol experiment also had positive results:

1. Flint residents had a decreased fear of crime.
2. Their satisfaction with police service increased.
3. There were moderate decreases in crime.
4. There were decreased numbers of calls for police service.



Field interrogation has been found to reduce crime in targeted areas. *What are some of the problems with field interrogations?*

Table 6.3 Types of Regularly Scheduled Patrols Other than Automobile Used by Local Police Departments, by Size of Population Served, 2007

Population Served	PERCENTAGE OF DEPARTMENTS USING EACH TYPE OF PATROL REGULARLY						
	Foot	Bicycle	Motorcycle	Marine	Transporter	Horse	Air
All sizes	55%	32%	16%	4%	2%	1%	1%
1,000,000 or more	92%	100%	100%	69%	31%	77%	100%
500,000–999,999	81	100	94	52	29	61	71
250,000–499,999	78	89	91	26	24	50	57
100,000–249,999	59	71	90	12	15	17	14
50,000–99,999	56	69	74	12	6	5	5
25,000–49,999	52	58	55	6	4	2	1
10,000–24,999	50	44	25	5	2	1	1
2,500–9,999	58	36	8	4	1	—	0
Under 2,500	54	15	4	1	—	0	—

— Less than 0.5%.

As of 2007, all but a few local police departments surveyed reported routine use of automobile patrols.

Source: Brian A. Reaves, *Local Police Departments, 2007*, U.S. Department of Justice, Bureau of Justice Statistics (Washington, DC: U.S. Government Printing Office, December 2010), 15, Table 12, <http://bjs.ojp.usdoj.gov/content/pub/pdf/1pd07.pdf>.

Citizens would wait to talk to their neighborhood foot patrol officer about a problem instead of calling the police department through 911 and speaking with an officer they were not likely to know. One astounding result of the Flint program was that the foot patrol officers became so popular that citizens saw them as real community leaders. They often became more influential than some elected officials. Evidence of the degree of satisfaction with the foot patrol program in Flint was that the community voted three times to continue and expand foot patrol at a time when the city was experiencing one of the nation's highest unemployment rates.¹⁸ Perhaps even more important, the findings of foot patrol research provided the seeds of a much broader concept for law enforcement: community policing, which we will discuss later in this chapter. Table 6.3 shows the percentage of agencies, by size of population served, that used various types of patrol (other than automobile) on a routine basis in 2007 (the latest year for which data were available). All but a few local police departments used regularly scheduled automobile patrols during 2007.

INVESTIGATION

The role of the detective has generally been glorified by media sources in both fiction and nonfiction accounts. Homicide investigation, in particular, has captured the imagination of fiction readers worldwide. Most police officers aspire to be investigative specialists by attaining the position of detective. But it should be noted that detectives represent only one unit in a police department that conducts investigations. Investigators work in a variety of capacities in a police agency:

1. Traffic homicide and hit-and-run accident investigators in the traffic section.
2. Undercover investigators in narcotics, vice, and violent gang cases.
3. Internal affairs investigators conducting investigations of alleged crimes by police personnel.
4. Investigators conducting background checks of applicants to the police department.

5. Uniformed patrol officers investigating the crimes they have been dispatched to or have encountered on their own while on patrol.
6. Detectives of criminal investigation divisions who conduct investigations into reports of criminal activity made by patrol officers.

What Is Criminal Investigation? Criminal investigation has been defined as a lawful search for people and things to reconstruct the circumstances of an illegal act, apprehend or determine the guilty party, and aid in the state's prosecution of the offender.¹⁹ The criminal investigation process is generally divided into two parts: the preliminary, or initial, investigation and the continuing, or follow-up, investigation. Most of the time the preliminary investigation in both felony and misdemeanor cases is conducted by patrol officers, although for homicides and other complex, time-consuming investigations, trained investigators are dispatched to the crime scene immediately. The continuing investigation in serious crimes is ordinarily conducted by plainclothes detectives, although small and medium-sized agencies may require patrol officers or a patrol supervisor to follow up on serious criminal offenses.

For less serious crimes, many police departments use solvability-factor score sheets or software programs to assess information collected at crime scenes. The assessment, which is done by the responding officer, a case-screening officer, or a felony-review unit, determines which cases are likely to be solved, given the initial information obtained. Promising cases are turned over to detectives for follow-up investigation. The rest are often closed on the basis of the preliminary investigation and are reopened only if additional information is uncovered.²⁰

Investigative Functions In any type of investigation in a police agency, all investigators share responsibility for a number of critical functions. They must:

1. Locate witnesses and suspects.
2. Arrest criminals.
3. Collect, preserve, and analyze evidence.
4. Interview witnesses.



Criminal investigation is a time-consuming task that requires much attention to detail. *What aspects of criminal investigations are the most time-consuming and why?*

5. Interrogate suspects.
6. Write reports.
7. Recover stolen property.
8. Seize contraband.
9. Prepare cases and testify in court.

The specific application and context of those functions vary considerably, depending on whether the investigation is of the theft of expensive paintings, for example, or the rape of an elderly widow living alone.

The Role of the Detective At first glance, the role of the detective seems highly desirable. To a patrol officer who has been rotating work shifts for several years, seldom getting a weekend off, detectives in the police department seem to have a number of advantages:

1. They do not have to wear uniforms.
2. They have anonymity during work hours if they choose it.
3. They have steady work hours, often daytime hours with weekends off.
4. They have offices and desks.
5. They enjoy the prestige associated with the position.
6. In many agencies, detectives receive higher compensation and hold a higher rank.
7. Perhaps most important, they enjoy more freedom than patrol officers from the police radio, geographical boundaries, and close supervision.

All these advantages add up to a high-status position, both within the police department and in the eyes of the public.

Productivity Despite all the advantages of being a detective, investigators are often faced with insurmountable obstacles and stressful work conditions. Notifying the next of kin in a homicide is one of the worst tasks:

Of all the dirty tasks that go with the dirty work of chasing a killer, notifying the next of kin is the job that homicide detectives hate most. It's worse than getting up at 3 A.M. on a February night to slog through a field of freezing mud toward a body that needed burying two days ago. Worse than staring into the flat cold eyes of a teenager who bragged about dragging a man through the streets to his death. Worse than visiting every sleazy dive in town until you finally find the one person who can put the murderer away and having that person say as cool as a debutante with a full dance card, "I don't want to get involved."²¹

Detectives have the cards stacked against them most of the time. Unless they discover, during the preliminary investigation, a named suspect or a description or other information that leads to a named suspect, the chances of solving the crime are low. Property crimes with no witnesses are particularly hard to solve. In 2009, for example, the clearance rates for crimes against persons were 66.6% for murder and nonnegligent manslaughter, 56.8% for aggravated assault, 41.2% for forcible rape, and 28.2% for robbery. In crimes against property, the clearance rates were 12.5% for burglary, 21.5% for larceny-theft, and 12.4% for motor vehicle theft. Clearances for crimes against persons are generally higher than for property crimes because crimes against persons receive more intensive investigative effort and because victims and witnesses frequently identify the perpetrators. In 2009, for example, the nationwide clearance rate for violent crimes was 47.1% and for property crimes, 18.6%.²² Studies have found that much of what a detective does is not needed and that an investigator's technical knowledge often does little to help solve cases.²³ In one study, for example, fewer than 10% of all arrests for robbery were the result of investigative work by detectives.²⁴ Nevertheless, police agencies retain detectives and plainclothes investigators for a number of reasons:

1. Detectives have interrogation and case presentation skills that assist in prosecution.

MYTH

Improvements in detective work and criminal investigation will significantly raise clearance rates or lower the crime rate.

FACT

"Cleared" crimes generally solve themselves. The offender either is discovered at the scene or can be identified by the victim or a witness. Investigation rarely solves "cold" or "stranger" crimes.

2. Technical knowledge, such as knowing about burglary tools, does help in some investigations and prosecutions.
3. Law enforcement executives can assign detectives to a major, high-profile case to demonstrate to the public that they are committing resources to the matter.

The major studies of investigative effectiveness emphasize the value of improving the suspect-identification process. Once a suspect is identified by name or some other clearly distinguishing characteristic, the chances of making an arrest are increased substantially.

Identification Developments in Criminal Investigation Two of the most significant advances in criminal investigation have been the development of the integrated automated fingerprint identification system (IAFIS) and DNA profiling. IAFIS has resulted in the arrest and conviction of millions of criminal suspects who otherwise might never have been brought to justice. DNA profiling holds even greater promise. However, before examining these two investigative tools, it is instructive to consider the findings of a two-year congressionally mandated study of forensic science and the crime lab system by the National Academy of Sciences.²⁵

The study, released in 2009, discovered that the nation's forensic science system has serious deficiencies and that it needs major reforms and new research. Lacking are rigorous and mandatory certification programs for forensic scientists and strong standards and protocols for analyzing and reporting on evidence. Needed are more peer-reviewed, published studies establishing the scientific bases, accuracy, and reliability of many forensic methods. In addition, many forensic science labs require greater funding, staffing, and effective oversight.

The study revealed that with the exception of nuclear DNA analysis, no forensic method has been rigorously shown able to consistently, and with a high degree of certainty, demonstrate a connection between evidence and a specific individual or source. Yet, it is precisely this type of evidence that has been used to convict criminal defendants. Of the more than 230 people exonerated by DNA evidence, more than 50% of the cases involved faulty or invalidated forensic evidence. Highly suspect is evidence from ballistics, handwriting, bite marks, tool marks, shoe prints, and blood spatters—to name only a few techniques. Even fingerprint evidence is of concern. The researchers argue that zero-error-rate claims made about fingerprint analyses are not plausible; uniqueness does not guarantee that two individuals' prints are always so sufficiently different that they could not be confused. Recommended is the accumulation of data on how much a person's fingerprints vary from impression to impression, as well as the degree to which fingerprints vary across a population.

This is not to say that non-DNA forensic evidence is useless. It could, for example, provide valuable information to help narrow the range of possible suspects or sources. However, before this evidence is used to "prove" that a defendant is guilty, substantial research is needed to validate basic premises and techniques, assess limitations, and discern the sources and magnitude of error. The panel of researchers strongly urged Congress to establish a new, independent National Institute of Forensic Science to help solve these problems.

DNA Profiling DNA (deoxyribonucleic acid) is a molecule present in all forms of life. A unique genetic profile can be derived from blood, hair, semen, or other bodily substances found at the scene of a crime or on a victim. Not only can bodily substances found at a crime scene be matched with DNA samples from a suspect to give an extremely high probability of identifying the perpetrator, but it is believed that soon DNA from a sample as small as a flake of dandruff will yield a positive, unique identification with no need to consider mathematical probabilities.

DNA profiling has three distinct functions: linking or eliminating identified suspects to a crime; identifying "cold hits," whereby a sample from a crime scene

is matched against numerous cases in a DNA database and a positive match is made; and clearing convicted rapists and murderers years after they began serving their sentences. DNA profiling would be very useful, for example, in cases where a murderer's blood was found at the scene of a crime after a deadly struggle or in a rape case where seminal fluid could be obtained from the victim. In approximately one-third of DNA examinations, the suspect's DNA cannot be matched with biological evidence from the crime scene. Thus, potential suspects can be eliminated from consideration early in the investigative process, allowing investigators to focus their efforts more effectively on other suspects or cases. Potential suspects also can be eliminated from an investigation years after the crime occurred, as happened in the JonBenet Ramsey murder case. The then 6-year-old beauty queen was killed in 1996, and her brother and parents remained suspects for more than a decade. In 2008, based on results obtained from a new technology called "touch DNA," the cloud of suspicion was finally removed from the Ramsey family. Touch DNA involves scraping genetic material from an object that otherwise could not be seen. In this case, newly discovered DNA from a few minute skin cells matched DNA found earlier and was not from the Ramsey family. Investigators will try to locate a match in the national DNA database, which at the time had more than 5 million offenders' profiles. For now, the murder remains unsolved.²⁶ Figure 6.3 shows how DNA profiling is performed.

A serious issue at present is whether DNA databases ought to be assembled and from whom the samples should be taken. Many states permit the taking of DNA samples from arrested and convicted subjects. Some enthusiasts believe that DNA samples should be taken from all suspects in crimes, while a smaller number believe the samples should be collected from all people at birth. Another controversial issue is how long DNA samples should be kept. In December 2008, 17 judges on the European Court of Human Rights, Europe's highest human-rights court, struck down a British law that allowed the government to store DNA and fingerprints of people with no criminal record. The law had allowed the government to keep samples until an individual died or reached the age of 100. Britain's DNA databases, with more than 4.5 million samples, have been taken from arrestees, regardless of whether they have been charged, convicted, or acquitted and, occasionally, from crime victims. The court unanimously ruled that Britain's "blanket and indiscriminate" storage of DNA samples and fingerprints of people with no criminal record violated people's right to privacy—a protection under the Human Rights Convention to which the United Kingdom is a signatory. The ruling likely will require Britain to destroy about 1 million samples in its DNA database.²⁷

Currently, the most complete DNA database in the United States, with more than 9 million samples (as of November 2010), is the Combined DNA Index System (CODIS), which is managed by the Federal Bureau of Investigation (FBI).²⁸ CODIS comprises DNA profiles that have been entered into local, state, and other national databases. The profiles are from either biological evidence left at crime scenes or individuals convicted of violent crimes and other felonies. Undoubtedly the more collected samples in a database, the more likely a match is going to be found. But privacy concerns and the potential for misuse of DNA samples are likely to hinder any more intrusive measures on the part of agents of the justice system.

Integrated Automated Fingerprint Identification Systems An expensive but invaluable tool in criminal investigation are Integrated Automated Fingerprint Identification Systems (IAFIS). This relatively new technology was launched in 1999, and allows investigators to sort through thousands of sets of stored fingerprints for a match with those of a crime suspect. In fact, many of the current attempts to match prints would not have been made without IAFIS because the old process would have taken thousands of hours. Today, the average response time for an electronic criminal fingerprint submission is about 10 minutes. IAFIS process an average of approximately 162,000 ten-print submissions per day. Large metropolitan police agencies use it to identify 200–500 suspects a year who would have escaped apprehension before the implementation of IAFIS. The



DNA Evidence

The National Commission on the Future of DNA Evidence is a program sponsored by the National Institute of Justice.

Visit the program's website at <http://permanent.access.gpo.gov/lps14610/www.ojp.usdoj.gov/nij/dna/welcome.html>. *How big a role should DNA play in criminal investigations?*

Figure 6.3
How DNA Profiling Is Performed

DNA, deoxyribonucleic acid, is the material that carries the genetic pattern that makes each person unique. Scientists in the laboratory can map DNA patterns in samples of skin, blood, semen, or other body tissues or fluids. The DNA patterns can then be analyzed and compared.

There are two main DNA testing procedures used in criminal forensics.

- ① Samples are taken of tissue or body fluids at crime scenes. Comparison samples are taken from victims and suspects.

RFLP (Restriction Fragment Length Polymorphism)	PCR (Polymerase Chain Reaction)
② In the laboratory, DNA genetic material is extracted from the samples and mixed with enzymes to cut the DNA into fragments.	② In the laboratory, DNA is extracted from the samples.
③ The DNA fragments are put in a special gel and exposed to an electrical charge to sort the fragments by size.	③ Part of the DNA molecule is amplified in a test tube to produce billions of copies of that part.
④ Genetic tracers are used to search out and lock onto specific fragments of the DNA.	④ The amplified DNA is analyzed.
⑤ The tracers reveal a pattern. Each evidence sample will have a pattern that can be compared with the sample from the victim and the sample from the suspect.	⑤ The analysis of the evidence sample can be compared with the analysis of the sample from the victim and the sample from the suspect.

Comparing the patterns in the samples results in a DNA profile representing distinctive features of the samples that may or may not match.

Crime evidence	Suspect	Victim
Match		

Crime evidence	Suspect	Victim
No Match		

initial and maintenance costs for an IAFIS, however, are expensive. Table 6.4 shows the percentage of local police departments with access to IAFIS. The FBI’s Integrated Automated Fingerprint Identification System is the world’s largest, with more than 66 million prints on file. The Florida Department of Law Enforcement’s system, by contrast, has only about 5 million prints on file.²⁹

cybercrime The use of computer technology to commit crime.

Cybercrime The use of computer technology to commit crime is of increasing concern to law enforcement officials. The FBI reports that the losses from **cybercrime** each year total about \$10 billion even though two-thirds of computer crime victims fail to notify the authorities. Some of the reasons for not reporting computer crime are the fear of loss of the public’s confidence in the organization, the attention to vulnerability that a crime report would attract, and the shame of not providing adequate security to protect trusted assets.

Table 6.4 Integrated Automated Fingerprint Identification Systems (IAFIS) in Local Police Departments, by Size of Population Served, 2007

Population Served	PERCENT OF DEPARTMENTS WITH IAFIS ACCESS			
	Total with Access	Exclusive/ Shared Owner	Remote Terminal Access	Access through Other Agency
All Sizes	70%	11%	7%	54%
1,000,000 or more	100%	92%	15%	15%
500,000–999,999	100	87	13	16
250,000–499,999	100	57	37	15
100,000–249,999	98	62	22	24
50,000–99,999	94	37	20	41
25,000–49,999	92	35	14	48
10,000–24,999	79	17	9	54
2,500–9,999	73	8	5	60
Under 2,500	58	2	5	52

Source: Brian A. Reaves, *Local Police Departments, 2007*, U.S. Department of Justice, Bureau of Justice Statistics (Washington, DC: U.S. Government Printing Office, December 2010), 39, Appendix Table 15, <http://bjs.ojp.usdoj.gov/content/pub/pdf/1pd07.pdf>.

A variety of offenses can be committed using computer and Internet technology. Following are some of them.

- **Auction Fraud.** Auction fraud involves fraud attributable to the misrepresentation of a product advertised for sale through an Internet auction site or the nondelivery of products purchased through an Internet auction site.
- **Child Pornography/Child Sexual Exploitation.** Computer telecommunications have become one of the most prevalent techniques used by pedophiles to share illegal photographic images of minors and to lure children into illicit sexual relationships. The Internet has dramatically increased the access of the preferential sex offenders to the population they seek to victimize and provides them greater access to a community of people who validate their sexual preferences.
- **Counterfeit Cashier's Check.** The counterfeit cashier's check scheme targets individuals that use Internet classified advertisements to sell merchandise. Typically, an interested party located outside the United States contacts a seller. The seller is told that the buyer has an associate in the United States that owes him money. As such, he will have the associate send the seller a cashier's check for the amount owed to the buyer. The amount of the cashier's check will be thousands of dollars more than the price of the merchandise, and the seller is told the excess amount will be used to pay the shipping costs associated with getting the merchandise to his location. The seller is instructed to deposit the check and, as soon as it clears, to wire the excess funds back to the buyer or to another associate identified as a shipping agent. In most instances, the money is sent to locations in West Africa (Nigeria). Because a cashier's check is used, a bank will typically release the funds immediately or after a one- or two-day hold. Falsely believing the check has cleared, the seller wires the money as instructed. In some cases, the buyer is able to convince the seller that some circumstance has arisen that necessitates the cancellation of the sale, and is successful in conning the victim into sending the remainder of the money. Shortly thereafter, the victim's bank notifies him that the check was fraudulent, and the bank is holding the victim responsible for the full amount of the check.
- **Credit Card Fraud.** Credit/debit card numbers can be stolen from unsecured websites, or can be obtained in an identity theft scheme.



Combating Cybercrime

To learn more about what the U.S. government is doing to combat cybercrime, visit the U.S. Department of Justice Computer Crime and Intellectual Property website at www.usdoj.gov/criminal/cybercrime. Do you think that there is anything more the government can do to prevent cybercrime?

- **Debt Elimination.** Debt elimination schemes generally involve websites advertising a legal way to dispose of mortgage loans and credit card debts. Most often, all that is required of the participant is to send \$1,500 to \$2,000 to the subject, along with all the particulars of the participant's loan information and a special power of attorney authorizing the subject to enter into transactions regarding the title of the participant's home on his or her behalf. The subject then issues bonds and promissory notes to the lenders that purport to legally satisfy the participant's debts. In exchange, the participant is then required to pay a certain percentage of the value of the satisfied debts to the subject. The potential risk of identity theft crimes associated with the debt elimination scheme is extremely high because the participants provide all of their personal information to the subject.
- **Parcel Courier E-mail Scheme.** The Parcel Courier e-mail scheme involves the supposed use of various national and international parcel providers, such as DHL, UPS, FedEx, and the USPS. Often, the victim is directly e-mailed by the subject(s) following online bidding on auction sites. Most of the scams follow a general pattern that includes the following elements. The subject instructs the buyer to provide shipping information, such as name and address. The subject informs the buyer that the item will be available at the selected parcel provider in the buyer's name and address, thereby, identifying the intended receiver. The selected parcel provider checks the item and purchase documents to guarantee everything is in order. The selected parcel provider sends the buyer delivery notification verifying his or her receipt of the item. The buyer is instructed by the subject to go to an electronic funds transfer medium, such as Western Union, and make a funds transfer in the subject's name and in the amount of the purchase price. After the funds transfer, the subject instructs the buyer to forward the selected parcel provider the funds transfer identification number, as well as his or her name and address associated with the transaction. The subject informs the buyer the parcel provider will verify payment information and complete the delivery process. Upon completion of delivery and inspection of the item(s) by the receiver, the buyer provides the parcel provider funds transfer information, thus, allowing the seller to receive his funds.
- **Employment/Business Opportunities.** Employment/business opportunity schemes have surfaced in which bogus foreign-based companies are recruiting citizens in the United States on several employment-search websites for work-at-home employment opportunities. These positions often involve reselling or reshipping merchandise to destinations outside the United States. Prospective employees are required to provide personal information, as well as copies of their identification, such as a driver's license, birth certificate, or social security card. Those employees that are "hired" by these companies are then told that their salary will be paid by check from a United States company reported to be a creditor of the employer. This is done under the pretense that the employer does not have any banking set up in the United States. The amount of the check is significantly more than the employee is owed for salary and expenses, and the employee is instructed to deposit the check into his or her own account and then wire the overpayment back to the employer's bank, usually located in Eastern Europe. The checks are later found to be fraudulent, often after the wire transfer has taken place.
- **Escrow Services Fraud.** In an effort to persuade a wary Internet auction participant, the perpetrator will propose the use of a third-party escrow service to facilitate the exchange of money and merchandise. The victim is unaware the perpetrator has actually compromised a true escrow site and, in actuality, created one that closely resembles a legitimate escrow service. The victim sends payment to the phony escrow and receives nothing in return. Or, the victim sends merchandise to the subject and waits for his or her payment through the escrow site, which is never received because it is not a legitimate service.

