

Ninth Edition Police Community Relations

and the Administration of Justice

Ronald D. Hunter | Thomas Barker | Melchor C. de Guzman



POLICE–COMMUNITY RELATIONS AND THE ADMINISTRATION OF JUSTICE

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Library of Congress Cataloging-in-Publication Data

Names: Hunter, Ronald D., author.

Title: Police-community relations and the administration of justice / Ronald D. Hunter, Melchor C. de Guzman.

Description: Ninth edition. | Hoboken : Pearson, [2016] | Revised edition of | Includes index.

Identifiers: LCCN 2016041417 | ISBN 9780134548043 | ISBN 0134548043

Subjects: LCSH: Police-community relations—United States. | Police—United States. | Criminal justice, Administration of—United States.

Classification: LCC HV7936.P8 H86 2016 | DDC 363.2/30973—dc23 LC record available at <https://lccn.loc.gov/2016041417>



ISBN 10: 0-13-454804-3
ISBN 13: 978-0-13-454804-3

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PREFACE

Policing society, especially a free society, is too important an aspect of public policy to be left solely to the police. For that matter, the operation of the justice system is too important to be left solely to the practitioners. Citizen participation is crucial to the effectiveness of the criminal justice system. Every edition of this book has been organized around the same theme: Each criminal justice system component (specifically the police) must develop and maintain meaningful, two-way communications among the agency, its service areas, and populations served.

As the gatekeepers of the criminal justice system and the most visible representatives of our democratic form of government, the police have the unique responsibility to engage in partnerships with their communities. These partnerships, once developed, can create a sense of safety, problem solving, and good quality of life for those being served. This book addresses all the communities the police serve and discusses past, current, and future practices that can create and sustain meaningful and successful police–community relations.

This text is designed for use in a one-semester course on Police and the Community, Police–Community Relations, Police and Society, or similar subject. It is an overview of the topics covered, and much more can be said about every topic. We address the topics in the context of community relations and encourage the reader to pursue further study in areas of special interest.

Every edition of this textbook has had its friends. The current edition was written to address ongoing changes since the eighth edition was released. The nation is bitterly divided on partisan issues and the “War on Terror.” A downward turn in race relations fueled by an increasingly hostile media has negatively impacted police–community relations (particularly with African Americans). Political, cultural, and social changes across the nation continue. America’s civil liberties are being challenged by proponents of both “homeland security” and “political correctness.” The makeup of the U.S. Supreme Court has changed. Technological advances are ongoing. Prosecutorial wrongdoing has become a focal concern within the administration of justice. And, the police are expected to be better prepared for the challenges created by the preceding issues.

NEW TO THIS EDITION

- Data and references have been updated to reflect the current state of policing and police–community relations and we have increased coverage of practical tools that police and the community might use to improve their relationships.
- We have provided more insights for police to examine police organization’s fit with the communities they serve. The objective in this first set of revisions is to provide the readers the wide arrays of choices that are available for providing police services depending on the community that they serve. In this regard, we have included two major perspectives. We introduced the different types of communities in Chapter 3. Having this foundational knowledge, we begin to present in Chapter 4 the different types of policing models that are available and have been used. Chapter 15 ties up all these concepts on arguing for the right policing models based on the communities and the need of the communities.
- We have enhanced the information about the dynamics of policing realities and the problems they pose for police–community relations. We have discussed the different paradoxes in the police use of their coercive powers and argued that such paradoxes and other challenges that they face are responsible for the quality of police–community relations that emerge. These were done in Chapter 5 where we talked about the dilemmas and grave implications of policing special populations.
- We have identified the different levels of communications and provide recommendations on how to improve the communications among the police and its various clients. Chapter 8 provides an analysis of the different levels of communications. We have also noted how ineffective communication might bring about distrusts and scapegoating between the police and the public.

- We have untangled the various relationships between the media and the police including the implications of these relationships in Chapter 11. We have also included a presentation of how the police department can use social media as a tool for police–community relationships. We have also discussed in Chapter 13 how the current assimilation process of immigrants is presenting a challenge in the conduct of policing.
- We have merged Chapters 14 and 15 in order to capture the problems of the police in enforcing order both at the macro-level (i.e., the performance of police function as agents of the state) and at the micro-level where person-to-person conflicts might strain police–community relations.

INSTRUCTOR SUPPLEMENTS

Instructor’s Manual with Test Bank. Includes content outlines for classroom discussion, teaching suggestions, and answers to selected end-of-chapter questions from the text. This also contains a Word document version of the test bank.

TestGen. This computerized test generation system gives you maximum flexibility in creating and administering tests on paper, electronically, or online. It provides state-of-the-art features for viewing and editing test bank questions, dragging a selected question into a test you are creating, and printing sleek, formatted tests in a variety of layouts. Select test items from test banks included with TestGen for quick test creation, or write your own questions from scratch. TestGen’s random generator provides the option to display different text or calculated number values each time questions are used.

PowerPoint Presentations. Our presentations are clear and straightforward. Photos, illustrations, charts, and tables from the book are included in the presentations when applicable.

To access supplementary materials online, instructors need to request an instructor access code. Go to **www.pearsonhighered.com/irc**, where you can register for an instructor access code. Within 48 hours after registering, you will receive a confirming email, including an instructor access code. Once you have received your code, go to the site and log on for full instructions on downloading the materials you wish to use.

ALTERNATE VERSIONS

eBooks. This text is also available in multiple eBook formats. These are an exciting new choice for students looking to save money. As an alternative to purchasing the printed textbook, students can purchase an electronic version of the same content. With an eTextbook, students can search the text, make notes online, print out reading assignments that incorporate lecture notes, and bookmark important passages for later review. For more information, visit your favorite online eBook reseller or visit www.mypearsonstore.com.

ACKNOWLEDGMENTS

The professional staff at Pearson is greatly appreciated, especially Gary Bauer and Jennifer Sargunar. I also extend my thanks to the Rights and Permissions Project Manager Karen Sanatar and the Project Manager Rajiv Sharma from Aptara. I would like to thank the reviewers who provided very helpful comments: Emily Carroll, Arkansas State University - Newport/Jonesboro; Peter Curcio, Briarcliffe College; Ivan Kaminsky, Mesa Community College; Jeffrey Majewski, Bristol Community College; and Allan Skrocki, Schoolcraft College and Henry Ford College. Several law enforcement officers and agencies provided information, photographs, or other materials that greatly aided in this effort. We wish to thank Sheriff Randy Bower, Deputy (Professor) Gary Metz, and Deputy John M. Doyle, Orleans County Sheriff’s Office; Chief David Zack, Assistant Chief James Speyer, Lieutenant Brian Coons, Officer Paul Nazzarett, Officer Thomas Rogers and Officer Donald Szumigala, Cheektowaga Police Department; Dianne de Guzman-Powell, of Terre Haute Tribune Star; Chief Denise Downer-McKinney, Assistant Chief Debbie Burnett and Kim Stone, Rome Police Department; David Graham; Sheriff Chris Nanos and Lt. Nicole L. Feldt, Pima County Sheriff’s Department; Sheriff Clark

Cottem Sullivan County Sheriff's Department; Chief A. C. Roper, Wanda Poore, Officer Michelle Burton and Sergeant Brian Burton, Birmingham Police Department; Chief Terry Schneider, Sergeant Rebecca Lawler, Officer Chris Wragg, Officer Candler Smith, and Officer Ashley Still, Georgia Gwinnett College Police Department; Jennifer Arrocena and Shavon Ferrell, Georgia Gwinnett College Disability Services; Renee Dixon of the Southern States Police Benevolent Association; and, Captain Jeff Smith and Sergeant Barry Honea, Lawrenceville Police Department.

We would like to sincerely acknowledge the loving support and tolerance of our wives (Vi, Betsy and Peen) who make our lives worthwhile.

The Administration of Justice and the Police

“Injustice anywhere is a threat to justice everywhere.”

—LETTER FROM BIRMINGHAM JAIL, APRIL 16, 1963.

—MARTIN LUTHER KING, JR.

KEY CONCEPTS

Civil Justice
Civil Liberties
Common Law
Commutative Justice
Criminal Justice

Distributive Justice
Equality
Federalism
Human Rights
Justice

Restorative Justice
Rule of Law
Social Justice
Social Stability
Symbolic Reassurance

LEARNING OBJECTIVES

Studying this chapter will enable you to:

1. Discuss the need for justice in order for nations and their governmental components to survive.
2. Define human rights and describe their importance to people living throughout the world.
3. Explain the importance of the Bill of Rights in protecting the civil liberties of American citizens.
4. Identify the different agencies responsible for protecting the civil rights of U.S. citizens.
5. Define justice and describe the different types of justice.
6. Explain the mission of a justice system.
7. Identify the four kinds of justice systems found around the world.
8. Discuss the challenges of administering justice within a democratic society.
9. Explain how federalism affects the administration of justice in America.
10. Present and discuss the various components within the U.S. justice system in addition to the police.
11. Describe how America’s police system is structured.
12. Understand where the police fit within the U.S. justice system.
13. Be familiar with the “Four C’s” of police–community relations.

INTRODUCTION

The majority of those reading this text have completed other courses about the criminal justice system and its processes. However, a brief refresher is provided in order to remind law enforcement students that the police do not exist in a vacuum. The myriad of agencies that comprise the “police” are integral components of a vital system of justice upon which social order and stability depend. The purposes, roles, and functions of the police within every nation are interdependent with those of other governmental entities. Thus, to understand the police, one must understand the other components of the criminal justice system and the concept of justice in the American context.

THE IDEA OF JUSTICE

To many of us, the concept of justice is relatively straightforward—the large number of people that comprise a society require regulation to ensure peace and stability. This idea of control is contained in the “social contract” that members of society abide by in accepting the government’s ability to regulate, conduct, and maintain order. In the absence of regulation, competing interests and differing perspectives on what constitutes acceptable behavior would lead to chaos. The weak would be victimized by the strong; violence would become the social norm; and civilization would cease to exist. This idea of justice is often simplified into two words: “law and order.” However, as we may easily note when viewing current world events that who determines what constitutes the law, who defines the nature of order, and how their views are imposed on the populace are not as clear-cut.

The Need for Justice

Nations and their components (states, territories, provinces, cities, counties, etc.) cannot exist without established systems of justice. These systems must not only ensure that domestic peace and tranquility are preserved, but they also must do so in a manner acceptable to those who are governed. This principle is true even within totalitarian societies. While those subject to governmental edicts may have little or no say in how laws are enacted and enforced, there must be a belief that subservience to their government is preferable to disorder. The reader may challenge this assertion by pointing to the arbitrariness and unfairness that may be found within the brutal dictatorships that have existed (and that unfortunately still exist) within our world. We agree. But even in those countries, one will find that those in power must present an appearance of justice. While these justice systems may be backed by repressive force, the masses of people must still feel that they and their families can reasonably exist. Otherwise, rebellion will take place.

Regardless of the nature of a society, social stability is not enough. Citizens must also feel that they are being treated “properly.” What is viewed as proper is determined by historical and cultural influences. Governmental actions that would be totally acceptable in one nation would not be seen as such in others. As humankind has evolved, its expectations and ideas have likewise developed. Currently, two key criteria in evaluating the world’s justice systems are the state’s provisions for basic human rights and the extent of civil rights granted to citizens.

HUMAN RIGHTS In its simplest term, **human rights** may be defined as an individual’s right to the basic necessities for survival. These necessities include adequate food, shelter, medical care, and not being the victim of a government’s or government-condoned group’s efforts to commit genocide or other atrocities. For example, efforts on the part of the U.S. Army during the 1800s to annihilate Native Americans and by the Iraqi government during the rule of Saddam Hussein to eliminate the Kurds are clear examples of human rights violations. Modern human rights organizations would also charge that the existence of poverty and famine within third-world nations is another example. In recent years, human rights include providing humane treatment even to prisoners who are suspected terrorists, as well as treatment of illegal aliens in a state.

On December 10, 1948, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights. Following this historic act, the Assembly called upon all member countries to publicize the text of the Declaration and “to cause it to be disseminated, displayed, read, and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories” (see Appendix 1).

The justice system in the United States is increasingly being held accountable to the edicts of international organizations and, in principle, abides by the international standards of justice.

Human rights violations are particularly poignant for the police as the state's instruments of control. In human rights violation situations, the police normally exercise their powers outside of the stress and exigencies of the situation. Roelofse (2013) notes that human rights violations are inflicted in situations wherein those subjected to police control do not present any immediate danger to the police or the public. He believes that the police cannot have any justifiable argument for using torture or enhanced interrogation techniques on their detainees as they are in asymmetrical power positions. In addition, violations of human rights are normally done outside the law and, therefore, have no legally justifiable basis for the use of force. The initial step in conforming one's conduct in accordance with the law is awareness. Thus, the police need to be quite familiar with human rights laws for them to effectively carry out justice.

CIVIL RIGHTS As the reader can see in Appendix 1, the U.N. Declaration goes beyond our definition of basic survival necessities to incorporate equal and equitable rights, freedom of speech, and protection from government abuse. In reality, many of the world's 191 nations do not adhere to these standards. Even Western democracies have been slow to adopt them in their totality. For example, despite the protections of the Bill of Rights (the First Ten Amendments to the U.S. Constitution, written 150 years before the U.N. Declaration), it was not until the 1960s that full enforcement of civil rights began within the United States.

We view civil rights as moving beyond the basic necessities for survival to include equal participation in democratic elections, equal access to legal institutions, and equal protection by the government from both governmental and private abuse. Freedoms from government oppression or intrusive practices are also known as **civil liberties** (we will discuss them in more detail in a later section). The extension of these rights, based on gender and physical disabilities, was interpreted as being covered by the Bill of Rights during the 1970s (see Figure 1.1).

FIGURE 1.1 The Bill of Rights.

Amendments 1–10 of the U.S. Constitution

The Conventions of a number of the States having, at the time of adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added, and as extending the ground of public confidence in the Government will best insure the beneficent ends of its institution.

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both Houses concurring, that the following articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States; all or any of which articles, when ratified by three-fourths of the said Legislatures, to be valid to all intents and purposes as part of the said Constitution, namely:

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Amendment II

A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

Amendment III

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and

(continued)

FIGURE 1.1 Continued

district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Amendment VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Amendment XIV

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Note: The Fourteenth Amendment warrants inclusion here because it is the mechanism by which the Bill of Rights became applicable as protections from state and local governments in addition to the national government.

Source: <https://nccs.net/online-resources/us-constitution/amendments-to-the-us-constitution/the-bill-of-rights-amendments-1-10>

Sexual orientation was included during the 1990s. To date, the United States has been moving toward extending more civil rights to lifestyle choices such as equality on marriages and accommodations. Pursuant to protecting these rights, criminal legislations such as the hate crime law came about. Additionally, federal civil rights violations may be investigated by the Civil Rights Division of the U.S. Department of Justice, by the Federal Bureau of Investigation (FBI), by civil suits filed by individuals, or by complaints filed with the U.S. Commission on Civil Rights (see Figure 1.2). They may also be enforced by lawsuits and criminal prosecutions filed under the constitutional protections of the states.

JUSTICE DEFINED

While everyone has his or her own concept of justice (usually determined by what we think is best for us), it is not as easily defined as one might think. According to Crank (2003), efforts at clarity tend to conflict with concerns over inclusiveness. Definitions are also determined by the perspective of the viewer. Reiman (2007) argues that our system of justice is biased against the poor and is, therefore, not just. Lawyers tend to view justice as the obligation that the legal system has toward the individual citizen and society as a whole. To ensure that justice is seen from the relevant perspective of policing, we define **justice** as *the fair and equitable application of the rule of law by agents of social control regardless of the socioeconomic status of the individuals concerned* (Box 1.1).

FIGURE 1.2 Mission of the U.S. Commission on Civil Rights.

To investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, age, disability, or national origin, or by reason of fraudulent practices.

To study and collect information relating to discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice.

To appraise federal laws and policies with respect to discrimination or denial of equal protection of the laws because of race,

color, religion, sex, age, disability, or national origin, or in the administration of justice.

To serve as a national clearinghouse for information in respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin.

To submit reports, findings, and recommendations to the President and Congress.

To issue public service announcements to discourage discrimination or denial of equal protection of the law.

Source: U.S. Commission on Civil Rights.

BOX 1.1**Alternative Definitions of Justice**

Some satirical views of justice from Webster's online dictionary:

Justice. A commodity which in a more or less adulterated condition the State sells to the citizen as a reward for his allegiance, taxes, and personal service.

