

# Criminal Justice *in* America

EIGHTH EDITION



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# 5

## Policing: Contemporary Issues and Challenges

# LEARNING OBJECTIVES

- LO1 – Describe the everyday actions of police
- LO2 – Identify the ways police can abuse their power and the challenges of controlling this abuse
- LO3 – List the methods that can be used to make police more accountable to citizens
- LO4 – Describe the delivery of police services

# LEARNING OBJECTIVES

- LO5 – Name patrol strategies that departments employ
- LO6 – Explain the importance of connections between police and the community
- LO7 – Identify issues and problems that emerge from law enforcement agencies' increased attention to homeland security
- LO8 – Describe the policing and related activities undertaken by private sector security management

# POLICING DUTIES

- On December 14, 2012, Adam Lanza, a mentally troubled 20-year old, had shot his way into Sandy Hook Elementary School, in Newton, Connecticut. He had semiautomatic pistols, a rifle, and more than enough ammunition to kill everyone in the school. Officers found two women shot to death in the hallway, and the bodies of teachers and 20 dead first-graders in two classrooms.
- What is the range of responsibilities and challenges facing police officers today?



# POLICE AND CITIZEN ENCOUNTERS

- Each year 1 in 5 citizens has a face-to-face encounter with law enforcement
  - 1/5 are calls for assistance
  - 1/5 are people reporting a crime
  - 1/5 are police investigating crime
  - Remaining 40% are drivers and passengers stopped by police
- 90% of people who have contact believe police acted properly

# POLICE DISCRETION

- Police have power to deprive people of liberty and take them into custody
  - Often choice arises in ambiguous situations, leaving it to the officer to decide how and when to apply the law
  - Officer on the scene must define the situation, decide how to handle it, and determine whether and how the law should be applied

# CRITICAL FACTORS IN POLICE DISCRETION

- Nature of the crime
- Relationship between alleged criminal and victim
- Relationship between police and the criminal or victim
- Race/ethnicity, age, gender, class
- Departmental policy

# DOMESTIC VIOLENCE

- Refers to intimate partner violence of violent victimizations between spouses, boyfriends, girlfriends, or those formerly in intimate relationships.
  - Good example of the role of police discretion
  - Until the 70s and 80s, police treated these incidents as a private matter between couples
  - Because of women's groups and lawsuits, half the states have developed policies to require the arrest of suspects in violent incidents and have programs designed to educate officers about domestic violence



# QUESTION FOR DISCUSSION

- Violence between spouses or intimate partners, domestic violence, provides a good example of the role of police discretion. Until the 1970s and 1980s, many male officers treated such events as private matters for couples to handle themselves rather than as crimes, even when there was clear evidence of violence and injuries. Currently, most states require arrest of suspects, and most departments and police academies have programs to educate officers about domestic violence and victimization of women.
- What has caused such a shift in domestic violence policy changes, both in legislation and police response?

# POLICE ABUSE OF POWER

- Police officers can break the law and disobey departmental policies through corruption, favoritism, discrimination, and the failure to carry out their duties properly



# USE OF FORCE

- Police may use legitimate force to do their job
- Police violate the law when they use excessive force, or force that violates departmental policies of the constitutional rights of citizens
- Use of force occurs most frequently when police are dealing with people affected by drugs or alcohol, or mental illness

# USE OF FORCE

- Use of deadly force has become an emotional issue with a direct connection to race relations
  - Risk of lawsuits by victims of improper shootings
- Police administrators have few tools available
  - Training
  - Internal review of incidents
  - Discipline or firing of officers



# CORRUPTION

- Police officer's violations of law and departmental policy for personal gain or to help out their friends
  - “Grass eaters”
    - Officers who accept payoffs through routine police work
  - “Meat eaters”
    - Officers who actively use power for personal gain



# QUESTIONS FOR DISCUSSION

- In 2011, 30 Baltimore police officers were charged in an extortion scheme netting thousands of dollars. In 2011, several Chicago police officers were convicted of robbing drug dealers for money and drugs. In 2013, a NYC officer was fired in an ongoing scandal that uncovered the involvement of over 200 officers in illegally fixing parking and traffic tickets.
- How is it possible that police administrators were unaware of ongoing scandals such as these? What actions can they take to ensure it doesn't occur again?