- **Identity Theft.** Identity theft occurs when someone appropriates another's personal information without his or her knowledge to commit theft or fraud. Identity theft is a vehicle for perpetrating other types of fraud schemes. Typically, the victim is led to believe he or she is divulging sensitive personal information to a legitimate business, sometimes as a response to an e-mail solicitation to update billing or membership information, or as an application to a fraudulent Internet job posting.
- **Internet Extortion.** Internet extortion involves hacking into and controlling various industry databases, promising to release control back to the company if funds are received, or the subjects are given Web administrator jobs. Similarly, the subject will threaten to compromise information about consumers in the industry database unless funds are received.
- **Investment Fraud.** Investment fraud is an offer using false or fraudulent claims to solicit investments or loans, or providing for the purchase, use, or trade of forged or counterfeit securities.
- **Lotteries.** The lottery scheme deals with persons randomly contacting e-mail addresses advising the e-mail recipients they have been selected as the winner of an international lottery. An agency name follows this body of text with a point of contact, phone number, fax number, and an e-mail address. An initial fee ranging from \$1,000 to \$5,000 is often requested to initiate the process, and additional fee requests follow after the process has begun.
- **Nigerian Letter or "419."** Named for the violation of Section 419 of the Nigerian Criminal Code, the 419 scam combines the threat of impersonation fraud with a variation of an advance fee scheme in which a letter, e-mail, or fax is received by the potential victim. The communication from individuals representing themselves as Nigerian or foreign government officials offers the recipient the "opportunity" to share in a percentage of millions of dollars, soliciting for help in placing large sums of money in overseas bank accounts. Payment of taxes, bribes to government officials, and legal fees are often described in great detail with the promise that all expenses will be reimbursed as soon as the funds are out of the country. The recipient is encouraged to send information to the author, such as blank letterhead stationery, bank name and account numbers, and other identifying information using a facsimile number provided in the letter. The scheme relies on convincing a willing victim to send money to the author of the letter in several installments of increasing amounts for a variety of reasons.
- **Phishing/Spoofing.** Phishing and spoofing are somewhat synonymous in that they refer to forged or faked electronic documents. Spoofing generally refers to the dissemination of e-mail that is forged to appear as though it was sent by someone other than the actual source. Phishing, often utilized in conjunction with a spoofed e-mail, is the act of sending an e-mail falsely claiming to be an established legitimate business in an attempt to dupe the unsuspecting recipient into divulging personal, sensitive information such as passwords, credit card numbers, and bank account information after directing the user to visit a specified website. The website, however, is not genuine and was set up only as an attempt to steal the user's information.
- **Ponzi/Pyramid.** Ponzi or pyramid schemes are investment scams in which investors are promised abnormally high profits on their investments. No investment is actually made. Early investors are paid returns with the investment money received from the later investors. The system usually collapses. The later investors do not receive dividends and lose their initial investment.
- **Reshipping.** The "reshipping" scheme requires individuals in the United States, who sometimes are conspirators and other times are unwitting accomplices, to receive packages at their residence and subsequently repackage the merchandise for shipment, usually abroad. "Reshippers" are being recruited in various ways, but the most prevalent are through

employment offers and conversing with, and later befriending, unsuspecting victims through Internet Relay Chat Rooms. Unknown subjects post help-wanted advertisements at popular Internet job search sites, and respondents quickly reply to the online advertisement. As part of the application process, the prospective employee is required to complete an employment application in which he or she divulges sensitive personal information, such as date of birth and social security number which, unbeknownst to the victim employee, will be used to obtain credit in his or her name. The applicant is informed he or she has been hired and will be responsible for forwarding, or “reshipping,” merchandise purchased in the United States to the company’s overseas home office. The packages quickly begin to arrive and, as instructed, the employee dutifully forwards the packages to their overseas destination. Unbeknownst to the “reshipper,” the recently received merchandise was purchased with fraudulent credit cards.

- **Spam.** With improved technology and worldwide Internet access, spam, or unsolicited bulk e-mail, is now a widely used medium for committing traditional white collar crimes, including financial institution fraud, credit card fraud, and identity theft. Spam can also act as the vehicle for accessing computers and servers without authorization and transmitting viruses and botnets. The subjects masterminding this spam often provide hosting services and sell open proxy information, credit card information, and e-mail lists illegally.
- **Third-Party Receiver of Funds.** In this scheme, the subject, usually foreign, posts work-at-home job offers on popular Internet employment sites, soliciting for assistance from United States citizens. The subject allegedly is posting Internet auctions but cannot receive the proceeds from these auctions directly because his or her location outside the United States makes receiving these funds difficult. The subjects ask a United States citizen to act as a third-party receiver of funds from victims who have purchased products from the subject via the Internet. The United States citizen, receiving the funds from the victims, then wires the money to the subject.³⁰

Since so little hardware and expense is involved, any person with a computer and modem connection to the Internet has the potential to attack computer systems and people online. The knowledge to carry out these attacks is often available online at hacker websites, message boards, and chat rooms. The cybercriminal can be as unsophisticated as a teenage amateur hacker just out for some fun or a talented computer specialist possessing skills on par with technical experts employed by the nation’s top security organizations. Specialization in cybercrime is becoming more common and includes the following roles:

1. Coders or programmers, who write the malware, exploits, and other tools necessary to commit the crime. Contrary to popular belief, coders are not protected by the First Amendment when they knowingly take part in a criminal enterprise—and they go to jail just like the rest of the enterprise.
2. Distributors or vendors, who trade and sell stolen data, and act as vouchers of the goods provided by the other specialties.
3. Techies, who maintain the criminal infrastructure, including servers, bulletproof Internet Service Providers (ISPs), and encryption; and who often have knowledge of common database languages and SQL servers.
4. Hackers, who search for and exploit application, system, and network vulnerabilities to gain administrator or payroll access.
5. Fraudsters, who create and deploy social engineering schemes, including phishing, spamming, and domain squatting.
6. Hosters, who provide “safe” hosting of illicit content servers and sites, often through elaborate botnet and proxy networks.
7. Cashers, who control drop accounts and provide those names and accounts to other criminals for a fee, and who also typically control full rings of money mules.

8. Money mules, who are divided into three types. First are “one and done mules”—people who get tricked by social engineering schemes to send money. Second are “career money mules,” who make a living, or at least a substantial amount of fun money, by completing money transfers or wire transfers between bank accounts. Third are “premier mules,” who are the top of the money mule world. These individuals are actually sent to the United States, often on work or student visas, with the purpose of moving money for criminals.
9. Tellers, who help with transferring and laundering illicit proceeds through digital currency services and between different world currencies.
10. Leaders—many of whom don’t have any technical skills at all. They are the “people-people.” They choose the targets; choose the people they want to work each role; decide who does what, when, and where; and take care of personnel and payment issues.³¹

To meet the challenge of cybercrime, the FBI has formed cyber squads in each of its 56 field offices with more than 1,000 advanced cyber-trained FBI special agents, intelligence analysts, and forensic examiners to combat the rising cybercrime threat. In addition, thousands of FBI agents have gone through and continue to go through basic cyber training, which is now required of every FBI special agent before he or she can even graduate from the FBI Academy at Quantico, Virginia.³² At present, unfortunately, most local and state law enforcement agencies in America are ill prepared to detect, investigate, and prosecute cybercriminals. However, cooperative efforts are now underway among law enforcement, business, high-tech, and national security organizations to better prepare the nation’s police agencies to combat cybercrime.

TRAFFIC

When loss of life, serious injury, suffering, and property damage are all considered, the regulation and control of vehicle and pedestrian traffic are important, if not the most important, police responsibilities. Each year, more than twice as many people are killed in automobile accidents on the streets and highways of the nation than are murdered.

A large percentage of this highway death and suffering is attributable to alcohol. Enforcement of DUI (driving under the influence) laws is critical to the safety of a community. In addition, automobile insurance rates are based to some degree on a community’s level of traffic enforcement. Thus, if the police neglect traffic regulation and enforcement, they are likely to hear about it from both insurance companies and premium payers.

Some of the debate about traffic enforcement concerns whether the major enforcers of traffic regulations should be specialized personnel or uniformed patrol officers. Some traffic responsibilities are already delegated to specialized personnel, such as enforcement of parking regulations and investigations of hit-and-run accidents and traffic fatalities. In some agencies, special **traffic accident investigation crews** are assigned to all traffic accident investigations. Otherwise, patrol officers investigate accidents and attend to other traffic-related duties as a normal part of their everyday workload.

Traffic units exist in nearly all medium-to-large police agencies. Some of their more important functions are:

- To educate motorists in a community about traffic safety and proper driving procedures.
- To enforce traffic laws, particularly when violations of those laws cause traffic accidents.
- To recommend traffic engineering changes that will enhance the flow of traffic and promote safety.

traffic accident investigation crews In some agencies, the special units assigned to all traffic accident investigations.



Scientific traffic accident investigation requires technical expertise. *Should all patrol officers be trained to conduct traffic investigations? Why or why not?*



CAREERS IN CRIMINAL JUSTICE

Ohio State Highway Patrol Officer

My name is Lieutenant Brenda Sue Collins. I have had an exciting career with the Ohio State Highway Patrol (OSHP) and have worked in a variety of assignments since 1985. Currently, I am the post commander for the Fremont post of the State Highway Patrol, responsible for the leadership of all operational and staff personnel serving at the Fremont post. I have also served as a cadet dispatcher (my first job with the patrol), a highway trooper, an academy instructor, an officer in the Traffic and Drug Interdiction Unit, a supervisor in the recruiting section, and a public information officer. I am married to Captain Richard Collins, a district commander of the patrol stationed in Findlay.

An Ohio State Highway Patrol Officer's major responsi-

bility is to patrol the roadways and keep them safe. That responsibility includes investigating vehicle crashes, gaining obedience to the traffic laws by enforcement and other means, giving assistance to motorists 24 hours a day, keeping the roadway free of obstructions, enforcing the extensive commercial vehicle laws, and checking for signs of criminal activity during vehicle stops. One of the toughest parts of the patrol officer's job is to make death notifications to family members of loved ones who have been killed in a fatal crash.

I graduated in the 116th Academy class and was assigned to the Portsmouth post as a trooper, where I was somewhat of a novelty with the citizens since there were not that many female highway patrol officers. But when people see that you do your job effectively and professionally just like your

male counterparts, the novelty soon wears off. Now we have about 130 female troopers out of a total of approximately 1,400 troopers.

I attended Ohio University, where I studied forensic chemistry and law enforcement, and I also attended Ohio State University in Marion. The OSHP provides tuition assistance that varies depending on the grades you receive in courses.

Being married to another highway patrol officer really has its advantages. First, you can learn from each other because you have worked in different assignments and have experienced common things at different times in your career. Richard and I also know the language and values of the highway patrol, therefore allowing us to communicate a lot more clearly than a married couple working at entirely different jobs. The only disadvantage that I can see is that when both of you are senior officers in the patrol, you have to deal with the issue of promotions. As a married couple we are not

allowed to serve in the same posts of the patrol but can be in adjacent districts if there are openings for our rank. Consequently, when promotional opportunities come up for one of us, we have to think of what kind of disruption that will cause in our home life.

The advice I would offer to somebody who wants to be a highway patrol officer is to work in a job you really want until the highway patrol officer's job becomes available. The selection process is long and difficult. I would suggest that you investigate and really find out what a highway patrol officer's job is like. The job entails round-the-clock duty in all sorts of weather, including the worst weather. In fact, you may be the only one out on the highways during bad weather. You are more likely to stick with it when you know these things up front.

What characteristics of your personality do you think would make you best suited to be a highway patrol officer?

Enforcing traffic laws may also reduce criminal activity because stopping vehicles for traffic violations both day and night is likely to put police officers in contact with criminals.

Many veteran officers consider working in the traffic division "clean" police work because it does not normally involve responding to radio calls that take them to the scene of fights, domestic disturbances, or other distasteful incidents, such as those involving drunks. Traffic officers in large police agencies are usually well schooled in scientific accident investigation, a skill that makes them employable in the private sector, usually doing traffic reconstruction for insurance companies. The Traffic Institute at Northwestern University is one of the major schools that prepares officers for sophisticated accident investigation, although many state peace officer and highway patrol academies now have comparable training programs.

DRUG ENFORCEMENT

Illegal drug use in the United States is widespread and stable. According to the Substance Abuse and Mental Health Services Administration's 2009 *National Survey on Drug Use and Health*, 21.8 million Americans age 12 and

older (8.7% of the population age 12 or older) reported using an illegal drug in the month before the survey was conducted. The use rate increased 9.5% from 2007 through 2009.³³ Illegal drugs included marijuana/hashish, cocaine (including crack), heroin, hallucinogens (for example, LSD, PCP, peyote, mescaline, mushrooms, and “Ecstasy” or MDMA), inhalants (for instance, amyl nitrite, cleaning fluids, gasoline, paint, and glue), or prescription psychotherapeutics (pain relievers, tranquilizers, stimulants, and sedatives) used nonmedically. Among past-month illegal drug users, 58% used only marijuana, 18.6% used marijuana and another illegal drug, and 23.4% used only an illegal drug other than marijuana. During 2009, 4 million Americans age 12 or older were daily or nearly daily marijuana users. Table 6.5 provides the number of Americans age 12 or older who used a specific drug or category of drug at least once during their lifetime, during 2009, and during the month before the survey was conducted, and their percentage of the overall population.

Given the extent of illegal drug use in the United States, it is not surprising that drug enforcement has become an increasingly important responsibility of police departments across the nation. Although the war on drugs is a priority of state and federal law enforcement agencies as well, many of the battles have been fought at the local level. Nearly all local police departments regularly engage in drug enforcement.

In 2007, approximately one in four local police departments had one or more officers assigned full-time to a multiagency drug enforcement task force, about the same percentage as in 2003.³⁴ Again, larger departments were more likely than smaller departments to participate in these task forces and assign full-time officers to them. More than 80% of local police departments serving 50,000 or more residents participated in a multiagency drug enforcement task force in 2007, and nearly three quarters of the departments serving 25,000 or more residents participated in them. About 8,500 local police officers were assigned full-time to a task force in 2007, up from about 6,000 in 2003.

Although all levels of government are waging the war on drugs, the focus of the remainder of this section is the drug enforcement strategies of local police (and sheriffs’) agencies. The particular strategies employed by individual agencies vary widely, but the most common strategies are street-level enforcement, mid-level investigations, major investigations, crop eradication, smuggling interdiction, problem-oriented and community policing strategies, drug demand reduction, and asset forfeiture. It is important to note at the outset that none of these strategies has had much of a long-term effect on the U.S. drug problem.

Table 6.5 The Extent of Illegal Drug Use in the United States Among Population Age 12 or Older

Drug	DURING LIFETIME		DURING 2009		DURING MONTH BEFORE SURVEY CONDUCTED	
	Number	%	Number	%	Number	%
Marijuana	104.4 m	41.5%	28.5 m	11.3%	16.7 m	6.6%
Cocaine	36.6 m	14.5	4.8 m	1.9	1.6 m	0.7
Crack	8.4 m	3.3	1.0 m	0.4	492,000	0.2
Hallucinogens	37.3 m	14.8	4.5 m	1.8	1.3 m	0.5
Inhalants	22.4 m	8.9	2.1 m	0.8	560,000	0.2
Heroin	3.7 m	1.5	605,000	0.2	195,000	0.1
Methamphetamine	12.8 m	5.1	1.2 m	0.5	731,000	0.2
Psychotherapeutics used nonmedically*	51.8 m	20.6	16.0 m	6.4	7.0 m	2.8

Notes: m = million; % = percentage of overall population; * = pain relievers, tranquilizers, and sedatives.

Source: Constructed from data in *2009 National Survey on Drug Use and Health*, www.oas.samhsa.gov/NSDUH/2K9NSDUH/2k9ResultsApps.htm#AppG.

Street-Level Enforcement Patrol officers, officers assigned to special drug enforcement units, and plainclothes officers do most of the street-level enforcement. Their tactics include surveillance, interruption of suspected transactions, raids of “shooting galleries” and “crack houses,” buy-and-bust operations, and “reverse stings” in which plainclothes officers offer to sell drugs to willing customers. Street-level enforcement is responsible for most drug arrests and seizures. However, typically, the people arrested are either drug users or small-time dealers, and the seizures are for small amounts of drugs. In 2009, a typical year, more arrests were made for drug abuse violations than for any other offense. About 1.6 million drug arrests were made (down from 1.8 million drug arrests in 2007), which represented 12% of all arrests reported to the FBI.³⁵

Mid-Level Investigations Informants or undercover police officers are frequently employed in mid-level investigations. The primary purpose of these investigations is to identify and make cases against mid-level dealers. Although mid-level dealers generally occupy relatively low-level positions in a drug distribution network and are easily replaced, they often are the highest-ranking drug traffickers that local police agencies can catch. The basic tactic used in these investigations is for undercover officers to gain the confidence of street-level dealers and work their way up to mid-level dealers by requesting to buy larger quantities of drugs than the street-level dealer can provide. Another tactic is for an informant to simply introduce an undercover officer to a mid-level dealer. Street-level dealers often become informants when they are arrested and agree to inform on their suppliers in return for some consideration in prosecution.

Major Investigations The goal of major investigations is to arrest drug kingpins and shut down the organizations responsible for producing, importing, and distributing large quantities of illegal drugs. Major investigations are conducted primarily by federal and state law enforcement agencies, but sometimes the largest local police agencies are involved as well. Most local police agencies do not have the resources to engage in major investigations, which often require long-term commitments, extensive travel, and specialized expertise. In some cases, however, local police agencies participate in major investigations as part of a multiagency task force.



Drug busts can be dangerous. As a law enforcement officer, would you be willing to participate in drug busts? Why or why not?

Crop Eradication Crop eradication is a tactic employed by federal, state, and local law enforcement agencies. However, the only crop targeted by local police agencies is cannabis (marijuana) because it is the only major illegal drug grown in the United States. Because cannabis eradication intervenes at the beginning of the trafficking process, in theory it should have the greatest potential for eliminating or at least significantly reducing marijuana availability and use. In practice, however, a number of problems reduce the effectiveness of the eradication strategy. First, large quantities of marijuana are generally grown in remote, largely inaccessible areas. This makes locating and destroying crops by hand difficult, time-consuming, labor-intensive, and dangerous. Second, spraying crops with chemicals can be hazardous to people, water supplies, animals, and vegetation. Third, even when crop eradication is successful in one area, a new crop can easily be grown in another area. The huge profits that can be made from a marijuana crop create a powerful incentive not to be deterred by eradication efforts. In 2009, the Drug Enforcement Administration (DEA) reported that nearly 10 million marijuana plants cultivated outdoors were eradicated, up from nearly 6.6 million in 2007. In addition, about 415,000 plants cultivated indoors were eradicated, down from about 435,000 in 2007.³⁶

Smuggling Interdiction Federal law enforcement agencies have the primary responsibility for smuggling interdiction, but local police agencies can play a role. Local police officers in jurisdictions near the U.S. borders or those in jurisdictions with international airports or even small airports and airfields can be on the lookout for drug smugglers.

Problem-Oriented and Community Policing Strategies Problem-oriented policing is a strategy that focuses on the underlying problems that cause crime rather than focusing on each specific criminal event. The strategy involves identifying the underlying problems, analyzing them in detail, applying solutions to them, and then evaluating the effectiveness of the solutions. The problem-oriented approach to drug enforcement has been adopted by many local police agencies to address drug problems in public housing projects, drug abuse among teenagers, and drug abuse in abandoned buildings. The strategy makes sense because it promotes careful analysis of a community's unique drug problem before action is taken, advocates customizing responses and targeting resources, and recommends working with other public and private agencies in the problem-solving process.

Community policing, which is addressed in more detail later in the chapter, is both a philosophy and a set of methods. The philosophy is that citizens and the police must form a partnership and work collectively to identify problems, propose solutions, implement action, and evaluate results in the community. Methods include foot patrol, storefronts and other mini-stations in the community, door-to-door contact with citizens, community organizing, ombudsperson-like activities, provision of social services, and problem-oriented policing. Community policing can contribute to drug enforcement in several ways. For example, foot patrol and problem-oriented policing can reduce street-level dealing. Successful community policing may increase public support for drug enforcement efforts by encouraging citizens to report drug crimes and identify drug dealers. Community organizing may empower citizens to resist drug dealers and drug abusers who invade their communities. The provision of enhanced social services, whether provided by police officers or through police ombudspersons, may help individuals resist the temptation of illegal drugs.

Drug Demand Reduction Local police agencies can play a role in drug demand reduction strategies in at least four ways. First, through visible drug enforcement efforts, the police may discourage some people from using drugs in the first place because of a fear of arrest. Second, the police may stop some people from continuing to use drugs by arresting them so that they can get court-ordered treatment or by diverting them to drug treatment programs. Third, through public education programs, especially in the schools, the police may get young people to resist the temptations of drugs or the peer pressure to use

MYTH

Drug interdiction and eradication are effective strategies.

FACT

Despite the regular seizure of huge quantities of illegal drugs, federal, state, and local law enforcement efforts net only about 10% to 15% of the total supply. As for drug interdiction, if correctional officials cannot keep illegal drugs out of maximum security prisons, how effective is the government going to be in keeping illegal drugs from entering the country?



D.A.R.E. programs are taught in about 72% of the nation's school districts. *Why haven't these programs been more effective in reducing illegal drug use among the nation's youth?*

them. Fourth, the police can lend their stature and credibility to efforts to increase funding for drug treatment, prevention, and education programs.

D.A.R.E. (Drug Abuse Resistance Education) is the nation's largest and best-known substance abuse prevention program. It was developed in 1983 by Los Angeles Police Chief Daryl Gates and is now taught in about 72% of the school districts nationwide. In its 2009 annual report, the claim is made that "during its first twenty years, D.A.R.E. contributed to the accomplishment of a 50% reduction of drug use in the United States."³⁷

D.A.R.E. is a school-based collaborative effort among police departments, schools, parents, and community leaders to teach children how to recognize and resist the direct and subtle pressures that influence them to experiment with alcohol, tobacco, marijuana, and other drugs. In recent years, its mission has expanded to include Internet safety, bullying prevention, cyber bullying prevention, prescription and over-the-counter drug abuse prevention, and gang involvement prevention. Usually addressing children in the fifth or sixth grade, a specially trained uniformed police officer comes to the school 1 day a week for 17 weeks and teaches the children for about an hour. The D.A.R.E. curriculum is integrated with other regular subjects. Although D.A.R.E. programs are hugely popular, no scientific study, among the many evaluations that have been conducted, has discovered any statistically significant difference in drug-usage rates between students who had taken D.A.R.E. and those who had not.

Asset Forfeiture A huge incentive for local police departments to participate in drug enforcement activities is *asset forfeiture*. Asset forfeiture is an ancient practice that is referred to in the Bible. It was part of English common law and helped instigate the American Revolution. Partly because of asset forfeiture abuses, the due process clause of the Fifth Amendment was included in the U.S. Constitution to guarantee that property could not be taken from citizens without a judicial hearing.

Congress enacted the first drug-related civil asset forfeiture law in 1970 as part of the Comprehensive Drug Abuse and Prevention Act. The law authorized the government to seize and forfeit illegal drugs, manufacturing and storage equipment, and vehicles used to transport drugs. A major rationale for the law was the belief that drug traffickers should not benefit financially from their illegal activities or be able to use property or money obtained illegally in future drug crimes. In 1978 and throughout the 1980s, Congress passed several more antidrug laws that enhanced the government's power to seize and forfeit property.

Note that the government can seize a person's property under both criminal and civil law. A reason why civil asset forfeiture has been the preferred tool in drug enforcement is that property can be forfeited under criminal law only if the property owner has been convicted of a crime (beyond a reasonable doubt). Under civil forfeiture law, however, the government is required only to have probable cause to seize a person's property. Furthermore, until the passage of the Civil Asset Forfeiture Reform Act of 2000 (CAFRA), an owner under civil forfeiture law had to be proactive to get his or her property back: An owner had to prove in a civil proceeding by a preponderance of the evidence that the property was not used in a crime. CAFRA shifted the burden of proof so that, today, the government has to prove by a preponderance of evidence that the property should be forfeited.