Justice. Fair play; often sought, but seldom discovered, in company with Law.

Justice. A mythological character whose statue has been frequently erected. She had eye trouble.

Source: By permission. From Merriam-Webster's Collegiate® Dictionary, ©2016 by Merriam-Webster, Inc. (www.Merriam-Webster.com).

Following that definition, there are six components that the administration of justice must contain:

- **Compliance with the Rule of Law.** As a common law country, agents of social control should enforce codified legal standards as well as case laws that govern human relations. These laws must exist and must be followed. In other words, both the enforcers and the controlled must abide by the legal standards. Observance of such standards in the law increases the respect for the law (Kirk and Matsuda, 2011; Kirk and Papachristos, 2011).
- **Equity.** Laws must be applied in an equal manner to everyone subject to them. In addition, every person must be allowed equal access to the legal system. This is a subject of great debate in regard to the U.S. criminal justice system, and even greater debate in regard to the U.S. civil justice system.
- **Fairness.** Laws, as well as their application, must be fair and not single out groups or individuals for arbitrary or unfair treatment. As with equity, fairness is not easily monitored and can often become lost in legalities and legalese that govern the system's operations. Tyler (2003) suggests that the effective rule of law hinges on the fair treatment of individuals particularly in the observance of proper procedures in adjudication of cases.
- **Accessibility.** There must be allowances for those individuals who do not have financial recourse to receive competent legal advice and support. This is dealt with in the criminal justice system by provisions for indigent defense. However, this is one component in which the U.S. civil justice system is very much lacking.
- **Effectiveness.** The system must work for common citizens in actuality as well as on paper. Like beauty, effectiveness is in the eye of the beholder. How well the U.S. justice system accomplishes this need is even more hotly debated than the previous components.
- **Oversight.** There must be remedies for failures or misapplications of justice to be corrected. The checks and balances of the federal system, and judicial oversight in particular, are the mechanisms designed to correct injustices that occur. While far from perfect and frequently yielding unsatisfactory results, this process is as functional as any other that may be found within the world community.

Critics may correctly cite examples to argue that the above components are more idealistic than accurate. Indeed, the administration of justice (particularly within a democratic society of more than 300 million) will always be a subject of debate.

Types of Justice

Understanding the administration of justice is further complicated by the different types of justice found within our society and the meanings attached to them. While the police are predominately linked with criminal justice, the other types of justice impact on both how the police are perceived by others and how they function within society. Brief overviews of these other types of justice follow:

SOCIAL JUSTICE **Social justice** is rendering to everyone that which is his or her due as a human being. Social justice is seen by its proponents as not just emphasizing equity and fairness in the application of jurisprudence but in regulating how a society's resources are allocated (Crank, 2003). Redistribution of wealth by the use of progressive tax systems, strict regulation

of business, and extensive use of social interventions by government are principles embodied within social justice. Social justice seeks to see that people are treated both fairly and “morally” within all areas of society. Social justice may be either distributive or commutative.

Distributive justice seeks to distribute rewards and punishments so that neither equal persons have unequal things, nor unequal persons have equal things. In other words, need is considered, but merit is rewarded. The U.S. system of welfare capitalism is based on distributive justice. Protections exist to ensure that the tenets of civil and human rights are provided but individual successes or failures are allowed.

Commutative justice seeks to ensure **equality** among citizens so that no one may gain by another’s loss. The fair and moral treatment of all persons, especially as regards social rules, is the part of a continued effort to do what is “right” (Crank, 2003; Reiman, 2007). Commutative justice places a greater emphasis on need rather than individual merit. Proponents of this perspective argue that biases due to class, ethnicity, gender, or other distinctions make capitalist societies inherently unfair. Therefore, greater efforts by government in the redistribution of wealth and the enhancement of life for minorities and the lower class must be implemented to address social inequities. Until these occur, true justice is not attainable (Cole, 2004; Reiman, 2007).

CIVIL JUSTICE **Civil justice** is the legal system that regulates the relationships between individuals. Distributive and commutative aspects do exist within the civil law system. However, the focus of civil law is to regulate noncriminal behaviors within society. Redress for harm from another’s actions is not by criminal prosecution but by seeking legal intervention to regain that which was lost due to another’s improper actions and/or to prevent further harm. For example, monetary compensation may be for the harm that was incurred due to a wrongful act. Punitive damages may also be awarded. Due to the complexities and costs of successful litigation involving civil actions, it is in the areas of civil law that the poor and the middle class are more likely to experience inequitable treatment.

Normally, the civil legal system is concerned with torts (i.e., private wrongs that are not deemed to be criminal). Likewise, administrative law, rules, and regulations followed and/or enforced by governmental agencies are also dealt with by the civil law system. Some behaviors (such as cheating on your income tax, violating another’s civil rights, and insider trading) may have both civil and criminal components. The police get involved as a consequence of legal judgments in cases of evictions and foreclosures as well as in the enforcement of administrative laws. Consequently, ill feelings and frustrations from civil actions may also lead to criminal activities on the part of those who feel that they have been wronged as well as ill feeling toward the police as enforcers of those judicial decisions.

RESTORATIVE JUSTICE As the name implies, **restorative justice** seeks to mitigate adverse relationships between individuals as well as certain behaviors that could be deemed to be criminal. Instead of seeking to punish based on criminal sanctions or imposing legal compensation, restorative justice seeks to avoid formal adjudication by using arbitration to resolve conflicts (Van Ness and Strong, 2006). Because it emphasizes the use of alternative means to restore relationships, this concept is also known as peacemaking (Fuller, 2005). Most current practices of restorative justice are mediations or conferences that may take place in lieu of civil litigation, and it may also be used as an alternative to criminal prosecution.

CRIMINAL JUSTICE **Criminal justice** is the system that the readers of this text are interested in. As we have noted above, it is not truly separate from the other systems of justice and actually interacts with them. We utilized Rush’s (2004) definition of the criminal justice system as the “process of adjudication by which the legal rights of private parties are vindicated and the guilt or innocence of accused persons is established.” Please note that the *criminal justice system is concerned not only with the enforcement of laws, but with the protection of legal rights as well*. To ensure that laws are not arbitrarily imposed, the criminal justice system relies on procedural law as well as substantive law.

Substantive law defines behaviors (and in some cases, failures to act) that are deemed to be unlawful and establishes sanctions for their commission (or omission). Procedural law regulates how substantive law may be applied. The famous *exclusionary rule* (see Box 1.2) is one mechanism by which American courts ensure that a defendant’s due process rights are protected.

BOX 1.2**The Exclusionary Rule**

In 1914, the U.S. Supreme Court ruled in *Weeks v. United States* that evidence illegally obtained by federal officers must be excluded from admission at trial. In 1960, this rule was extended to state and local officers in the *Mapp v. Ohio* ruling. The exclusionary rule not only prevents evidence obtained from unreasonable searches and seizures from admission in trials, but also ensures that judicial integrity and the faith of citizens are upheld.

The protections of the Fourth Amendment as enforced by the exclusionary rule are also known as the “Fruits of the Poisonous Tree Doctrine.” Searches, arrests, confessions, and other evidence-gathering activities that are obtained through improper or illegal techniques are deemed to be poisonous and must, therefore, be suppressed to keep the entire legal process from becoming tainted.

There are exceptions to the exclusionary rule. In *United States v. Leon*, the U.S. Supreme Court ruled that “evidence seized on a search warrant that was subsequently invalidated could not justify the substantial costs of exclusion.” The key to this exception is that the efforts were, indeed, reasonable and in good faith. Good intentions are not enough.

Another exception to the exclusionary rule is the “Inevitable Discovery Rule.” This rule was established by the U.S. Supreme Court in *Wong Sun v. United States*. This rule allows the admission of evidence if it would have been found and discovered legally at a later time.

Source: Based on Procedures in the Justice System, 8th ed. by Roberson, C. R., Wallace, H., and Stuckey, G. B. (2007)

THE CORE MISSION AND ROLE OF THE POLICE IN THE ADMINISTRATION OF JUSTICE

Having reviewed several pages pointing out the complexities of justice, the reader may legitimately ask, “What then is the core mission and role of the police in the administration of justice?” In a nutshell, *the U.S. criminal justice system exists to apply the rule of law as a means of providing social stability*. In these regards, the police mission and function must be aligned toward these goals. As we discussed previously, citizens must feel that their government is protecting them from crime and disorder (Tyler, 2003). While the system need not be flawless, the public as a whole must have confidence in it (Kirk and Matsuda, 2011).

The Rule of Law

Rule of law may be defined as government’s establishment and imposition of legal processes to protect society from crime. It may also be defined as the mechanism by which government ensures the protection of individual rights. The police are in the frontlines in the realization and enforcement of the rule of law. In the performance of this function, the police sometimes employ anticipatory measures in order to achieve these criminal justice goals. In order to accomplish these goals, policing aligns itself to the following:

VENGEANCE/RETRIBUTION When civilization evolved from tribal states to nation states, government assumed responsibility for exacting vengeance on behalf of victims of crime. No longer would the strong be allowed to prey on the weak. Nor would victims or their families be permitted to conduct blood feuds to avenge themselves on those by whom they had been harmed. To keep citizens from “taking the law into their own hands,” agents of social control must exact vengeance on behalf of victims. The police intervene in exigencies in order to address an ongoing unlawful act and, therefore, provide immediate form of retribution (Klockars, 1985). This retribution happens more immediately if the police could apprehend the suspect and retrieve the loss from or prevent more harm toward a victim.

DETERRENCE/PREVENTION The fundamental premise of the classical system of justice is that the imposition of punishment prevents further crime from occurring. Specific deterrence is the idea that by having received punishment, the offender will decide that the crime was not worth it. General deterrence is the concept that others contemplating similar crimes will be dissuaded from doing so by seeing the punishment of previous offenders (Hunter and Dantzker, 2005). The deterrent effects of the criminal justice system work along the principles of severity, certainty, and celerity. The police contribute to the attainment of deterrent effects by making sure that anybody who commits a crime is apprehended and brought to justice. Punishments and its

deterrent elements could only be achieved with the certainty and swiftness by which the police could apprehend suspects. This ability of the police to bring to justice perpetrators of crime not only increases the deterrent effects of the law but also inspires trust and confidence among the public with its police. Likewise, police programs that pursue preventative measures have also contributed to the efficiency of the entire criminal justice agencies. For example, mandatory arrest policies have been known to prevent repeat incidence of domestic violence [see, for example, Sherman and Berk's (1984) research in Minneapolis]. As a result, the courts and the correctional systems have less clients that could take up their resources.

TREATMENT One of the emerging challenges for the police is dealing with offenders who are afflicted with mental health issues and addicted to drugs and alcohol. As part of the system's concerns to rehabilitate offenders so that they may reenter society and live productive lives, treatment is also an important component of justice in America. Latest innovations in policing involved the collaboration of the police with mental health professionals and substance abuse intervention experts involving arrestees with mental health and addiction problems. Several programs such as the Crisis Intervention Team (CIT) that was started in Memphis, Tennessee, have been established to particularly address this concern. The police also play a key role in diverting offenders who abuse drugs to the other agencies such as the drug courts and the probation offices.

INCAPACITATION The police play a significant role in incapacitation. Their immediate interventions in crime and disorder events disrupt the progression of disorders into more serious incidents or crime. They may temporarily restrain an individual either to process them for prosecution or just to make the offenders cool down during an incident. In this manner, they incapacitate a particular offender from committing more crimes. Proponents of incapacitation argue that while offenders may return to crime later (except in the case of capital punishment—the ultimate incapacitation), they are prevented from doing so while under police custody. Thus, offenders are impeded from committing more crimes on the general public.

REPARATIONS Lastly, a more humane means of applying the rule of law is to focus on the victim rather than society. Instead of punishing the offenders based on the harm they caused to society, they are ordered to make reparations to the victims of their crimes. This “restorative technique” is seen as not only helping those who have been harmed but also helping the offender. The police could perform a key role in attaining this objective. They could start the process of healing by communicating to the offender and making them realize the harm and gravity of the offense they have committed against the victim.

Social Stability

Social stability is defined as the maintenance of order and the continuation of equitable social control by government. This requires government to not only repress criminal behaviors but also provide services (regulation of the private sector and the provision of public services) and promote activities (such as public education and social programs) designed to benefit society as a whole.

MAINTENANCE OF ORDER The maintenance of order involves many activities. Providing for democratic elections, collecting taxes, enforcing zoning regulations, collecting garbage, operating public utilities, providing crowd control at public events, enforcing parking regulations (including the issuing of parking tickets to students), and providing emergency services are but a few of the multitude of activities by government, many of which are performed by the police. If these activities are not directly provided by the police, they could serve as catalyst for other agencies to become aware of such problems of order in society (Cordner, 1997).

EQUITABLE SOCIAL CONTROL One of the more controversial aspects of government is the need to address social inequities. While we may grouse at increasing government intrusion into our lives, providing social stability within a diverse nation of 300 million requires proactive government actions. As civil libertarians, the authors believe that citizens should be grudging in their

tolerance of government interventions. However, we are also quick to note that these actions are necessary to ensure that all citizens are able to enjoy “life, liberty, and property.” Government requirements such as progressive taxation, compulsory education, mandatory minimum wages, and protection of minority rights are examples of controversial government intrusions that are now seen as vital to public stability.

SYMBOLIC REASSURANCE The last requirement of a justice system is what Hunter (see Hunter and Dantzker, 2005, p. 213) refers to as symbolic reassurance. **Symbolic reassurance** is the view that the criminal justice system not only provides guidelines for society to follow, but also punishes evil-doers to affirm law-abiding citizens’ belief in the system. Universal conformity is not attained through threats of prosecution, but by reassuring law-abiding citizens that the system of justice is working. As long as a few offenders get occasional punishment (the more severe, the better), the public, especially the middle class, will remain compliant, even if they are not totally satisfied. Taken to an extreme, this concept implies that as long as the public perceives that “something is being done,” even if it later proves to be faulty, the public will, for the most part, remain supportive. The police could certainly play a key role in achieving this criminal justice objective of symbolic reassurance.

THE CHALLENGES OF ADMINISTERING JUSTICE IN A FREE SOCIETY

We have discussed the protections of the Bill of Rights and the necessary components of a justice system within previous sections. This section will not repeat those arguments. However, we will stress the fundamental challenge that faces criminal justice practitioners within the United States. That challenge is quite simple: In a democratic and freedom-loving nation, how do we control crime while ensuring due process of law?

Crime Control versus Due Process

Crime control is the emphasis of justice system resources on the suppression of crime through the speedy enforcement of criminal laws. Advocates of the crime control model argue that the rights of society to be protected from crime should be the primary focus of the criminal justice system. Efficiency and effectiveness in criminal prosecutions are emphasized. In this model, the adjudication process is viewed as being an “assembly line.” The counterpart to the crime control model is the due process model. In this model, the emphasis of the justice system is formal, adjudicative fact finding that emphasizes the rights of the accused (Box 1.3). The administration of justice is a slow and deliberate process that may be viewed as being an “obstacle course” (Packer, 1968).

RIGHTS OF SOCIETY According to Bohm and Haley (2005), the crime-control perspective is a reflection of traditional conservative values. Conservatives would probably agree with this assessment but argue that they are not seeking to deemphasize the protections of due process but to eliminate burdensome legal technicalities that neither protect individual rights nor protect society from crime. They point to other Western democracies that utilize the Civil Law System, in which the rights of society are deemed more important than those of any one individual. They may also accurately argue that most courts of limited jurisdiction in the United States operate in this manner.

RIGHTS OF INDIVIDUALS Bohm and Haley (2005) characterize the due process model as being a reflection of traditional liberal values. They point to the **common law** tradition of emphasizing the rights of individuals as safeguards from government oppression. They further argue that the protection of individual rights actually serves to protect societal rights (Box 1.4).

Balancing the Rights of Society with Those of Individuals. As with most debates, the truth lies somewhere in the middle. Due process as defined by Roberson, Wallace, and Stuckey (2007, p. 454) is: “Those procedures that effectively guarantee individual rights in the face of criminal prosecution and those procedures that are fundamental rules for fair and orderly legal proceedings.” In actual practice, individual rights are protected within the U.S. justice system, but the

BOX 1.3**Other Justice Systems**

When seeking to study the U.S. system of justice, it is helpful to understand that our system is but one of many that exist within the world. While widely divergent in how they are comprised, most justice systems can be categorized into four distinct typologies:

Common Law Justice Systems

The common law tradition evolved from the United Kingdom. Nations such as the United States that were formerly British Colonies tend to follow this legal tradition. Key elements of this tradition are the protection of individual liberties, concerns for equity, reliance on legal custom, and adversarial prosecution.