# CIVIC ACCOUNTABILITY

- Currently, there are four methods used to control the police
  - Internal Affairs Units
  - Civilian Review Boards
  - Standards and Accreditation
  - Civil Liability Lawsuits

# INTERNAL AFFAIRS UNITS

- Receives and investigates complaints against officers
- Officers charged with misconduct can face:
  - Criminal prosecution
  - Disciplinary action leading to resignation
  - Dismissal
  - Suspension



# CIVILIAN REVIEW BOARDS

- Citizens' committee formed to investigate complaints against the police
  - Organization and powers vary but all review how departments handle citizen complaints
  - Do not have power to investigate and discipline officers
  - Police claim they lower morale and hinder performance

# STANDARDS AND ACCREDITATION

- **Commission on Accreditation for Law Enforcement (CALEA)**
  - Nonprofit organization formed by law enforcement professional organizations
  - Develops standards for police polices and practice
  - Accreditation is voluntary, but CALEA will review agencies and award accreditation if agency meets standards

# CIVIL LIABILITY LAWSUITS

- 1961, Supreme Court ruled that Section 1983 of Civil Rights Act of 1871 allows citizens to sue public officials for violations of federal constitutional rights (Section 1983 lawsuits) by an agency's customs and usages
- Officers may also be sued in state and federal courts for brutality, improper use of weapons, and false arrest
- Violations of 4th Amendment are subject to lawsuits for excessive force and improper arrests

# DELIVERY OF POLICE SERVICES

- Evidence-based practices are often the basis for allocating resources and determining how to set priorities
  - Significant budget cuts
  - Reductions in personnel

# POLICE RESPONSE

- Proactive versus Reactive policing
  - Reactive
    - Responding to citizen calls for service
  - Proactive
    - Police try to anticipate crime and prevent them from occurring

# INCIDENT-DRIVEN POLICING

- Policing in which calls for service are the primary instigators of action
  - Less than 30% of calls to police involve criminal law enforcement
  - Most calls concern order maintenance and service
  - Differential response system assigns priorities to calls for service and chooses the appropriate response

# PRODUCTIVITY

- Clearance rate is the percentage of crimes that have been solved through arrest
- CompStat approach to crime prevention and police productivity
  - Twice-weekly briefings before peers and executives
  - Held responsible for success of crime control efforts
  - Computer systems with up-to-date crime data