Assets can be forfeited under either federal or state law. When federal agencies are involved in a successful drug enforcement operation, they can return up to 80% of forfeited assets to other participating state or local law enforcement agencies. The amount of money or property returned depends on the particular agency's level of involvement in the case. Federal law requires that all funds returned to state and local law enforcement agencies should be used for law enforcement activities. Each state has its own formula for how forfeited assets are to be distributed and used. For example, some states require all forfeitures to be used for drug enforcement activities; some states require forfeited assets to be given to the state educational system; and other states require the proceeds from forfeitures be deposited in the state treasury to be used at the legislature's discretion. Table 6.6 shows the drug asset forfeiture receipts of local police departments, by size of population served in 2006 (the latest year for which data were available).

Prior to CAFRA, critics pointed to many problems with civil asset forfeiture laws. First, as noted previously, civil asset forfeiture laws placed the burden of proof on the owner of the property seized to show that the property was not used in a drug-related crime. Not only was it difficult to prove a negative—that the property was *not* used in a drug-related crime—but the government also had to prove almost nothing. CAFRA shifted the burden of proof to the government.

Second, the costs involved in a civil asset forfeiture proceeding could be prohibitively high. For example, to contest a federal forfeiture, a property owner

FYI Civil Forfeiture

Civil forfeiture is based on the legal fiction that the property that facilitates or is connected to a crime has itself committed a wrong and can be seized and tried in civil court. Such judicial hearings are referred to as *in rem* proceedings, meaning "against the thing."

Source: Scott Ehlers, *Policy Briefing: Asset Forfeiture*, The Drug Policy Foundation (Washington, DC: U.S. Government Printing Office, 1999), 4.

Table 6.6 Drug Asset Forfeiture Receipts of Local Police Departments, by Size of Population Served, 2006

Population Served	Percent of Departments with Receipts	VALUE OF MONEY, GOODS, AND PROPERTY RECEIVED		
		Total	Per Department*	Per Sworn Officer*
All Sizes	33%	\$307,542,052	\$73,200	\$1,033
1,000,000 or more	62%	\$23,742,200	\$2,802,100	\$644
500,000–999,999	74	25,906,900	1,063,500	703
250,000–499,999	89	36,392,300	838,100	1,218
100,000–249,999	89	50,931,700	298,500	1,028
50,000–99,999	82	61,684,200	175,000	1,385
25,000–49,999	68	37,804,500	64,300	967
10,000–24,999	57	40,211,500	38,800	1,135
2,500–9,999	33	15,537,400	11,300	743
Under 2,500	12	15,331,200	25,300	3,388

Note: Table based on asset forfeiture receipts during calendar 2006. The value of goods and property is based on estimates provided by reporting agencies. Computation of per officer averages includes both full-time and part-time employees, with a weight of 0.5 assigned to part-time employees.

*Excludes departments without receipts.

Source: Brian A. Reaves, *Local Police Departments, 2007*, U.S. Department of Justice, Bureau of Justice Statistics (Washington, DC: U.S. Government Printing Office, December 2010), 35, Appendix Table 2, <http://bjs.ojp.usdoj.gov/content/pub/pdf/1pd07.pdf>.

had to post a bond equal to 10% of the seized property's value. This requirement placed a burden on the poor. CAFRA abolished the bond requirement. The poor were further handicapped in civil asset forfeiture proceedings because the government was not obligated to provide counsel, as the Sixth Amendment required in criminal trials. In many cases, property owners simply forfeited the seized property because of the high costs of getting it back. In some cases, the costs of getting property back were higher than the value of the seized property itself. CAFRA provides for court-appointed counsel for indigent owners if (1) the indigent owner makes a "good faith" claim and is already represented by court-appointed counsel in the related criminal case, and (2) the subject of the forfeiture is the indigent's primary residence. In addition, nonindigent claimants may be entitled to court and litigation costs provided they "substantially prevail" in the civil forfeiture action. Finally, before CAFRA, the government was generally exempt from claims stemming from seizure and possession of an owner's property in civil forfeiture actions. CAFRA now provides for compensation to victims of forfeiture in cases where their property was seized and they were not convicted of a crime giving rise to that forfeiture.

Third, innocent owners could lose their property when someone else used it without their permission or knowledge to commit a drug crime. In the case of *Calero-Toledo v. Pearson Yacht Leasing Company* (1974), for example, law enforcement officers found a marijuana cigarette onboard a yacht rented by the Pearson Yacht Leasing Company. The yacht was forfeited to the government because it was used to transport a controlled substance. The U.S. Supreme Court upheld the forfeiture, establishing the principle that the government can seize an innocent owner's property in a civil proceeding. This seeming injustice was corrected somewhat in 1988, when Congress passed the Asset Forfeiture Amendments Act. The Act created forfeiture exceptions for some, but not all, innocent owners and for violations involving the possession of personal-use quantities of drugs. However, innocent owners were not fully protected by the exception. For example, in 1999, a Wichita, Kansas, couple had their motel forfeited and sold because drugs had been sold on the property. The couple had tried to keep drug dealers off the property by installing floodlights and fences and calling the police, but their property was forfeited anyway. CAFRA created an innocent owner defense applicable to all civil asset forfeiture statutes.

Still, critics argue that the standard of proof in civil forfeiture cases is too low. Because probable cause is the standard of proof necessary to seize property that was used to facilitate a drug crime, little more than hearsay evidence is required. Another problem with probable cause as the standard of proof in civil asset forfeiture proceedings is exemplified by the sheriff of Volusia County, Florida (near Daytona Beach), who defined probable cause for purposes of asset forfeiture as having more than \$100 in cash.

Finally, critics maintain that civil asset forfeiture policy undermines the integrity of the police and the criminal justice system. The proceeds that can be had from civil asset forfeitures are a corrupting influence for many law enforcement officers. Sometimes officers are more concerned with seizing assets than they are with getting drugs off the streets. In some cases, law enforcement officers simply extort money and property from innocent people. Civil asset forfeiture laws sometimes promote other illegal practices such as racial profiling (described in Chapter 7). Sometimes resources are diverted from more serious crimes to drug cases that promise asset forfeitures. In short, although civil asset forfeiture helps fuel the war on drugs and can reduce the profits from the illegal drug trade, there are many reasons to question its fairness and utility, despite the significant reforms of CAFRA. Its harshest critics contend that civil asset forfeiture should be eliminated altogether because criminal asset forfeiture is available and has procedures that better protect the innocent.

Criticisms of the War on Drugs In addition to the already mentioned problems with specific aspects of drug enforcement, the war on drugs itself has been severely criticized. First, critics contend that the government has exaggerated the dangers of illegal drug use to gain public support for the war on drugs and has generally ignored the harms caused by the drug laws themselves. For example, it

has been estimated that about 3,600 people die each year from the consumption of all illegal drugs combined. While any death from illegal drug consumption is regrettable, the 3,600 deaths attributed to illegal drugs pale in comparison to the approximately 200,000 alcohol-related and 400,000 tobacco-related deaths each year. Moreover, rarely are drug-related deaths the result of abuse or misuse of the drugs. Instead, most of the drug-related deaths are directly attributable to the drug laws that prohibit their use. For example, most heroin overdoses occur because the heroin is adulterated (that is, the drug is “cut” or mixed with dangerous substances to increase the quantity of the drug available to sell or to produce a more readily ingestible form of the drug). Heroin is adulterated because it is illegal and unregulated; there is no quality control in its production and distribution. Also, because it is illegal, heroin addicts share needles, a practice that spreads disease and illness. It has been estimated that 25% of AIDS cases in the United States are a direct result of the unsafe and unsanitary conditions in which illegal drugs are consumed. The same is true of cocaine. Because of the drug laws, the price of using powder cocaine is too high for many people, so they substitute the more affordable and more dangerous crack cocaine. A person is more likely to die or suffer injury from smoking the drug than he or she is from snorting it. As for marijuana, no one has ever died from using marijuana. The greatest danger to marijuana smokers is in smoking the drug after it has been adulterated by government control programs, such as the spraying of herbicides on marijuana crops.

Another way the government has tried to rally support for the drug war has been to try to persuade the public of a direct connection between illegal drug use and crime. However, as described in the Myth/Fact box on this page, it is not drugs that cause crime, but rather the drug laws that cause crime.

Second, critics have argued that the drug war is racist. Of the approximately 1.6 million people arrested in 2009 for drug abuse violations, 65% were white and 33.6% were black. Yet, blacks are only about 14% of all drug users, and a National Institute on Drug Abuse (NIDA) survey showed that the prevalence of drug use is nearly the same among whites and blacks. Furthermore, in many jurisdictions the penalties are much more severe for possession of crack cocaine than they are for the possession of powder cocaine, although pharmacologically they are identical drugs. For example, until August 3, 2010, when the Fair Sentencing Act of 2010 (Pub. L. 111-220) was enacted, federal sentencing guidelines provided for a 100-to-1 sentencing disparity, which meant that conviction for possessing 5 grams of crack resulted in the same mandatory minimum 5-year sentence as conviction for possessing 500 grams of powder cocaine. On average, federal crack-cocaine defendants received sentences that were 50% longer than those received by federal powder-cocaine defendants. When Congress passed the Anti-Drug Abuse Act in 1986, crack was a relatively new drug believed to be more dangerous than powder cocaine. About 60% of people arrested for possession of powder cocaine are white, while about 90% of the people arrested for possession of crack cocaine are black. Ironically, relatively low-level crack cocaine dealers have received longer prison sentences than wholesale-level powder cocaine dealers from whom the crack dealer originally bought the powder to make the crack.

In two recent cases, the U.S. Supreme Court ameliorated somewhat the harsh federal sentencing guidelines for cocaine. In *United States v. Booker* (2005), the Court held that the formerly mandatory sentencing guidelines are now only advisory. Under the new rule, the guidelines are to serve as only one factor among others that must be considered in determining an appropriate sentence. If judges believe that deviating from the guidelines is reasonable under the circumstances, they may do so. In *Kimbrough v. United States* (2007), the Court reversed the Fourth Circuit of Appeals, which ruled that “a sentence outside the guidelines range is *per se* unreasonable when it is based on a disagreement with the sentencing disparity for crack and

MYTH

Illegal drug use causes crime.

FACT

Illegal drug use is not a significant cause of crime. Although the effects of some illegal drugs may cause a very small number of violent crimes, the vast majority of drug-related crimes are caused by the drug laws that make the possession, distribution, cultivation, or manufacture of certain drugs a crime. The drug laws also cause crime by creating an illegal market in which drug prices are artificially and dramatically increased. This makes it necessary for some drug users, especially addicts, to steal or deal to get money to buy drugs. It also contributes to the violence of rival drug dealers seeking to monopolize a market. The illegality of desired drugs also puts otherwise law-abiding people in contact with members of the criminal underworld from whom they can learn criminal skills. Ironically, alcohol is the only drug that has been found to cause a significant amount of crime, and alcohol is legal for adults.



About 60% of people arrested for possession of powder cocaine are white, while about 90% of people arrested for possession of crack cocaine are black. *Should law enforcement authorities distinguish between powder cocaine and crack cocaine when making arrests for possession? Why or why not?*

FYI

Drug Offenders in Prison

At year-end 2009, 50.7% of federal prisoners and, in 2008, 18.4% of state prisoners were incarcerated for drug offenses. That compares with 58% of federal prisoners and 21% of state prisoners who were incarcerated for drug offenses in 1998.

Source: Heather C. West, William J. Sabol, and Sarah J. Greenman, "Prisoners in 2009," in *Bureau of Justice Statistics Bulletin*, U.S. Department of Justice (Washington, DC: U.S. Government Printing Office, December 2010), 32, Appendix Table 17c, and 33, Appendix Table 18; Allen J. Beck, "Prisoners in 1999," in *Bureau of Justice Statistics Bulletin*, U.S. Department of Justice (Washington, DC: U.S. Government Printing Office, August 2000), 10, Table 15, and 12, Table 21.

powder offenses." As a result, in December 2007, the federal sentencing commission voted unanimously to allow about 20,000 federal inmates to seek reductions in their crack sentences. The sentencing commission estimated the average reduction would likely be a little more than two years.

On August 3, 2010, as noted previously, President Obama signed into law the Fair Sentencing Act of 2010 (Pub. L. 111-220). The law does not eliminate the sentencing disparity between crack and powder cocaine offenses, but it does dramatically reduce the disparity from the previous 100-to-1 ratio to a new 18-to-1 ratio. Another significant change the law makes is to eliminate the mandatory minimum 5-year prison sentence for first-time offenders possessing crack cocaine. However, the law as passed does not apply retroactively as many advocates had hoped. These developments, moreover, only apply to federal cocaine cases; they do not apply to those that originate at the state level.

Third, as noted previously, critics point out that the war on drugs and the huge amount of money involved in the drug trade have corrupted many law enforcement personnel, who have been found guilty of drug dealing, providing protection for drug dealers, conspiracy, extortion, bribery, robbery, theft, and murder. Unfortunately, examples abound. A *New York Times* report disclosed that each year more than 100 law enforcement officers are prosecuted in state and federal courts on drug corruption charges.

Fourth, critics maintain that the war on drugs is hugely expensive, diverts resources from arguably more important projects, and has had little lasting effect on illegal drug use. Since 1980, the United States has spent hundreds of billions of dollars on federal, state, and local antidrug efforts—more than is spent on medical research into cancer, heart disease, or AIDS, to name just three worthwhile projects. Furthermore, despite the huge amount of money and effort spent on the drug war, the prices of many illegal drugs have not increased and in many cases have fallen, and the purity of illegal drugs and their availability have not decreased but in many cases have increased. If the drug war is successfully reducing supply or demand, one would expect prices to increase, and the purity and availability of illegal drugs to decline.

Although the measurement of illegal drug use is fraught with all sorts of reliability problems, according to the Substance Abuse and Mental Health Services Administration's annual *National Survey on Drug Use and Health*, there was a significant decline in illegal drug use among both youths and adults between 1979 and 1992 (from 25 million past-month illegal drug users to 12 million past-month illegal drug users). However, the number of past-month illegal drug users has increased unevenly between 1992 and 2010. The estimated number of past-month illegal drug users age 12 or older in the United States in 2009 was 21.8 million. The higher number is attributed to a much higher rate of use among youths, a small increase in the rate of use among adults, and a 10% increase in the size of the U.S. population. Critics are calling for an end to the drug war. Some critics want illegal drugs to be decriminalized or legalized. Other critics want the drug problem treated as a public health problem and not as a criminal justice problem. Perhaps it is time to seriously rethink America's strategy for dealing with illegal drug use.

THINKING CRITICALLY

1. What do you think are the pros and cons of being an investigator/detective? Does this type of work sound attractive to you?
2. Do you think state and federal law enforcement agencies should be able to collect and store DNA and fingerprints of people who have not been convicted of crimes? Why or why not? If they should be allowed, for how long should the DNA and fingerprints be kept?
3. Do you think there are any ways to protect individuals and businesses from becoming victims of cybercrime? If so, what do you propose?
4. Do you think the United States should change its drug enforcement strategy? If so, in what ways? If not, why not?

Community Policing

For decades, police followed the professional model, which rested on three foundations: preventive patrol, quick response time, and follow-up investigation. Sensing that the professional model did not always operate as efficiently and effectively as it could, criminal justice researchers set out to review current procedures and evaluate alternative programs. One of the first and best-known of these studies was the Kansas City, Missouri, Preventive Patrol Experiment, discussed earlier in this chapter. That study's conclusion was that preventive patrol did not necessarily prevent crime or reassure citizens. Following the study, some police departments assigned police units to proactive patrol, giving them specific assignments rather than having them randomly cruise the streets.

Another study, again with the Kansas City Police Department, examined the effects of police response time. The study found that police response time was unrelated to the probability of making an arrest. Researchers discovered that the time it takes a citizen to report a crime—not the speed with which police respond—was the major determinant of whether an on-scene arrest took place or witnesses could be located. In 90% of crimes, citizens wait 5 to 10 minutes to call the police, precluding catching the criminal at the scene.

As preventive patrol and fast response time were being questioned, so, too, was follow-up investigation. A study by the Rand Corporation reviewed the criminal investigation process for effectiveness. The researchers concluded that the work of a criminal investigator alone rarely leads to an arrest and that the probability of arrest is determined largely by information that patrol officers obtain at the crime scene in their preliminary investigation.³⁸

Criminal justice researchers continued their review of accepted police functions with the aim of making policing more effective by initiating new techniques and procedures. One of the interesting findings of the foot patrol research was that foot patrol officers were better able to deal with minor annoyances—such as rowdy youths, panhandlers, and abandoned cars—that irritate citizens.

In a theory called “broken windows,” noted police scholars James Q. Wilson and George Kelling proposed that those minor annoyances are signs of crime and cause a fear of crime and that if they are not dealt with early, more serious and more costly problems are likely to occur.³⁹ Wilson and Kelling concluded that to help solve both minor and major problems in a neighborhood and to reduce crime and fear of crime, police officers must be in close, regular contact with citizens. That is, police and citizens should work cooperatively to build a strong sense of community and should share responsibility in the neighborhood to improve the overall quality of life within the community.

THE PHILOSOPHY AND COMPONENTS OF COMMUNITY POLICING

With community policing, citizens share responsibility for their community's safety. Citizens and the police work collectively to identify problems, propose solutions, implement action, and evaluate the results in the community. A community policing perspective differs in a number of ways from a traditional policing perspective. For example, in community policing, the police must share power with residents of a community, and critical decisions need to be made at the neighborhood level, not at a downtown police headquarters. Such decentralization of authority means that credit for bringing about a safer and more secure community must be shared with the people of the community, a tall order for any group of professionals to accept. Achieving the goals of community policing requires successful implementation of three essential and complementary components or operational strategies: community partnership, problem solving, and change management.⁴⁰

Community Partnership Establishing and maintaining mutual trust between citizens of a community and the police is the main goal of the first component of community policing. Police have always recognized the need for cooperation

MYTH

Shorter police response time contributes to more arrests.

FACT

For most crimes, police response time is irrelevant. Approximately two-thirds of crimes are “cold”; the offender is gone long before the crime is discovered. In cases in which time counts, the critical delay often occurs in the time it takes the victim to call the police.



Community police officers visit with a citizen. *How does such activity contribute to crime fighting?*

FYI The Crime Act and COPS

The Violent Crime Control and Law Enforcement Act of 1994—popularly known as the Crime Act—authorized \$8.8 billion over 6 years for grants to local policing agencies to add 100,000 officers and promote community policing in innovative ways. To implement the law, the Office of Community Oriented Policing Services (COPS) was created in the U.S. Department of Justice. As of this writing, COPS has invested \$12.4 billion to add community policing officers to the nation's streets and schools, enhance crime-fighting technology, support crime prevention initiatives, and provide training and technical assistance to advance community policing. As of April 30, 2008, COPS had funded more than 118,000 community policing officers and deputies, and more than 100,000 of these officers and deputies are currently on the beat.

Source: U.S. Department of Justice, Office of Community Oriented Policing Services, www.cops.usdoj.gov/Default.asp?Item=35 and www.cops.usdoj.gov/Default.asp?Item=37.

with the community and have encouraged members of the community to come forward with crime-fighting information. In addition, police have spoken to neighborhood groups, worked with local organizations, and provided special-unit services. How are those cooperative efforts different from the community partnership of community policing?

In community policing, the police become an integral part of the community culture, and the community, in turn, helps the police define future crime prevention strategies and allocate community protection services. Establishing a community partnership means adopting a policing perspective that exceeds the standard law enforcement emphasis. The police no longer view the community as a passive presence connected to the police by an isolated incident or series of incidents. The community's concerns with crime and disorder become the target of efforts by the police and the community working together.

For patrol officers, building police-community partnerships entails such activities as talking to local business owners to identify their concerns, visiting residents in their homes to offer advice on security, and helping to organize and support neighborhood watch groups and regular community meetings. It also involves ongoing communication with residents. For example, a patrol officer might canvass a neighborhood for information about a string of burglaries and then revisit those residents to inform them when the burglar is caught.

Problem Solving Problem solving requires a lot more thought, energy, and action than traditional incident-based police responses to crime and disorder. In full partnership, the police and a community's residents and business owners identify core problems, propose solutions, and implement a solution. Thus, community members identify the concerns that they feel are most threatening to their safety and well-being. Those areas of concern then become priorities for joint police-community interventions.

For this problem-solving process to operate effectively, the police need to devote time and attention to discovering a community's concerns, and they need to recognize the validity of those concerns. Police and neighborhood groups may not always agree on the specific problems that deserve attention first. For example, the police may regard robberies as the biggest problem in a particular neighborhood, while residents find derelicts who sleep in doorways, break bottles on sidewalks, and pick through garbage cans the number one



A community police officer talks to a boy at the Puerto Rico Day Parade. *What, if anything, is the police officer trying to accomplish?*

problem. In community policing, both problems should receive early attention from the police, other government agencies, and the community.

Some community policing advocates recommend a four-step problem-solving process referred to as SARA: *Scanning*—identifying problems; *Analysis*—understanding underlying conditions; *Response*—developing and implementing solutions; *Assessment*—determining the solutions' effect. One useful tool in working toward a solution is known as the *crime triangle*. The crime triangle is a view of crime and disorder as an interaction among three variables: a victim, an offender, and a location. Solutions can be developed that affect one or more of the three elements of the crime triangle. For example, suppose elderly residents are being jeopardized by speeding teenagers in automobiles as they walk across the streets of a suburban residential neighborhood. Using a crime triangle analysis might result in the following police-community solutions: using the juvenile court to alter the probation period of offending drivers (focus on the offender), installing speed bumps in the pavement or changing the cycles of traffic signals on opposite ends of the street so that motorists cannot build up speed (focus on the location), holding safety education classes at the senior center to educate elderly residents to use marked crosswalks (focus on the victim). More than likely, in community policing, a combination of those solutions would be used. Such a response to a community problem is much more thorough than merely having a squad car drive by the location when a citizen calls in a complaint.

Change Management Forging community policing partnerships and implementing problem-solving strategies necessitate assigning new responsibilities and adopting a flexible style of management. Traditionally, patrol officers have been accorded lower status in police organizations and have been dominated by the agency's command structure. Community policing, in contrast, emphasizes the value of the patrol function and the patrol officer as an individual. It requires the shifting of initiative, decision making, and responsibility downward within the police organization. The neighborhood police officer or deputy sheriff becomes responsible for managing the delivery of police services to the community or area to which he or she is permanently assigned. Patrol officers are the most familiar with the needs and concerns of their communities and are in the best position to forge the close ties with the community that lead to effective solutions to local problems.



Community police officers discussing neighborhood problems with residents. *In what ways can elderly citizens contribute to crime fighting?*

FYI School Resource Officers

School resource officers use a community policing approach to provide a safe environment for students and staff. They respond to calls for service within the school and work with school administrators and staff to prevent crime and disorder by monitoring crime trends, problem areas, cultural conflicts, and other concerns. As of year-end 2007, local police departments had 13,056 full-time sworn personnel serving as school resource officers, down from about 14,300 in June 2003.

Source: Brian A. Reaves, *Local Police Departments, 2007*, U.S. Department of Justice, Bureau of Justice Statistics (Washington, DC: U.S. Government Printing Office, December 2010), Table 32; Matthew J. Hickman and Brian A. Reaves, *Local Police Departments, 2003*, U.S. Department of Justice, Bureau of Justice Statistics (Washington, DC: U.S. Government Printing Office, May 2006), iii.

Under community policing, police management must guide, rather than dominate, the actions of the patrol officer and must ensure that patrol officers have the necessary resources to solve the problems in their communities. Management must determine the guiding principles to convert the philosophy of the agency to community policing and then to evaluate the effectiveness of the strategies implemented.