Civil Law Justice Systems

The civil law tradition (not the same as what is referred to as civil law in the United States) developed in Europe from Roman law and Catholic canon law. These systems are found in continental Europe and in nations around the world that emerged from European colonization. Key elements of this tradition are codified law, an emphasis on the protection of society, and inquisitorial prosecutions. France and Germany are leading exemplars of this tradition.

Islamic Justice Systems

The Islamic legal tradition is based on the Shari'a, law based on the Qur'an (the holy book of Islam) and the Sunna (the writings

of the Prophet Mohammed). Varying interpretations of this system are found in Muslim nations. How strictly the Shari'a is applied within individual nations depends on cultural influences as well as the religious perspectives of the dominant Islamic sect within those nations.

Socialist Justice Systems

The socialist legal tradition evolved from the merger of Russian law and Marxist-Leninism following the revolution that led to the creation of the Soviet Union. This tradition viewed the law as artificial (meaning that rather than viewing the rule of law as binding, the edicts and rulings of the communist party, as well as adherence to Marxist philosophy, held precedence). Despite the breakup of the Soviet Union and the spread of democratic practices within its former satellites, the influence of this tradition may still be found in many of these nations. Currently, the People's Republic of China would be the leading example of this tradition.

Source: From Reichel, P. L. (2005). *Comparative Criminal Justice Systems: A Topical Approach*, 4th ed. Upper Saddle River, NJ: Pearson/Prentice Hall and Dammer, H. R., Fairchild, E., and Albanese, J. S. (2006). *Comparative Criminal Justice Systems*, 3rd ed. Belmont, CA: Thomson/Wadsworth.

BOX 1.4**The Civil Rights Act of 1871**

The Civil Rights Act of 1871 (42 U.S.C. § 1983) is one of the most important federal statutes in force in the United States. It was originally enacted a few years after the American Civil War and consisted of the 1870 Force Act and 1871 Ku Klux Klan Act. One of the main reasons behind its passage was to protect Southern blacks from the Ku Klux Klan by providing a civil remedy for abuses then being committed in the South. The statute has been subjected to only minor changes since then but has been the subject of voluminous interpretation by courts.

Section 1983 does not create new civil rights. Instead, it allows individuals to sue state actors in federal courts for civil rights violations. To gain federal jurisdiction, that is, access to a court, the individual must point to a federal civil right that has been allegedly violated. These rights are encoded in the U.S. Constitution and federal statutes.

The statute reads:

Every person who under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, Suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer

for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

For most of its history, Section 1983 had very little force. The legal community did not think the statute served as a check on state officials and did not often litigate under the statute. However, this changed in 1961 when the Supreme Court of the United States decided *Monroe v. Pape*, 365 U.S. 167. In that case, the Court articulated three purposes that underlay the statute: "1) 'to override certain kinds of state laws'; 2) to provide 'a remedy where state law was inadequate'; and 3) to provide 'a federal remedy where the state remedy, though adequate in theory, was not available in practice.'" Blum & Urbonya, Section 1983 Litigation, p. 2 (Federal Judicial Center, 1998) (quoting *Monroe v. Pape*). *Pape* opened the door for renewed interest in Section 1983.

Now the statute stands as one of the most powerful authorities with which federal courts may protect those whose rights are deprived. It is most often used to sue police and other state officials who allegedly deprived a plaintiff of constitutional rights within the criminal justice system.

Source: Adapted from Wikipedia (2007).

sheer volume of cases require that fair and orderly proceedings be expedited in lower-level courts and on less serious offenses. Capital cases and cases in which lengthy prison terms could be imposed rightly receive the greatest scrutiny.

This debate will continue as long as there is a U.S. justice system. During times of unrest and tension, the public will demand greater protections for society (the current dispute over the combating terrorism is a prime example). Civil libertarians see government acts (e.g., Patriot Act in the United States and the Control Orders in the United Kingdom) as an encroachment on individual liberties. Advocates of crime control argue that it does not negatively impact law-abiding citizens and provides needed societal protections. Regardless of where you stand on these measures, the fact remains that the U.S. justice system will always have to juggle efficiency and effectiveness in protecting society from criminals with our traditional concern for individual rights. By the nature of their law enforcement responsibilities, the police will remain at the forefront of this debate (Walker, 2002).

THE COMPONENTS OF THE U.S. JUSTICE SYSTEM

The Federalist System

When discussing the U.S. justice system, one must be aware that there are in actuality several types of justice systems. The U.S. Constitution establishes a federalist system of government in which the national government shares power with the states and the states' political subdivisions (municipalities, townships, special districts, and counties). The magnitude of these systems may be realized by the knowledge that there are more than half a million elected officials within the United States. In addition to the state and national governments, these officials serve in more than 74,500 local governments, 20,000 municipalities, 16,500 townships, 3,000 counties, and more than 35,000 special districts (Fiorina et al., 2005, Chapters 1 and 3). At every level of government, you will find legislative bodies that make laws, executive agencies that enforce those laws, courts that interpret and apply the laws, and correctional organizations that carry out adjudicated sanctions. The criminal justice process utilized by every governmental level is displayed within Figure 1.3.

LAWMAKING When we think of lawmaking within the United States, we generally think of the U.S. Congress or the 50 state legislatures. These legislative bodies (including the legislatures of American territories of the Virgin Islands, Guam, and American Samoa, as well as the Commonwealth of Puerto Rico and the council of the District of Columbia) enact laws that are known as statutes. The decisions of these bodies have considerable impact on the lives of their citizens. But it is at the local levels (among the approximately 74,500 local governmental bodies mentioned above) that most citizens have direct contact on a regular basis. Each of these entities has legislative bodies (usually referred to as councils, commissions, boards, or authorities) that enact lesser laws known as ordinances or codes (property taxes, sales taxes, zoning and building regulations, liquor sales and consumption, garbage collection, animal control, noise and nuisance abatement, etc.) that influence your daily life.

LAW ENFORCEMENT In the following section, we will describe the police system in America in more detail. Suffice it to say at this point that if you are in need of police services, it is most likely that the officers who respond will be employed by a local government.

PROSECUTION At the national level, the U.S. District Attorneys are responsible for the prosecution of federal cases within their respective jurisdictions. The numbers of cases that they prosecute are a mere fraction of those dealt with by state-level prosecutors. Depending on the state in which they serve, these prosecutors (known as District Attorneys or State's Attorneys) may deal only with violations of state laws, or they may also be responsible for enforcing local ordinances within their jurisdictions. In many states, local ordinances (as well as lesser state offenses delegated to them by the state legislatures) may be prosecuted by local attorneys (the city attorney, an assistant city attorney, or a local attorney employed part-time), often known as solicitors. In many jurisdictions, this responsibility may actually extend to the police officers who made the arrests or issued the citations.

THE CRIMINAL JUSTICE SYSTEM

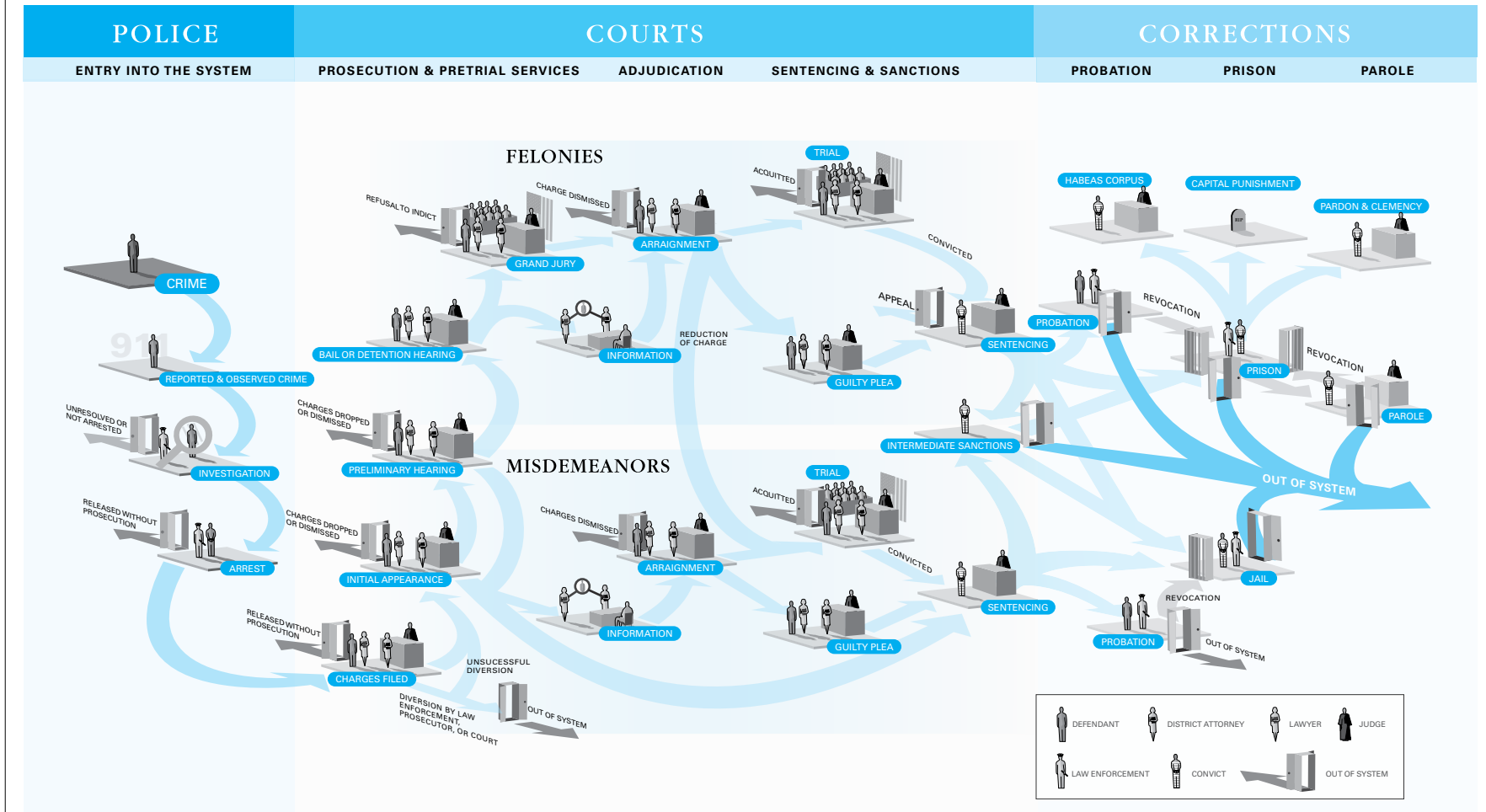


FIGURE 1.3 The criminal justice process in the United States.

Source: www.ojp.usdoj.gov/bjs/flowchart.htm#files.

ADJUDICATION At every level within the U.S. justice system, trial courts exist to adjudicate the cases within their respective jurisdictions. Ninety-four district courts try federal cases within the 50 states and territories. State trial courts of general jurisdiction try violations of state laws and civil cases within their judicial circuits or districts. These courts also try cases that are transferred or appealed from lower courts. Courts of appeal exist at both the state and federal levels. The U.S. Supreme Court is the highest court of appeal in America. While these courts are the ones that receive the greatest amount of media attention, it is in the courts of limited jurisdiction in which the vast majority of cases are tried. These courts may be lower-level state courts assigned to try lesser offenses and ordinance violations for the counties and municipalities within their area, or they may be separate county or municipal courts operated by those governmental entities. It is within these courts that the previously discussed “assembly line” may be found, with dozens of cases being tried within a single session.

CORRECTIONS Correctional institutions exist at every level within the U.S. system. Federal prisons of every security category house convicted prisoners. State courts do the same. Municipal and county jails house prisoners awaiting trial, convicted prisoners awaiting sentencing, convicted prisoners awaiting transfer to state or federal facilities, and prisoners convicted of lesser crimes and ordinance violations. Community corrections programs are also found at every governmental level. Due to their costs, many counties and municipalities use private correctional organizations to provide community supervision. Local police agencies may find themselves supervising offenders assigned to community service and/or inmate work programs.

THE STRUCTURE OF THE POLICE SYSTEM IN AMERICA

In America, we have many important police organizations at the state and national levels. However, we are actually a nation of local police forces. There are approximately 18,760 separate police agencies in the United States, with approximately 940,275 employees and a combined annual budget of about \$51 billion (see Figure 1.4). As noted earlier, the Tenth Amendment of the Constitution reserves police powers to the states, and both **federalism** and American tradition have resulted in a fragmented police structure at lower levels of government; this fragmentation is exemplified by the separation of local police into four levels: municipal, township, county, and special districts.

Count totals are further compounded by problems of classification at the local level. Some local governments are true municipalities, while others are classified as townships or villages that may or may not have qualifying police agencies. There are a surprisingly large number of housing districts and transit authorities in the United States (34,684 at last count), which obviously do not all consider themselves as having their own police agencies. A large number of independent school districts also exist (13,726), which are independent of any other government authority, and can have or not have their own police agency. Many colleges and universities, both public and private, have their own police departments, although there is a tendency to not count the private college agencies. With multi-branch campuses, the problem becomes one of whether you count the police agency at every academic site as a separate police agency. Railway police agencies are generally counted at the county level, but hospital, port, airport, and tunnel

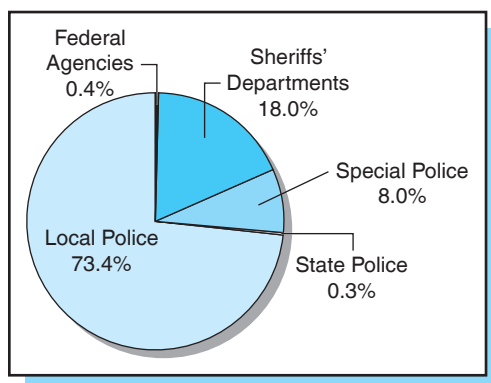


FIGURE 1.4 Public law enforcement agencies in the United States.

police agencies are often counted at the municipal level. Tribal police agencies also exist at many of the nation's 567 federally recognized reservations, and it is unclear if they should be considered state, county, or local police (O'Conner, 2006).

Federal Police Agencies

By including all units that have arrest and firearm authority, there are approximately 100 different federal police agencies. The largest agencies are formally located within the Justice and the Treasury Departments. Since the creation of the Department of Homeland Security, several agencies have been moved (see Box 1.5).

