Chapter 6

**Problems and Solutions in Modern Policing**

**Lesson Plan**

*Correlated with PowerPoints*

1. **The Role of Discretion in Policing**

**Learning Objective 1:** Explain why police officers are allowed discretionary powers.

* 1. Justification for police discretion
     1. The judicial support of police discretion is based on:
        1. Police officers are considered trustworthy and honest
        2. Experience and training give officers the ability to assess activities and take reasonable action in response
        3. Due to the nature of their jobs, police officers are extremely knowledgeable in criminal behavior
        4. Police officers may find themselves in danger and must be able to take the reasonable and necessary steps to protect themselves
  2. Factors of police discretion
     1. Elements of discretion
        1. The most important factor is the nature of the criminal act
           1. The less serious, the most likely an officer will ignore it
        2. Another factor is the attitude of the offender
        3. The relationship between the victim and the offender
     2. Limiting police discretion
        1. A fourth factor is departmental policy
           1. For instance, a policy may state that speeding is mandatory to enforce at a certain speed over the posted limit
           2. Mandatory arrest policies to arrest suspects who has likely committed domestic violence
           3. Policies limiting high-speed car chases of suspects
        2. Discretion and body-worn cameras
           1. Policies regarding the use of body-worn police cameras vary

1. **Police Organization and Field Operations**

Learning Objective 2: List the three primary purposes of police patrol.

Learning Objective 3: Indicate some investigation strategies that are considered aggressive.

Learning Objective 4: Describe how forensic experts use DNA fingerprinting to solve crimes.

* 1. The bureaucratic model
     1. The ultimate goal of the bureaucratic model is to reach maximum efficiency
  2. The structure of the police department
     1. Chain of command
        1. Regardless of size and location, every department needs a clear rank structure and strict accountability to ensure proper functioning
        2. Begins with the rank of chief down through the various levels
        3. Delegation of authority is a critical component of the chain of command
           1. Nearly every member is directly accountable to a superior officer
           2. Links encourage discipline and control while lessening unsupervised abuses of freedom
           3. The *span of control* should not eclipse fifteen subordinates
  3. Organizing by area and time
     1. Most police responsibilities are broken down into beats or precincts
     2. Most police departments operate on shifts or tours
  4. Law enforcement in the field
     1. The main goal of the department is the management of its field services, or “operations” or “line services,” which include patrol, investigations, and special operations
  5. Police on patrol: the backbone of the department
     1. Patrol officers are usually the largest division, and more than two-thirds of the sworn officers in local departments have patrol duties
     2. The purpose of patrol
        1. Deterrence of crime through maintenance of visible police presence
        2. Maintenance of public order and a sense of security in the community
        3. Twenty-four-hour provision of services that are not crime related
     3. Community concerns
        1. The community era has seen a resurgence of the patrol officer as a community service provider, which has little to do with crime; research indicates as few as one out of five calls is related to criminal activity
        2. There is some debate about whether community services should be allowed to dominate a patrol officer’s duties
     4. Law enforcement and mental illness
        1. Between 7 and 10 percent of all police-public contacts involve people with mental illness
        2. Crisis intervention teams are designed to improve encounters between police and mentally ill individuals
     5. Patrol activities
        1. Preventive patrol
        2. Responding to calls for service
        3. Administrative service, including paperwork
        4. Officer-initiated activities
  6. Detective investigations
     1. Detectives must investigate crimes, track down stolen property, and prepare cases for court
     2. 97% of cases that are solved are attributed to patrol officer making arrest at scene, victim or witness identification of the perpetrator or routine investigative procedures
  7. Aggressive investigation strategies
     1. Undercover operations
        1. Perhaps the most dangerous operation
        2. Confidential informants (CI) may be used. These are individuals who are involved in criminal activity but give information to police
     2. Preventive policing and domestic terrorism
        1. About two-thirds of the federal governments major terrorism prosecutions have relied on evidence provided by informants
        2. Preventive policing
           1. Preventive policing’s goal is not to solve crimes but rather to prevent it from ever happening
        3. Entrapment issues
           1. Police have drawn criticism for entrapment issues involving those arrested for terrorism when law enforcement officers provide tools leading to the arrest of suspects
  8. Clearance rates and cold cases
     1. A crime is cleared when an arrest is made and the offender will be prosecuted
        1. Clearance rates vary depending on the crime
        2. Cold cases are cases that are not cleared after a certain amount of time
  9. Forensic investigations and DNA
     1. Forensics is the practice of using science and technology to investigate crime
        1. Forensics can be used to determine crucial facts of a crime, such as the time and cause of death, they type of weapon used, and the identities of the crime victim and offender
     2. Crime scene forensics
        1. First law enforcement agent to reach crime scene has the important task of protecting trace evidence from contamination
           1. Very small and often invisible to the naked eye
           2. For centuries the most important piece of trace evidence is the fingerprint
     3. The DNA revolution
        1. DNA fingerprinting
           1. Emerged in 1990s and uses genetic material found in cells
           2. Person’s body/cells provide a genetic code
     4. DNA in action
        1. No need to witness an act, DNA can be enough
        2. Databases and cold hits
           1. Cold hits occur when DNA from a crime scene is compared to the contents of a DNA database.
           2. National Combined DNA Index System (CODIS) stores the DNA profiles of offenders who have been connected to criminal activity
     5. New developments
        1. DNA is expanding rapidly
           1. Touch DNA allows for test of presence of DNA by scraping items
           2. Familial searches are based on premise that parents, siblings, and other family members have DNA similar to suspect
           3. DNA fog is a security system that marks intruders with genetic material from plants
           4. DNA as a genetic witness, providing police with physical description of suspect
           5. Some argue DNA has gone too far