IMPLEMENTING COMMUNITY POLICING

Implementation plans for community policing vary from agency to agency and from community to community. The appropriate implementation strategy depends on conditions within the law enforcement agency and the community embarking on community policing. Successful implementation requires that the police and the members of the community understand the underlying philosophy of community policing and have a true commitment to the community policing strategy. Communication, cooperation, coordination, collaboration, and change are the keys to putting community policing into action. Until recently, the community policing philosophy had become so popular and broadly implemented that it existed as the operating method of police departments in colleges and universities, transit systems, and even airports. At Dallas Love Field, City of Dallas police officers maintain a community police substation in the airport as part of the regular security force and receive specially marked federal funds and airport community police training.

All this may be changing, however, because grant funding is being shifted from COPS to the Department of Homeland Security (DHS). If, as some have argued, the philosophies of community policing and homeland security are incompatible, the era of community policing may be ending, as the era of homeland security policing begins.⁴¹ According to a recent survey, 16% of local police departments, employing 48% of all officers, maintained or created a written community policing plan by year-end 2007, compared to 14% of departments, employing 44% of officers as of June 30, 2003. More than half (53%) of departments, employing 81% of all officers at year-end 2007, had a mission statement that included some aspect of community policing, compared to 47% of departments, employing 73% of all officers in 2003. However, only 47% of all departments used 47,000 full-time community policing officers at year-end 2007, compared to 58% of all

departments that employed 54,800 community policing officers in 2003. The percentage of departments and the number of full-time community policing officers are down substantially from those reported in 2000, when 66% of all departments used a total of about 103,000 community policing officers.⁴²

THINKING CRITICALLY

1. Can you think of ways to make community policing even more effective?
2. Do you think there is a certain operational style that is most appropriate for community policing? If so, which one?

Terrorism and Homeland Security

Terrorism is one of the oldest forms of human conflict. Before societies began waging war against each other, individuals and small groups used acts of terror to achieve their goals, such as deposing existing leaders and frightening and repelling adversaries from territory they claimed for themselves.⁴³ Terrorism has been used by both right-wing and left-wing political organizations, by ethnic and nationalistic groups, by revolutionaries, and by the armies and secret police of established governments. However, according to the FBI, the modern era of terrorism did not begin until the late 1960s, and U.S. soil remained largely free from serious acts of international terrorism until the bombing of the World Trade Center in 1993.⁴⁴ Before then, the vast majority of deadly terrorist acts carried out in the United States were committed by domestic terrorists, such as Timothy McVeigh and Terry Nichols, who were responsible for the 1995 bombing of the Alfred P. Murrah Federal Building in Oklahoma City.⁴⁵ All that changed on September 11, 2001, when, according to Ambassador Francis X. Taylor, the U.S. Department of State's Coordinator for Counterterrorism, "the United States suffered its bloodiest day on American soil since the Civil War, and the world experienced the most devastating international terrorist attack in recorded history."⁴⁶ On that infamous day in September, 19 hijackers belonging to the al-Qaeda terrorist network commandeered four aircraft to commit the most audacious terrorist act in American history.

- Five terrorists hijacked American Airlines flight 11, which departed Boston for Los Angeles at 7:45 A.M. An hour later it was deliberately piloted into the North Tower of the World Trade Center in New York City.
- Five terrorists hijacked United Airlines flight 175, which departed Boston for Los Angeles at 7:58 A.M. At 9:05 A.M. the plane crashed into the South Tower of the World Trade Center. Both towers collapsed shortly thereafter, killing approximately 3,000 people, including hundreds of firefighters and rescue personnel who were helping to evacuate the buildings.
- Four terrorists hijacked United Airlines flight 93, which departed Newark for San Francisco at 8:01 A.M. At 10:10 A.M. the plane crashed in Stony Creek Township, Pennsylvania, killing all 45 people onboard. The intended target of this hijacked plane is not known, but it is believed that passengers overpowered the terrorists, thus preventing the aircraft from being used as a missile.
- Five terrorists hijacked American Airlines flight 77, which departed Washington Dulles Airport for Los Angeles at 8:10 A.M. At 9:39 A.M. the plane was



Before 9/11, the bombing of the Alfred P. Murrah Federal Building in Oklahoma City on April 19, 1995, by Timothy McVeigh was the worst incident of domestic terrorism in American history. *What are the similarities and differences between the bombing of the Murrah Federal Building by McVeigh and the 9/11 terrorist assaults on the World Trade Center and the Pentagon?*

flown directly into the Pentagon in Arlington, Virginia, near Washington, DC. A total of 189 people were killed, including all who were onboard the plane.⁴⁷

terrorism The systematic use of terror or unpredictable violence against governments, publics, or individuals to attain a political objective; the unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives; or premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents, usually intended to influence an audience.

domestic terrorism The unlawful use, or threatened use, of force or violence by a group or individual based and operating entirely within the United States or its territories without foreign direction committed against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.

international terrorism Violent acts dangerous to human life that are a violation of the criminal laws of the United States or any state, or that would be a criminal violation if committed within the jurisdiction of the United States or any state. These acts appear to be intended to intimidate or coerce a civilian population, influence the policy of a government by intimidation or coercion, or affect the conduct of a government by assassination or kidnapping. International terrorist acts occur outside the United States or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to coerce or intimidate, or the locale in which the perpetrators operate or seek asylum.

DEFINITIONS AND TYPES OF TERRORISM

There is no single, universally accepted definition of terrorism, and types of terrorism can be distinguished by perpetrators, motives, methods, and targets. Whatever the definition, the key elements of terrorism are fear, panic, violence, and disruption.⁴⁸ The FBI defines **terrorism** as “the systematic use of terror or unpredictable violence against governments, publics, or individuals to attain a political objective.”⁴⁹ In the U.S. Code of Federal Regulations (28 C.F.R. Section 0.85), terrorism is defined as “the unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.”⁵⁰ Title 22 of the U.S. Code, Section 2656f(d), defines terrorism as “premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents, usually intended to influence an audience.”⁵¹

The FBI divides terrorism into two broad categories: *domestic terrorism* and *international terrorism*.

- **Domestic terrorism** is the unlawful use, or threatened use, of force or violence by a group or individual based and operating entirely within the United States or its territories without foreign direction committed against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.⁵²
- **International terrorism** involves violent acts dangerous to human life that are a violation of the criminal laws of the United States or any state, or that would be a criminal violation if committed within the jurisdiction of the United States or any state. These acts appear to be intended to intimidate or coerce a civilian population, influence the policy of a government by intimidation or coercion, or affect the conduct of a government by assassination or kidnapping. International terrorist acts occur outside the United States or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to coerce or intimidate, or the locale in which the perpetrators operate or seek asylum.⁵³

The FBI further divides domestic terrorism into “right-wing terrorism,” “left-wing terrorism,” “special interest terrorism,” and “individual terrorism.” *Right-wing terrorist groups*, such as the Aryan Nations and the World Church of the Creator, generally oppose government in general and government regulation in particular. Members typically are virulent racists who believe in racial supremacy and conspiracy theories.⁵⁴ *Left-wing terrorist groups* generally believe in revolutionary socialist doctrine and seek radical change outside the established political process. They want to liberate people from the dehumanizing effects of capitalism and imperialism. With the collapse of the Soviet Union and the fall of communism in Eastern Europe in the 1980s, left-wing terrorist groups no longer pose much of a threat to the United States.⁵⁵ The goal of *special interest terrorist groups* is to change the attitudes of the public about specific issues that are important to the group rather than to bring about fundamental political change. These groups generally are fringe elements of antinuclear, environmental, pro-life, animal rights, and other movements.⁵⁶ As of this writing, the FBI considers the Animal Liberation Front (ALF) and the Earth Liberation Front (ELF) two of the most active special interest terrorist groups. *Individual terrorist acts* are committed by “lone wolf” extremists who operate alone or in small groups and defy detection both as to their identities and their plans for destruction. Timothy McVeigh and Eric Robert Rudolph are examples of this category of terrorist.⁵⁷

The FBI estimates that about 20% to 30% of international terrorist incidents that occur annually in the United States and abroad are directed at U.S. interests.⁵⁸ These threats to U.S. interests are divided into three categories:



The FBI considers the Animal Liberation Front (ALF) and the Earth Liberation Front (ELF) as two of the most active special interest terrorist groups. *What do these two groups have in common with terrorist groups such as the Irish Republican Army, Palestinian Hamas, and the Revolutionary Armed Forces of Colombia (FARC)? How do they differ?*

state sponsors of international terrorism, formalized terrorist organizations, and loosely affiliated extremists and rogue international terrorists.⁵⁹ As of this writing, the principal *state sponsors of terrorism* are Cuba, Iran, Sudan, and Syria. For these countries, terrorism is a tool of foreign policy.⁶⁰ Three countries recently have been removed from the state sponsors of terrorism list: Iraq in 2004, Libya in 2006, and North Korea in 2008. *Formal terrorist organizations* are autonomous; generally transnational; and have their own personnel, infrastructures, financial arrangements, and training facilities.⁶¹ Table 6.7 lists the 43 foreign terrorist organizations recognized by the U.S. State Department as of August 5, 2010. *Loosely affiliated extremists* and *rogue international terrorists* include the World Trade Center bombers and rogue terrorists such as Osama bin Laden and members of al-Qaeda.⁶²

Still another way of characterizing terrorism is by the methods used by terrorists. The traditional method has involved a conventional bomb, and it has continued to be the preferred method. However, today, the most feared method involves weapons of mass destruction (WMDs), such as nuclear, radiological, and biological devices. Agroterrorism is another method and is an attack on a food source or the distribution of food supplies. Cyberterrorism, dubbed “information warfare,” may take various forms, including the hacking into or destroying of the nation’s electronic infrastructure, thus rendering mass communications via the Internet inoperable. High-energy radio frequency (HERF) and electromagnetic pulse weapons (EMPs) can shut down mass communication systems almost instantly.⁶³

For purposes of this textbook, note that terrorists are criminals, according to the FBI’s counterterrorism policy.⁶⁴ However, also remember that one person’s terrorist is another person’s freedom fighter. The British, for example, accused the American revolutionaries of being terrorists.⁶⁵

THE LAW ENFORCEMENT RESPONSE TO TERRORISM

Terrorists’ acts are often perpetrated by disaffected and angry individuals and groups who are far removed from the everyday American scene. Yet, through the media, American citizens are learning more about terrorism than ever before. Still, terrorism is a complex phenomenon. American law enforcement officers have no choice anymore. They must learn all they can to protect the nation and its people.

Table 6.7 43 Foreign Terrorist Organizations Recognized by the U.S. State Department

Abu Nidal Organization (ANO)	Islamic Movement of Uzbekistan (IMU)	Popular Front for the Liberation of Palestine (PFLP)
Abu Sayyaf Group	Jaish-e-Mohammed (JEM) (Army of Mohammed)	PFLP-General Command (PFLP-GC)
Al-Aqsa Martyrs Brigade	Jemaah Islamiya (JI)	al-Qa’ida
Al-Shabaab	Kahane Chai (Kach)	al-Qaida in Iraq (AQI)
Ansar al-Islam	Kata’ib Hizballah	al-Qaida in the Islamic Maghreb (formerly GSPC)
Armed Islamic Group (GIA)	Kongra-Gel (KGK, formerly Kurdistan Workers’ Party, PKK, KADEK)	Real IRA
Asbat an-Ansar	Lashkar-e Tayyiba (LT) (Army of the Righteous)	Revolutionary Armed Forces of Colombia (FARC)
Aum Shinrikyo	Lashkar i Jhangvi	Revolutionary Organization 17 November (17N)
Basque Fatherland and Liberty (ETA)	Liberation Tigers of Tamil Eelam (LTTE)	Revolutionary People’s Liberation Party/Front (DHKP/C)
Communist Party of the Philippines/New People’s Army (CPP/NPA)	Libyan Islamic Fighting Group (LIFG)	Revolutionary Struggle
Continuity Irish Republican Army	Moroccan Islamic Combatant Group (GICM)	Shining Path (Sendero Luminoso, SL)
Gama’a al-Islamiyya (Islamic Group)	Mujahedin-e Khalq Organization (MEK)	United Self-Defense Forces of Colombia (AUC)
HAMAS (Islamic Resistance Movement)	National Liberation Army (ELN)	
Harakat ul-Jihad-i-Islami/Bangladesh (HUJI-B)	Palestine Liberation Front (PLF)	
Harakat ul-Mujahidin (HUM)	Palestinian Islamic Jihad (PIJ)	
Hizballah (Party of God)		
Islamic Jihad Union		

Since the tragedy of September 11, 2001, terrorism has been at the top of the national agenda. People are frightened without knowing exactly what to do about it. Local, state, and federal law enforcement agencies have new responsibilities for the prevention of both domestic and international terrorism and for reducing America's fear. To guide them, especially at the national level, President George W. Bush laid out four general policy principles:

1. Make no concessions to terrorists and strike no deals (even if U.S. citizens are held hostage).
2. Bring terrorists to justice for their crimes (no matter how long it takes).
3. Isolate and apply pressure on states that sponsor terrorism to force them to change their behavior.
4. Bolster the counterterrorist capabilities of those countries that work with the United States and require assistance.⁶⁶

To prevent terrorism, billions of dollars are being committed and spent, and some civil liberties have been curtailed or severely restricted. The typical business or pleasure trip by airplane, for example, has become an even more taxing and intrusive experience. Even a simple trip to the library can make a person suspect should he or she select literary works that trigger the suspicion of a federal law enforcement agency. In a nation that was founded on the principles of freedom, openness, and anonymity for the most part, the new security, surveillance, and intelligence initiatives implemented since 9/11 have created concerns for many Americans.

Attempting to prevent terrorism is a daunting task. How can law enforcement officers protect every soft and hard target in America: all schools, all local water supplies, all food supply lines, all religious institutions, every public building in large and small communities, and all sources of energy? Although herculean does not adequately describe the charge, the protection of the American people and the nation's physical assets, as well as the reduction of fear from the threat of terrorism, is precisely what American law enforcement aims to do.

American law enforcement is now engaged in both defensive and offensive strategies to combat terrorism. However, in a free, open, and largely anonymous society, terrorists and potential terrorists know that the United States is fertile ground for terrorism. The police are faced with a dilemma. If the police are too aggressive trying to find and capture terrorists, American citizens are likely to become more fearful, anxious, and either resistant to or overly enthusiastic about repressive measures. If that occurs, terrorists win because fear, intimidation, disruption, and media attention to their cause are principal goals. However, if American law enforcement is not firm enough in its resolve and tactics to repress terrorism, terrorists will be able to again perpetrate a disaster on the public such as the events of 9/11, with the results of loss of life, serious injury, fear, and anger. Such an event would likely encourage even tighter domestic security procedures, which would be resented by many members of the public, and the entire terror cycle would start over again. Law enforcement officers walk a fine line between preserving liberty and tranquility and providing security that may be perceived as excessive and repressive.

To illustrate, on June 17, 2003, President Bush issued guidelines barring federal agents from using race or ethnicity in routine investigations, but the policy permits exceptions in investigations involving terrorism and national security issues. Consequently, if law enforcement and intelligence officials receive information that terrorists of a certain ethnic group plan to hijack a plane in a particular state in the near future, officials are allowed to heighten security on people of that ethnicity that board planes in that area (also see the description of the PATRIOT Act in Chapter 4).⁶⁷

HOW PREPARED IS THE UNITED STATES TO DEFEND AGAINST TERRORISM?

The answer depends on whom you ask, and there are many people and groups willing to give an answer. As noted in the last chapter, there already have been

FYI Americans Not Very Satisfied with War on Terrorism

In a recent public opinion poll, 52% of Americans were “very satisfied” (11%) or “somewhat satisfied” (41%) with the way things are going for the United States in the war on terrorism, while 47% of Americans were “not too satisfied” (23%) or were “not at all satisfied” (24%).

Source: The Gallup Poll, September 5–7, 2008, www.gallup.com/poll/5257/War-Terrorism.aspx.

some successes. Terrorist acts have been prevented; terrorists have been captured and brought to justice; and the nation, as of May 14, 2011, has avoided another tragedy of 9/11 proportions. Nevertheless, U.S. borders remain porous, and U.S. assets are still vulnerable.

In 2003, two reports critical of the nation’s preparedness to respond to terrorist attacks were released. The independent and bipartisan Council on Foreign Relations concluded that the United States was “drastically underfunding local emergency responders and remains dangerously unprepared to handle another September 11 event.”⁶⁸ The nonprofit Partnership for Public Service determined that the United States is likely to be overwhelmed in the event of a bioterrorism attack because of serious shortages in skilled medical and scientific personnel.⁶⁹

At the end of 2005, the “Final Report on 9/11 Commission Recommendations” was issued, and the news was not good. Congress created the bipartisan Commission in 2002 to investigate aspects of the 9/11 terrorist attacks. Thomas Kean, the Republican chairperson of the Commission, told NBC’s *Meet the Press* that enacting the changes is “not a priority for the government right now.” He added, “A lot of the things we need to do really to prevent another 9/11 just simply aren’t being done by the president or by the Congress.” Lee Hamilton, the Commission’s Democratic vice-chairperson, predicted another attack would occur. He maintained, “It’s not a question of if.”⁷⁰ The conclusion, it seems, is that the United States has much more to do in its preparation to fight terrorism.

None of this was lost on the American public. In a 2007 Harris Poll, substantial majorities of Americans responded that the United States was “likely” to experience the following types of terrorist attacks (percentages in parentheses): (1) “a suicide bomber in a shopping mall” (82%), “a chemical attack using a poison gas” (70%), “a biochemical attack using diseases such as anthrax or small pox” (69%), and “an attack on a nuclear power station” (62%). More than 40% of respondents thought the United States was “likely” to experience “another attack using airplanes like 9/11” (48%) and “a nuclear bomb exploding in a city” (42%). A much smaller percentage believed any of the terrorist incidents was “very likely.”⁷¹ The American public’s level of concern has diminished considerably since 2007. In a 2010 public opinion poll, only 21% of Americans were very worried about another attack in the U.S., 38% were somewhat worried, 38% were not too worried or not at all worried, and 3% did not know.⁷² In another 2010 public opinion poll, only 9% of Americans were very worried that they or someone in their family would become the victim of terrorism, 33% were somewhat worried, 35% were not too worried, and 22% were not worried at all.⁷³

THINKING CRITICALLY

1. What type of terrorism do you think poses the greatest threat to the United States and why?
2. Which of America’s assets do you think are most vulnerable to terrorist attacks, and what do you think can be done to better defend them?
3. How concerned are you about another terrorist attack in the United States?

Summary

1. Identify characteristics of police work.

The role of the police officer is complex and requires a combination of special characteristics, which involve quick decision making, invisible work, “dirty work,” and danger.

2. Distinguish among James Q. Wilson’s three operational styles in policing.

Wilson’s three operational styles in policing are legalistic, which emphasizes violations of the law and the use of arrests to resolve community disputes; watchman, which emphasizes informal means of resolving disputes and using arrest only as a last resort; and service, which emphasizes helping in the community over enforcing the law.

3. List the four major functions of police departments.

The four major functions of police departments in the United States are patrol, investigation, traffic, and drug enforcement.

4. List the drug enforcement strategies of local police agencies.

Although the particular drug enforcement strategies employed by individual agencies vary widely, the most common strategies are street-level enforcement, mid-level investigations, major investigations, crop eradication, smuggling interdiction, problem-oriented and community policing strategies, drug demand reduction, and asset forfeiture.

5. Explain the main components of community policing.

The three main components of community policing are community partnership, problem solving, and change management.

6. Identify four steps in a community policing approach to problem solving.

Community policing relies heavily on problem solving. The four steps in a community policing approach to problem solving are often referred to as SARA: Scanning—identifying problems, Analysis—understanding underlying conditions, Response—developing and implementing solutions, and Assessment—determining the solutions’ effect.

7. Define terrorism, and identify different types of terrorism.

Terrorism has been defined as the systematic use of terror or unpredictable violence against governments, publics, or individuals to attain a political objective; the unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives; or premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents, usually intended to influence an audience. Two broad categories of terrorism are domestic terrorism and international terrorism. Specific types of domestic terrorism are right-wing terrorism, left-wing terrorism, special interest terrorism, and individual terrorism. International terrorism is divided into state-sponsored terrorism, formalized terrorist organizations, and loosely affiliated extremists and rogue international terrorists.

Key Terms

role 198
role expectation 198
role conflict 198
operational styles 202

preventive patrol 203
directed patrol 204
GIS crime mapping 205
aggressive patrol 206

field interrogation 206
cybercrime 212
traffic accident investigation
crews 217

terrorism 232
domestic terrorism 232
international terrorism 232

Review Questions

1. What is a common source of role conflict for the police?
2. Distinguish among the three sets of operational styles identified by criminal justice scholars.
3. How are preventive patrol, directed patrol, and aggressive patrol different?
4. What are the major uses of GIS crime mapping in law enforcement?
5. What are some of the functions of a criminal investigator?
6. What are three distinct functions of DNA profiling?
7. What are some of the types of cybercrime?
8. What are some of the more important functions of traffic units?
9. What are some of the problems with the use of civil asset forfeiture in drug enforcement?
10. What is the philosophy of community policing?
11. What are the three complementary operational strategies of community policing?
12. How frequently has the United States been victimized by domestic and international terrorism?
13. What were President Bush’s four general terrorism policy principles?

In the Field

1. **SARA Approach** In groups of three or four, select a local crime or disorder problem. Using the first three components of the SARA approach to problem solving (scanning, analysis, and response) and considering the elements of the crime triangle, formulate some options to deal with the problem. Present your options to the class, and let the whole class vote to determine which option is the best to solve the problem. Do you agree with the class vote? Why or why not? What do the results of this vote say about attitudes toward crime-related problem solving?
2. **Law Enforcement Resources** Look through several police periodicals, such as *Law and Order*, *Police Chief*, or other professional police magazines. What do the advertised products tell you about law enforcement? What law enforcement issues are addressed in the articles? Write a brief summary of your findings.

On the Net

1. **Cybercrime** Ask a local police officer what the needs of the police in combating cybercrime in your area are. Make a list of the types of cybercrimes that have actually occurred in your area. Compare and contrast that list with what experts on CNET (go to its Web page at www.CNET.com) and the material in your text describe as the important concerns in addressing cybercrime. Is there cause for concern? Why or why not?
2. **Drug Enforcement** To learn more about illegal drugs and drug control policy, visit the website of the Office of National Drug Control Policy at www.whitehousedrugpolicy.gov. Based on what you have learned, write an essay or prepare an oral presentation on whether national drug control policy has been or will be effective in reducing drug use and abuse among the American public.

Critical Thinking Exercises

FAMILIAL DNA SEARCHES

1. Police in Colorado are increasingly using a DNA crime-solving technique called “familial DNA search.” The conventional way of using DNA to identify a crime’s perpetrator is to gather blood, semen, or other genetic material at the crime scene and run it through a DNA database to see if it provides an exact match. A problem is that the perpetrator may not be in the database. In those cases, a familial DNA search may be used, wherein the database is searched for a near-match, that is, for a close relative of the perpetrator. Police can then use that information to help identify the person who committed the crime. Denver police recently used the technique to help catch a burglar who left a drop of blood on a seat when he broke a car window and stole \$1.40 in change. The legality of the technique has not been tested in court (as of February 14, 2010). Critics contend that a familial DNA search amounts to guilt by association and that it could subject innocent people to arrest or hours of interrogation. Proponents argue that it would be unconscionable not to use the technique if it could prevent a rape, for example.
 - a. Do you think familial DNA searches should be a legal law enforcement investigative tool? Why or why not?