BOX 1.5

Federal Law Enforcement Agencies

Administrative Office of the U.S. Courts

Federal Corrections Supervision Division

Amtrak Police

Central Intelligence Agency

Office of Security

Civil Aeronautics Board

Department of Agriculture

Office of Inspector General

U.S. Forest Service

Division of Law Enforcement and Investigations

Department of Commerce

Bureau of Industry and Security

Office of Export Enforcement

National Institute of Standards and Technology

Office of Security

National Oceanic & Atmospheric Administration,

National Marine Fisheries Service

Office of Law Enforcement

Office of Inspector General

Department of Defense

Defense Criminal Investigative Service

National Security Agency

Office of Inspector General

Pentagon Force Protection Agency

U.S. Air Force

Office of Security Police

Office of Special Investigations

U.S. Army

Criminal Investigation Command

Intelligence and Security Command

Military Police Corps

Provost Marshall

U.S. Marine Corps

Military Police

U.S. Navy

Naval Criminal Investigative Service

Department of Education

Office of Inspector General

Department of Energy

Transportation Safeguards Division

Department of Health and Human Services

Food & Drug Administration

Office of Criminal Investigation

National Institutes of Health

Division of Public Safety

Office of Inspector General

Department of Homeland Security

Customs and Border Protection

Border Patrol

Federal Emergency Management Agency

Security Division

Immigration and Customs Enforcement

Federal Protective Service

Transportation Security Administration

U.S. Coast Guard

Intelligence and Law Enforcement Branch

U.S. Secret Service

Uniformed Division

Department of Housing and Urban Development

Fair Housing and Equal Opportunity Division

Office of Inspector General

Department of the Interior

Bureau of Indian Affairs

Division of Law Enforcement Services

Bureau of Land Management
 Office of Enforcement
 Bureau of Reclamation
 Hoover Dam Police
 National Park Service
 Division of Ranger Activities & Protection
 U.S. Park Police
 Office of Inspector General
 U.S. Fish and Wildlife Service
 Division of Law Enforcement

Department of Justice

Antitrust Division
 Bureau of Alcohol, Tobacco, Firearms, and Explosives
 Bureau of Prisons
 Civil Rights Division
 Drug Enforcement Administration
 Federal Bureau of Investigation
 Office of Inspector General
 U.S. Marshals Service

Department of Labor

Occupational Safety and Health Administration
 Office of Inspector General
 Office of Labor-Management Standards

Department of State

Bureau of Diplomatic Security, Diplomatic
 Security Service
 Bureau of Diplomatic Security, Protective
 Liaison Division
 Office of Inspector General

Department of Transportation

Federal Aviation Administration, Police
 Office of Inspector General

Department of the Treasury

Bureau of Engraving and Printing, U.S. Mint Police
 Internal Revenue Service
 Criminal Investigation Division
 Inspection Service
 Office of Inspector General
 Office of the Regional Inspector

Department of Veterans Affairs

Office of Inspector General
 Veterans Health Administration
 Office of Security and Law Enforcement

Environmental Protection Agency

Office of Criminal Investigations
 Office of Inspector General

Federal Communications Commission

Federal Maritime Commission

Federal Trade Commission

General Services Administration

Office of Inspector General

Interstate Commerce Commission

Library of Congress

Police

National Aeronautics and Space Administration

Office of Inspector General

Nuclear Regulatory Commission

Office of Enforcement

Office of Personnel Management

Compliance and Investigations Group

Office of Inspector General

Securities and Exchange Commission

Division of Enforcement

Smithsonian Institution

National Zoological Park Police

Office of Protection Services

Social Security Administration

Office of Inspector General

Tennessee Valley Authority

Office of Inspector General

Public Safety Service

U.S. Capitol Police

U.S. Government Printing Office

Police

U.S. Mint

Police

U.S. Postal Service

Postal Inspection Service

Postal Security Force

U.S. Supreme Court Police

Sources: From Barker, T., Hunter, R. D., and Rush, J. P. (1994). *Police Systems and Practices*. Upper Saddle River, NJ: Pearson/Prentice Hall; Conser, J. A., Russell, G. D., Paynich, R., and Gingerich, T. E. (2005). *Law Enforcement in the United States*, 2nd ed. Sudbury, MA: Jones and Bartlett; Fuller, J. R. (2005). *Criminal Justice: Mainstreams and Crossroads*. Upper Saddle River, NJ: Pearson/Prentice Hall; Reaves, B. A., and Bauer, L. M. (2003). *Federal Law Enforcement Officers, 2000*, NCJ 199995. Washington, D.C.: Bureau of Justice Statistics and federal agency Web sites.

DEPARTMENT OF TREASURY AGENCIES The Treasury Department was established in 1789, and its enforcement function revolves around the collection of revenue. Its four primary law enforcement agencies were the Bureau of Alcohol, Tobacco, and Firearms; the U.S. Customs Service; the Internal Revenue Service; and the U.S. Secret Service. With the creation of the Department of Homeland Security on November 25, 2002, three of these large agencies were transferred from the Treasury Department: The U.S. Secret Service and the U.S. Customs Service are now located within the Department of Homeland Security, and the Bureau of Alcohol, Tobacco, and Firearms is now located within the Department of Justice. While there are some smaller units that continue to have law enforcement authority, the only large federal police agency remaining within the Treasury Department is the Internal Revenue Service, which employs approximately 2,855 federal officers (Reaves and Bauer, 2003).

DEPARTMENT OF JUSTICE AGENCIES The Justice Department was created in 1870 and is responsible for enforcing laws passed by the U.S. Congress (federal crimes). The largest Justice Department agency is the Bureau of Prisons. Since this is primarily a corrections organization, we will not discuss it. Other justice units having law enforcement authority are the Antitrust Division, the Civil Rights Division, and the Office of Inspector General. The organization of the Department of Justice is displayed in Figure 1.5. The four primary law enforcement agencies within the department are the Bureau of Alcohol, Tobacco, Firearms, and Explosives; the Drug Enforcement Administration; the U.S. Marshals Service; and the FBI.

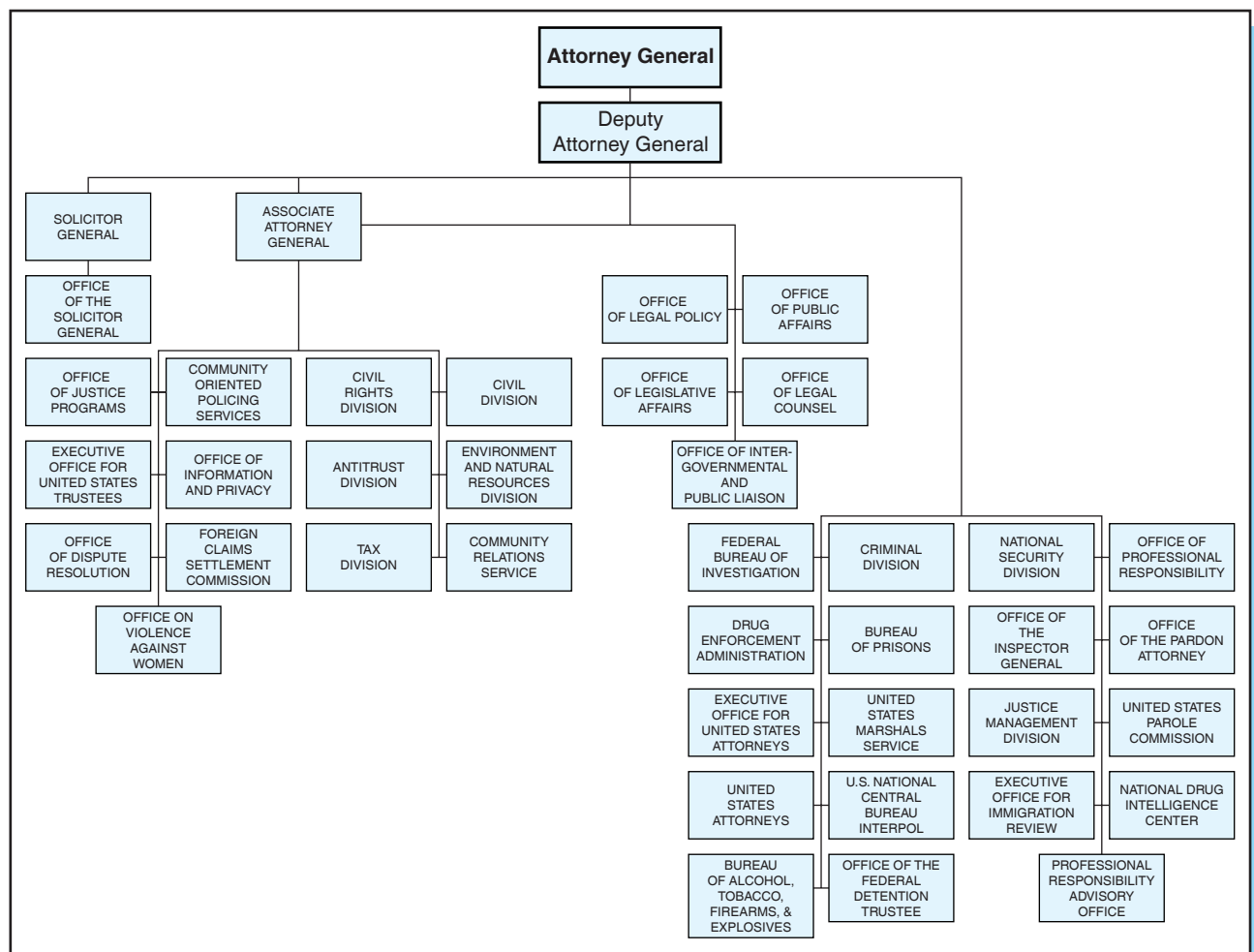


FIGURE 1.5 Organizational chart of the U.S. Department of Justice.

Source: United States Department of Justice, 2007 www.usdoj.gov/dojorg.htm.

Bureau of Alcohol, Tobacco, Firearms, and Explosives. The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) performs the dual responsibilities of enforcing federal criminal laws and regulating the firearms and explosives industries. ATF's duties are to investigate and reduce crime involving firearms and explosives, acts of arson, and illegal trafficking of alcohol and tobacco products. Effective January 24, 2003, the Bureau of Alcohol, Tobacco, and Firearms was transferred under the Homeland Security bill to the Department of Justice. The law enforcement functions of ATF under the Department of the Treasury were transferred to the Department of Justice. The tax and trade functions of the former ATF remained in the Treasury Department with a new Alcohol and Tobacco Tax and Trade Bureau. At the time of its transfer to the Department of Justice, the agency's name was changed to the Bureau of Alcohol, Tobacco, Firearms and Explosives to reflect its new mission in the Department of Justice.

In order to accomplish its mission, the Bureau of Alcohol, Tobacco, Firearms, and Explosives works with local law enforcement to identify, arrest, and prosecute the most violent criminals in designated cities. ATF investigates fire and explosives incidents throughout the United States. ATF is also responsible for enforcing federal criminal laws relating to alcohol and tobacco diversion and trafficking. In addition, ATF's investigative efforts are directed at reducing the source of funding to criminal and terrorist organizations, and stemming the loss of revenue to affected states and the federal government.

Drug Enforcement Administration. The Drug Enforcement Administration (DEA) was created in 1973 with the merger of the Bureau of Narcotics and Dangerous Drugs with several other federal drug regulation and investigative agencies. It is currently one of the larger federal law enforcement agencies, with 10,894 employees of which 5,296 are special agents. The mission of the DEA is to enforce the controlled substances laws and regulations of the United States and bring to the criminal and civil justice systems 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 nonenforcement programs aimed at reducing the availability of illicit controlled substances on the domestic and international markets (Drug Enforcement Administration, 2006).

In carrying out its mission as the agency responsible for enforcing the controlled substances laws and regulations of the United States, the DEA'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 U.S. market through nonenforcement 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.

U.S. Marshals Service. The U.S. Marshals Service is the oldest federal law enforcement agency, having been created by Congress in 1789. While the 94 U.S. Marshals are appointed by the president and approved by Congress, in 1969, the agency's regulations, training, and duties were standardized to ensure uniformity and professionalism among its offices. The Marshals Service is one of the more diverse law enforcement agencies, with a variety of duties that once included conducting the U.S. Census. Today, the U.S. Marshals Service is responsible for apprehending fugitives, protecting federal judges and courts, managing and selling seized assets, transporting prisoners, managing prisoners, protecting witnesses, and serving court documents (United States Marshals Service, 2006).

Federal Bureau of Investigation. The Federal Bureau of Investigation (FBI) is the primary investigative agency of the federal government and arguably the most famous of the federal law enforcement agencies. The primary responsibility of the FBI is to investigate violations of federal criminal law and to assist local and state agencies in investigations. These include crimes such as kidnapping, bank robbery, art and cultural property crime, jewelry and gem theft, white-collar crime, and organized crime. The FBI is also responsible for investigating corporate fraud, health care fraud, mortgage fraud, identity theft, insurance fraud, telemarketing fraud, Internet fraud, and money laundering.

In addition to the above crimes, the FBI is engaged in counterterrorism activities, counterintelligence activities, and cybercrime investigations (including stopping those behind serious computer intrusions and the spread of malicious code as well as identifying and thwarting online sexual predators who use the Internet to meet and exploit children and produce, share, or possess child pornography). The FBI also counteracts operations that target U.S. intellectual property and endanger national security and competitiveness.

The FBI's other duties include investigating public corruption at all levels of government; investigating all allegations regarding violations of applicable federal civil rights laws (its Civil Rights program consists of the following subprograms: Hate Crimes, Color of Law/Police Misconduct, Involuntary Servitude/Slavery, and Freedom of Access to Clinic Entrances); and suppressing violent street gangs, motorcycle gangs, and prison gangs. In addition, the FBI has federal law enforcement responsibility on more than 200 of the nation's 267 Indian reservations.

DEPARTMENT OF HOMELAND SECURITY AGENCIES The Department of Homeland Security was created on November 25, 2002, in an effort to better coordinate efforts to protect the United States from terrorism. Twenty-two federal agencies were either created or transferred into what immediately became the largest federal justice organization. The organizational chart for the Department of Homeland Security is displayed in Figure 1.6. The largest agencies transferred into the Department of Homeland Security were the U.S. Secret Service and the U.S. Customs Service (from the Treasury Department), the Immigration and Naturalization Service and U.S. Border Patrol (from the Department of Justice), the Federal Emergency Management Agency (formerly independent), and the Transportation Security Administration and the U.S. Coast Guard (from the Department of Transportation).

Customs and Border Protection. U.S. Customs and Border Protection (CBP) is the unified border agency within the Department of Homeland Security. CBP combined the inspectional workforces and broad border authorities of U.S. Customs, U.S. Immigration, Animal and Plant Health Inspection Service, and the entire U.S. Border Patrol. CBP includes more than 41,000 employees to manage, control, and protect the nation's borders, at and between the official ports of entry. CBP's priority mission is preventing terrorists and terrorist weapons from entering the United States while also facilitating the flow of legitimate trade and travel.

U.S. Customs and Border Protection assesses all passengers flying into the United States from abroad for terrorist risk. The CBP regularly refuses entry to people who may pose a threat to the security of our country. This was not a focus prior to 9/11, but a shift in priorities and the formation of U.S. Customs and Border Protection have made this the top priority of the agency: keeping terrorists and terrorist weapons out of the country (Bureau of Customs and Border Protection, 2006).

Immigration and Customs Enforcement. Created in March 2003, the Immigration and Customs Enforcement (ICE) is the largest investigative branch of the Department of Homeland

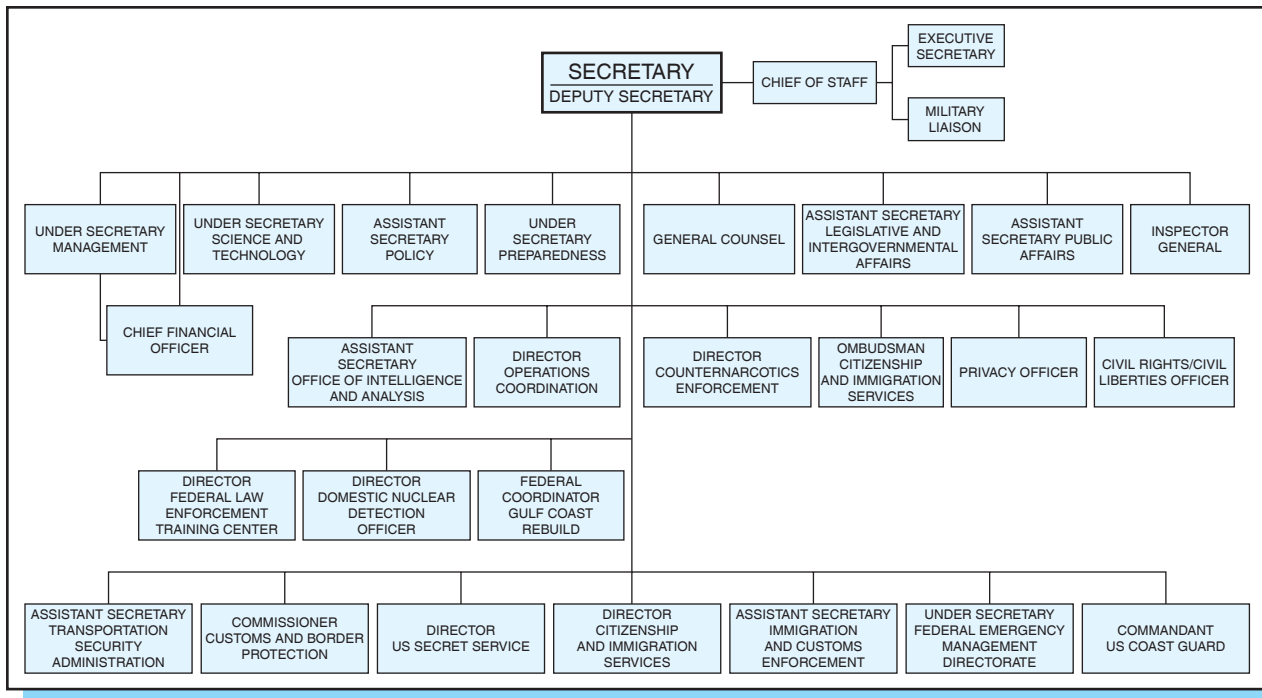


FIGURE 1.6 Organizational chart of the Department of Homeland Security.