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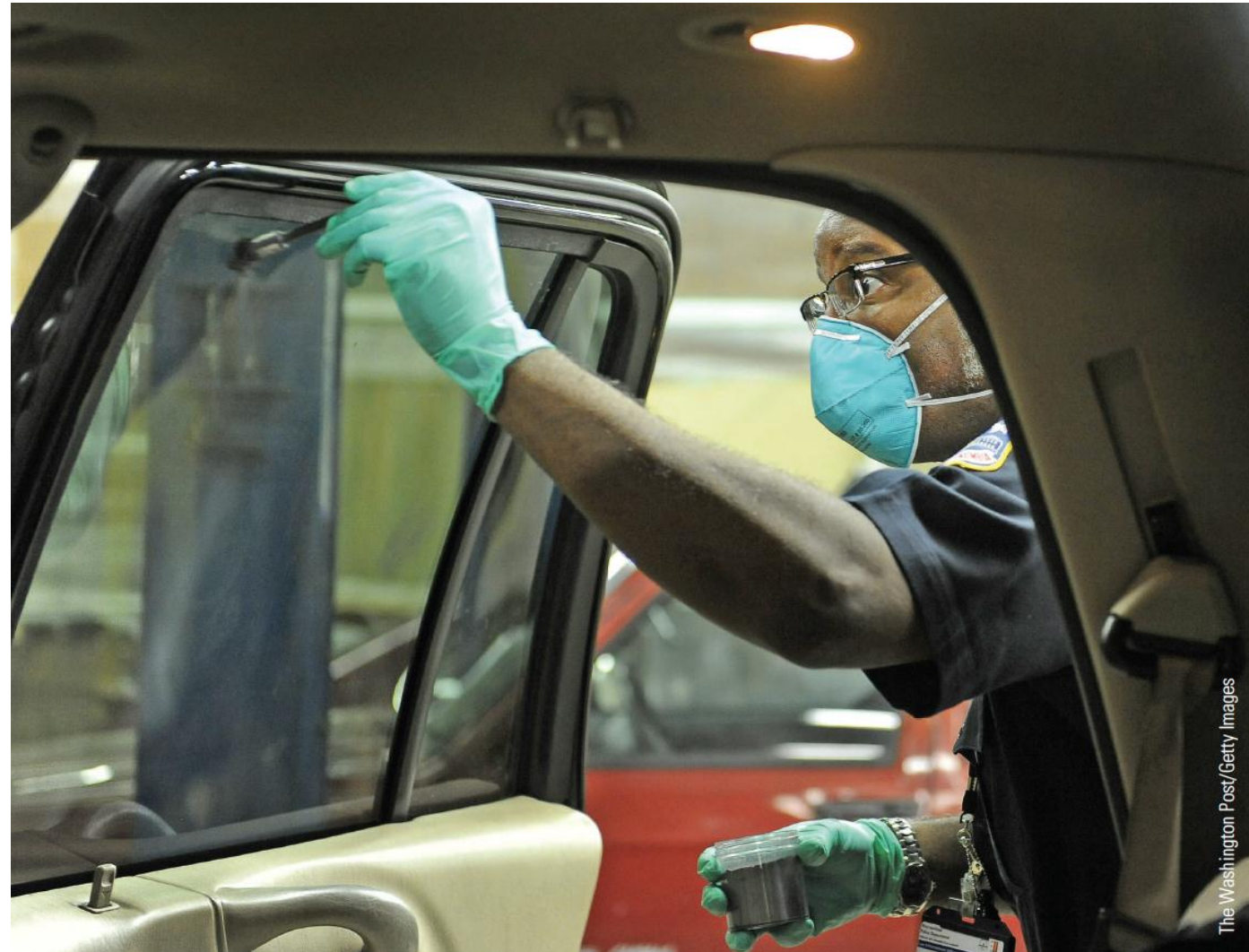
# PATROL FUNCTIONS

- Sworn officers are those under oath and with authority to make arrests and use necessary force
- 2/3 of sworn police officers are patrol officers
- Functions
  - Answering calls
  - Preventive patrol – maintaining police presence
  - Probing suspicious circumstances