COMMUNITY POLICING

2. You are a new community police officer assigned with seven other officers to a low-income, heterogeneous, high-turnover, high-crime neighborhood. How should

you and your fellow officers address the following problems?

- a. Neighborhood residents, neighborhood business owners, and community leaders disagree about the most important problems of the neighborhood and what to do about them. What should you and your fellow officers do?
- b. You organize and heavily publicize a meeting to discuss neighborhood problems and their solutions. However, only about 10% to 20% of neighborhood residents attend, and most of them are white and more affluent homeowners who live in the better parts of the neighborhood. Few minorities or renters attend. What should you and your fellow officers do?
- c. Your precinct captain disagrees with neighborhood residents about the most important problems in the neighborhood. Your precinct captain’s top priority is abandoned cars used for drug dealing. The top priority of neighborhood residents is the overall appearance of the neighborhood. What should you and your fellow officers do?

To access more information and resources, including study questions, chapter summaries, and links, go to www.mhhe.com/bohm7e.



7

Policing America: Issues and Ethics

Chapter Outline

The Police and the Public

Public Attitudes Toward the Police

Police Recruitment and Selection

Qualities of a Successful Police Officer

The Police Recruitment Process

Successful Recruiting Practices

The Police Selection Process

The Selection of a Law Enforcement Executive

Issues in Policing

Discretion

Job Stress

Use of Force

Police Corruption

Professionalizing Law Enforcement

Learning Objectives

After completing this chapter, you should be able to:

1. Describe the general attitude of the public toward the police.
2. Summarize the steps in an effective police officer selection process.
3. Identify factors that affect the exercise of police discretion and methods of limiting discretion.
4. Describe two general ways that law enforcement agencies can reduce stress on the job.
5. Explain the circumstances under which police officers may be justified in using deadly force.
6. List some of the ways to control and reduce police corruption.



Crime fighting can be a lucrative job. For example, in 2008, 56-year-old Clarkstown, New York Police Chief Peter T. Noonan (pictured) was paid \$332,529.88, probably making him the highest paid police chief in the United States. He was the highest paid municipal employee in New York state. Noonan's salary was higher than the police chiefs of New York City, Los Angeles, Chicago, Dallas, Denver, and Detroit. New York City's police commissioner, Raymond W. Kelly, who commands about 35,000 officers compared to Noonan's 173, made "only" \$189,700 in 2008.

Chief Noonan, a native of the Bronx, was hired as a Clarkstown police officer in the late 1970s at a base pay of \$11,250. Over his then 32-year career, he was promoted through the ranks from officer to sergeant to lieutenant to chief, which he had been for five years. He said he works 12-hour days and is "always on call."

Ironically, Noonan was not even the highest paid officer in his department. One of his two captains was paid \$335,676, while working two days a week as a result of a disability; three days a week he had physical therapy. The other captain was paid \$311,369. The average annual salary of the top 50 highest-paid Clarkstown police officers in 2008 was \$200,000. By comparison,

CRIME STORY

the average annual salary for a police chief in the United States in 2008 was \$90,570; for a police captain, \$72,761; for a police lieutenant, \$65,688; for a police sergeant, \$58,739; and for a police corporal, \$49,421. In addition to their salaries, Clarkstown police officers are paid extra for working typically hundreds of overtime hours a year and for unused holiday, vacation, personal, and sick time. In 2008, a police captain in New York City with four years of experience was paid \$135,524; a police officer with five and one-half years of experience made \$90,829, including overtime and other earnings.

The city of Clarkstown, New York, is located in Rockland County and comprises a handful of villages west of the Hudson River, north of the Tappan Zee Bridge, and about a half-hour drive from New York City. It had a population of about 83,000 in 2008, and a median household income of \$96,223 in 2007, compared with \$52,944 for New York state. The department is housed in a modern headquarters with an elaborate communications center. According to the CQ Press national safety index, Clarkstown is consistently one of the safest cities in the United States, among cities with at least 75,000 people. Based on crime statistics, in 2007, it ranked second safest among the approximately 400 cities in its category; in 2008, it ranked sixth; and in 2009, it ranked fifth.

In November 2010, the Town Board announced that 48-year-old Captain Michael Sullivan will become the new police chief of the now 160-member department when Chief Noonan retires in early 2011. Sullivan has been with the Clarkstown police department since 1987. Before that, he was a police officer in New York City from 1983–1987. Like so many of Clarkstown's police officers, Sullivan left New York City for better pay and a quieter job. Town Board members said one of Sullivan's key responsibilities will be cutting department costs without reducing service to the public. As a first step, Sullivan plans to reorganize the department's supervisory roles so it can operate with one less lieutenant.

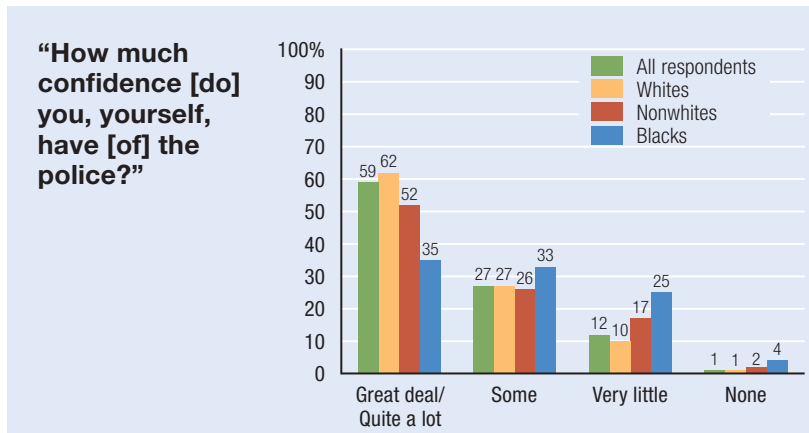
Among the subjects addressed in Chapter 7 is the police recruitment and selection process, including the recruitment and selection of law enforcement executives. While recognizing that the job of police officer (and police executive) is demanding and sometimes dangerous, are the salaries of the Clarkstown police department justified? How much is a police officer/police executive worth? How should police officer/police executive salaries be determined? The answer to these questions may help determine the value of law enforcement in American society.

The Police and the Public

To carry out the duties of law enforcement, order maintenance, service, and information gathering successfully, the police must have the trust and cooperation of the public. The manner in which they carry out those functions, especially law enforcement and order maintenance, determines the community's respect for

Figure 7.1

Views of the Public Toward the Police in the United States, by Race, 2010



Note: Owing to rounding, percentages may not add up to 100%.

Source: “Sourcebook at Criminal Justice Statistics Online,” Table 2.12.2010, accessed January 12, 2011, www.albany.edu/sourcebook/pdf/t2122010.pdf.

and trust in the police. Citizens who trust and respect the police are much more likely to help them carry out their duties; citizens who lack that trust and respect may rebel against the police in particular and government in general.

PUBLIC ATTITUDES TOWARD THE POLICE

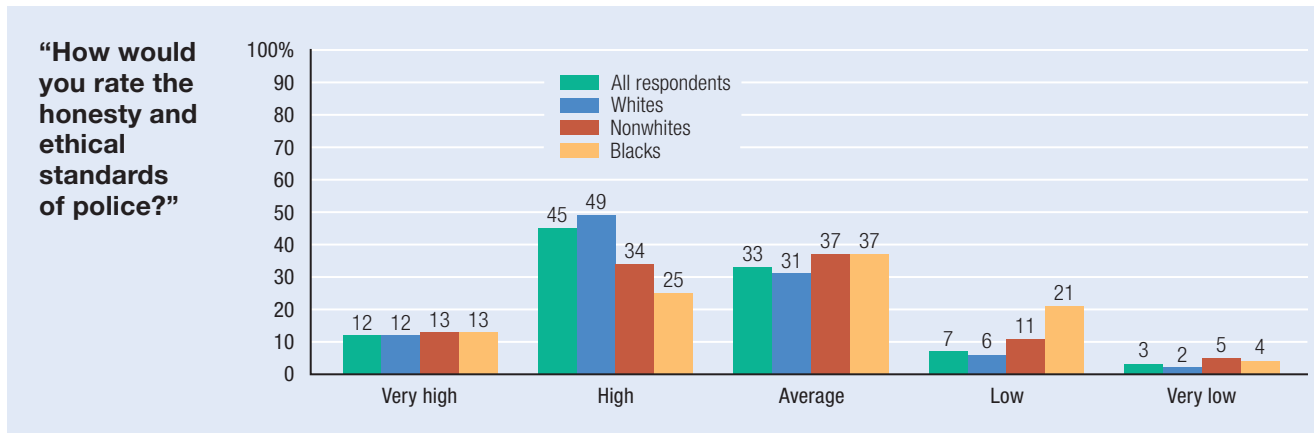
What do people think of the police? The answer depends on what and whom you ask. It also depends on people’s previous experience with the police. Research shows that citizens who have experienced positive contact with the police generally have positive attitudes toward the police.¹ Figure 7.1 reveals that, overall, in 2010, 59% of the public had “a great deal” or “quite a lot” of confidence in the police, 27% had “some” confidence, 12% had “very little,” and 1% had “no confidence at all.” However, among blacks, only 35% had “a great deal” or “quite a



The level of respect and confidence the public has for the police is not particularly high, especially among minorities. *Why is this the case?*

Figure 7.2

Views of the Public Toward the Police in the United States by Race, 2010



Source: *Sourcebook of Criminal Justice Statistics Online*, Table 2.21.2010, accessed March 14, 2011, www.albany.edu/sourcebook/pdf/t2212010.pdf.

lot” of confidence in the police, while 33% had “some” confidence, 25% had “very little confidence,” and 4% had “no confidence at all.” As Figure 7.1 shows, nonwhites, and especially blacks, have less confidence in the police than whites do—a finding that is consistent with many previous opinion polls.

When asked to rate the honesty and ethical standards of the police, in 2010, 12% of the general public rated the police as “very high” on this measure, 45% rated them as “high,” 33% rated them as “average,” 7% rated them as “low,” and 3% rated them as “very low.” Blacks and other nonwhites rated the honesty and ethical standards of police lower: In 2010, 13% of blacks rated the police as “very high,” 25% rated them as “high,” 37% rated them as “average,” 21% rated them as “low,” and 4% rated them as “very low.” (See Figure 7.2.)

In sum, these data clearly show that the public as a whole has more respect for the police and their honesty and ethical standards than it does for a variety of other occupations.² Yet, the level of respect and confidence is not particularly high, nor is it uniform across races and ethnicities. Although most of the public believes that the police do a pretty good job, it also believes there is much room for improvement. One way to improve the police is to employ better police officers.

THINKING CRITICALLY

1. Why do you think that racial groups differ so greatly in their attitudes toward the police?
2. What do you think could be done to improve public attitudes toward the police?
3. How accurate do you think the public’s perceptions of the police are?
4. How do the perceptions presented in this section compare with your own?

Police Recruitment and Selection

Deciding whom to employ should be simple: Hire the type of police officer that the citizens of the community want. Of course, that approach assumes that the citizens of a community have some idea of what it takes to be a police officer. Then, there is the matter of which people to consult. Who should decide? The wealthy? The middle class? The poor? The politically conservative? The politically liberal? The young? The old? The business community? Community leaders? Crime victims? Those people most likely to be policed? Some consensus is needed on the type of police officer desired. Seeking that

consensus in metropolitan communities is filled with conflict. Police administrators need to be very careful in choosing police officers, who may well be with the agency for 20 years or more. A police department will never reach its full potential without selecting the best available personnel. Selection decisions have momentous long-term implications for a police department.³

QUALITIES OF A SUCCESSFUL POLICE OFFICER

Given the complexity of the role of the police officer, it comes as no surprise that deciding what qualities the successful police officer needs is not easy. Indeed, police officers require a combination of qualities and abilities that is rare in any pool of applicants. Robert B. Mills, a pioneer in the psychological testing of police officers, believes that police applicants should possess the following psychological qualities:

- Motivation for a police career
- Normal self-assertiveness
- Emotional stability under stress
- Sensitivity toward minority groups and social deviates
- Collaborative leadership skills
- A mature relationship with social authority
- Flexibility
- Integrity and honesty
- An active and outgoing nature⁴

The Berkeley, California, Police Department lists these qualities:

- Initiative
- Ability to carry heavy responsibilities and handle emergencies alone
- Social skills and ability to communicate effectively with persons of various cultural, economic, and ethnic backgrounds
- Mental capacity to learn a wide variety of subjects quickly and correctly
- Ability to adapt thinking to technological and social changes
- Understanding of other human beings and the desire to help those in need
- Emotional maturity to remain calm and objective and provide leadership in emotionally charged situations
- Physical strength and endurance to perform these exacting duties⁵



Police officers must have a variety of qualities to be successful on the job. *What qualities would you bring to the position?*

three I's of police selection Three qualities of the American police officer that seem to be of paramount importance: intelligence, integrity, and interaction skills.

Three qualities seem to be of paramount importance. One commentator refers to them as the **three I's of police selection**: intelligence, integrity, and interaction skills. In short, police officers need to be bright enough to complete rigorous training. They should be honest enough to resist—and have a lifestyle that allows them to resist—the temptation of corrupting influences in law enforcement. They should also be able to communicate clearly and get along with people of diverse backgrounds.

Nearly as important as the three I's, however, are common sense and compassion. In resolving conflicts and solving problems they encounter, police officers must often choose a course of action without much time to think about it. Common sense is a key quality, for example, in locating a suspect who has just fled a crime scene on foot or in deciding when to call off a high-speed vehicle pursuit that suddenly endangers innocent citizens and other police officers.

Police agencies also seek to employ officers with the core value of compassion. Without a genuine concern for serving one's fellow human beings, a police officer is not likely to sustain a high level of motivation over a long period of time. Many people the police meet on a daily basis simply need help, sometimes required by law; but more often these officers are spurred by a compassion for helping people no matter what their need.

Other qualities, such as physical strength, endurance, and appearance, seem less important. If you were the one who needed to be dragged from a burning automobile, however, the physical strength of the police officer might be important to you.

THE POLICE RECRUITMENT PROCESS

Few occupations have selection processes as elaborate as the ones used in choosing police officers in most departments of the nation. Before choices are made, a wide net must be cast in the recruiting effort to come up with enough potential applicants to fill the vacancies for an academy class. Police departments, often working with city personnel agencies, are generally guided in their selection decisions by civil service regulations. Those regulations are developed either locally or at the state level. They guarantee a merit employment system with equal opportunity for all.

Because employment qualifications are supposed to be based on perceived needs in policing, law enforcement agencies must be careful not to set unnecessary restrictions that have no bearing on an officer's ability to complete training and perform successfully on the job. The addition of just one seemingly minor qualification, such as requiring four pull-ups instead of three during physical ability testing, or making the eyesight requirement slightly more stringent, may eliminate thousands of men and women from the selection process in a large metropolitan area. It is difficult enough to find capable police candidates without needlessly eliminating them from the selection process.

Recruitment Most police agencies have finally realized that the kind of officers they desire will not gravitate naturally to the doors of the department. The search for top-notch applicants is very competitive, and many chiefs and sheriffs believe that they have to look at larger pools of applicants than in the past to find the same number of qualified officers. The reasons for the increased difficulty in finding good police candidates involve social maturity and lifestyle issues. Problems with drugs and alcohol, sexually transmitted diseases, personal debt, and dependability have reduced the number of qualified police applicants. Table 7.1 provides the selection standards for Seattle police officers.

The major goal of the recruiting effort is to cast police work as an attractive and sustaining career, even to those who might initially be turned off by it. Research supports the allure of policing for many people who view a career in law enforcement as financially rewarding and status enhancing. In addition, the work itself is intrinsically satisfying because it is nonroutine, exciting, generally outdoors, and people oriented.⁶

Table 7.1 Selection Standards for Seattle Police Officers, 2010

QUALIFICATIONS

The following standards apply to all candidates for Police Officer:

Minimum Standards:

- Applicant must be at least 20.5 years of age at the time of taking the exam to be hired.
- United States Citizenship is required.
- Proof of high school diploma or a certified GED.
- A valid Washington State Driver's License is required prior to being hired.
- Military discharge under honorable conditions, if applicable (fair employment laws apply).

Drug Use:

- Have **not** used Marijuana within the three (3) years prior to the date of this Acknowledgment of Minimum Standards Regarding Illegal Drug Use, **and**
- Have **not** used Marijuana more than twenty-five (25) times within the past ten (10) years prior to the date of this Acknowledgment of Minimum Standards Regarding Illegal Drug Use, **and**
- Have **not** used cocaine or crack within the ten (10) years prior to the date of this Acknowledgment of Minimum Standards Regarding Illegal Drug Use, **and**
- Have **not** used club drugs such as, but not limited to, ketamine, GHB, rohypnol, and MDMA (ecstasy) within the five (5) years prior to the date of this Acknowledgment of Minimum Standards Regarding Illegal Drug Use, **and**
- Have **not** used any Hallucinogens, LSD, Mushrooms, or Psilocybin within the ten (10) years prior to the date of this Acknowledgment of Minimum Standards Regarding Illegal Drug Use, **and**
- Have **not** used PCP, Angel Dust, Wet or Phencyclidine within the ten (10) years prior to the date of this Acknowledgment of Minimum Standards Regarding Illegal Drug Use, **and**
- Have **not** used Opium, Morphine, or Heroin within the ten (10) years prior to the date of this Acknowledgment of Minimum Standards Regarding Illegal Drug Use, **and**
- Have **not** used Methamphetamine, Crank, Crystal, Ice, Speed, Glass, or Amphetamine within the ten (10) years prior to the date of this Acknowledgment of Minimum Standards Regarding Illegal Drug Use, **and**
- Have **not** inhaled aerosols, sometimes referred to as Huffing (paint) or Whippits (Nitrous Oxide) or used Khat within the five (5) years prior to the date of this Acknowledgment of Minimum Standards Regarding Illegal Drug Use, **and**
- Have **not** used four (4) or more controlled substances within the ten (10) years prior to the date of this Acknowledgment of Minimum Standards Regarding Illegal Drug Use, **and**
- Have **not** used any illegal drug(s) or illegally used pharmaceuticals more than twenty-five (25) times within the ten (10) years prior to the date of this Acknowledgment of Minimum Standards Regarding Illegal Drug Use, **and**
- Have **not** used any illegal drug(s) while employed in a criminal justice and/or law enforcement capacity, **and**
- Have **not** manufactured or cultivated illegal drug(s) for the purpose of the sales/marketing of the drug(s).

Please note that use of illegal drugs and the illegal use of prescription drugs, referred to in this acknowledgment, means the use of one or more drugs, the possession or distribution of which is unlawful under the Uniform Controlled Substances Act.

Traffic Record:

An applicant's driving record will be thoroughly assessed and may be a factor for disqualification. Examples of infractions/traffic crimes that may be disqualifying:

- Driving While Intoxicated (DWI), Reckless Driving, or Hit & Run Driving.
- Suspension of your driver's license within five (5) years of the date of application.
- Three (3) or more moving violations (speeding, negligent driving, etc.) in the past five (5) years of the date of application will be carefully reviewed.
- Two (2) or more accidents within five (5) years of the date of application, wherein applicant was judged to be at fault and/or charged with a moving violation.

Criminal Record:

An applicant's criminal record, including all arrests, prosecutions, deferred prosecutions, "Alford" pleas, and non-conviction information will be thoroughly assessed and may be grounds for disqualification. The following will be disqualifying:

- Any adult felony conviction.
- Any misdemeanor or felony conviction while employed in a criminal justice and/or law enforcement capacity.
- Any domestic violence conviction.

Employment Record:

An applicant's employment history, including any terminations, or leaving an employer in lieu of termination, will be thoroughly assessed and may be grounds for disqualification.

Financial Record:

An applicant's credit history, including excessive credit card debt or unresolved accounts in collection, will be thoroughly assessed and may be grounds for disqualification. The following will be disqualifying:

- Failure to pay income tax or child support.



In recruiting new police officers, efforts are made to cast police work as an attractive and sustaining career. *What should people interested in becoming police officers be told about the job?*

Table 7.2 shows the average base annual salary for selected positions in local police departments, by size of population served in 2007 (the latest year for which data were available). The average starting salary for entry-level officers was higher in departments with collective bargaining (\$39,263) than in those without it (\$28,376). This pattern existed in all population categories, ranging from a difference of about \$6,000 in the largest jurisdictions to \$9,000 in the smallest. Nationwide, 38% of local police departments employing 66% of all officers authorized collective bargaining for officers (see Table 7.3). Many departments also offer the opportunity to earn special pay. Table 7.3 shows the percentage of local police departments, by size of population served, that authorize various types of special pay.

Table 7.2 Average Base Annual Salary for Selected Full-Time Positions in Local Police Departments, by Size of Population Served, 2007

Population Served	AVERAGE BASE ANNUAL SALARY					
	Entry-Level Officer		Sergeant or Equivalent		Chief	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
All sizes	\$32,900	\$41,400	\$46,000	\$53,500	\$58,200	\$68,800
1,000,000 or more	\$49,500	\$73,900	\$78,800	\$96,100	\$164,000	\$212,700
500,000–999,999	43,700	62,200	62,900	76,000	132,900	164,100
250,000–499,999	44,700	64,700	63,200	79,700	111,900	156,900
100,000–249,999	45,700	61,900	64,200	78,900	113,000	143,600
50,000–99,999	43,000	59,100	63,400	75,100	101,000	125,900
25,000–49,999	41,800	55,500	60,500	70,700	89,000	108,300
10,000–24,999	37,700	50,100	52,700	61,900	74,500	90,100
2,500–9,999	33,000	41,200	44,400	51,800	57,200	66,800
Under 2,500	26,600	30,500	33,100	36,500	38,300	42,800

Note: Salary figures have been rounded to the nearest \$100.

Source: Brian A. Reaves, *Local Police Departments, 2007*, U.S. Department of Justice, Bureau of Justice Statistics (Washington, DC: U.S. Government Printing Office, December 2010), 12, Table 7, <http://bjs.ojp.usdoj.gov/content/pub/pdf/1pd07.pdf>.

Table 7.3 Special Pay and Benefits for Full-Time Sworn Personnel in Local Police Departments, by Size of Population Served, 2007

Population Served	PERCENT OF DEPARTMENTS AUTHORIZING—									
	Collective Bargaining	Tuition Reimbursement	Education Incentive Pay	Merit Pay	Shift Differential Pay	Special Skills Pay	Military Service Pay	Hazardous Duty Pay	Bilingual Pay	Residency Incentive Pay
All sizes	38%	37%	32%	23%	21%	16%	13%	6%	6%	2%
1,000,000 or more	85%	85%	69%	46%	92%	62%	62%	69%	62%	8%
500,000–999,999	71	84	71	35	71	45	52	61	45	3
250,000–499,999	63	80	61	54	72	39	50	48	50	0
100,000–249,999	62	81	77	41	51	43	33	32	42	2
50,000–99,999	68	80	70	32	47	40	29	23	32	4
25,000–49,999	70	71	63	29	44	31	29	9	15	3
10,000–24,999	67	64	58	30	37	29	18	7	10	4
2,500–9,999	47	40	36	25	25	15	12	5	3	2
Under 2,500	11	14	9	15	4	5	7	2	1	2

Source: Brian A. Reaves, *Local Police Departments, 2007*, U.S. Department of Justice, Bureau of Justice Statistics (Washington, DC: U.S. Government Printing Office, December 2010), 36, Appendix Table 7, <http://bjs.ojp.usdoj.gov/content/pub/pdf/1pd07.pdf>.