Source: Department of Homeland Security (2006).

Security (DHS). The agency was created after 9/11, by combining the law enforcement arms of the former Immigration and Naturalization Service (INS) and the former U.S. Customs Service to more effectively enforce immigration and customs laws and to protect the United States against terrorist attacks. ICE does this by targeting illegal immigrants: the people, money, and materials that support terrorism and other criminal activities.

The ICE mission is to protect America and uphold public safety. ICE attempts to fulfill this mission by identifying criminal activities and eliminating vulnerabilities that pose a threat to our nation's borders, as well as enforcing economic, transportation, and infrastructure security. ICE seeks to eliminate the potential threat of terrorist acts against the United States, creating a host of new systems to better address national security threats and to detect potential terrorist activities in the United States (Bureau of Immigration and Customs Enforcement, 2006).

Transportation Security Administration. The Transportation Security Administration (TSA) was created in response to the terrorist attacks of September 11, 2001, as part of the Aviation and Transportation Security Act that was signed into law by President George W. Bush on November 19, 2001. TSA was originally in the Department of Transportation but was moved to the Department of Homeland Security in March 2003.

TSA's mission is to protect the nation's transportation systems by ensuring the freedom of movement for people and commerce. In February 2002, TSA assumed responsibility for security at the nation's airports and by the end of the year had deployed a federal workforce to meet congressional deadlines for screening all passengers and baggage (Transportation Security Administration, 2006).

The U.S. Coast Guard. The U.S. Coast Guard is a military, multi-mission, maritime service and may be considered one of the nation's five armed services. Its mission is to protect 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. Its numerous cutters, aircraft, and boats carry out these functions. In wartime, the Coast Guard operates under the aegis of the U.S. Navy.

The U.S. Coast Guard is the nation's leading maritime law enforcement agency and has broad, multifaceted jurisdictional authority. The specific statutory authority for the Coast Guard

Law Enforcement mission is given in 14 U.S.C. 2, “The Coast Guard shall enforce or assist in the enforcement of all applicable laws on, under and over the high seas and waters subject to the jurisdiction of the United States.” In addition, 14 U.S.C. 89 provides the authority for U.S. Coast Guard active duty commissioned, warrant, and petty officers to enforce applicable U.S. law. It authorizes Coast Guard personnel to enforce federal law on waters subject to U.S. jurisdiction and in international waters, as well as on all vessels subject to U.S. jurisdiction.

The Coast Guard is responsible for protecting the U.S. Exclusive Economic Zone from foreign encroachment, enforcing domestic fisheries law, and developing and enforcing international fisheries agreements. It is the lead federal agency for maritime drug interdiction and shares lead responsibility for air interdiction with the U.S. Customs Service. As such, it is a key player in combating the flow of illegal drugs to the United States. The Coast Guard is also tasked with enforcing immigration law at sea. It conducts patrols and coordinates with other federal agencies and foreign countries to interdict undocumented migrants at sea, denying them entry via maritime routes to the United States, its territories, and possessions (United States Coast Guard, 2006).

U.S. Secret Service. The U.S. Secret Service Division began on July 5, 1865, in Washington, D.C., to suppress counterfeit currency. In 1867, Secret Service responsibilities were broadened to include “detecting persons perpetrating frauds against the government.” This appropriation resulted in investigations into the Ku Klux Klan, nonconforming distillers, smugglers, mail robbers, land frauds, and a number of other infractions against the federal laws. In 1902, the Secret Service assumed full-time responsibility for protection of the president. In the years since, Secret Service protections have been extended to include former presidents, the president’s family, candidates for president, the president-elect, and the vice president.

The passing of the Patriot Act in 2001 (Public Law 107-56) increased the Secret Service’s role in investigating fraud and related activity in connection with computers. In addition, it authorized the Director of the Secret Service to establish nationwide electronic crimes task forces to assist law enforcement, private sector, and academia in detecting and suppressing computer-based crime; increased the statutory penalties for the manufacturing, possession, dealing, and passing of counterfeit U.S. or foreign obligations; and allowed enforcement action to be taken to protect American financial payment systems while combating transnational financial crimes directed by terrorists or other criminals. In March 2003, the Secret Service was transferred from the Department of the Treasury to the Department of Homeland Security (United States Secret Service, 2006).

Uniformed Division. The Secret Service Uniformed Division, initially a force comprised of a few members of the military and the Metropolitan Police Department, began formalized protection of the White House and its grounds in 1860. This unit was under the direction of the White House Military Aide until 1922 when President Warren G. Harding prompted the establishment of a White House police force.

In 1930, Congress placed the supervision of the White House police under the direction of the Chief of the Secret Service. In 1970, Public Law 91-217 expanded the role of the White House police, newly named the Executive Protective Service, to include protection of diplomatic missions in the Washington, D.C., area. Congress later added the protection of the vice president’s immediate family as an Executive Protective Service’s responsibility in 1974. After several name revisions, the force officially adopted its current name, the United States Secret Service Uniformed Division, in 1977. While protection of the White House complex remains its primary mission, the Uniformed Division’s responsibilities have expanded greatly over the years.

It now protects the following: the White House complex, the main treasury building and annex, and other presidential offices; the president and members of the immediate family; the temporary official residence of the vice president in the District of Columbia; the vice president and members of the immediate family; and foreign diplomatic missions in the Washington, D.C., metropolitan area, and throughout the United States and its territories and possessions, as prescribed by statute (United States Secret Service, 2006).

STATE POLICE AGENCIES In the United States, state police are a police body unique to each state, having statewide authority to conduct law enforcement activities and criminal investigations. State police agencies exist in some form in all U.S. states except Hawaii. However, in the latest Law Enforcement Management and Administrative Statistics (LEMAS) (Bureau of Justice

Statistics, 2013) survey, Hawaii's Department of Public Safety was labeled as a primary state law enforcement agency reporting that there are now 50 primary state law enforcement agencies (Reaves, 2015). In general, state police perform functions outside the normal purview of the city police or the county sheriff, such as enforcing traffic laws on state highway and interstate expressways, overseeing the security of the state capitol complex, protecting the governor, training new officers for local police forces too small to operate an academy, providing technological and scientific support services, and helping to coordinate multijurisdictional task force activity in serious or complicated cases.

Twenty-three states actually call their state police by the term "State Police." In this case, state police are general-power law enforcement officers with statewide jurisdiction who conduct patrols and respond to calls for service and perform all the other aforementioned duties. These states are Alaska, Arkansas, Delaware, Idaho, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

In the other 25 states (Alabama, Arizona, Connecticut, California, Colorado, Florida, Georgia, Iowa, Kansas, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Wisconsin, and Wyoming), the state police are limited-function traffic enforcement agencies known by any of the following: State Highway Patrol, Highway Patrol, State Patrol, State Troopers, or Department of Public Safety. These agencies are usually complemented by limited-function investigative agencies. Examples of such and their divergent names are the Arizona Criminal Investigations Bureau, Colorado Bureau of Investigation, Florida Department of Law Enforcement, Minnesota Bureau of Criminal Apprehension, Mississippi Criminal Investigation Bureau, North Carolina State Bureau of Investigation, Ohio Bureau of Criminal Identification and Investigation, the Oklahoma State Bureau of Narcotics and Dangerous Drugs, South Carolina State Law Enforcement Division, Texas Rangers, and the Utah Bureau of Organized Crime and Criminal Information.

There are also many other special-purpose state police agencies, such as those devoted to wildlife, fire, and alcoholic beverage control. Regional special-purpose task forces (e.g., for drug, gang, or terrorist control) exist at all levels of government. New task forces are constantly being created and old ones eliminated based on changes in criminal activity, political expediency, and/or available resources. States that have highway patrols rather than general-service state police have tended to create investigative agencies patterned after the FBI to investigate violations of specific state laws and to assist local law enforcement agencies in complex or multicounty investigations (Conser et al., 2005; O'Conner, 2006).

County Law Enforcement

When people think of county law enforcement, they usually think of a sheriff's office, and there are about 3,012 sheriffs in the United States (Reaves, 2015). Most of them are elected officials who exercise political control and influence and go to a county board for money. Some counties (like Orleans Parish in Louisiana) have two sheriffs: one criminal and the other civil. Sheriffs, in general, have other duties besides law enforcement, such as running a jail, collecting taxes, serving papers, and courthouse security. A contract system also exists where cities contract with the sheriff's office for police services.

Not all counties have sheriff's offices. In many states, the larger counties have county police departments run by a chief of police. In some metropolitan areas, city and county departments have been consolidated. When such cases occur, there are usually funding problems in continuing to maintain the sheriff's office, the workload becomes too much for the sheriff, or county officials want to exert more power over law enforcement. Some counties have both a sheriff's office and a county police department. In those counties, the sheriff's departments focus on running the jails and serving civil process and warrants in a manner similar to those states that have general-service state police agencies (Table 1.1) (O'Conner, 2006).

Municipal Police

There are more municipal police departments (approximately 12,000) in the United States than any other kind of agency (Reaves, 2015). This number includes transit, school, and housing

TABLE 1.1 General Purpose State and Local Law Enforcement Agencies in the United States

Type of Agency	Number of State and Local Law Enforcement Agencies, January 2013
Total	15,338
Local Police	12,326
Sheriff	3,012
Primary State	50

Source: Adapted from Reaves (2015, p. 2).

police. There are about 800 departments that have only one officer, but NYPD is in a class by itself with about 34,000 regular officers and 13,000 special-purpose transit, school, and housing officers. A complete list of all “special-purpose” police agencies would include animal cruelty, beach, harbor, hospital, housing, port, railroad, sanitation, school, transit, and transportation authorities. These are usually separate municipal-level agencies and should not be confused with specialized units belonging to a single department, such as airborne, band, bicycle, bomb, D.A.R.E., detective, forensics, gang, graffiti, HAZMAT, intelligence, internal affairs, K9, marine, motorcycle, mounted, narcotics, operations, organized crime, sex crimes, SWAT, or traffic.

The vast majority of municipal departments are small, having 10 or fewer officers. The great number of these “micro” agencies helps keep the average size of all police departments in the United States around 25 sworn officers, not counting civilians, a measure of police strength (counting the civilians is a measure of professional growth). Larger, “macro” agencies with 1,000 officers or more usually have many specialized units. More “medium”- to “large”-size agencies with 26–999 (average 150) officers usually maintain extensive order/maintenance functions, assigned to municipal “peacekeeping” agencies in general (Table 1.2).

WHERE THE POLICE “FIT” WITHIN THE U.S. JUSTICE SYSTEM

Where the police fit within the U.S. system of justice depends on who is making the determination. Americans are rightly jealous of their civil liberties, and allowing designated persons to have the authority to make arrests and carry firearms makes many people uneasy. For these reasons, police officers live in “glass houses.” They are held to higher moral standards, and their professional actions are scrutinized on a daily basis by the legal community as well as laypersons. How the police are regarded is often influenced by factors over which they have little or no control.

Many citizens tend to view the police as heroes who risk their lives to protect and serve the public. These views are reinforced on those occasions when an officer actually loses his or her

TABLE 1.2 Ten Largest Police Departments by Number of Full-Time Sworn Personnel

Agency	Number of Sworn Officers, January 2013
New York City	34,454
Chicago	12,042
Los Angeles	9,920
Philadelphia	6,515
Houston	5,295
Washington, D.C.	3,865
Dallas	3,478
Phoenix	2,952
Baltimore	2,949
Miami-Dade Co.	2,745

Source: Adapted from Reaves (2015, p. 14).

BOX 1.6**To Protect and Serve**

Perhaps the most commonly used cliché regarding police work is “to protect and serve.” Along with the American flag, this adage may be found on police and sheriff’s stationery, logos, and vehicles across the United States. If you wish to engage in an interesting classroom discussion, ask the following questions: Who is being protected? How are they being protected? Who are they

being protected from? You will find that the responses are no longer so common. Then ask the following: Who is being served? How are they being served? And lastly, are the services rendered the same for every police organization? We think that you will find that once you move beyond the jargon, there is not as much agreement or understanding as one would suppose.

life while on duty. There are many others who see the police as abusive and corrupt villains who help maintain an unjust society. Unfortunately, these views are reinforced whenever a corrupt or brutal action on the part of a police officer becomes public knowledge. Fortunately, more enlightened citizens tend to view police officers as ordinary people doing a demanding, often thankless, and occasionally dangerous job.

The roles assigned to various police agencies affect how they are perceived. Local law enforcement agencies have the greater impact on the lives of larger portions of the populace than do state and federal officers (Travis and Langworthy, 2008). They also tend to be held in less awe than officers at the state and federal levels. How police officers are perceived is also determined by their roles. State and federal agencies generally perform duties that are considered “law enforcement” more than do local police agencies. At the local level, crime fighting is only a portion of a patrol officer’s duties. Order maintenance and service responsibilities take up most of his or her time.

Because of their diverse duties, local agencies often have officers with the least experience, education, and training exercising greater discretion and performing some of the more challenging and dangerous duties. This is just one of the realities of police work. Another reality is that the nature of police work will naturally lead to conflict with certain groups of people. Civil libertarians, social activists, trial lawyers, and journalists will always provide challenges for the police. Members of the lower and working classes, young people, and ethnic minorities also provide challenges due to cultural factors as well as social and civil justice issues independent of the police.

The police are necessary for the success of the criminal justice system. As such, they are also vital to the stability of society as a whole. How well they perform as individual officers and as police organizations is determined by many issues that will be discussed within subsequent chapters. As we begin this journey, we wish to address four factors that will ultimately determine where the police fit within the administration of justice in the United States (Box 1.6). These factors may be referred to as the “*Four C’s*” of police–community relations. They are as follows:

- Communication between the police and their communities must be two-way and continuous.
- Cooperation between the police and their communities is crucial for success.
- Competition between the police and their constituents is detrimental to success.
- Complacency leads to corruption and cannot be tolerated.

REALITY CHECK**The Murder of Derwin Brown**

Police Captain Derwin Brown was a 23-year veteran of the DeKalb Police Department when he was elected to the position of Sheriff of DeKalb County, Georgia. The sheriff in DeKalb County runs the largest jail in the South, with a budget of \$51 million. Brown had run on a platform of cleaning up the corruption and graft that had historically troubled the DeKalb Sheriff’s

Department. During the period between his election and his assuming office, Brown had announced plans to fire 38 jail employees, most of them appointed by the incumbent sheriff Sidney Dorsey. He had also vowed to conduct an investigation into allegations of racketeering and corruption on the part of Sidney Dorsey and many of his subordinates.

On the evening of December 15, 2000, Brown was shot in front of his home. He was hit 11 times with bullets fired from a Tec-9 handgun and died on the scene. For nearly a year, the investigation stalled and sputtered. But on November 30, 2001, investigators charged three men with his murder. The arrests came just days after former deputy Patrick Cuffy agreed to cooperate and pleaded guilty to a lesser charge in an unrelated shootout at his home in March that left one man dead. Cuffy and Paul Skyers—who worked for a security company owned by incumbent DeKalb County Sheriff Sidney Dorsey—told investigators that they and two other men spent several Friday nights rehearsing Brown’s killing, making practice runs to the neighborhood to prepare for the attack and the getaway.

According to Cuffy and Skyers, they had drawn straws with ex-deputy Melvin Walker and David Isaiah Ramsey to determine who would be the triggerman. Walker drew the short straw. On the night of the assassination, Walker stepped from the shadows and opened fire with a Tec-9 semiautomatic pistol. Even more compelling was that Cuffy and Skyers told investigators the men took their orders from Sidney Dorsey, who was angry about losing the election to Brown. Cuffy told investigators that Dorsey had a hit list that included a district attorney and at least four others, and that Dorsey promised the men promotions and jobs if they helped him.

In an acrimonious trial, attorneys for Walker and Ramsey denied that the defendants had anything to do with Brown’s death. They accused Cuffy and Skyers of concocting lies about their clients and Dorsey’s involvement in order to avoid prosecution for a murder that they themselves actually committed. On March 25, 2002, Walker and Ramsey were acquitted. Dorsey’s supporters hailed the verdicts as a victory and predicted that Dorsey would also be acquitted. The district attorney stated that he would honor the immunity deals that he had made with Cuffy and Skyers.