1. **Police Strategies: What Works**

**Learning Objective 5:** Explain why differential response strategies enable police departments to respond more efficiently to 911 calls**.**

**Learning Objective 6:** Explain community policing and its contribution to the concept of problem-oriented policing.

* 1. More police officers, less crime
     1. According to the RAND Institute, a 10% increase in police staffing in an average city lowers the annual murder rate by 9%, the annual robbery rate by 6%, and the annual vehicle theft rate by 4%
     2. Budget cuts are common and police may have to do more with less
  2. Calls for service
     1. Response time and efficiency
        1. All agencies practice incident-driven policing, in which calls for service are the primary instigators of action
        2. Response time is the time elapsed between the instant the call is received an the instant police arrive at the scene
     2. Improving response time efficiency
        1. Differential response is a strategy by which police distinguish among different calls for service so they can respond more quickly to the most serious calls
        2. “Hot” crimes receive the most immediate attention, while “cold” crimes will receive attention as time permits
     3. 911 technology
        1. Next generation 911
           1. The next generation will allow technology to work with police departments
        2. Reverse 911
           1. Allows public officials to contact citizens in a certain geographic area when the need arises
  3. Patrol strategies
     1. Most officers work general patrol, making the rounds of a specific area with the general goal of detecting and preventing crime
        1. General patrols are random
     2. Testing random patrols
        1. Tested strategies of preventive patrol in the 1970s
        2. Results showed that increasing or decreasing preventive patrol had little or no impact on crimes, public opinion, police response time, traffic accidents, or reports of crime to police
     3. Directed patrols
        1. Target specific areas of a city and often attempt to prevent a specific crime
           1. Have found favor with may law enforcement experts
  4. Predictive policing and crime mapping
     1. Finding “hot spots”
        1. The target areas of directed patrol are often called “hot spots” because of their high levels of criminal activity
        2. Crime mapping technology that identifies hot spots can yield positive results
     2. The rise of CompStat
        1. Begins with police officers reporting the exact location of crime and information relating to the crime to the police department
           1. The computer separates the city into grids and shows areas with high incidences for certain crimes
  5. Arrest strategies
     1. Types of arrest
        1. Reactive arrests are made by those officers on general patrol who observe a criminal act or respond to a call for service
        2. Proactive arrests occur when the officer takes the initiative to target a particular type of criminal or behavior
     2. Broken windows effect
        1. Wilson and Kelling suggest that crime is related to the quality of life in neighborhoods
           1. Dilapidated neighborhoods send out signals that criminal activity is tolerated
           2. This disorder spreads fear among citizens, dissuading them from leaving their homes
        2. The broken windows theory is based on “order maintenance” of neighborhoods by cracking down on quality-of-life crimes
        3. Some critics think that “zero tolerance” policies in poor neighborhoods discriminates against certain groups and increases mistrust of police
  6. Community policing and problem solving
     1. Return to the community
        1. Community policing is an approach that advocates police-community partnerships, proactive problem solving, and community engagement
        2. Under community policing, patrol officers have much more freedom to improvise and are encouraged to build relationships with members of the community
     2. Collaborative reform
        1. Police form partnerships with local leaders to address difficult issues such as use of force and arrest policies.
  7. Problem-oriented policing
     1. Problem-oriented policing moves beyond simply responding to incidents; it attempts to control or even solve the root causes of criminal behavior
     2. Police should look at the long-term implications of a situation, and attempt to analyze the patterns of offending