Affirmative Action Since the passage of the Civil Rights Act of 1964 and the threat of court challenges to the fairness of the police selection process, police agencies have struggled to find the best-qualified applicants and yet achieve satisfactory race and gender representation within the ranks of the department. Failure to seriously pursue equitable representation has led to expensive lawsuits, consent decrees, and court-ordered quotas to achieve the desired diversity. Consequently, affirmative action has become a major concern in police selection and employment. Now affirmative action programs are being questioned on several legal grounds. That questioning may lead to more difficulty in trying to achieve race and gender balance in police departments.

How successful has affirmative action been in accomplishing the desired goal of race and gender balance in police departments? Affirmative action *has* been relatively successful in increasing the percentage of minority members



Women and Policing

The National Center for Women & Policing is a nationwide resource that seeks to increase the number of women in policing. You can visit its website at www.womenandpolicing.org/default.asp. *What are some of the best ways to increase the number of women in policing?*



Increasing the number of female officers is a major concern in police selection and employment. *What are some of the advantages of having a greater number of female police officers?*

Table 7.4 Race and Ethnicity of Full-Time Sworn Personnel in Local Police Departments, by Size of Population Served, 2007

Population Served	PERCENT OF FULL-TIME SWORN PERSONNEL WHO ARE—					
	White	Black/ African American	Hispanic/ Latino	Asian/ Pacific Islander	American Indian/ Alaska Native	Multi-race
All sizes	74.7%	11.9%	10.3%	2.0%	0.7%	0.3%
1,000,000 or more	56.0%	17.6%	22.9%	3.2%	0.3%	0.0%
500,000–999,999	60.6	24.1	9.3	4.1	0.4	1.6
250,000–499,999	69.5	16.5	11.2	2.0	0.6	0.1
100,000–249,999	73.7	13.4	9.1	2.6	0.9	0.3
50,000–99,999	83.6	7.0	7.5	1.4	0.3	0.3
25,000–49,999	88.2	5.0	5.1	0.9	0.6	0.2
10,000–24,999	87.5	5.6	5.1	0.6	1.0	0.2
2,500–9,999	87.9	5.1	4.4	0.6	1.8	0.1
Under 2,500	88.3	5.8	3.0	0.1	2.3	0.5

Source: Brian A. Reaves, *Local Police Departments, 2007*, U.S. Department of Justice, Bureau of Justice Statistics (Washington, DC: U.S. Government Printing Office, December 2010), 14, Table 9, <http://bjs.ojp.usdoj.gov/content/pub/pdf/1pd07.pdf>.

in policing. It has been less successful in increasing the percentage of women. As noted previously, about 75% of the sworn officers in the nation's police departments are white and about 88% are males. However, as shown in Table 7.4, the percentage of black and Hispanic officers in local departments in 2007 (the most recent year for which data were available) was 11.9% and 10.3%, respectively—up from 11.7% and 9.1% in 2003, and 9.3% and 4.5% in 1987. The 2007 figures closely approximate the percentage of blacks and Hispanics in the general population of the United States (12.2% for blacks and 13.7% for Hispanics). However, women, who compose more than 50% of the United States population, represented only 11.9% of the police officers in local police departments in 2007; still, that was an increase from 11.3% in 2003, and 7.6% in 1987.⁷

Education Given the amount of discretion that law enforcement officers have and the kinds of sociological problems they deal with, selecting reasonably intelligent, educated officers seems a wise practice. A high school diploma or higher educational achievement was required of new officers by 98% of local police departments in the United States in 2007. Sixteen percent of local police departments required new officers to have some college courses (up from 8% in 2003), but only 9% of the agencies required new officers to have a minimum of 2 years of college (the same as in 2003). Just 1% required new officers to have a 4-year college degree (the same as in 2003). The average level of education in policing today is nearly 2 years of college.⁸ Table 7.5 shows the minimum educational requirement for new officers in local departments, by size of population served.

Among the advantages of hiring college-educated officers are the following:

1. Better written reports
2. Enhanced communication with the public
3. More effective job performance
4. Fewer citizen complaints
5. Wiser use of discretion
6. Heightened sensitivity to racial and ethnic issues
7. Fewer disciplinary actions⁹

This list of advantages should impress police administrators and the public. Satisfied citizens, the savings of substantial amounts of money by avoiding

Table 7.5 Education Requirements for New Officers in Local Police Departments, by Size of Population Served, 2007

Population Served	PERCENT OF DEPARTMENTS REQUIRING A MINIMUM OF—				
	Total with Requirement	High School Diploma	Some College*	2-Year College Degree	4-Year College Degree
All sizes	98%	82%	6%	9%	1%
1,000,000 or more	100%	62%	38%	0%	0%
500,000–999,999	100	68	16	16	0
250,000–499,999	98	65	9	17	7
100,000–249,999	99	72	16	7	4
50,000–99,999	99	68	14	14	3
25,000–49,999	99	68	15	14	1
10,000–24,999	99	83	7	9	—
2,500–9,999	98	80	5	13	1
Under 2,500	97	87	5	5	1

Notes: Detail may not sum to total because of rounding.

— Less than 0.5%.

*Non-degree requirements.

Source: Brian A. Reaves, *Local Police Departments, 2007*, U.S. Department of Justice, Bureau of Justice Statistics (Washington, DC: U.S. Government Printing Office, December 2010), 11, Table 5, <http://bjs.ojp.usdoj.gov/content/pub/pdf/1pd07.pdf>.

lawsuits, and fewer disciplinary actions against officers are good reasons for law enforcement executives to search for police applicants with college backgrounds.

Recognition that college-educated police officers are generally better performers than officers without that level of education is long overdue. And the idea is catching on. Minnesota's Peace Officer Licensing Commission now requires a 2- or 4-year college degree for licensing. The Peace Officer Council in Ohio now has more than one dozen **college academies**, where students pursue a program that integrates an associate's degree curriculum in law enforcement or criminal justice with the state's required peace officer training. On receipt of the associate's degree, students sit for the peace officer certification exam. If they receive a passing score on the exam, they are eligible to be hired by any police agency and to go to work without any additional academy training.

college academies Schools where students pursue a program that integrates an associate's degree curriculum in law enforcement or criminal justice with the state's required peace officer training.

SUCCESSFUL RECRUITING PRACTICES

Where do you find the best-qualified police applicants? Some of the more successful recruiting practices have included going to colleges, neighborhood centers, and schools in minority communities; using television, radio, and newspaper advertisements; and working with local employment offices. Demystifying the nature of police work and the selection process and shortening the time from application to final selection have also helped to attract and retain qualified candidates.

Public Safety Officers Another promising recruitment strategy has been the employment of 18-year-olds as **public safety officers** (sometimes called community service officers or public service aides), who perform many police service functions but do not have arrest powers. By the time they are 21, the department has had an excellent opportunity to assess their qualifications and potential to be sworn officers.

public safety officers Police department employees who perform many police services but do not have arrest powers.

Police Cadets **Police cadet programs** have been around since the 1960s (Cincinnati Police), and as recently as the 1990s, the New York City Police

police cadet program A program that combines a college education with agency work experience and academy training. Upon graduation, a cadet is promoted to police officer.



Pictured here are police cadets searching a parking lot, where a woman was shot and killed by a sniper. *What are some of the advantages of police cadet programs?*

launched a cadet program combining a college education with academy training and work experience in the police department. Upon graduation from the university, a cadet is promoted to police officer.

tech prep (technical preparation) A program in which area community colleges and high schools team up to offer 6 to 9 hours of college law enforcement courses in the eleventh and twelfth grades, as well as one or two training certifications, such as police dispatcher or local corrections officer. Students who graduate are eligible for police employment at age 18.

merit system A system of employment whereby an independent civil service commission, in cooperation with the city personnel section and the police department, sets employment qualifications, performance standards, and discipline procedures.

High School Tech Prep Programs Another program that is proving useful in attracting potentially capable police officers at an even earlier age is known as **tech prep** or **technical preparation** for a criminal justice career. Area community colleges and high schools team up to offer 6 to 9 hours of college law enforcement courses in the eleventh and twelfth grades, as well as one or two training certifications, such as police dispatcher or local corrections officer. Students who graduate are eligible for employment at age 18. They become interested in law enforcement work early and are ideal police applicants when they become old enough to apply. Accurate law enforcement career information can be passed on to high school students through a tech prep program because the teachers are required to either currently work in law enforcement or have police experience in their backgrounds.

THE POLICE SELECTION PROCESS

In many communities, selection of police officers takes place through a merit system. A **merit system** of employment is established when an independent civil service commission, in cooperation with the city personnel section and the police department, sets employment qualifications, performance standards, and discipline procedures. Officers employed under such a system are hired and tenured, in theory, only if they meet and maintain the employment qualifications and performance standards set by the civil service commission. Officers in such a system cannot be fired without cause.

To find the best possible recruits to fill department vacancies, police agencies use a selection process that includes some or all of the following steps.

Short Application This brief form registers the interest of the applicant and allows the agency to screen for such things as minimum age, level of education, residency, and other easily discernible qualifications.

Detailed Application This document is a major source of information for the department and background investigators. The applicant is asked for complete education and work histories, military status, medical profile, references, a record

Table 7.6 Interviews, Tests, and Examinations Used in Selection of New Officer Recruits in Local Police Departments, by Size of Population Served, 2007

Population Served	PERCENT OF DEPARTMENTS REQUIRING—								
	Personal Interview	Medical Exam	Drug Test	Psychological Evaluation	Physical Agility Test	Written Aptitude Test	Personality Inventory	Polygraph Exam	Voice Stress Analyzer
All sizes	99%	89%	83%	72%	60%	48%	46%	26%	5%
1,000,000 or more	100%	100%	100%	100%	100%	100%	85%	77%	0%
500,000–999,999	97	100	100	100	97	90	68	74	13
250,000–499,999	96	100	91	100	96	96	67	83	7
100,000–249,999	98	100	95	99	86	88	64	77	13
50,000–99,999	99	100	96	100	89	87	66	63	13
25,000–49,999	100	100	97	98	90	83	64	51	9
10,000–24,999	100	99	94	94	78	76	57	42	11
2,500–9,999	100	95	87	82	65	56	44	26	5
Under 2,500	98	76	73	48	41	20	38	10	2

Source: Brian A. Reaves, *Local Police Departments, 2007*, U.S. Department of Justice, Bureau of Justice Statistics (Washington, DC: U.S. Government Printing Office, December 2010), 35, Appendix Table 4, and 36, Appendix Table 5, <http://bjs.ojp.usdoj.gov/content/pub/pdf/1pd07.pdf>.

of residence over many years, and other detailed information. Applicants are also asked to submit copies of credentials, military papers, and other certificates.

Medical Examination This exam determines if applicants are free of disease, abnormalities, and any other medical problems that would disqualify them for police work. This information is critical because retiring a young officer on a medical disability shortly after employment could cost the public hundreds of thousands of dollars. Table 7.6 shows the percentage of local police departments by population served that use medical exams, as well as various interviews, tests, and other exams, in the selection of new officer recruits.

Physical Ability Test Physical ability tests are common in police selection despite having been challenged in the courts as having an adverse effect on the hiring of female applicants. Physical ability tests were initially a direct response to the elimination of height and weight standards, which were also discriminatory against female applicants. The first tests required exceptional speed and strength, such as going over walls that were taller than any of the walls in the cities that



Physical ability tests are common in police selection. *Why are they important?*

had such tests. Those tests were struck down by the courts as not being job-related. Today, any physical ability tests must be based on a thorough analysis of the actual work of police officers. See Table 7.6 for the percentage of local police departments that use physical agility tests in the selection of new officer recruits.

Written Examination Police agencies once used intelligence tests in their selection process. Most agencies now use some type of aptitude, personality, general knowledge, reading comprehension, writing, or police skill exam. The courts have held that those tests must be true measures of the knowledge and abilities needed to perform police work successfully. Pre-employment tests have been the subject of much controversy in the courts.

Background Investigation Investigators in this process look for any factors in the applicants' backgrounds that would prevent them from performing successfully as police officers. Past drug use or excessive alcohol use, a poor driving record, employer problems, a bad credit history, criminal activity, and social immaturity are areas of concern in the background investigation. The investigator relies heavily on the detailed application, verifies its contents, explores any discrepancies, and develops additional leads to follow.

Recently, some police agencies have added the examination of social networking sites, such as Facebook, Twitter, and YouTube, as part of their background checks. According to a September 2010 survey of 728 law enforcement agencies conducted by the International Association of Chiefs of Police (IACP), 37% of the agencies checked social networking sites. Investigators look for information that might disqualify the applicant. Agencies are mainly concerned that testimony in a criminal or civil case could be impeached using information from an officer's personal social media page. Whether the agencies ask for passwords, user names, e-mails, or permission from applicants is unclear. The Orange County (Florida) Sheriff's Office asks a candidate for a deputy position to log in without giving the investigator his or her password; while the applicant is present, both the investigator and the applicant view the information on the applicant's site.¹⁰ Table 7.7 shows the percentage of local police departments by population served that use various types of background checks in the selection of new officer recruits.

Table 7.7 Background Checks Used in Selection of New Officer Recruits in Local Police Departments, by Size of Population Served, 2007

Population Served	PERCENT OF DEPARTMENTS REQUIRING—			
	Criminal Record Check	Background Investigation	Driving Record Check	Credit History Check
All sizes	100%	99%	99%	61%
1,000,000 or more	100%	100%	100%	85%
500,000–999,999	100	100	100	97
250,000–499,999	100	100	100	96
100,000–249,999	100	100	100	94
50,000–99,999	100	100	100	93
25,000–49,999	100	100	100	90
10,000–24,999	100	100	100	78
2,500–9,999	100	99	99	65
Under 2,500	100	99	97	41

Source: Brian A. Reaves, *Local Police Departments, 2007*, U.S. Department of Justice, Bureau of Justice Statistics (Washington, DC: U.S. Government Printing Office, December 2010), 35, Appendix Table 3, <http://bjs.ojp.usdoj.gov/content/pub/pdf/1pd07.pdf>.

Psychological Testing Emotional stability and good mental health are critical to the ability to perform police work, which can be very stressful. Departments have been held liable for not screening their applicants for those psychological traits.¹¹

Systematic psychological testing of police officers began in the 1950s. At first, the typical approach was to have the psychological evaluators look for disqualifying factors. The process included a pencil-and-paper test and a one-on-one interview with a psychologist. Today, the testing focus has generally shifted to a search for the positive psychological qualities required in police work. Current tests include multiple versions of both written and clinical evaluations.

The validity of psychological tests has been an issue for decades. Psychologists are often reluctant to rate with any specificity the police candidates they evaluate. Candidates considered “unacceptable” are sometimes classified as “uncertain” to avoid lawsuits. It is important to remember that understanding and predicting human behavior is an inexact art. So it is easy to appreciate the reluctance of psychologists to be more specific. See Table 7.6 for the percentage of local police departments by population served that use psychological tests and evaluation in the selection of new officer recruits.

Oral Interview/Oral Board This step is frequently the final one in the selection process. Members of the interview team have the results of the previous selection procedures, and they now have an opportunity to clear up inconsistencies and uncertainties that have been identified. The board normally restricts itself to evaluating the following qualities:

1. Appearance, poise, and bearing
2. Ability to communicate orally and organize thoughts
3. Attitude toward law enforcement and the job required of police officers
4. Speech and the ability to articulate
5. Attitude toward drug, narcotic, and alcohol use
6. Sensitivity to racial and ethnic issues¹²

See Table 7.6 for the percentage of local police departments by population served that use personal interviews in the selection of new officer recruits.

Academy Training The police academy is part of the selection process. Virtually every academy class in any sophisticated police department loses up to 10% of its students. Thus, to survive academy training, students must be committed to the process. Students undergo from nearly 700 to nearly 1,800 hours of academic, skill, and physical training and are tested virtually every week of the process (see Table 7.8). In 2007, state-mandated field and academy training requirements for new officers averaged about 1,370 hours combined. In jurisdictions with 250,000 or more residents, this was an increase of 105 hours from what was required in 2003. In jurisdictions with fewer than 250,000 residents, the average number of training hours was about the same as in 2003. At the end of many academy training programs, students must take a state licensing or certification examination.

Probation Under local or state civil service requirements, employers may keep a new police officer on probation for 6 months to a year. The probation period gives the new police officer a chance to learn policing under the guidance of a well-qualified field training officer. Formal field training is a wise investment, and it ensures that new officers get as much knowledge and experience as possible before an agency commits to them for their careers.

A 6-month probation period no longer seems logical, however, since police academy training now often extends 5 or 6 months. The agency is, in effect, offering the police officer tenure in a matter of weeks after graduation from the academy. This practice

Table 7.8 Training Requirements for New Officer Recruits in Local Police Departments, by Size of Population Served, 2007

Population Served	AVERAGE NUMBER OF HOURS REQUIRED		
	Total	Academy	Field
All sizes	922	613	309
1,000,000 or more	1,700	1,033	667
500,000–999,999	1,783	1,063	720
250,000–499,999	1,542	906	636
100,000–249,999	1,463	809	654
50,000–99,999	1,341	731	610
25,000–49,999	1,241	698	543
10,000–24,999	1,101	666	434
2,500–9,999	979	634	345
Under 2,500	691	538	153

Note: Average number of training hours excludes departments not requiring training.

Source: Brian A. Reaves, *Local Police Departments, 2007*, U.S. Department of Justice, Bureau of Justice Statistics (Washington, DC: U.S. Government Printing Office, December 2010), 12, Table 6, <http://bjs.ojp.usdoj.gov/content/pub/pdf/1pd07.pdf>.



At the end of many police academy training programs, there is a state licensing or certification examination. *Do you believe those examinations are necessary? Why or why not?*

defeats the purpose of probation, which was designed to allow the employer to see whether the newly trained officer can successfully perform the job.

THE SELECTION OF A LAW ENFORCEMENT EXECUTIVE

No less important than the selection of operations-level officers is the choice of the chief executive of a police agency. This executive might be a chief of police, a sheriff, or the head of a state law enforcement organization. A crucial decision in the selection process is whether to allow people from outside the agency to apply. In some police agencies in the United States, civil service regulations prohibit the selection of outside candidates. The rationale for this rule is that there must be qualified internal candidates. In addition, it is discouraging to hard-working and talented police administrators to be denied a chance to lead the agency they have spent many years serving.

Actual hiring decisions are usually shared by members of a selection committee. Frequently, an executive search firm is also employed. The selection committee usually consists of representatives of the local government, the police department, the search firm, and the community. Applicants are put through a rigorous process that includes several visits to the city, written exams, interviews, and assessment center testing in which candidates try to resolve real-world management problems. Once the interviews and testing have been completed, applicants are normally ranked, and the list is presented to the city manager, the mayor, or others so that a final selection can be made.

The pursuit of a police chief's job is very competitive. Often several hundred candidates contend for a position even in a small suburban community. A typical police chief rarely serves longer than 10 years, and life in the chief's seat may not be very comfortable, particularly if a new chief intends to change things. Much of the political controversy and many of the social problems in major cities and counties end up at the door of the police department, so police chiefs must be politically savvy to survive. Many chiefs discover that they cannot please everybody, particularly if they are trying to change the department. Should police chiefs have protection under civil service? Most commentators say no, arguing that mayors and city managers ought to have the authority to pick the management teams that work immediately under their direction. A small number of cities give their police chiefs civil service protection to insulate them from unnecessary political interference. Police chief salaries based on the size of the population served are shown in Table 7.2.

The selection of a sheriff of one of the nation's counties is just as important as choosing a police chief. The difference in the two processes has to do with who does the selecting. In all but a few of the nation's counties, sheriffs are elected by the county's eligible voters. Not all sheriffs have a law enforcement background. In most states, they are not required to be licensed or certified peace officers as their deputies or municipal officers are. As a result, people from various occupations often succeed in being elected sheriff. To be elected, sheriffs must be good politicians. They often have a much better idea of a community's priorities and wield more influence with prosecutors and in the legislature than chiefs of police. Sheriffs who do not exhibit this political acumen are not likely to be reelected.

THINKING CRITICALLY

1. What do you think are the most important qualities for police officers to have? Why?
2. How much formal education do you think police officers should have? Why?



CAREERS IN CRIMINAL JUSTICE

Police Officer

My name is Robert Bour. I really enjoy being a police officer in Tiffin, Ohio, a small city of about 20,000 people. My assignment is in the patrol section, but I also work as a bike patrol officer, a field training officer, and a member of the SWAT team. As a SWAT officer, I go out mainly on search warrant and drug raids and in cases where someone has barricaded him- or herself in, and a life is in danger. In a small police department, you have the opportunity to be involved in a number of specialized assignments.

As a patrol officer, I have the opportunity to interact with the public a great deal. We have always done community policing here in one form or another.

Small communities have to. You stop people on the street and say hello, chat with business owners, and meet as many residents as you can. People always have questions for you; often they are about traffic laws and enforcement.

I also have to respond to calls for services, and these calls take precedence over everything else. I get one to three calls per hour on the evening and early morning shift, but there are rare times when I don't get any calls during the entire 10 hours of work.

My third area of activity involves self-initiated patrol activity. That includes traffic enforcement, of course, but also patrolling the alleys and streets around bars when they are closing in order to protect inebriates who may have passed out outside the establishment. The patrol also includes guarding against people who may be driving under the influence of alcohol. Tiffin has two universities, so sometimes college students may get a little more disorderly than they should and we have to respond.

I graduated in 1992 from a police academy that was hosted by a local community college. Before becoming a police officer in Tiffin, I worked as a sheriff's deputy and a village police officer, both full- and part-time. The Tiffin Police Department now requires a 2-year college degree

as the minimum to become employed. At the time I came on, it was not necessary, but I intend to go back to college and finish my degree anyway.

I can offer a few suggestions for anyone who wants to be a police officer. First, you should have a desire to work with people from diverse backgrounds because that is what police work is. Second, you must genuinely want to help people, keeping in mind that you are not always able to help everybody; sometimes that is frustrating. Finally, you must think about your family. They must support you in being a cop because there is some danger involved in the job. Still, police work is one of the best jobs a person can have.

What are the pros and cons of being a police officer?

Issues in Policing

The discussion of law enforcement thus far has made it clear that not all matters of policing in America are settled. This final section of the chapter highlights some of the issues that continue to be major topics of debate in law enforcement and have significant impact on the quality of life in neighborhoods and communities across the nation.

DISCRETION

Discretion is the exercise of individual judgment, instead of formal rules, in making decisions. No list of policies and procedures could possibly guide police officers in all of the situations in which they find themselves. Even the police officer writing a ticket for a parking meter violation exercises a considerable amount of discretion in deciding precisely what to do.¹³ Police even have the discretion to ignore violations of the law when they deem it appropriate in the context of other priorities.

The issue of police discretion is very controversial. Some believe that the discretion of police officers should be reduced. The movement to limit the discretion of police officers is the result of abuses of that discretion, such as physical abuse of citizens or unequal application of the law in making arrests. Other people argue that we should acknowledge that officers operate with great discretion and not attempt to limit it. Advocates of this view believe that better education and training would help officers exercise their judgment more wisely.

Patrol Officer Discretion Patrol officers frequently find it necessary to exercise their discretion. Within the geographical limits of their beats, they have the

discretion The exercise of individual judgment, instead of formal rules, in making decisions.



Police officers can exercise discretion in arrest situations. *Should police officers be allowed to use discretion in arrest situations? Why or why not?*

discretion to decide precisely where they will patrol when they are not answering radio calls. They decide whom to stop and question. For example, they may tell some children playing ball in the street to move, while they ignore others. Patrol officers decide for themselves which traffic violators are worth chasing through busy traffic and which ones are not. They even have the right not to arrest for a minor violation when, for example, they are on the way to investigate a more serious matter.