On June 10, 2002, the murder trial of Sidney Dorsey began. The trial was moved to Albany, Georgia, due to pretrial publicity. Jury selection was completed on June 14, 2002. Over the next four weeks, a bizarre story of corruption, extortion, racketeering, thefts, coerced sex, bribery, and misuse of office would emerge. The prosecution would present Sidney Dorsey as a bitter man who had sought revenge against the man who had defeated him and who also wanted to obstruct Brown’s expected probe into corruption that occurred during his own tenure as sheriff.

During the trial, the jury learned that Dorsey routinely used deputies to conduct his personal business. He was said to have required deputies to work for his private security business while on duty. He coerced female subordinates and females seeking business contracts with the Sheriff’s Department to have sex with him. He had employees run personal errands, including delivering “happy meals” to his son at school and driving his daughter to and from Tennessee, as well as driving family members on a Florida vacation. He also required employees to perform legal work for him and a woman with whom he was having a sexual relationship. According to District Attorney J. Tom Morgan, once he had proven to the jury that Dorsey was a thief, it was much easier to convince them that he was also a murderer.

On July 10, 2002, nearly 19 months after Derwin Brown’s death, Sidney Dorsey was convicted of ordering Brown’s assassination, two counts of racketeering, one count of violation of oath of office, and eight counts of theft by taking. He was sentenced to life in prison for the murder of Derwin Brown and an additional 23 years for the other convictions. On May 12, 2004, Dorsey’s attorney appealed his convictions. On July 1, 2005, the Georgia Supreme Court upheld the murder and racketeering charges against Dorsey.

On March 30, 2004, Melvin Walker and David Ramsey were indicted on federal civil rights charges of “depriving Derwin Brown of his life without due process of law” as well as gun possession charges. Their federal trial began on July 8, 2005. On August 3, 2005, Walker and Ramsey were convicted on all charges. On November 21, 2005, Walker and Ramsey were each sentenced to life in prison with no chance of parole.

Conclusions

Nations must demonstrate to their citizens that they are able to provide justice in order for their governments to survive. While we may not feel that the justice systems of many nations are actually “just,” they must not become too abusive or else a revolution might occur. Human rights and civil liberties are interpreted differently among the nations of the world. The Western democracies and the United States in particular have justice systems based on the protection of civil liberties that utilize due process of law to deprive individuals of their lives, liberties, and properties. The mission of the U.S. justice system is to provide protection from crime and maintain social stability while respecting individual rights. Compliance with the rule of law, equity, fairness, accessibility, effectiveness, and oversight is a fundamental

component in achieving justice. We also noted that in order to administer criminal justice, nations must also promote social and civil justice.

The administration of justice in the United States is further complicated by the common law traditions of individual liberties, rule of law, and an adversarial legal system. These due process considerations make crime control more difficult for the United States than in other nations. The federalist system also complicates the administration of justice in America. The impacts of federalism and the common law tradition are felt within all components of the U.S. system of justice. They have particular impacts on the structure and practices of America’s police. They also influence where and how the police fit within the U.S. justice system.

Student Checklist

1. Understand why debates regarding the meaning of justice are relevant to students of the police.
2. Why should the police be concerned about protecting the civil rights of American citizens?
3. Explain the impact of the Civil Rights Act of 1871 on actions of police in America.
4. Describe the functions of a justice system in addition to providing “law and order.”
5. Describe how the common law system of justice differs from other justice systems.
6. Provide an overview of how America’s police system is structured.
7. Identify the more important federal police agencies and describe their responsibilities.
8. Describe how the police “fit” within the U.S. justice system.
9. Explain why the “Four C’s” are relevant to police–community relations.

Topics for Discussion

1. What is the impact of the U.N.’s Declaration of Human Rights on the nations of the world?
2. Why must students of the police understand the importance of the Bill of Rights?
3. Should police officers be held criminally liable for violations of citizens’ civil liberties?
4. Would the United States be better served by a more centralized system of policing, such as that found in other Western democracies?
5. How has the creation of the Department of Homeland Security enhanced or hindered the coordination of federal law enforcement efforts?

Bibliography

- Barker, T., Hunter, R. D., and Rush, J. P. (1994). *Police Systems and Practices*. Upper Saddle River, NJ: Pearson/Prentice Hall.
- Bohm, R. M., and Haley, K. N. (2005). *Introduction to Criminal Justice*, 4th ed. Boston, MA: McGraw-Hill.
- Bureau of Customs and Border Protection. (2006). www.cbp.gov
- Bureau of Immigration and Customs Enforcement. (2006). www.bice.immigration.gov
- Bureau of Justice Statistics. (2013). *Law Enforcement Statistics and Management Statistics, 2013*. Washington, D.C.: US Department of Justice, Office of Justice Programs.
- Cole, D. (2004). *No Equal Justice: Race and Class in the American Justice System*. New York: The New Press.
- Conser, J. A., Russell, G. D., Paynich, R., and Gingerich, T. E. (2005). *Law Enforcement in the United States*, 2nd ed. Sudbury, MA: Jones and Bartlett.
- Cordner, G. W. (1997). “Community policing: Elements and effects,” in R. G. Dunham and G. P. Alpert (Eds.), *Critical Issues in Policing*, 3rd ed. Prospect Heights, IL: Waveland Press, pp. 451–468.
- Crank, J. P. (2003). *Imagining Justice*. Cincinnati, OH: Anderson Publishing.
- Dammer, H. R., Fairchild, E., and Albanese, J. S. (2006). *Comparative Criminal Justice Systems*, 3rd ed. Belmont, CA: Thomson/Wadsworth.
- Department of Homeland Security. (2006). www.dhs.gov
- Drug Enforcement Administration. (2006). www.usdoj.gov/dea
- Federal Bureau of Investigation. (2006). www.fbi.gov/hq.htm
- Fiorina, M. P., Peterson, P. E., Johnson, B., and Voss, D. S. (2005). *The New American Democracy*, 4th ed. New York: Pearson/Longman.
- Fuller, J. R. (2005). *Criminal Justice: Mainstreams and Crossroads*. Upper Saddle River, NJ: Pearson/Prentice Hall.
- Hunter, R. D., and Dantzker, M. L. (2005). *Crime and Criminality: Causes and Consequences*. Monsey, NY: Criminal Justice Press.
- King, M. L., Jr. (1963). *Letter from Birmingham Jail*, April 16.
- Kirk, D. S., and Matsuda, M. (2011). “Legal cynicism, collective efficacy, and the ecology of arrests,” *Criminology*, Vol. 49, No. 2, pp. 443–472.

- Kirk, D. S., and Papachristos, A. V. (2011). "Cultural mechanisms and the persistence of neighborhood violence," *American Journal of Sociology*, Vol. 116, pp. 190–233.
- Klockars, C. B. (1985). *The Idea of Police*. Beverly Hills, CA: Sage Publications, Inc.
- O'Conner, T. (2006). <http://faculty.ncwc.edu/toconnor/polstruct.htm>
- Packer, H. E. (1968). *The Limits of the Criminal Sanction*. Stanford, CA: Stanford University Press.
- Reaves, B. A. (2015). *Local Police Departments, 2013: Personnel, Policies, and Practices*. NCJ 248677. Washington, D.C.: Bureau of Justice Statistics.
- Reaves, B. A., and Bauer, L. M. (2003). *Federal Law Enforcement Officers, 2000*, NCJ 199995. Washington, D.C.: Bureau of Justice Statistics.
- Reichel, P. L. (2005). *Comparative Criminal Justice Systems: A Topical Approach*, 4th ed. Upper Saddle River, NJ: Pearson/Prentice Hall.
- Reiman, J. (2007). *The Rich Get Richer and the Poor Get Prison*, 8th ed. Boston, MA: Pearson/Allyn and Bacon.
- Roberson, C. R., Wallace, H., and Stuckey, G. B. (2007). *Procedures in the Justice System*, 8th ed. Upper Saddle River, NJ: Pearson/Prentice Hall.
- Roelofse, C. (2013). "Human rights and the South African Police Service: Are the red lights coming on?" in M. C. de Guzman, M. A. Das, and D. K. Das, (Eds), *The Evolution of Policing: Worldwide Innovations and Insights*. Boca Raton, FL: CRC Press, pp. 91–106.
- Rush, G. (2004). *The Dictionary of Criminal Justice*, 6th ed. Guilford, CT: McGraw-Hill/Dushkin.
- Sherman, L. W., and Berk, R. A. (1984). "The specific deterrent effects of arrest for domestic assault," *American Sociological Review*, Vol. 49, No. 1, pp. 261–272.
- Transportation Security Administration. (2006). www.tsa.gov
- Travis, L.F., III, and Langworthy, R.H. (2008). *Policing in America: A Balance of Forces*, 4th ed. Upper Saddle River, NJ: Prentice Hall.
- Tyler, T. R. (2003). "Procedural justice, legitimacy, and the effective rule of law," *Crime and Justice*, Vol. 30, pp. 283–357
- United Nations. (2007). www.un.org/overview/rights.html
- United States Coast Guard. (2006). www.uscg.mil
- United States Commission on Civil Rights. (2007). www.usccr.gov
- United States Department of Homeland Security. (2007). www.dhs.gov/interweb/assetlibrary/DHS_OrgChart.pdf
- United States Department of Justice. (2007). www.usdoj.gov/dojorg.htm
- United States Marshals Service. (2006). www.usdoj.gov/marshals
- United States Secret Service. (2006). www.secretservice.gov
- Van Ness, D., and Strong, K. H. (2006). *Restoring Justice: An Introduction to Restorative Justice*, 3rd ed. Cincinnati, OH: LexisNexis.
- Walker, J. T. (2002). "Laws of the state and the state of the law: The relationship between police and law," in J. T. Walker (Ed.), *Policing and the Law*. Upper Saddle River, NJ: Pearson/Prentice Hall.
- Webster's Online Dictionary. (2007). www.websters-online-dictionary.org/definition/justice
- Wikipedia. (2007). <http://en.wikipedia.org/wiki/Justice>

The U.N. Universal Declaration of Human Rights

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore, The General Assembly proclaims this universal declaration of human rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1.

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2.

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3.

Everyone has the right to life, liberty, and security of person.

Article 4.

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5.

No one shall be subjected to torture, or to cruel, inhuman, or degrading treatment or punishment.

Article 6.

Everyone has the right to recognition everywhere as a person before the law.

Article 7.

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8.

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9.

No one shall be subjected to arbitrary arrest, detention, or exile.

(Continued)

Article 10.

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11.

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12.

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13.

(1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14.

(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15.

(1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16.

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17.

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18.

Everyone has the right to freedom of thought, conscience, and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship, and observance.

Article 19.

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference

and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20.

(1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21.

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22.

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social, and cultural rights indispensable for his dignity and the free development of his personality.

Article 23.

(1) Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24.

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25.

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing, and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age, or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26.

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations,

racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27.

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary, or artistic production of which he is the author.

Article 28.

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29.

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order, and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30.

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

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Police Role Concept in a Changing Society

The Policeman is a “Rorschach” in uniform as he patrols his beat. His occupational accoutrements—shield, nightstick, gun, and summons book—clothe him in a mantle of symbolism that stimulates fantasy and projection.

—NIEDERHOFFER, 1967

Variation is basic to all human beings. We might fight less quickly if we looked at it this way and also we might put more energy into finding more harmonious ways to incorporate the differentness.

—SATIR, 1978

KEY CONCEPTS

Crime Control Role	Generalization	Role Concept
Crime-Fighting Model	Objectivity	Role Conflict
Deletion	Order Maintenance Role	Service Role
Distinctiveness Theory	Perception	Subjectivity
Distortion		

LEARNING OBJECTIVES

Studying this chapter will enable you to:

1. Define *perception* and *role conflict*.
2. Identify and explore conflicting perceptions that exist regarding the role of police officers in the community.
3. Identify major elements necessary to the success of programs designed to assist officers in achieving realistic role concepts and improved service to and participation in the community.
4. Describe the factors and conditions of change in our society.
5. Identify and describe some of the paradoxes and dilemmas that our changing society creates for the police officer.

In the previous chapter, we discussed where the police fit within the U.S. system of justice as well as within society as a whole. This chapter will examine how the police view themselves within our constantly changing and increasingly complex society. We will also discuss how individuals, groups, and organizations within society may view the police. These views of who officers are and what they do (or are supposed to do) may be defined as the roles of the police.

Roles are distinct behavior patterns acted out in connection with a particular social position. Roles are either *ascribed* (not under the person's control) or *achieved* (attained voluntarily). Examples of ascribed roles include male, female, and infant; examples of achieved roles include husband, wife, and teacher. Roles provide us with ways of categorizing and anticipating the behavior of others. Additionally, roles assist us in deciding how to act in relationship to others and help to impart order to our world. One person plays many roles, and sometimes these roles conflict. For example, the roles of being a father and officer at the same time when the client is the offspring of such officer may present a conflicting situation. Conflict might also occur in other ways: (1) the expectations of others regarding behaviors appropriate to a role may be different from the expectations of the role incumbent; (2) the expectations of others might vary widely, making it very difficult for the role incumbent to be successful in that role; or (3) the "official" and working definitions of the role are contradictory. The police role includes all of these contradictions.

GREAT EXPECTATIONS

Police officers in today's society are expected not only to apprehend bank robbers and murderers, but also to direct traffic, transport the sick and injured to the hospital, help schoolchildren cross streets, patrol polling places on election day, provide shelter and care for drunks and drug abusers, investigate accidents, settle family disputes, locate missing and runaway children, and a host of other things. They must be all things to all people. They are the only all-purpose emergency service in society (Doerner, 2004). As such, they respond to all situations in which "something-that-ought-not-to-be-happening-and-about-which-someone-had-better-do-something-now!" (Bittner, 1970). They are expected not only to enforce the law, maintain order, and resolve disputes but also to do so in a scrupulously fair manner, no matter what sort of verbal or physical abuse might be directed toward them.

When they gather evidence or apprehend criminals, police must never violate an offender's constitutional rights under penalty of having the evidence suppressed in court. They must be professionally detached from the violence and tragedy that they encounter on their daily tour of duty. They are expected not only to be honest and fair in fact but also to give a constant appearance of honesty and fairness. They must have a professional knowledge of criminal law in order to ensure that the rights of those they apprehend are protected. They must be prepared to manage conflicts and to deal swiftly and appropriately with almost every manner of crisis our society has invented.

The relationship between police and the citizens they are sworn to serve is a close one. As the President's Commission on Law Enforcement and the Administration of Justice observed:

It is hard to overstate the intimacy of the contact between the police and the community. Policemen deal with people when they are both most threatening and most vulnerable, when they are angry, when they are frightened, when they are desperate, when they are drunk, when they are violent, or when they are ashamed. Every police action can affect in some way someone's dignity, or self-respect, or sense of privacy, or constitutional rights. As a matter of routine, policemen become privy to, and make judgments about, secrets that most citizens guard jealously from their closest friends: relationships between husbands and wives, the misbehavior of children, personal eccentricities, peccadilloes, and lapses of all kinds. Very often policemen must physically restrain or subdue unruly citizens. (President's Commission on Law Enforcement and the Administration of Justice, 1967, pp. 91–92)

Perhaps that is why the officer is often viewed so subjectively. The perception of what the role of a police officer in society is and should be varies considerably depending on who is doing the perceiving and under what circumstances judgment is made.

PERCEPTION

Seeing and Perceiving

Man is not disturbed by events, but by the view he takes of them.

—*Epictetus*

How often have you heard such statements as these?

Well, this is the way I see it.

I suppose that is just the way he sees it.

I have to respond the way I see it.

I suppose you have to act in accordance with the way you see it.

Perception is more than receiving visual stimulation, or sensing something. It is actually a process of creating meaning out of what we hear, see, smell, taste, and feel (our sensations, or sensory experience) and using the sense that we make of the world as the basis for our actions (Zalman and Seigel, 1999). As used in the examples above, the word “see” also implies more than a visual sensation. “To see” can mean to believe, to understand, and to make sense of, as well as to view. Sometimes we use the word “see” when we actually mean “perceive.”