1. **“Us Versus Them: Issues in Modern Police**

**Learning Objective 7:** Determine when police officers are justified in using deadly force.

* 1. Police subculture
     1. The core values of police subculture
        1. The core values of police subculture are learned through a process of socialization of a rookie police officer that begins on the first day of the job through learning of values and rules of police work
           1. Attending a recruit academy
           2. Working with a senior officer
           3. Making an initial felony arrest
           4. Using force to make an arrest for the first time
           5. Using or witnessing deadly force for the first time
           6. Witnessing major traumatic events for the first time
        2. “Blue curtain” or “blue wall of silence” will separate police from the civilians they protect
     2. Police cynicism
        1. Characterized by rejection of the ideals of truth and justice
        2. Can lead to increases of police misconduct, corruption, and brutality
  2. Physical and mental dangers of police work
     1. Police officers face threats of physical harm daily
     2. Officers killed and assaulted
        1. Police and public come in contact 40 million times a year
        2. Given this contact, police have a relatively low death rate
        3. Body armor has increased survival rates
     3. Accidental deaths
        1. More than half of all police deaths occur in accidents, and traffic accident cause as many line-of-duty deaths as do firearms
           1. Recent research reports 42% of officers killed in crashes depicted the officer not wearing a seatbelt
  3. Stress and the mental dangers of work
     1. Police stressors
        1. Constant fear of being a victim of violent crime
        2. Exposure to violence and its victims
        3. The need to comply with the law in every job action
        4. Lack of community support
        5. Negative media coverage
     2. The consequences of police stress
        1. Can cause high blood pressure and heart problems
        2. Alcoholism may result from stress on the job
        3. Officers may suffer from burnout and post-traumatic stress disorder (PTSD)
        4. Some studies show higher suicide rates than for the general population
  4. Authority and the use of force
     1. Symbols of authority include the uniform, the badge, the nightstick, and the officer’s firearm
     2. Use of force in law enforcement
        1. In general, use of force by law enforcement personnel is very rare
        2. Nearly every department utilizes a “use of force matrix”
     3. Types of force
        1. Non-deadly force
           1. Regulated by the concept of reasonable force
           2. When a reasonable person deems that force was necessary
        2. Deadly force
           1. Force that an objective police officer realizes will place the subject in direct threat of serious injury
           2. May result in death
     4. The United States Supreme Court and use of force
        1. *Tennessee v. Garner* (1985) mandated a change in the fleeing felon rules
        2. *Graham v. Connor* (1989) held that use of force was judged by reasonableness of officer on the scene
        3. In 2004, the Supreme Court held that an officer’s use of force could be “reasonable” even if, by objective measures, the force wasn’t needed to protect the officer or others in the area
     5. Less lethal weapons
        1. Designed to subdue, but not seriously harm, suspects
        2. Include OC pepper spray, tear gas, water cannons, and conducted energy devices such as the Taser

1. **Police Misconduct and Ethics**

Learning Objective 8: Identify the three consent decree requirements commonly made of local police departments that have exhibited patterns of civil rights violations.

Learning Objective 9: Explain what an ethical dilemma is and name four categories of ethical dilemmas that a police officer typically may face.