Some of the more critical situations involve decisions about stopping, searching, and arresting criminal suspects. Many citizens have been inconvenienced and some have been abused because of a police officer's poor use of discretion in those areas.

Police officers cannot make an arrest for every violation of law that comes to their attention—that is, they cannot provide **full enforcement**. The police do not have the resources to enforce the law fully, nor can they be everywhere at once. And even if full enforcement was possible, it may not be desirable. For example, persons intoxicated in front of their own homes may not need to be arrested but only to be told to go inside. Motorists slightly exceeding the speed limit need not be arrested if they are moving with the flow of traffic. Prostitution may be widely practiced in large metropolitan areas, but police officers have little to gain by searching hotels and motels to stamp it out, particularly when judges will turn the prostitutes right back out on the street. Generally, only when such an activity becomes a clear nuisance, is the subject of a public outcry, or threatens health and safety do the police department and its officers choose to take formal action.

The practice of relying on the judgment of the police leadership and rank-and-file officers to decide which laws to enforce is referred to as **selective enforcement**. The practice allows street police officers to decide important matters about peacekeeping and enforcement of the law. For most violations of the law, but not all felonies, a police officer can usually exercise a number of options:

1. Taking no action at all if the officer deems that appropriate for the situation
2. Giving a verbal warning to stop the illegal action
3. Issuing a written warning for the violation
4. Issuing a citation to the perpetrator to appear in court
5. Making a physical arrest in serious matters or in situations with repeat offenders

full enforcement A practice in which the police make an arrest for every violation of law that comes to their attention.

selective enforcement The practice of relying on the judgment of the police leadership and rank-and-file officers to decide which laws to enforce.

Factors Affecting Discretion Dozens of studies have been conducted on the exercise of discretion by police patrol officers. A number of significant factors affect discretion:

- **The Nature of the Crime**—The more serious the crime, the more likely it is that police officers will formally report it. In cases involving lesser felonies, misdemeanors, and petty offenses, police officers are more likely to handle the offenses informally. A minor squabble between over-the-fence neighbors is an example of a matter that would probably be handled informally.
- **Departmental Policies**—If the leadership of a police department gives an order or issues a policy demanding that particular incidents be handled in a prescribed way, then an officer is not supposed to exercise discretion but is to do as the order or policy directs. Thus, if a city has had many complaints about dangerous jaywalking in a certain downtown area, the chief of police may insist that citations be issued to those found jaywalking, even though citations had not been issued in the past.
- **The Relationship Between the Victim and the Offender**—Particularly for minor offenses, the closer the relationship between the victim of an alleged offense and the suspected perpetrator, the more discretion the officer is able to exercise. For example, police officers are not likely to deal formally with a petty theft between two lovers if they believe that the victim will not prosecute his or her partner.
- **The Amount of Evidence**—If officers do not have enough evidence to substantiate an arrest or to gain a conviction in court, they are likely to handle the case in some way other than making an arrest.
- **The Preference of the Victim**—Sometimes the victim of a crime may simply want to talk the matter over with someone, and the police are available on a 24-hour basis. Also, if the officer senses that the victim of a minor assault does not wish to prosecute the perpetrator of the offense, the patrol officer will not make a formal complaint, and the complainant will most likely never know that a report was not made.
- **The Demeanor of the Suspect**—Suspects who are disrespectful and uncooperative may very well feel the full brunt of the law. Patrol officers often choose the most severe option possible in dealing with such suspects.
- **The Legitimacy of the Victim**—Patrol officers are bound to pass some kind of judgment on the legitimacy of the victim. An assault victim who is belligerent and intoxicated, for instance, will not be viewed favorably by the investigating officer. Criminals victimized by other criminals are also seen as less than fully authentic victims, no matter what the offense.
- **Socioeconomic Status**—The more affluent the complainant, the more likely a patrol officer is to use formal procedures to report and investigate a crime. Contrary to popular belief, the personal characteristics of an officer (such as race, gender, and education) do not seem to influence the exercise of discretion.

Discretion and Domestic Violence Police officers have intervened in domestic violence cases and other kinds of family disputes, sometimes off duty, since the inception of public policing. For the longest period of time, these interventions were viewed as peacekeeping activities when, in fact, they should have been treated as criminal matters. Many women and some men were hurt, and some killed, as a result of the restrictions on the police in making arrests for assault misdemeanors that were not made in their presence, as well as a view among the police that these calls were the private business of the family instead of real police matters. Traditionally, law enforcement has been less interested in arresting perpetrators of crimes when the victim and the perpetrator have a close relationship.

Approximately one million women are victims of domestic violence each year. Even today, with every state requiring the police to have domestic violence intervention training, some commentators believe that the police are not the best qualified of available community helpers to intervene. However, if



Many states have mandatory arrest laws that require police officers to arrest any suspect that has battered a spouse or domestic partner. Do you support mandatory arrest laws in domestic violence cases? Why or why not?

crimes are committed in the form of physical abuse, the police are not only the best qualified to intervene but are also required by law to do so. Certainly, the availability of 24-hour service has always made the police the major responder to domestic violence calls.

The police in general do not relish the task of responding to domestic violence calls for several reasons. First, the calls can be dangerous, although generally no more dangerous than other disturbance calls. Nevertheless, officers are hurt each year by responding to domestic violence complaints. Second, police officers know from experience that many of the tense and hostile dynamics that exist between quarreling spouses, couples, and other family members have a way of dissipating over time or at least subsiding for a while. Third, the police know that they have often conducted investigations, even arrested the suspected batterer, and the victim has later chosen to drop charges. Finally, the police know that responding to the minor assault cases in domestic violence calls is not always the best thing for the family because the arrest creates its own complications that may, in fact, exacerbate the family crisis to a state of irreparable harm.

Police have responded to domestic violence in three distinct ways: mediate the dispute, separate domestic partners in minor disputes, and arrest the perpetrator of the assault. Which of these ways is the most effective?

This question was put to the test in a 3-year study in the city of Minneapolis. In minor domestic dispute cases, Minneapolis police officers gave up their discretion in handling domestic violence calls. Instead of deciding for themselves the appropriate disposition for each call, they randomly chose arrest, separation, or mediation. The results of the study showed that the arrested perpetrators were about half as likely to repeat their violence against the original victim.¹⁴ This study may have been the impetus for many states to implement a mandatory arrest domestic violence law. Subsequent studies, however, have not been able to clearly support the mandatory arrest disposition as the most effective way to handle the problem of domestic violence. Yet today nearly half of the states have a mandatory arrest law requiring the arrest of any suspect that has battered a spouse or domestic partner. While victim safety and welfare are indeed the major reasons for police intervention, more research is clearly needed to determine the best approaches to handling domestic violence calls.

racial profiling The stopping and/or detaining of individuals by law enforcement officers based solely on race.

Discretion and Racial Profiling Racial profiling is of growing concern to law enforcement officials and the public. Just how frequently this illegal practice occurs is difficult to discern, particularly since the term *racial profiling* is seldom defined in the discussions found in the national media. Racial profiling is a law enforcement infringement on a citizen's liberty based solely on race. It is widely believed that on freeways, highways, and streets throughout the nation, blacks and other minorities are stopped for traffic violations and field interrogations in numbers disproportionate to their representation in the population. It is further assumed that many of these stops are pretext stops in which the stop is justified by a minor equipment or moving traffic violation that might otherwise be ignored. Where the practice is considered widely experienced, it has been called "driving while black or brown" (DWBB). It is presumed that racial stereotyping and prejudice are at the root of such a practice. According to a recent national survey, 53% of Americans think that the practice of stopping motorists because of their race or ethnicity is widespread among law enforcement officers. Sixty-seven percent of blacks and 63% of Hispanics believe the practice is widespread, while 50% of non-Hispanic whites believe it to be true. Only 31% of Americans believe the practice is justified: 23% of blacks, 30% of Hispanics, and 31% of non-Hispanic whites.¹⁵

Results of a recent federal study of police and public contacts show that the police in 2005 stopped white, black, and Hispanic drivers at similar rates (8.9%, 8.1%, and 8.9%, respectively) and that 86% of the drivers felt they were pulled over for a legitimate reason (87.6% of whites, 76.8% of blacks, and 85.1% of Hispanics).¹⁶ However, a smaller percentage of blacks felt they were pulled over by the police for a legitimate reason when the stop involved a vehicle defect (66.5% believed the stop was legitimate), a record check (72.2%), and a stop sign/light violation (56.8%). Comparable rates for whites were 90.5%, 91.8%, and 77.1%, respectively, and for Hispanics, 85.5%, 85.4%, and 72.3% respectively. The study also found that of the approximately 18 million drivers stopped by the police in 2005, black and Hispanic drivers were more likely than white drivers to be searched and arrested. About 5% of all drivers stopped by the police were searched, and police found evidence of a crime in nearly 12% of the searches. Of the stopped drivers searched, 3.6% were white, 9.5% were black, and 8.8% were Hispanic. Racial breakdowns were not provided for the searches in which evidence of a crime was found. Arrests were made in 2.4% of the traffic stops: 2.1% of the arrestees were white, 4.5% were black, and 3.1% were Hispanic. Thus, although these data do not support the contention that minorities, especially blacks, experience traffic stops at rates substantially higher than rates for whites, they do show that when the police stop minorities, they are more likely than whites to be searched and arrested. These data also show that a larger percentage of blacks than whites or Hispanics are more likely to believe the reasons for certain stops are illegitimate. Less clear is whether disparate rates of searching and arresting are a function of racial stereotyping and prejudice or legitimate legal factors.

Racial profiling is a hot topic in the U.S. Congress, state legislatures, county commissions, and city councils, as well as in the meeting rooms of civil rights and professional police organizations. The American Civil Liberties Union, for example, has started a national project to eliminate racial profiling and even provides citizens with a “Bust Card” that tells them how to respectfully interact with the police (acknowledging the difficulty of their job) even when falling victim to racial profiling. At the end of 2006, 31 states had laws prohibiting racial profiling by law enforcement officers, but only 19 of those states required police departments to collect information on the race of motorists they stop.¹⁷

Racial profiling to any degree is a blight on the record of professional law enforcement and on democracy. Some of the methods that have been prescribed to stop racial profiling include racial and cultural diversity training for police personnel, strong discipline for errant officers, videotaping all traffic stops, collecting data on the race of stopped motorists and pedestrians and the disposition of the encounter, and having police officers distribute business cards to all motorists and pedestrians they stop. The business card may reduce race-based stops because it would allow an officer to be easily identified at a later time. But city leaders throughout the United States are in a quandary as to precisely what to do to stop racial profiling.

Factors Limiting Discretion Several methods are employed to control the amount of discretion exercised by police officers. One method is close supervision by a police agency’s management. For example, a department may require that officers consult a sergeant before engaging in a particular kind of action. Department directives or policies also limit the options police officers have in particular situations. Decisions of the U.S. Supreme Court, such as one restricting the use of deadly force to stop a fleeing felon, limit the options available to officers on the street. Finally, the threat of civil liability suits has reduced the discretion an officer has, for example, in the use of deadly force or in the pursuit of fleeing suspects in an automobile.

The debate over how much control should be placed on the exercise of police discretion is ongoing. Few other professionals have experienced a comparable attack on their authority to make decisions for the good of the clients they serve. The continuing attempt to limit discretion also seems out of place at a time when community policing is being widely advocated. Remember that



ACLU

To learn more about what is being done to combat racial profiling, visit the American Civil Liberties Union (ACLU) website on racial profiling at www.aclu.org/racial-justice/racial-profiling. *What can police departments do to prevent racial profiling?*

community policing decentralizes authority and places it in the hands of the local beat officers and their supervisors. Community policing is bound to fail if citizens see that the police they work with every day do not have the authority and discretion to make the decisions that will ultimately improve the quality of life in a community.

JOB STRESS

Stress in the workplace is common today. A recent survey found that 41% of employees report experiencing three or more indicators of stress sometimes, often, or very often.¹⁸ Given the nature of police work, no one is surprised to discover that a law enforcement officer's job is stressful. Police officers intervene in life's personal emergencies and great tragedies. Working extended shifts, for example, at the scene of the bombing of the federal building in Oklahoma City or the World Trade Center disaster would tax the resources of even the most resourceful police officer. Who would deny the stress involved in working deep undercover on a narcotics investigation over a period of several months? Some officers are able to manage stress on the job better than others.

job stress The harmful physical and emotional outcomes that occur when the requirements of a job do not match the capabilities, resources, or needs of the worker.

Job stress is defined as the harmful physical and emotional outcomes that occur when the requirements of a job do not match the worker's capabilities, resources, or needs. Poor health and injury are possible results of prolonged job stress. Police work has long been identified as one of the most stressful of all occupations, and many police officers suffer each year from the deleterious effects of a job that tests their physical and emotional limits.

Sources and Effects of Stress A number of conditions can lead to stress: (1) design of tasks—heavy lifting, long hours without breaks, and monotonous repetition



Working extended shifts at the World Trade Center disaster was very stressful for police officers and other first responders. *In what ways is a police officer's job more stressful than other jobs?*

of dangerous maneuvers; (2) management style—lack of participation by workers in decision making, poor communication, lack of family-friendly policies; (3) interpersonal relationships—poor social environment and lack of support from co-workers and supervisors; and (4) work roles—conflicting or uncertain job expectations, wearing too many hats, too much responsibility.¹⁹ The signs that stress is becoming a problem with an officer are frequent headaches, difficulty in concentrating, short temper, upset stomach, job dissatisfaction, abuse of alcohol and drugs, and low morale. Individually and collectively these symptoms can have other origins, but job stress is often the source.

Copicide As if the work of confronting dangerous suspects and preserving the peace were not stressful enough, “copicide,” or “death by cop,” has entered the work life of some police officers. **Copicide** is a form of suicide in which a person gets fatally shot after intentionally provoking police officers.²⁰ A study of police shootings resulting in the death of a citizen in Los Angeles found that 10% could be attributed to copicide.²¹ A more recent study of North American officer-involved shootings pegs the incidence of suicide-by-cop at 36%.²² One commentator believes that “dozens of times each year during jittery hostage dramas and routine traffic stops, desperate people lure police officers into shooting them in a phenomenon known in law enforcement circles as ‘suicide by cop.’”²³ The truth is that no one knows exactly how many times copicide incidents occur each year. Most police officers require a lot of time to emotionally recover from a fatal shooting in circumstances where they were fully authorized to use deadly force. To later discover that they were provoked into killing people who simply used police as a tool in a suicide scheme creates an extra emotional burden to bear.

copicide A form of suicide in which a person gets fatally shot after intentionally provoking police officers.

Stress Management and Reduction Fortunately, there are ways to manage and reduce stress without leaving police work. The “fixes” for stress come in two general categories. Stress management now encompasses a variety of programs and procedures that include discussing stressful events with colleagues and mental health professionals, regular exercise, relaxation techniques such as structured visualization, a healthy diet that also eliminates caffeine and nicotine, enriched family support, religious support, prayer, meditation, and stress management classes that often involve spouses.

Organizational change can also reduce the potential for stress in the police work environment. Officers, for example, may be given more discretion in determining their work hours and shifts as long as the police agency is able to respond effectively to the workload requirements of the community. Flattening the organizational structure can help reduce stress by giving officers more discretion in carrying out the responsibilities of their job. Community policing is an effective paradigm for increasing officers’ ability to control their work and perhaps minimize stress. Job redesign can assist assigning the right number and type of tasks to a police position when one job requires too much of an officer to maintain emotional stability and good health. Finally, excellent public safety equipment can minimize stress. Proper police weaponry, dependable vehicles, and the best of protective equipment such as high-grade body armor not only can protect officers but can also put their minds a little more at ease on those important concerns.²⁴

USE OF FORCE

No issue in policing has caused as much controversy in recent decades as the use of force. In New York, Los Angeles, Detroit, Miami, and many other cities, excessive-force



Police officers sometimes manage stress by seeking counseling. *Are there ways that you handle stress that you think would work particularly well in policing?*

Table 7.9 Types of Nonlethal Weapons Authorized for Personal Use by Sworn Personnel in Local Police Departments, by Size of Population Served, 2007

Population Served	PERCENT OF DEPARTMENTS AUTHORIZING						
	TYPE OF BATON AUTHORIZED						
	Pepper Spray	Baton	Conducted Energy Device*	Any Type	Collapsible	Traditional	PR-24
All sizes	97%	93%	60%	93%	88%	45%	36%
1,000,000 or more	92%	100%	100%	100%	92%	69%	54%
500,000–999,999	100	100	77	100	94	55	26
250,000–499,999	100	100	93	100	87	50	30
100,000–249,999	100	99	76	99	98	56	35
50,000–99,999	99	99	78	99	96	48	32
25,000–49,999	99	98	70	98	94	34	28
10,000–24,999	99	96	67	96	90	40	32
2,500–9,999	98	93	58	93	89	41	31
Under 2,500	94	91	55	91	85	52	42

(continued on pg 263)

charges against police officers have been made and documented and have resulted in the loss of public confidence in the police. Although the vast majority of police officers of this country go to work every day with no intention of using excessive force, far too many instances of brutality still occur.

A precise definition of brutality is not possible. However, the use of excessive physical force is undoubtedly a factor in everyone's definition. For many people, particularly members of racial and ethnic minorities, brutality also includes verbal abuse; profanity; harassment; threats of force; and unnecessary stopping, questioning, and searching of pedestrians or those in vehicles.

Excessive Force Why do the police have to use force as frequently as they do? A major responsibility of police officers is to arrest suspects so that they can answer criminal charges. No criminal suspect wants his or her liberty taken away, so some of them resist arrest. Invariably, a few suspects are armed with some kind of weapon, and some are prepared to use that weapon against the police to foil the arrest. The police need to establish their authority to control such conflicts. They have a variety of nonlethal weapons at their disposal to accomplish that task (see Table 7.9). The disrespect and physical resistance that are frequently the result of encounters with suspects have caused the police on occasion to use **excessive force**, which is a measure of coercion beyond that necessary to control participants in a conflict.

Not only is the persistent use of excessive force by the police against citizens unethical, civilly wrong, and criminally illegal, but it also creates a situation in which nobody wins. Police may face criminal and civil prosecution in such cases, citizens build up layers of resentment against the police, and law enforcement agencies pay out millions of dollars in damages while losing respect in the eyes of the community. Disturbing events such as the brutal beating and sexual assault of Abner Louima in 1997, and the shooting deaths of Amadou Diallo in 1999 and Sean Bell in 2006, by New York City Police Department (NYPD) officers received nationwide media attention while causing great concern by citizens and law enforcement over the use of excessive force. There were also charges of racism by the police because all three incidents involved the use of excessive force by white police officers against black men.

Abner Louima, a 30-year-old Haitian immigrant, was accused of assaulting a police officer outside a nightclub in the city. Louima claimed that following his arrest and arrival at the station house, a white officer, Justin Volpe, savagely beat and sodomized him with a toilet plunger. In 1999, Volpe pled guilty to

excessive force A measure of coercion beyond that necessary to control participants in a conflict.

Table 7.9 Types of Nonlethal Weapons Authorized for Personal Use by Sworn Personnel in Local Police Departments, by Size of Population Served, 2007 (continued)

Population Served	PERCENT OF DEPARTMENTS AUTHORIZING			
	TYPE OF LESS-THAN-LETHAL WEAPON AUTHORIZED			
	Soft Projectile	Hold or Neck Restraint	Rubber Bullet	Blackjack/Slapjack
All sizes	28%	15%	8%	4%
1,000,000 or more	46%	46%	15%	8%
500,000–999,999	65	29	23	3
250,000–499,999	57	43	22	4
100,000–249,999	60	40	21	1
50,000–99,999	67	28	24	2
25,000–49,999	55	18	16	1
10,000–24,999	46	14	13	1
2,500–9,999	26	14	7	3
Under 2,500	14	13	4	6

*Includes Tasers and stun guns.

Source: Brian A. Reaves, *Local Police Departments, 2007*, U.S. Department of Justice, Bureau of Justice Statistics (Washington, DC: U.S. Government Printing Office, December 2010), 17, Table 14, 37, Appendix Table 11, and 38, Appendix Table 12, <http://bjs.ojp.usdoj.gov/content/pub/pdf/1pd07.pdf>.

charges stemming from the beating. Charles Schwarz, another police officer accused of holding Louima down while Volpe attacked him, was convicted separately in a federal trial of violating Louima's rights. Three other NYPD officers said to be involved in the event were acquitted of all charges.

Amadou Diallo, a 22-year-old West African immigrant, was hit by 19 of the 41 bullets shot by police officers from the NYPD street crimes unit. Diallo died at the scene. The officers claimed that Diallo fit the description of a rape suspect for whom they had been searching. When the officers tried to stop Diallo, he reached for what police officers thought was a weapon; they then began to shoot. Apparently Diallo, who spoke little English, was reaching for his wallet. The officers involved in the shooting were charged with second-degree murder; however, a state jury found the officers innocent.

Although past and recent incidents of excessive force have been disturbing, research reveals that police brutality does not occur as often as some people might think. For example, according to a recent survey of large state and local law enforcement agencies with 100 or more sworn officers, more than 26,000 citizen complaints about officer use of force were received during 2002. The rate of complaints was 33 per agency and 6.6 per 100 full-time sworn officers. However, of the 94% of complaints with a final disposition, only about 8% were sustained (that is, there was sufficient evidence of the allegation to justify disciplinary action against the officer or officers); 34% of the complaints were not sustained (that is, there was insufficient evidence to prove the allegation); 25% were unfounded (that is, the complaint was not based on facts, or the reported incident did not occur); 23% resulted in officer exoneration (that is, the incident occurred, but the officer's action was deemed lawful and proper); and 9% had some other disposition (such as the complaint was withdrawn).²⁵ Note that just because a complaint was not sustained does not necessarily mean unlawful use of force did not occur. Also, the use of force data described above includes less than "excessive" forms of force. However, the study's authors report that nearly all the 2,124 sustained complaints (8% of all complaints) may have involved excessive force. If that were the case, the excessive-force use rate is about one incident per every 200 full-time sworn officers and almost 1% of every 100 officers that respond to calls for service. A newer federal study found that 1.6% of the 43.5 million persons who had at least one contact with the police in 2005 (approximately 696,000 people) had force used or threatened against them—a rate relatively unchanged from 2002; 83% of them considered the force

FYI Taser Use

According to a recent study, Houston, Texas police officers used Tasers 1,417 times between December 2004 and June 2007, and in about two-thirds of the cases the suspect was black. About 25% of Houston's population is black. The study also found that black officers were less likely than white or Hispanic officers to use Tasers on a black suspect. A Houston police spokesperson said the "use of Tasers was not tied to race but to a person's behavior."

Source: "If You're Black in Houston, Look Out: Cops Are More Likely to Taser You," *The Orlando Sentinel*, September 11, 2008, A2.



There is much debate on how much control should be placed on the decisions of police officers in arrest situations. *How much control should be placed on them and why?*

excessive.²⁶ Widespread media coverage of high-profile cases, such as the Los Angeles police officers' assault on Rodney King, can lead the public to believe that brutality is much more common than it really is. The Los Angeles police, however, had a higher rate of wounding and killing suspects than did any other police department in the nation, according to the Christopher Commission, which investigated the assault on Rodney King.