Perception Is Personal

It is unlikely that two people, even at a given time and place, will perceive the same event in exactly the same way. Every police officer knows that eyewitness accounts, however sincere, may vary widely and be inaccurate (Loftus, 1996; Zalman and Seigel, 1999). On occasion, mistaken eyewitness testimony can lead to wrongful convictions. In 1999, the Innocence Project examined the 62 DNA exonerations that had taken place up to that time and concluded that mistaken eyewitness testimony was a factor in 84 percent of those wrongful convictions (Poveda, 2001, pp. 689–708).

Creating meaning from sensations requires a judgment call. Several elements combine to set the context, or the frame of reference, within which a person makes such a judgment call. Attention, knowledge, past experiences, and present motives or needs all help to shape the way a person perceives (or perhaps misperceives). The relatively stable and predictable set of habits by which the person manages day-to-day living under ordinary conditions (personality) influences perception.

Behavior is closely linked to perception. Our actions are based on the world as we believe it to be. The vignette below illustrates the link of perception to individual behavior.

Donna Allen pulls her van over to the curb and steps out to the sidewalk to ask directions from Joan Patrick, who is walking toward her. Before Joan finishes giving Donna the directions she asked for, both women look up simultaneously and see a huge lion approaching them. “A lion!” screams Joan, as she turns and runs in the opposite direction as fast as she can. “Stop!” yells Donna, but Joan is soon out of earshot. Donna then walks to the lion, gently strokes his mane to indicate that all is well, takes the lion to the back of the van, and orders him to leap into the van, which the lion does. Donna then closes the tailgate of the van, climbs into the driver’s seat, and continues on her way, regretting that Joan did not take time to give her sufficient directions to reach her destination. She would undoubtedly have to stop again and ask directions, which might make her late for her performance at the circus.

In this example, the objective experience of the two women was the same, but they had different perceptual experiences. Objective experience can be standardized and agreed upon by most people. Donna and Joan would agree that they saw an animal approach and the animal was a lion. The lion’s appearance on the sidewalk as the two women talked was an objective experience. The perceptual experiences of the two women can be implied by observing their behavior as the lion approached them. Joan saw the lion as dangerous and a threat to her well-being and ran away in fright. Donna did not see the lion as a threat but showed affection toward the lion and

concern that the lion might be upset. Her behavior was to comfort the lion, and her most outstanding concern was to get to her destination as soon as possible.

It is possible to analyze this situation in terms of *knowledge*, *past experience*, and *need*. Donna was acquainted with the lion, and since she was the lion's trainer, she knew that the lion was not dangerous and was no threat to either of the two women. Joan did not have this knowledge and was therefore afraid of the lion. Donna had obviously had experience with this particular lion and perhaps other lions and probably tended to "see" lions in general in a different way than did Joan. Joan's past experience with lions primarily consisted of indirect experiences, such as seeing lions in the zoo, in movies, and on television; in most of those instances, the lions she had seen were portrayed as being dangerous and threatening. Those in the zoo were locked up, and those in the movies and on television were always attacking someone or some other animal. Joan had no need for an experience with the lion other than the need for survival. She perceived that her survival was threatened at that moment; thus, her need for survival was really why she chose to run. Donna's most outstanding need of the moment was related to her desire to put on a good performance at the circus and to reach the circus in time for that performance. Consequently, the temperament of the lion was very important to her, so she proceeded to comfort the lion, to load him back into the van, and to drive off as rapidly as she could, hopefully in the direction of the circus.

Richard Bandler and John Grinder theorized how perception comes about. They claim that **generalization**, **deletion**, and **distortion** are psychological processes common to all people. These are ways in which we make sense of and survive in the world. "The processes which allow us to accomplish the most extraordinary and unique human activities are the same processes which block our further growth if we commit the error of mistaking the model for the reality" (Bandler and Grinder, 1975, p. 14).

Generalization is the psychological process whereby a person detaches some part of one model from an original experience and then applies this model to represent an entire category. A common example is experiencing an ice cube. When a person touches an ice cube for the first time, he or she learns that ice cubes are cold. As part of learning about the world, it will be helpful to this person to generalize that other ice cubes are also cold. However, if he or she refused to touch ice cubes after that original experience, generalizing that cold is painful to touch, the generalization could be a hindrance.

"*Deletion* is a process by which we selectively pay attention to certain dimensions of our experience and exclude others" (Bandler and Grinder, 1975, p. 15). People have the ability to filter out experiences while concentrating on a model. The coach, for example, watching the video replay of his basketball team's victory, screens out (deletes) all the activity on the basketball court except the behaviors of the team members and the opponents. He deletes the behavior of the cheerleaders and everyone else in the gym. Although through deletion the coach is able to pinpoint specific information that he might have otherwise missed, he loses the flavor added by the spectators, the band, and the cheerleaders, because he has deleted this dimension of his experience. The coach's perception could get him into trouble when his wife, the band director, asks him later how he enjoyed the victory song played by the band and the coach has no recollection of the experience.

Distortion is the third modeling process, and it allows us to make shifts in our experience of sensory data (Bandler and Grinder, 1975, p. 16). An actress onstage distorts as she exaggerates her movements and sounds. This is a useful form of distortion because it allows the audience to experience the performance in a rich and fantasized fashion. If, however, once offstage, the same actress rushes to the telephone and tearfully reports to the police an exaggerated version of a disagreement between her and her husband, the shift in her experience of sensory data will not be positively useful.

Perception issues exist between police and community groups. In most cases, the officer on the beat perceives the behavior of citizens differently from the way they perceive their own situation, circumstances, and behavior. Citizens may perceive the police officer's role, purpose, and behavior quite differently from the way the police officer does. The factors responsible for such differences in perception are the same as outlined in the previous discussion:

1. Differences in past experience, and sets of habits.
2. Knowledge.
3. Individual needs relative to the situation in question through the modeling processes of generalization, distortion, and deletion.

Consider another example:

John, age 25, has lived all of his life in a suburban area near a large U.S. city. Roy, also age 25, has lived all of his life in an inner-city neighborhood of that same large U.S. city where confrontations between police and youth have escalated to violence several times in the last few years. John and Roy are walking together on a sidewalk within that inner-city area when they see a police officer, on foot, approaching them. As the officer draws nearer, he nods his head in greeting and smiles. John responds, “Good morning, Officer,” and returns his smile. As the officer passes, John becomes aware that Roy looks uncomfortable. He recalls that Roy at first did not look at the officer. But after he had said, “Good morning,” Roy had looked up at the officer with a tremendous frown on his face and a look of contempt in his eyes. Roy neither spoke to the officer nor returned his smile. John is puzzled; he cannot understand Roy’s reaction. To John, the officer was obviously trying to be pleasant. He did not offend John or Roy, and he showed no indication of ill will toward them. Yet Roy finds it very difficult to understand John’s behavior because just as Roy was beginning to trust John, John demonstrated to Roy that he was inclined to be friendly with police officers. John feels that Roy now believes John is “not to be trusted”; when the chips are down, John is on the side of the cop.

Is John’s perception of Roy in this instance “true”? Or is Roy’s perception of John “true”? Whether these perceptions are true or not, the perceptual experiences of the two men in this instance are nevertheless quite real, and capable of affecting their attitudes toward each other, their ability to trust each other, and the way they behave toward each other in the future.

Another question to be asked is this: Why did Roy and John react differently toward the same objective experience—the approaching of a police officer who greeted them with a friendly smile? First, although the police officer was looking at both of the men when he gave his nod of greeting and smiled, Roy perceived that he was not smiling at him at all. Throughout his life, Roy’s only relationships with police officers have been negative ones. Roy has generalized from these experiences to avoid police officers at all costs. He has distorted reality and perceives that “the only purpose of the police is to control, not to protect.” Roy perceives that what the police mean by control is to “keep people from the inner city in their place,” “prevent them from expressing themselves,” “deprive them of most of the nicer things in life,” and so forth. Roy’s past experiences with police officers have included their frequent questioning of him about crimes committed—crimes that he knew nothing about. In fact, Roy has never committed a crime in his life. In the past, however, police officers have taken him down to the precinct station and applied pressure to get him to “finger” friends who have been accused of crimes. On several occasions, when Roy indicated to them that he knew nothing about whether or not the person involved had committed a crime, he was told that if he did not cooperate, little or no mercy would be shown to him by the police when they caught him in a crime (which they seemed to feel was inevitable).

The police officers who have taken Roy down to the station to question him may be distorting objective reality in much the same fashion that Roy does. The officers may be generalizing from past experience, assuming that Roy’s behavior will be similar to the behavior of others in their experience. The officers may be deleting the objective reality about Roy (that he is a law-abiding citizen, for instance) and, instead, be distorting the scowl that appeared on Roy’s face when he saw the officers approaching to mean that Roy is guilty. In fact, Roy may be in the process of generalizing from his own past experience about police officers.

Moreover, Roy has never heard any of his friends indicate that they had ever been protected by police officers. His friends always talked about the police as the “enemy.” Roy is often afraid as he walks down a street after leaving the movies. He is afraid of other people who might rob or take advantage of persons walking alone on the street late at night. Roy has caught himself on many occasions wishing that there were a police department that would protect him from such hoodlums. Yet, he has never felt that any police officer saw this as his role. Through his own experiences and conversations with his friends, Roy has come to view the police as the most definitive instrument of an oppressing society, deployed not only to protect the rest of society *from* him but also to keep him *down* in every way.

In contrast to Roy's past experiences with the police, John had always been taught that police officers were his friends. John read about the helpful police in storybooks; police officers came to his schools, and even one of his father's best friends was a police lieutenant who lived in the area. John remembers the time when his family returned from a vacation and discovered that their house had been burglarized. They called the police, and after the house had been searched, it was discovered that the only missing item was \$50, which John's mother had placed in an envelope and left on the coffee table before leaving. After the police had talked to John's parents, one of the officers said, "Don't worry, Mr. and Mrs. Jones, we have sufficient evidence. We will get the thief, and your \$50 will be returned." As John grew up, he became friends with a few police officers, who went out of their way to be nice to him. On a few occasions, he had been stopped by police officers for speeding or committing some minor traffic violation. However, he seldom received a ticket, only a warning that usually ended in "I'm going to let you go this time, but be careful. We want you to get wherever you are going safely." In general, John has always thought of police officers as his friends and that the chief role of the police in the community is to protect citizens.

Because of these past experiences, John and Roy responded differently to the smiling policeman as he approached them on the sidewalk. Their different behaviors were obviously based on their different perceptions. Their different perceptions were in turn based on the differences between them in terms of past experiences with the police, their habits, knowledge of the situation that they were in at the moment, personal needs, distortion, generalization, and deletion.

John and Roy were both reacting to reality as it impinged upon them. Each person's perceptual experience is "reality." Because perceptual experience is not altogether a conscious phenomenon, many individuals would be at a loss if they were asked to explain why they understand life the way they do. In the case of the smiling police officer, Roy could not have readily explained to John why his perception of the officer's behavior was negative. Similarly, John could not have readily explained to Roy why he perceived the officer's behavior to be positive. Still, each one acted in what he believed to be his own best interest, based on his understanding of reality.

Perceptions of the police function differ in the ghetto, the middle- and upper-middle-class suburbs, the political arena, the police briefing room, and so on. Some people see the police as their personal instruments for ending or reducing crime on the street to ensure their personal safety. Others see police as an instrument of society with the somewhat broader aim of maintaining a degree of harmony, consistency, and peace (whatever the latter has come to mean in today's world). Some people have a more restricted view of the police, seeing them as an agency to suppress underprivileged and minority segments of society. Still others perceive the police as an agency by which dominant society confines and reinforces the boundaries of ghettos and minority groups. The police are also viewed as being so helplessly caught within social class, racial, and political factions that they are utterly stymied in their work but are made scapegoats for the ills that are inevitable in a society torn by conflict. It is doubtful that any two people selected at random would completely agree as to what a police officer does (or should do).

ROLE CONCEPT

A role may be defined as a set of behavioral expectations and obligations associated with a position in a social structure or organization (Cox and Fitzgerald, 1999). These expectations can be framed in an objective, dispassionate manner; a subjective, totally personal manner; or in some modification of these two approaches.

Objectivity as an approach requires the observer to determine, study, and weigh facts in an unbiased, scientific manner, setting aside preconceived notions and personal prejudices and preferences. In this approach, conclusions are drawn from the facts. Any conclusion not borne out by evidence that is objectively based is not acceptable.

Subjectivity, on the other hand, is not concerned with objective fact, and even an awareness by the subjective observer of such fact does not guarantee an objective conclusion. Facts are redefined by the observer in terms of his or her personal life experiences, biases, assumptions, dreams, and fears. Individual judgment is based on how a person feels about what he or she sees and how the person believes what he or she sees relates to him or her. Although others may consider his or her view unrealistic, given the world as he or she understands it, his or her expectations are logical. Most expectations held by most people are, to some degree, subjectively derived.

THE POLICE OFFICER'S ROLES

Crime Control

Ask a retiring officer to tell you about his best memories. He'll probably recall stories of high-speed pursuits, shoot-outs, fights, or chasing someone on foot. Ask a new rookie what he likes about being a cop, and he'll say things like "putting the bad guys in jail." The fact is, most officers see their role as a crime fighter. (Trautman, 1991, p. 16)

Very few, if any, would argue with the statement that the core mission of the police is to control crime. The police do have, and we expect them to perform, a crime control role. However, the police and the public often see crime control as the total responsibility of the police. Furthermore, the police and the public see the crime control role of the police as the only role the police should perform. This myopic view of the police and their role has a significant impact on policing as an occupation and on the performance of individual officers as actors in the criminal justice system.

The exclusive image of the **crime control role** of the police embodied in the "crime fighter" image has serious consequences on the police and their behavior. Crime and its control are not the sole responsibility of the police. The police did not create nor can they control the social conditions that create crime (Cordner, 1997). At best, the law and the criminal justice system are poor controllers of human behavior. As long as we see crime control as the primary role of the police, we fail to recognize that crime is a social phenomenon and that crime prevention is the responsibility of society, communities, and a host of other social institutions. In addition to creating unrealistic expectations about the police's ability to contend with crime, this narrow view prevents an informed analysis of the other important roles assigned to the police (Walker and Katz, 2002).

Order Maintenance

The crime control role involves all those functions of arrest and detection of law violators as well as those behaviors devoted to crime prevention (e.g., preventive patrol). However, as Wilson (1968, p. 4) pointed out, less than one-third of all police radio calls involve criminal matters that may result in an arrest, and only about 5 percent of all cases actually result in an arrest. It is the **order maintenance role** that is more central to the modern police officer's job than any other aspect of his or her behavior. Most recent studies support the assertion by Wilson that the role of a patrol officer "is defined more by his responsibility for maintaining order than by his responsibility for enforcing the law" (Wilson, 1968, p. 16).

Order maintenance activities may consist simply of officers being seen so as to provide a sense of security or as an aid in promoting the public peace. It may consist of monitoring the activities of individuals engaging in behavior that, if allowed to "get out of hand," could result in inconvenience or annoyance for other citizens. It can involve restoration of order in disorderly or potentially disorderly situations. It can be actual intervention into disputes between individuals or groups that, if unchecked, could lead to serious violations of the law. Most of these activities do not involve actual enforcement of laws. Those situations in which legal conditions for arrests do exist are dealt with through mediation or warnings in lieu of arrest (Wroblewski and Hess, 2006).

Service

In addition to their crime control and order maintenance roles, the police spend a great deal of time performing service activities. This role is second only to order maintenance in importance. The duties and responsibilities that fall within this category include many activities that may appear to be only peripherally related to the direct police services of patrol, investigations, traffic control, and the police mission of preventing crime and disorder (Barker, Hunter, and Rush, 1994). Providing emergency rescue services, working traffic accidents, unlocking locked cars, jump-starting stalled vehicles, and helping people in distress are but a few of the many services routinely provided by the police. Also, as we shall see in Chapter 12, the police as first responders provide numerous services to special populations, particularly the elderly. The **service role** is

vitality important to the police in an era of community policing because it shows that the police and the law-abiding community can work together to solve problems and meet needs.

Many of the services performed by the police are not inherent to the police mission but have become police services by default. Because the police are available 24 hours a day and no one else has emerged to perform a specific task, that task may come to be seen within a particular community as a police responsibility. In addition to being the only 24/7 (hours/days), 365-days-a-year general emergency service public agency, they are society's only 24/7, 365-days-a-year all-purpose social service public agency.