* 1. Racial and ethnic biases in policing
     1. Perceived bias
        1. Suggestion that minorities are targeted more frequently for stop and frisks and for DWB, or “driving while black”
        2. Police are almost three times more likely to search a minority following a traffic stop
     2. Police attitudes and discretion
        1. Cultural differences often exist between police officers and the residents
        2. Research shows that police working in minority areas perceived higher levels of abuse
  2. Police corruption is defined as being the misuse of authority by a police officer
     1. Types of corruption
        1. Bribery
        2. Shakedowns
        3. Mooching
     2. Corruption in police subculture
        1. No single reason to explain why corruption occurs in policing
        2. Certain officers – the young, relatively uneducated, records of prior criminality and citizens’ complaints, and those unlikely to be promoted – seem more likely to engage in corruption.
  3. Police accountability
     1. Inside the department
        1. Self-accountability
        2. Supervisory accountability
        3. Administrative accountability
     2. Internal investigations
        1. Investigations that are conducted by the Internal Affairs Unit within the police department itself
     3. Outside the department
        1. Citizen oversight
           1. Citizens review allegations of police misconduct or brutality.
        2. Police liability
           1. Civil liability – victims of police misconduct sue officer or agency in state or federal court
           2. Civil rights violations – victims sue officer for denial of rights under the U.S. Constitution
        3. U.S. Department of Justice can investigate for civil rights violations and enter into consent decree with city to improve situation, where department agrees to:
           1. Implement policies and training to minimize use of force,
           2. Set up tracking system to identify and discipline officers most involved in use-of-force incidents, and
           3. Improve community relations, especially by providing effective protocol to respond to citizen complaints
  4. Ethics in law enforcement
     1. Ethical dilemmas
     2. Majority of ethical dilemmas a police officer will face are not clear-cut
        1. When an officer does not know the right course of action
        2. If an officer has difficulty in doing what he or she consider to be right
        3. If an officer finds a wrong choice to be very tempting
     3. Elements of ethics
        1. Discretion—how a police officer must act and how he or she cannot act
        2. Duty—obligation to act in a certain manner
        3. Honesty—critical attribute in making daily decisions
     4. Administrators can encourage ethical policing by
        1. Incorporating ethics into the department’s mission statement
        2. Conducting internal training sessions in ethics
        3. Accepting “honest mistakes” in ethical decisions
        4. Adopting a zero-tolerance policy towards ethical decisions based on mistakes that are not honest

Lecture Notes

Chapter 6 begins with an examination of police discretion. Police officers operate with a great deal of officer discretion. Discretion is the patrol officer’s ability to choose from a range of responses when s/he confronts a particular situation. Police are granted this ability due to their honesty and trustworthiness, as well as their training and experience. Finally, they must be able to protect themselves as they carry out their duties.

Police patrol is the backbone of law enforcement, and serves three primary purposes: it deters crime, it maintains public order, and it provides services to the community. While police spend the majority of their time on preventive patrol, they also spend a significant amount of time responding to calls for service. Differential response strategies enable officers to respond more efficiently to calls by distinguishing between “hot” and “cold” calls for service. Furthermore, police efforts with crime fighting have been aided by the technological advances in DNA.

Community policing involves not only developing a partnership with citizens, but implementing proactive problem solving techniques to address the root causes of crime in a particular community. In this sense community policing is quite different from the traditional crime-fighting methods employed by law enforcement.

Police officers are authorized to use force when warranted. Force can be either non-deadly or deadly. Officers are required to use reasonable judgment in determining when to use force. Furthermore, only the minimum amount of force needed to control the situation is acceptable. Deadly force is only appropriate when the officer’s life, or the life of another, is in danger. The United States Supreme Court has ruled on the issue of officer use of force in two cases: *Tennessee v. Garner* and *Graham v. Connor*.

From the first day on the job, police officers begin a process of socialization into the police subculture. This subculture is often marked by police cynicism and an intense sense of loyalty to fellow officers. If unchecked, this subculture can result in an “us versus them” mentality among officers. Police officers also face unique dangers on the job, including physical and mental stress. Police officers suffer from abnormally high rates of suicide, substance abuse, and stress-related illness. Officers likely face ethical dilemmas each time they report for duty, a challenge that is exacerbated by burnout and cynicism among officers. Ethical dilemmas generally involve (a) discretion; (b) duty; (c) honesty; and (d) loyalty.