Deadly Force The greatest concern over the use of force by the police has to do with the infliction of death or serious injury on citizens and criminal suspects. Since the U.S. Supreme Court's 1985 decision in *Tennessee v. Garner*, the use of deadly force has been severely restricted, and police shootings of suspects and citizens have been reduced. In the *Garner* case, an unarmed teenage boy was shot as he fled a house burglary, failing to heed the warning to stop given by a Memphis police officer. The boy later died of a gunshot wound to the head. He was found with \$10 in his pocket that he had stolen from the home. The Memphis officer was acting in compliance

with his department's policy on the use of deadly force and with the law in Tennessee and in most other states in the nation.

Giving law enforcement officers the authority to use deadly force to stop a fleeing felon, even when they know the suspect is unarmed and not likely to be a danger to another person, derives from the common law in England and the United States that permitted such a practice. At the time the rule developed, however, unlike today, dozens of crimes were capital offenses, and the fleeing suspect, if apprehended and convicted, would have been executed. The *Garner* decision, no doubt, was long overdue, and it included a rule that many police agencies in the nation had adopted years earlier. The perspective that professional law enforcement agencies had already begun to adopt on deadly force was from the Model Penal Code, Section 307(2)(B). It reads:

The use of deadly force is not justifiable under this section unless:

1. The arrest is for a felony.
2. The person effecting the arrest is authorized to act as a peace officer or is assisting a person whom he believes to be authorized to act as a peace officer.
3. The actor believes that the force employed creates no substantial risk of injury to innocent persons.
4. The actor believes that: (a) The crime for which the arrest is made involved conduct including the use or threatened use of deadly force. (b) There is substantial risk that the person to be arrested will cause death or serious bodily harm if his or her apprehension is delayed.

In 2007, 97% of local police departments, and 100% of departments serving populations of 10,000 or more, had a written policy on the use of deadly force. Ninety-six percent of departments, and nearly 100% of departments serving populations of 25,000 or more, had a written policy on the use of nonlethal force.²⁷ Even with explicit guidelines, however, the decision to use deadly force is seldom clear-cut for police officers because of the violent and occasionally ambiguous situations in which they find themselves. For example, consider the confrontation a Dallas, Texas, police officer had in the summer of 1993. As a plainclothes officer, he responded to a call at an apartment complex where it was reported that a man had fired shots. It was nighttime, and when he arrived at the parking lot of the complex, he saw a man perhaps 50 feet from him with the butt end of a pistol sticking out of the waistband of his trousers. The police officer told him to stop and put his hands in the air. Instead of doing what he was ordered to do, the man pulled the gun from his waistband and moved it toward the officer. The officer responded by firing his weapon

several times at the man and killing him. Later, it was discovered that the man was a Mexican citizen who spoke no English.

Some members of the Hispanic community were enraged that the officer did not offer commands in Spanish because Dallas officers were required to study 20 hours of the language in the police academy. After several months of investigation and the grand jury ignoring the case, the officer was exonerated. However, the chief of police assured the community that new police recruits would study three times the previously required amount of Spanish and that annual in-service training would also require the study of Spanish. In addition, the chief stated that in situations such as the one in question, undercover and plainclothes officers would be required, if possible, to put on jackets that would readily identify them as police officers. Some people argue that the man with the gun in this situation not only did not understand English but also had no idea that the officer with drawn gun was a police officer.

Not all “deadly force” cases involve shootings. In 2007, for example, in the case of *Scott v. Harris*, the issue was a high-speed police chase. In 2001, a Georgia deputy attempted to pull over Victor Harris, who was clocked driving at 73 miles per hour on a road with a 55-mile-per-hour speed limit. Instead of stopping, Harris sped away on the two-lane road at speeds exceeding 85 miles per hour. The deputy radioed his dispatcher to report he was pursuing a fleeing vehicle. Deputy Timothy Scott heard the radio communication and joined pursuit, as did other officers. At one point the officers had Harris cornered in a shopping-center parking lot, but Harris was able to evade the officers by making a sharp turn and colliding with Scott’s police car. At that point, Officer Scott took the lead in the pursuit. After 6 minutes and about 10 miles, Officer Scott sought permission from his supervisor to perform a “Precision Intervention Technique” (“PIT”) maneuver, which causes a fleeing vehicle to spin to a stop. The supervisor told Scott to “go ahead and take him out.” However, instead of using the PIT maneuver, Officer Scott hit the rear of Harris’s car with his push bumper and, as a result, Harris lost control of his car and crashed, leaving him a quadriplegic.

Harris sued Officer Scott and others, claiming that the use of excessive force constituted an unreasonable seizure in violation of his Fourth Amendment right. Officer Scott filed a motion for a summary judgment based on an assertion of qualified immunity. The District Court denied Officer Scott’s motion. On appeal, the U.S. Court of Appeals for the 11th Circuit concluded that Scott’s actions could constitute “deadly force” under *Tennessee v. Garner*, and that Officer Scott was not entitled to qualified immunity. The U.S. Supreme Court granted certiorari and reversed. The Court ruled: “Because the car chase respondent initiated posed a substantial and immediate risk of serious physical injury to others, Scott’s attempt to terminate the chase by forcing respondent off the road was reasonable, and Scott is entitled to summary judgment.” The Court further noted that the *Garner* decision did not apply to the facts of this case. The major issue, according to the Court, was whether Officer Scott’s actions were reasonable and not whether they constituted “deadly force.”

According to Highway Traffic Safety Administration records, about 360 people are killed each year in high-speed police chases, and about one-third of them are innocent bystanders. Criminologist Geoffrey Alpert, who has studied police pursuits since the 1980s, maintains that the actual number of fatalities is three or four times higher. However, no one knows for sure because there is no mandatory reporting for pursuit deaths. Moreover, bystanders killed after police stop chasing suspects—even seconds afterward—are not counted. Alpert estimates that 35%–40% of all police chases end in crashes.²⁸

We should not forget that citizens and criminal suspects also attack the police. Mentally ill persons, parties to a family dispute, and suspects trying to avoid arrest feloniously kill between 50 and 100 officers each year. More than 90% of officers are killed by assailants using firearms. In response, police officers exercise caution by wearing protective vests, proactively using what they learn in courses on self-defense (unarmed and armed), and attempting to defuse hostile situations through peaceful techniques they learn in training. When all else fails, they can use their sidearms to protect themselves. In 2007 (the latest year for which data were available), all local police departments authorized patrol officers



Policing is susceptible to bribery and other forms of corruption.
Who is policing the police? Are controls adequate?

to carry one or more types of semiautomatic sidearms. This was up from 73% of departments in 1990.²⁹

POLICE CORRUPTION

Almost from the beginning of formal policing in the United States, corruption of law enforcement officers has been a fact of life. Almost nothing is more distasteful to the public than a police officer or a whole department gone bad. Throughout history, police officers have bought their positions and promotions, sold protection, and ignored violations of the law for money.

Why is policing so susceptible to bribery and other forms of corruption? Perhaps it has to do with the combination of two critical features of the police role in society. On the one hand, the police have authority to enforce laws and to use power to make sure that those laws are obeyed. On the other hand, they also have the discretion *not* to enforce the law. The combination of those two features makes the police vulnerable to bribes and other forms of corruption. Other features of police work add to the potential for corruption: low pay in relation to important responsibilities; cynicism about the courts' soft handling of criminals that the police spend so much time trying to apprehend; society's ambivalence about vice (most citizens want the laws on the books, but many of them are willing participants in vice); and the practice of recruiting officers from working-class and lower-class backgrounds, where skepticism about obeying the law might be more prevalent.

Some of those factors undoubtedly help explain the following four examples of corruption. In November 2006,

the sheriff of small, rural, economically depressed Henry County, Virginia (which is about 50 miles south of Roanoke), 12 of his 96 deputies, and 7 others were indicted by federal prosecutors on racketeering conspiracy, narcotics distribution, obstruction of justice, perjury, and weapons charges. The sheriff, a former state trooper who was first elected in 1991, also was charged by the Federal Bureau of Investigation (FBI) and federal drug-enforcement agents with impeding the investigation and with money laundering. Prosecutors presented evidence showing that for 8 years, the sheriff's department confiscated cocaine, steroids, marijuana, and other drugs and then sold them to the public. The sheriff was quoted as saying the only way to acquire wealth is to be "a little crooked and not get caught." Prosecutors reported the sheriff owns large tracts of land and a trucking company and earns more than \$20,000 a year in dividends. The salary range for sheriffs in counties the size of Henry County, according to state law, is \$85,000 to \$93,500 a year.³⁰

In April 2006, two former New York City police detectives were convicted in U.S. District Court of participating in a racketeering conspiracy that included eight Mafia-related murders, witness tampering, witness retaliation, and obstruction of justice. Prosecutors said the two detectives had accepted \$375,000 in payments over 6 years while using their police status to aid an underboss of the Luchese organized crime family.³¹

An 8-month investigation by the *Miami Herald* in 1997 documented a police scam involving hundreds of officers in thousands of cases in Dade County. Dubbed "collars for dollars," the scam worked like this. Police officers listed one another as witnesses in drunken-driving and misdemeanor cases even if they did little or no police work on the cases. They then went to court on overtime and received pay they did not deserve. According to the newspaper report, "collars for dollars" happened often and cost Dade County taxpayers millions of dollars.³²

In 1993, before a commission investigating charges of police corruption in the New York City Police department (NYPD), one former patrol officer testified that fellow officers called him "the mechanic" because he "tuned people up"—slang

for beating people up. When asked whether his victims were suspects, the officer replied that they were just ordinary citizens, approximately 400 of them over a 4-year period. Other officers testified that they randomly broke into apartments; stole drugs, guns, and money; lied to grand juries; “tuned up” people with leather gloves packed with lead; and generally broke more laws than they enforced. One officer described how he received \$8,000 a week to protect a drug dealer.³³

Types of Corruption In 1972, the Knapp Commission issued a report on corruption in the NYPD. Two types of corrupt officers were identified: “grass eaters” and “meat eaters.” **Grass eaters** were officers who occasionally engaged in illegal or unethical activities, such as accepting small favors, gifts, or money, for ignoring violations of the law during the course of their duties. **Meat eaters**, in contrast, actively sought ways to make money illegally while on duty. For example, they would solicit bribes, commit burglaries, or manufacture false evidence for a prosecution.³⁴

More than 30 years ago, sociologist Ellwyn Stoddard identified a more complete list of types of police misconduct, with examples, in what he described as the “blue-coat code”:

1. **Bribery**—Accepting cash or gifts in exchange for nonenforcement of the law.
2. **Chiseling**—Demanding discounts, free admission, and free food.
3. **Extortion**—The threat of enforcement and arrest if a bribe is not given.
4. **Favoritism**—Giving breaks on law enforcement, such as for traffic violations committed by families and friends of the police.
5. **Mooching**—Accepting free food, drinks, and admission to entertainment.
6. **Perjury**—Lying for other officers apprehended in illegal activity.
7. **Prejudice**—Unequal enforcement of the law with respect to racial and ethnic minorities.
8. **Premeditated Theft**—Planned burglaries and thefts.
9. **Shakedown**—Taking items from the scene of a theft or a burglary the officer is investigating.
10. **Shopping**—Taking small, inexpensive items from a crime scene or an unsecured business or home.³⁵

Controlling Corruption Corruption in law enforcement strikes at the core of the profession and takes a heavy toll. All peace officer positions are positions of honor and trust, and agencies invest money and time in selecting officers with integrity. To see this investment lost is disheartening. But more than anything else, public confidence and trust plummet after a widely publicized corruption case, such as the police drug-trafficking episode in Miami. The following list describes some ways to control and reduce corruption in policing.

- **High Moral Standards**—Selecting and maintaining officers with high moral standards is a step in the right direction. Some police agencies in the United States still hire convicted felons to do police work. In-depth academy and in-service training on ethical issues that officers are likely to face would prepare officers for the compromises they may be asked to make later in their careers.
- **Police Policies and Discipline**—A police department should develop rigid policies that cover the wide range of activities that corruption comprises. Drug testing of officers, particularly those in narcotics-sensitive positions, may be necessary although unpopular. Policies mean nothing unless they are enforced. Discipline should be imposed, and prosecutions should go forward when officers are found guilty of violating established policies and laws.
- **Proactive Internal Affairs Unit**—The **internal affairs investigations unit** of a police department should ferret out illegal and unethical activity. Any internal affairs unit that waits for complaints probably is not going to receive many of them. First-line supervisors should know whether their subordinates are engaging in unethical and illegal violations of department rules and state laws. They should also be held responsible for the actions of their subordinates.
- **Uniform Enforcement of the Law**—If a police agency makes it clear that no group of citizens, no matter what their affiliation with the police

grass eaters Officers who occasionally engage in illegal and unethical activities, such as accepting small favors, gifts, or money for ignoring violations of the law during the course of their duties.

meat eaters Officers who actively seek ways to make money illegally while on duty.

internal affairs investigations unit The police unit that ferrets out illegal and unethical activity engaged in by the police.

department, is going to receive special treatment from the police department, the incentive for offering bribes and other forms of corruption will be minimized. This process starts with clear policies and procedures and must be backed up with discipline, when necessary.

- **Outside Review and Special Prosecutor**—Police leadership and police labor associations heavily resist any kind of outside review of their actions. However, both the Christopher Commission and the Knapp Commission are examples of outside reviews that brought about improvements in the agencies they investigated. Special prosecutors are recommended in serious cases to relieve the police and the government of any accusations of a whitewash.
- **Court Review and Oversight**—Criminal prosecutions or civil liability suits deriving from police corruption cases can be very costly to a police agency. Such visible forms of oversight often result in adverse media coverage, civil liability awards, and higher insurance rates—all of which should encourage police agencies to control corruption.³⁶

THINKING CRITICALLY

1. What do you think are the best ways for police officers to handle stress on the job?
2. What do you think are the best ways to reduce police corruption?

Professionalizing Law Enforcement

Many people would argue that policing in America has already reached professional status. Law enforcement is a valued service. Its agents make important decisions daily that substantially affect the lives of people and the quality of life in a community. The police officer's position is one of honor and trust. There are academy programs consisting of hundreds of hours of instruction, as well as law enforcement degree programs. Now there are even signs that law enforcement is attempting to police its own profession. Professional accreditation for police agencies is a rite of passage that is needed if law enforcement is to join the list of the most respected professions. Nevertheless, resistance to it and the other developments is still widespread.

Not everyone has the qualities to be a police officer. To allow into law enforcement those people with no desire to serve, low intelligence, a shady past, poor work habits, and no ability to communicate effectively is to court disaster for every department that does so—and for the entire profession.

Some police officers and their leaders resist 600 hours of initial training and do all they can to avoid continuing education and training. Real professionals seek advanced training.

Professionals in any field make mistakes, and a caring public should forgive most of them. In police work, there are incomplete interviews, evidence left at crime scenes, and bad reports written. In the long run, the consequences of such mistakes are generally insignificant as long as corrections are made. Mistakes can also be technological, such as the failure of a radar gun. No one should blame the police for technological mishaps that are not the result of negligence.

One kind of mistake, however, stands out more than any other: the condoning of racist and brutal tactics like the Los Angeles police officers' beating of Rodney King in 1991. The findings of the Christopher Commission confirmed that such tactics were generally condoned and even encouraged. The videotaped replay of that performance will be an embarrassment to professional policing for years to come. Police departments need to remove officers from the profession who would participate in or overlook such violence.

Many police officers go to work each day with a negative attitude, and some may take out their frustrations on the citizens they meet. Police officers need to treat their on-duty time as a professional performance and render the best service possible on any given day. If they treat the citizens they serve with respect and concern, officers will make great progress in improving the public's perception of law enforcement as a profession worthy of trust and admiration.

FYI Accreditation

On January 1, 2011, approximately 1,000 police agencies in the United States, Canada, Mexico, and Barbados were accredited or recognized (for smaller law enforcement agencies) by the Commission on Accreditation for Law Enforcement Agencies (CALEA).

Source: "CALEA, Commission on Accreditation for Law Enforcement Agencies," www.calea.org (personal communication).

Summary

1. Describe the general attitude of the public toward the police.

According to surveys, the American public is generally satisfied with the quality of the service the police provide. The level of confidence varies across racial and ethnic groups. As with most services, the public believes there is room for improvement.

2. Summarize the steps in an effective police officer selection process.

Police applicants go through several different kinds of testing to become law enforcement officers. Steps in an effective police officer selection process include recruitment, short application, detailed application, medical examination, physical ability test, written examination, background investigation, psychological testing, oral interview/oral board, academy training, and a probationary employment period.

3. Identify factors that affect the exercise of police discretion and methods of limiting discretion.

Factors that affect the exercise of police discretion include the nature of the crime, departmental policies, the relationship between the victim and the offender, the amount of evidence, the preference of the victim, the demeanor of the suspect, the legitimacy of the victim, and the suspect's socioeconomic status. Methods of limiting police discretion are close supervision by a police agency's management, department directives and policies, U.S. Supreme Court decisions, and the threat of civil liability suits.

4. Describe two general ways that law enforcement agencies can reduce stress on the job.

Two general ways that law enforcement agencies can reduce job stress for police officers are (1) to employ *stress management* strategies, such as discussing stressful events with colleagues and mental health professionals, regular exercise, relaxation techniques, healthy diet,

religious support, enriched family support, prayer, meditation, and stress management classes that often involve spouses, and (2) to implement *organizational change*, such as allowing officers more discretion in determining work hours and shifts, flattening the organizational structure and giving officers more discretion in carrying out their responsibilities, job redesign that assigns unwanted or unnecessary tasks for a police officer to another position, and having excellent public safety equipment such as weaponry, vehicles, and body armor.

5. Explain the circumstances under which police officers may be justified in using deadly force.

The use of deadly force by a police officer may be justifiable if (1) the arrest is for a felony; (2) the person effecting the arrest is authorized to act as a peace officer or is assisting a person whom he or she believes to be authorized to act as a peace officer; (3) the officer believes that the force employed creates no substantial risk of injury to innocent persons; (4) the officer believes that the crime for which the arrest is made involved conduct including the use or threatened use of deadly force; and (5) the officer believes there is substantial risk that the person to be arrested will cause death or serious bodily harm if his or her apprehension is delayed.

6. List some of the ways to control and reduce police corruption.

Ways to control and reduce police corruption include selecting and maintaining officers with high moral standards, developing rigid departmental policies that cover the wide range of activities that corruption comprises, disciplining and prosecuting officers who are guilty of violating established policies and laws, utilizing a proactive internal affairs investigations unit, holding first-line supervisors responsible for the actions of their subordinates, employing outside review and special prosecutors, and emphasizing to officers the costs to police agencies of criminal prosecutions and civil liability suits.

Key Terms

three I's of police selection 244

college academies 249

public safety officers 249

police cadet program 249

tech prep (technical preparation) 250

merit system 250

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full enforcement 256

selective enforcement 256

racial profiling 258

job stress 260

copicide 261

excessive force 262

"grass eaters" 267

"meat eaters" 267

internal affairs investigations unit 267

Review Questions

1. Explain how the three I's of police selection (intelligence, integrity, and interaction skills) relate to the success of a police officer.
2. What are some advantages of hiring college-educated police officers?
3. What are some arguments in favor of and opposing the reduction of police discretion?
4. Why do police generally not like to respond to domestic violence calls?
5. What is *racial profiling* in law enforcement, and what are some of the methods that have been prescribed to stop it?
6. What are some of the conditions that can lead to police job stress?
7. What is meant by *copicide*?
8. What is meant by *excessive force*?
9. What are some types of police misconduct?

In the Field

- 1. Neighborhood Survey** Conduct a survey about the police in your neighborhood. Use the same survey questions and categories as in Figures 7.1 and 7.2. Try to get respondents from as many races, genders, and age groups as possible. Compare the results of your survey with the results in Figures 7.1 and 7.2. Note any gender, race, or age differences in responses.
- 2. Police Recruiting** Contact your local police department, and find out what it does to recruit police candidates. Does it run a police academy? Does it generally recruit officers from other jurisdictions? Compare your findings with those of others in the class and what you have learned from your textbook.

On the Net

- 1. Racial Profiling** Go to the website of the American Civil Liberties Union at www.aclu.org/RacialEquality/RacialEquality.cfm?ID=18163&c=133 and look at its report on “Driving While Black: Racial Profiling on Our Nation’s Highways” by Professor David A. Harris from the University of Toledo College of Law. Read Professor Harris’s report and his five recommendations for ending racial profiling. Which of the five recommendations do you agree with and why? Which do you disagree with and why? Discuss these findings in class and see if other students share your views.
- 2. Job Qualifications** Go to the websites of four large police departments (New York City at www.ci.nyc.ny.us/html/nypd/home.html; Los Angeles at www.lapdonline.org; Philadelphia at www.ppdonline.org; and Houston at www.houstontx.gov/police, and identify the major qualifications to be a police officer that are listed there. What qualifications are the same or similar among the agencies you examined? What qualifications are unique among those listed by the four agencies? Which employment qualifications are the most difficult to meet? Do you agree that all of the qualifications most difficult to meet are necessary? Would you add any qualifications? If so, what would they be? What would be the impact of your new qualifications on the recruitment and selection of police officers?

Critical Thinking Exercises

EXCESSIVE USE OF FORCE

1. In January 2010, nine Orange County (Florida) Sheriff’s deputies fired 137 bullets at 27-year-old Terry Breedlove. Twenty of the bullets hit him. Breedlove died at the scene. The deputies were members of the department’s auto theft unit and had followed Breedlove into an apartment complex parking lot. They believed that he was driving a stolen Dodge pickup. Breedlove was well known to the officers. They knew that he and his cohorts stole cars and burglarized vehicles and residences in Orange and surrounding counties.

The deputies ordered Breedlove to get out of the vehicle. Investigators stated that Breedlove refused the order and tried to escape by ramming several sheriffs’ patrol vehicles. That is when the deputies opened fire, killing Breedlove. The officers claimed that Breedlove tried to run them over with the vehicle. When a reporter asked the county sheriff whether 137 rounds were necessary, he replied, “Well, I believe the deputies used their training and they fired until they believed there was no longer a threat to them or to others.” Witnesses said that they saw bullets hit parked cars and the apartment complex.

Over the next year, the Florida Department of Law Enforcement conducted an investigation and turned its findings over to the State Attorney’s Office. The State Attorney presented the findings to a grand jury. In addition, the Orange County Sheriff’s Office completed an internal probe into the shooting. All of the investigations came back with the same results; the nine officers involved did not use excessive force given the circumstances, and eight of them were cleared of violating any department policy. The only deputy to violate depart-

ment policy used the wrong kind of shotgun shell. He used birdshot instead of buckshot. Birdshot is used for training, and the deputy forgot to change out his shells after practicing at the range earlier in the day.

- a. Do you believe the sheriff’s deputies used excessive force? Why or why not?
- b. Should the deputies have handled the situation (a possible car theft) differently? How?
- c. Do you believe the investigations and outcome were fair and objective?
- d. Do the deputies need additional weapons training and target practice?

STRESS

2. You are the commander of the operations division of a medium-sized police department in charge of the patrol, criminal investigation, and traffic sections.
 - a. What would you do if several officers from each of the sections came to you and said that they believed that job stress was hindering officer performance and endangering the health of several officers in each of the units?
 - b. How would you go about validating their claims of job stress in the work environment?
 - c. If it was determined that stressors such as shift changes that were too frequent, poor communication among the various ranks, and a lack of sufficient safety equipment were present, what would be your plan to improve working conditions and reduce job stress?
 - d. Provide a step-by-step summary of what you would do.

To access more information and resources, including study questions, chapter summaries, and links, go to www.mhhe.com/bohm7e.