# INVESTIGATION

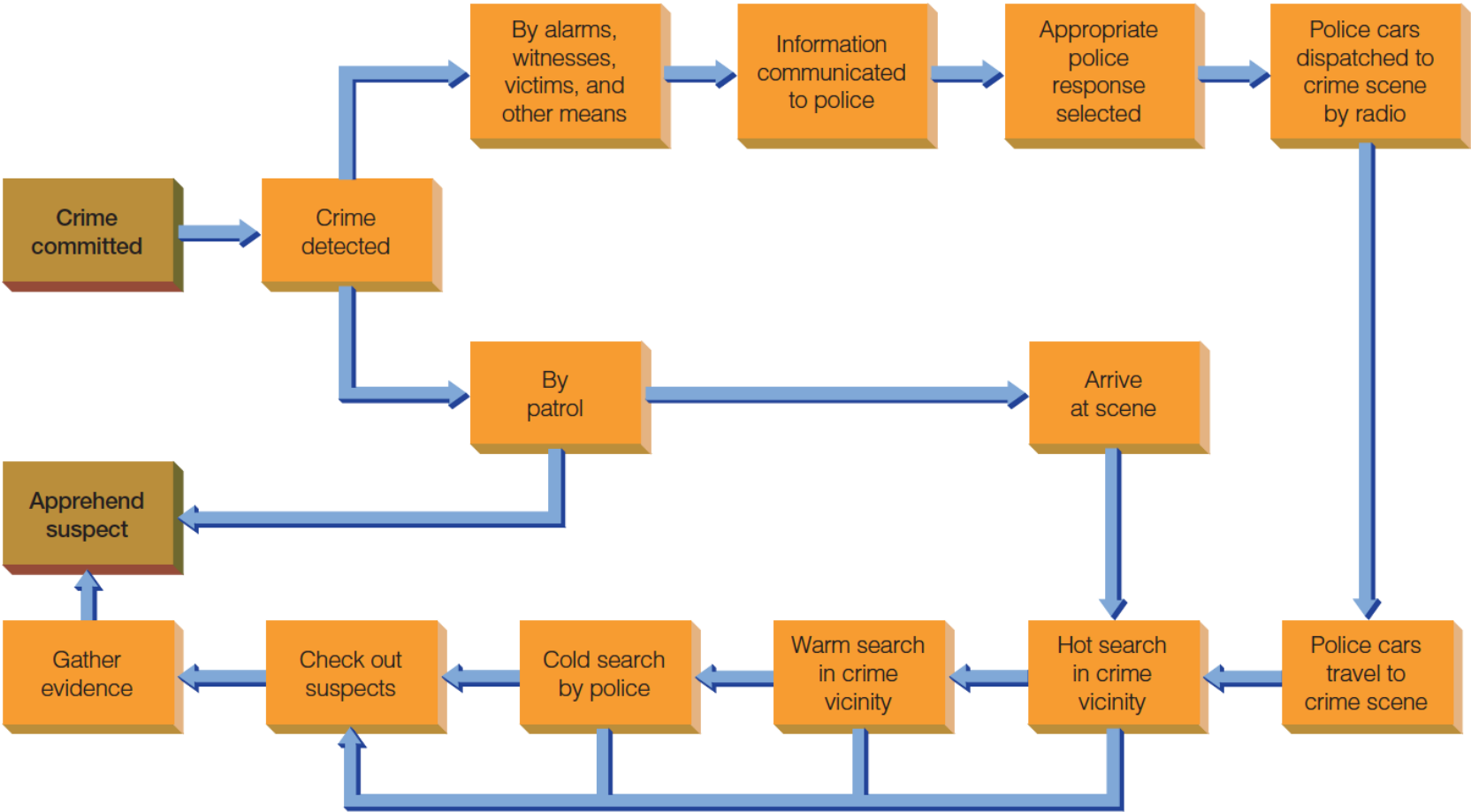
- Detectives are plain clothes officers who investigate crimes
- 15% of police personnel
- Higher status, higher pay, more flexible hours



# APPREHENSION

- Process of catching a suspect:
  - Detection of a crime
  - Preliminary investigation
  - Follow-up investigation
  - Clearance and arrest (depending on outcome of investigation)

# APPREHENSION



## FIGURE 5.2

**The Apprehension Process** Apprehension of a felony suspect results from a sequence of actions by patrol officers and detectives. Coordination of these efforts is key to solving major crimes.

# SPECIAL OPERATIONS

- Many larger department have specialized units
  - Traffic
  - Vice
  - Juveniles
  - SWAT
  - Organized crime and drugs
  - School Resource Officers (SROs) (police duties in schools)

# ISSUES IN PATROLLING

- In the past 30 years, research focus has been on methods of assigning tasks to patrol officers, assigning them to specific areas, and communicating with them
- If you were a police chief, how would you incorporate new research into your patrol plans? How would you persuade your officers to adopt new approaches? How would you reassure citizens?