Key Terms

* ballistics (pg. 179) – The study of firearms, including the firing of the weapon and the flight of the bullet.
* blue curtain (pg. 192) – A metaphorical term used to refer to the value placed on secrecy and the general mistrust of the outside world shared by many police officers.
* body armor (pg. 193) – Protective covering that is worn under a police officer’s clothing and designed to minimize injury from being hit by a fired bullet.
* broken windows theory (pg. 188) – Wilson and Kelling’s theory that a neighborhood in disrepair signals that criminal activity is tolerated in the area. By cracking down on quality-of-life crimes, police can reclaim the neighborhood and encourage law-abiding citizens to live and work there.
* bureaucracy (pg. 173) – A hierarchically structured administrative organization that carries out specific functions.
* burnout – (pg. 194) – A mental state that occurs when a person suffers from exhaustion and has difficulty functioning normally as a result of overwork and stress.
* citizen oversight (pg. 201) – The process by which citizens review complaints brought against individual police officers or police departments.
* civil liability (pg. 201) - The potential responsibility of police officers, police departments, or municipalities to defend themselves against civil lawsuits.
* civil rights violation (pg. 202) - Any interference with a citizen’s constitutional rights by a civil servant such as a police officer.
* clearance rate (pg. 178) – A comparison of the number of crimes cleared by arrest and prosecution with the number of crimes reported during any given period.
* cold case (pg. 179) – A criminal investigation that has not been solved after a certain amount of time.
* cold hit (pg. 181) – The establishment of a connection between a suspect and a crime, often through the use of DNA evidence, in the absence of an ongoing criminal investigation.
* community policing (pg. 189) – A policing philosophy that emphasizes community support for and cooperation with the police in preventing crime.
* computer-aided dispatch (CAD) (pg. 185) – A method of dispatching police patrols units to the site of 911 emergencies with the assistance of a computer program.
* conducted energy devices (CED) (pg. 197) – A less lethal weapon designed to disrupt a target’s central nervous system by means of a charge of electrical energy.
* confidential informant (CI) (pg. 178) – A human source for police who provides information concerning illegal activity in which he or she is involved.
* crime mapping (pg. 187) – Technology that allows crime analysts to identify trends and patterns of criminal behavior within a given area.
* deadly force (pg. 196) – Force applied by a police officer that is likely or intended to cause death.
* delegation of authority (pg. 173) – The principles of command on which most police departments are based, in which personnel take orders from and are responsible to those in positions of power directly above them.
* detective (pg. 177) – The primary police investigator of crimes.
* differential response (pg. 185) – A strategy for answering calls for service in which response time is adapted to the seriousness of the call.
* directed patrol (pg. 186) – A patrol strategy that is designed to focus on a specific type of criminal activity in a specific greographic area.
* DNA fingerprinting (pg. 180) – The identification of a person based on a sample of her or his DNA, the genetic material found in the cells of all living things.
* duty (pg. 203) – The moral sense of a police officer that she or he should behave in a certain manner.
* forensics (pg. 179) – The application of science to establish facts and evidence during the investigation of crimes.
* hot spots (pg. 187) – Concentrated areas of high criminal activity that draw a directed police response.
* incident-driven policing (pg. 183) – A reactive approach to policing that emphasizes a speedy response to calls for service.
* internal affairs unit (IAU) (pg. 201) – A division within a police department that receives and investigates complaints of wrongdoing by police officers.
* noble cause corruption (pg. 202) – Knowing misconduct by a police officer with the goal of attaining what the officer believes is a “just” result.
* police corruption (pg. 199) – The abuse of authority by a law enforcement officer for personal gain.
* police subculture (pg. 191) – The values and perceptions that are shared by members of a police department and, to a certain extent, by all law enforcement agents.
* policy (pg. 172) – A set of guiding principles designed to influence the behavior and decision making of police officers.
* proactive arrests (pg. 188) – Arrests that occur because of a concentrated effort by law enforcement agencies to respond to a particular type of criminal or criminal behavior.
* problem-oriented policing (pg. 190) – A policing philosophy that requires police to identify potential criminal activity and develop strategies to prevent or respond to that activity.
* professionalism (pg. 197) – Adherence to a set of values that show a police officer to be of the highest moral character.
* random patrol (pg. 186) – A patrol strategy that relies on police officers monitoring a certain area with the goal of detecting crimes in progress or preventing crime due to their presence. Also known as *general* or *preventive patrol*.
* reactive arrests (pg. 188) – Arrests that come about as part of the ordinary routine of police patrol and responses to calls for service.
* reasonable force (pg. 196) – The degree of force that is appropriate to protect the police officer or other citizens and is not excessive.
* response time (pg. 184) – The rapidity with which calls for service are answered.
* Reverse 911 (pg. 186) – A mobile phone-based communications system that allows public officials to send outbound messages in the event of an emergency.
* socialization (pg. 192) – The process through which a police officer is taught the values and expected behavior of the police subculture.
* stressors (pg. 194) – The aspects of police work and life that lead to feelings of stress.
* trace evidence (pg. 179) – Evidence such as fingerprint, blood, or hair found in small amounts at a crime scene.