Other Roles

In addition to the three roles discussed above, other duties are also performed by the police (see Table 2.1). Whereas Cordner (1992) argues that information gathering could legitimately be classified as a law enforcement duty, others argue that it is more appropriately a service or even an order maintenance function. Still others (Barker, Hunter, and Rush, 1994) consider information gathering to be a separate role that falls partially within all three. Since the majority of police reports are taken primarily for insurance purposes, we will classify information gathering as a distinct role.

TABLE 2.1 Twenty-Five Most Frequent Types of Calls for Service

Type of Call for Service	Frequency	Percent
1 Suspicious Activity Calls	13,436	10.2
2 Burglary Alarm Calls	8,867	6.7
3 Loud Music/Noise/Party Calls	8,586	6.5
4 Traffic Accident Calls	8,311	6.3
5 Check Welfare Calls	7,708	5.8
6 9-1-1 Hangup Calls	5,990	4.5
7 Theft/Burglary from Vehicle Calls	5,948	4.5
8 Criminal Information Calls	5,185	3.9
9 Agency Assist Calls	4,320	3.3
10 Theft Calls	3,888	2.9
11 Illegal Parking Calls	3,825	2.9
12 Criminal Damage Calls	3,228	2.4
13 Stolen Vehicle Calls	3,161	2.4
14 Family Fight Calls	3,128	2.4
15 Burglary Calls	2,974	2.3
16 Stranded Motorist Calls	2,852	2.2
17 Fight Calls	2,066	1.6
18 Subject Disturbing Calls	2,039	1.5
19 Trespassing Calls	1,697	1.3
20 Shoplifting Calls	1,509	1.1
21 Assault Calls	1,498	1.1
22 Incurable Juvenile Calls	1,449	1.1
23 Unwanted Guest Calls	1,304	1.0
24 Threat Calls	1,198	0.9
25 Traffic Hazard Calls	1,189	0.9
All Other Calls	26,692	20.2
	132,048	100.0

Source: What Police Do (Police Workload in Tempe, Arizona, 2003). Tempe Police Department, 2006,

Yet another police role that is contained partially within the duties of crime control, order maintenance, and service is that of protection of individual rights. The police in the United States and other democracies are responsible not only for protecting society from individual behavior but also for ensuring that the constitutional rights of all citizens are upheld (Conser et al., 2005).

POLICE ROLE CONFLICT

In the preceding section, we discussed the various roles assigned to police officers within a typical police agency. The performance of myriad of police duties can result in role conflicts (Regoli and Poole, 1980). **Role conflict** has been defined as “the simultaneous occurrence of two (or more) role ... such that compliance with one would make more difficult [or impossible] compliance with the other” (Katz and Kahn, 1966, p. 184). For example, sometimes police officers are caught between arresting a homeless person (law enforcement role) and finding a shelter for him or her (service role). The extent to which these complex and often contradictory roles are carried out varies considerably among police agencies, due to their nature, tradition, size, location, mission, and the orientation of the community served. In addition, considerable variation within agencies is due to different role outlooks among individual officers. As discussed earlier, the police are affected by both external and internal groups. Individual perceptions and political ideologies also influence the behavior of police officers (Walker and Katz, 2002).

Traditionally, the literature on policing has focused on four individual styles that were derived from Wilson’s (1968) departmental roles. This typology consists of *crime fighters*, *social agents*, *law enforcers*, and *watchmen* (Peak, 2006). The *crime fighter* or “cowboy” is an officer who views himself or herself as primarily a serious crime investigator. Lesser offenses and noncriminal duties are seen as trivial and not worthy of police attention. The *social agent* views policing as a combination of crime control, order maintenance, and provision of services; law enforcement duties are considered an important but only a minimal portion of their overall duties. The *law enforcer* or “legalist” is similar to the crime fighter in that he or she tends to emphasize crime control. However, the law enforcer differs from the crime fighter in that all statutes, ordinances, and regulations are felt to be important and require strict enforcement. The *watchman* is dedicated to preserving social and political order within the community. He or she will enforce the laws to the extent necessary to maintain the peace.

The four categories described above are not believed by many police scholars to adequately present the variations among individual officers in regard to role perceptions. In response to such criticisms, Broderick (1987) developed a classification scheme that attempts to categorize officers based on personality type rather than on a particular police style. His typology is useful in assessing individual behavior patterns but is less rigid in predicting performance. Broderick’s categories include *enforcers*, *idealists*, *realists*, and *optimists*.

Enforcers are concerned primarily with keeping the streets “clean” and ensuring that citizens behave properly. They see themselves as protecting the “good people” from the “bad people.” Most enforcers would be considered authoritarians who perceive citizens as either hostile or apathetic toward them. *Idealists* are committed to the law and the rights of citizens. They see themselves as professionals who better serve the public than do their more authoritarian and/or less dedicated colleagues. Frustration with the “system” often drives these individuals into other careers or causes them to become realists. *Realists* tend to be cynical and dissatisfied with society and the criminal justice system. As a defense mechanism, they have stopped caring about their role as police officers and generally do only what is required to stay out of trouble. Realists often seek transfers to assignments where they can “hide out” and be left alone by both the public and other police officials. *Optimists* see themselves as service providers who are performing an important societal function. They view themselves, their colleagues, and the public in a positive manner. Although aware that they alone cannot change the world, they are willing to do their part. Officers often do not fit in any one of these categories and may occasionally shift categories during their careers.

Adopting an earlier theory by Katz and Kahn (1966) about role conflict, Cooper (2012) summarized the dimensions of role conflicts that police officer might experience (see Table 2.2). In the table, it is explained that role conflicts may come from a single source (intrasender) or multiple sources (intersender). Likewise, role conflicts can emanate from the self (person-role conflict) or from the nature of the job (interrole conflict). In an empirical test of the role conflicts, Wu (2009) found that work–family conflict (inter-role conflict) and job demand (inter-sender

TABLE 2.2 Summary of Types of Role Conflicts

Role Conflict	Explanation	Example
Intrasender	Contradictory roles sent from a single source	Supervisor asks a patrol officer to clean up the streets but to do so by the books
Intersender	Contradictory roles sent from a distinct sources	Supervisor asks a patrol officer to clean up the streets, but public prosecutor demands that he follow evidentiary guidelines
Interrole	Contradictory roles unrelated to occupation	Police agency demands that an officer be an officer 24/7, but the officer's family demands her time when she is not on the clock
Person-role	A role violates an individual's morals	Following due process allows someone whom the officer 'knows' to be guilty to go free

Source: Cooper (2012, p. 173).

and person-role conflicts) are equally evident sources of policing role conflicts. Although Wu's subjects were Taiwanese police, these types of role conflicts are more than likely similar to those experienced by police officers in the United States.

As if the contradictory perceptions on the part of individual officers were not complicated enough, debates regarding the role of the police in a democratic society confuse the issue further. As seen by Roberg, Novak, and Cordner (2005), these debates include the following:

Do rigid bureaucratic rules or responsiveness to political demands best serve the public interest?

Should police be concerned with preserving community norms or strict compliance with laws?

Is the police occupation a professional activity or a craft?

Are officers to emphasize their duties as crime fighters or social service workers?

Should the police be more concerned with crime prevention or the apprehension of criminals?

Should police activities be of a proactive or reactive nature?

The manner in which public officials, community leaders, and police officials resolve their differences in regard to these debates influences the organization's values and goals and determines those tasks and activities that will be emphasized by that police agency. Van Sell, Brief, and Schuler (1981) consider this a dual image role in a democratic society that is emanating from a single source (intrasender)—the democratic structure. In this dual image, the social forces demand that police officers exercise the role of uncompromising law enforcer and yet are expected to have a friendly disposition toward the citizens who they are supposed to control.

The consequences of contradictory views on the part of individual police officers, police administrators, public officials, and community leaders cause more confusion (and often conflict) than consensus in regard to the role of the police.

FORMATION OF ROLE CONCEPTS

The Sources of Role Concepts

Role concepts have their sources in needs and past experiences. Because both of these can vary widely from group to group and individual to individual, so can role concepts.

Three major factors affect the way individuals and groups in society perceive the role of the police officer:

1. The individual's or group's specific needs and problems.
2. The individual's or group's personal experiences with police officers.
3. The image of police officers created by various media.

If expectations are unrealistic, so is the role concept, and it will become further distorted if the unrealistic expectations are repeatedly unmet.

Some people, for instance, have often experienced oppression by the police. If a particular neighborhood has a severe crime problem and the police are not solving it, residents will conclude that police either cannot or do not want to fulfill the community's needs—in other words, unfulfilled needs and past experience have induced the community to expect little of the police. Based on that expectation, residents may withhold community cooperation from law enforcement, thus compounding the problem and further strengthening the negative role concept.

Lack of Information

Sometimes, lack of accurate citizen information regarding police efforts can lead to unreasonable expectations on the part of an individual or a group in the community. For example, an area of a city might be plagued with assaults and robberies. The police in that area may respond by increasing routine patrol, increasing foot patrol in business areas, and generally focusing most of their efforts on that current problem. Personnel shortages may prevent ideal service to other, less immediate problems, such as juveniles racing cars in the streets. The citizens may not be aware of the increased efforts of the police in the assault and robbery areas. When complaints are made about juveniles racing cars in the streets, the citizens may conclude that the police are negligent if they take longer than usual to respond to the call.

How Police Respond

To understand the problems involved in creating and maintaining positive role expectations for the police, consider the three outcomes that are possible when a law enforcement problem arises:

1. *The problem is confronted and solved.* This creates the expectation that the police will do the same again, if and when necessary. Note, however, that in the familiar area of enforcing traffic laws, the police often are attributed with a negative role concept due to their effective actions.
2. *The problem is confronted but not solved.* Naturally, this often has a negative impact on the police role concept, but the police may have no way of preventing certain problems (ranging from murder to domestic arguments); citizens who believe otherwise have unrealistic expectations.
3. *The problem is not confronted.* The usual reason is that the problem (trash removal, street and light maintenance, etc.) is the responsibility of some other agency. Nevertheless, the citizen may feel it is due to police failure to provide service.

Thus, in at least two of the three cases just described, observers are likely to adopt a negative role concept of the police, even though the expectations on which that concept is based are unrealistic or mistaken.

THE MEDIA AND ROLE CONCEPTS

In the United States today, the media play a very important part in forming expectations about the police. Thus, many people evaluate the actions of police officers against criteria formed by TV or movie scriptwriters. If preconceived ideas regarding the police role are challenged by a reality that contradicts what people believe to be true, will they choose to believe the reality? Unfortunately, the answer is not always yes.

The police officers of Hollywood lore are fictional images of police stereotypes that have been exaggerated to provide entertainment to a bored public. That public (and indeed, the police themselves) tends to accept the images created by scriptwriters and portrayed by actors and actresses who have little or no knowledge of what police officers actually do. The result is the creation of mythical police roles that have only a limited basis in reality.

Holden (1992) identified six police stereotypes that have either been created or perpetuated by the entertainment media. The first and perhaps oldest media image of the police is that of the buffoon. This characterization began in early movies such as *The Keystone Kops* and continues in present-day television and movie depictions. A second image is not as extreme as the buffoon but tends to present police officers as slow-witted and unprofessional dullards who need the guidance of smart citizens (à la Sherlock Holmes, Mrs. Columbo, or Jessica Fletcher of *Murder, She Wrote*) to solve crimes. A third type, the sadist, abuses his or her police authority to perpetuate evil acts.

Such characters were aptly portrayed by Richard Gere in *Internal Affairs*, Ray Liotta in *Unlawful Entry*, and Michael Chiklis in *The Shield*. A fourth image is that of the hero who fights the bad guys (and often police superiors and the criminal justice system) to protect the innocent from evil. Mel Gibson in the *Lethal Weapon* series and Bruce Willis in the *Die Hard* series exemplify such heroes. A fifth character is the *wizard*, a supercop who solves challenging cases utilizing his or her superior intellect and/or technical expertise. These images are exemplified in the several *CSI* television shows in which individuals perform the tasks of investigators and forensic scientists. Finally, we are presented with the harassed professional who is highly competent but overworked and underappreciated. The characters of *NYPD Blue* and *Law and Order* would fall within this category.

In addition to the foregoing roles depicted by the entertainment media, the public is influenced considerably by the news media. Media attention (TV, newspapers, radio, and magazines) comes to police agencies for the police's crime-fighting role rather than its service role (the former makes better copy). Depicting the police negatively as misusing deadly force, police prejudice, or police corruption is also newsworthy. The amount of emphasis given to police actions and the media's interpretation of these actions as either proper or improper have a tremendous effect on the public's perception of the police. It has been argued that media coverage can transform a local incident into a national crisis (Grant and Terry, 2005). We doubt that anyone watching the media coverage of the 1999 murders of several students at Columbine High School in Littleton, Colorado, would question that assertion.

FACTORS AND CONDITIONS OF CHANGE

Reassessing the Dimensions

Traditionally, obedience to the law, ethical behavior, and moral decisions have been bound and intertwined into an absolute adherence based on extremes of legal versus illegal, good versus bad, and right versus wrong. Situations were black and white, or at least they appeared to be. In small rural, agriculturally based communities, a police officer could make decisions based on the relatively fixed value system of the majority. It was not that minorities did not exist, but rather that they were usually not vocal and, for the most part, not counted separately.

Since the end of World War II, however, the continuing struggle between tradition and change, between fixed values and no values, and between simple lives and complex living has seen tradition slowly dying. At the same time, people have not been able to adapt as quickly as the technology surrounding them. They are somewhat bewildered by a growing shrinkage of space and time and a negative relationship between the two. They find the so-called knowledge and information explosions threatening to overwhelm them. They find that the emergence of electronic controls creates what might be called "electronic amorality." The struggle for survival takes on new dimensions, and fixed value systems are seriously questioned and sometimes abandoned.

Never before have philosophers and peace officers, politicians, and the public been so carefully and sincerely reexamining the dimensions and limits of liberty, freedom, and democracy as living entities. Some years ago, George Orwell stated this:

The point is that the relative freedom which we enjoy depends on public opinion, the law is no protection. The governments make laws, but whether they are carried out, and how the police behave, depends upon the general temper of the country. If large numbers of people are interested in freedom of speech, there will be freedom of speech even if the law forbids it; if public opinion is sluggish, inconvenient minorities will be persecuted, even if laws exist to protect them. (Orwell, 1963)

Milton Mayer, a philosopher and commentator on humankind in a democracy, in his *Liberty: Man versus State* commented on the many perceptual facets of liberty: "Plainly, what one man calls justice another man calls expropriation; and one man's security is another man's slavery, one man's liberty is another man's anarchy" (Mayer, 1969, p. 41). Mayer wondered if in our time the rule of law is not becoming the enemy of liberty.

Values have become relative to one another and to situations. "Policies" help to "bend" the law, and social conditions tend to confuse and confound the search for simple solutions and answers. From a quiet, relatively simple rural life with fixed values, we have moved to an

involved, complex urban community where any sense of common union is difficult to find and where all groups wish to be counted. Increasingly in the last several decades, many of the formerly powerless groups in our society (African Americans, Hispanic Americans, Asian Americans, Native Americans, women, the elderly, and gays, to name a varied few) have demanded that their wants and needs be addressed (Figure 2.1). The influences of minority groups on policing are in evidence both inside and outside police organizations. Although most of the media and public attention regarding the police and minorities focuses on external relations, advocacy groups representing the views of minority officers are becoming commonplace.

In determining the will and consent of the people, all these factors must be considered in a given community, and absolutes are very difficult to find.

A World of Infinite Choices

A new era of development is occurring in the world. Changes are overwhelming and rapid. This time has been dubbed the “Information Age,” and it is developing out of television, cable networks, microcomputers, the Internet, satellites, and other related information and entertainment resources. In many ways, the tiny microprocessor (a silicon chip) has been at the center of the storm. Every field of human endeavor and most leisure activities have been or will be affected by it. Combined with various other scientific advances (particularly biomedical ones), this new era promises to move us into a world of choices we have never even imagined.

Those who attempt to predict the future disagree on whether the greatest impact of this new age will be positive or negative. Everyone agrees, however, that it will be great—perhaps greater than any revolution we have yet known.

Life is already being changed by these new technologies, and with change comes new opportunities and new problems. Some jobs are disappearing and others appearing as industries computerize. Social isolation, already a problem in our society, may be a by-product of our changed lifestyles as more work is done without ever leaving home. Intense interaction with machines is new to most of us. It will be a very different kind of communication. Some people



FIGURE 2.1 A friendly traffic officer.

John Roman/123.rf.