# ASSIGNMENT OF PATROL PERSONNEL

- Based on factors such as:
  - crime statistics
  - 911 calls,
  - community pressures
  - ethnic composition
  - urbanization,
  - socioeconomic conditions

# INVESTIGATION

- All cities with a population of more than 250,000 and 90% of smaller cities have officers called detectives
  - Police officers typically working in plain clothes, who investigate crimes that have occurred by questioning witnesses and gathering evidence
  - Make up 15% of police personnel
  - Pay is higher, hours more flexible

# SPECIAL OPERATIONS

- Special units set up to deal with specific types of problems
  - School Resource Officers (SROs) – officers assigned to high schools under contractual arrangements to assist in order maintenance
  - Traffic officers – deal with traffic regulation
  - Vice – enforcement of vice laws
  - Drug Law Enforcement – enforce drug laws



# AGENCY OPTIONS

- Preventive patrol (making police presence known to deter crime)
  - Kansas City Experiment demonstrated it had no significant impact on crime
- Hot spots
  - Directed patrol focuses on these areas where crime is most likely
- Foot versus motorized patrol
  - Foot patrol is more effective in hot spots

# AGENCY OPTIONS

- Aggressive patrol
  - Maximizes number of police in community
- Community policing
  - Decentralized model
  - More focused on non-emergency responses
  - Often focus on problem-oriented policing, a strategy that looks for reasons citizens call for help

# COMPONENTS OF COMMUNITY POLICING

- Community-based crime prevention
- Changing the focus of patrol activities to non-emergency services
- Making the police more accountable to the public
- Decentralizing decision-making to include residents

# POLICE AND THE COMMUNITY

- Police must deal with complex population
  - Mentally ill
  - Homeless
  - Alcoholics/drug addicts
  - People with serious medical conditions
- Crisis Intervention Teams (CIT) – mobile units equipped to handle disturbed people

# POLICING IN A MULTICULTURAL SOCIETY

- In a multicultural society, relations between police and minorities are complicated by stereotypes, cultural variations, and language differences
- Public opinion polls show race and ethnicity are key in citizen attitudes towards police
- Provide some ideas for training that would help police working in multicultural neighborhoods.



# COMMUNITY CRIME PREVENTION

- Programs through which criminal justice officials develop relationships with and rely on assistance from citizens in preventing crime and apprehending offenders
  - Project Safe Neighborhoods – significant focus on anti-gang efforts and reduction in illegal firearms
  - Crime Stoppers Program – enlist public help in solving crime

# HOMELAND SECURITY

- 9/11 refocused resources from street crime to terrorism
  - U.S. agencies have increased number of officers in foreign countries
  - FBI has 70 overseas offices known as Legal Attaches
  - Interpol, based in Lyon, France fosters cooperation among world's police forces and is currently a vehicle in international antiterrorist and anticrime efforts

# PREPARING FOR THREATS

- U.S. Border Patrol patrols national land borders and coastal waters to prevent smuggling, drug trafficking, and illegal entry into the U.S.
- Fusion Centers run by states and larger cities analyze and facilitate sharing of information between law enforcement agencies
- Regional cooperation between local and state governments
- Changes in training, equipment, and operations in local agencies
- Fusion Centers were created to aid in the terrorist threat. In what other crime areas could they prove beneficial?





# PREPARING FOR THREATS

- Traditional law enforcement intelligence included collection and analysis of information concerning criminal activities and organizations, such as gangs, drug traffickers, and organized crime
  - New emphasis on homeland security broadens the scope of information agencies need to gather
    - Emergence of radical groups
    - Suspicious subjects observing infrastructure facilities
    - Growth of phony charities that may steer money to terrorists

# NEW LAWS AND CONTROVERSIES

- Following 9/11, new laws were passed to expand government power to deal with terrorism
  - USA Patriot Act – federal statute passed after 9/11 that broadens governmental authority to conduct searches and wiretaps and expands the definitions of crimes involving terrorism
  - Hamdi v. Rumsfeld (2004)
  - National Defense Authorization Act of 2011
- Many fear that government excesses may endanger civil rights

# SECURITY MANAGEMENT AND PRIVATE POLICING

- Threats which have spurred an expansion into private security:
  - Increase in crime in the workplace
  - Increase in fear (real or perceived) of crime
  - Fiscal crisis of the states
  - Increased public and business awareness



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# FUNCTIONS OF PRIVATE SECURITY

- Hire, train, and supervise personnel to protect computer systems
- Plan security systems and emergency-response plans
- Private sector detectives
- Investigations that threaten company assets, including embezzlement