

Chapter 1**You Decide 1.1**

According to the International Association of Chiefs of Police, police are expected to achieve the following outcomes:

1. Reduce crime and disorder
2. Reduce the fear of crime
3. Solve neighborhood problems and improving the quality of life
4. Develop greater community cohesion

To achieve these outcomes, police intervene in the daily affairs of private citizens. This includes asking or telling citizens not to move, where to stand, what to do, how to behave, and when they are free to leave. When citizens refuse to cooperate, police have the authority to force citizens to comply, if necessary.

Police are most often called upon to stop some act of violence, unwanted behavior, or threats to public safety. In these situations, the use of unnecessary force by police can lead to negative consequences, including avoidable injuries or death, community complaints, mistrust of the police, civil liability, civil unrest, and federal injunctive orders. On the other hand, insufficient use of force exposes officers to their own harm or death, negatively affects an officer's ability to enforce the law, and may increase the danger to public safety. Fyfe (1987) Unnecessary force "could be avoided by measures such as better training, officer selection, and other use-of-force options."

1. Should police officers be permitted to use force when unarmed citizens refuse to comply?
2. What do you think would be a viable alternative to use of force in situations where citizens will not comply?
3. Which poses a greater risk to the community, unnecessary use of force, or insufficient use of force?

Guide and Rationale for Recommended "You Decide" Responses

Sometimes the police need to order people around and sometimes all they need to do is politely ask, but they need to take charge. The situation dictates their actions. The majority of citizens have no problem with the authority given to the police, nor the way they use it. When the police exert extreme force to catch (or even shoot) a dangerous felon, citizens generally don't object, but the suspect's relatives prefer police to use milder tactics. Hence the paradox of enforcement—police must use violence to prevent violence (Johnston, 2014).

One of the fundamental concerns of police administrators is directing, controlling, and monitoring the use of force by their officers. This issue occupies the public's interest and contributes to a climate of distrust and animosity between the police and the citizens they serve. One needs to understand the purpose of and necessity for force in order to appreciate the difficulty of deciding how much force is necessary. Police officers have a lot of discretion in

how they choose to act, but doing nothing is not an option. The police must take control (Miller, 2008).

To fulfill their crime fighting and order maintenance roles, police must use force to restore order, take charge, or capture and control noncompliant suspects. Incidents of force frequently spark criticism and controversy. Despite an evolution in the responsibilities placed on the police, the essential role of protecting the public has not changed much since they were first founded in this country. The police are charged with the maintenance of order and enforcing laws. They are often seen as the most visible and powerful arm of government (Miller, 2008).

In a study of the functions of police, noted criminal justice scholar Egon Bittner proposed: “the police are nothing else than a mechanism for the distribution of situationally justified force in society” (1970, p. 39). Bittner states that most police work involves stopping “something-that-ought-not-to-be-happening-and-about-which-somebody-had-better-do-something- now” (Bittner, 1970; p. 39). This identifies the core of the debate on how much force police should use to bring order to chaos. Bittner (1970) recognized that excessive, unnecessary, or minimal use of force by police is very difficult to define or quantify.

For some members of the public, politicians and some police administrators, the simple solution is to use less force. Fyfe (1987) explored the negative consequences of both unnecessary force by officers and the consequences of insufficient use of force by police. The use of unnecessary force by police can lead to significant negative consequences, to include unnecessary injuries to the suspect or death, community complaints, distrust of the police, civil liability, civil unrest, and federal injunctive orders. Insufficient use of force exposes officers to harm or death, negatively affects an officer’s ability to enforce the law, and may increase the danger to public safety. Fyfe (1987) concludes that unnecessary force “could be avoided by measures such as better training, officer selection, and other use-of-force options”

According to statistics by the Department of Justice, among persons who had contact with police in 2008, an estimated 1.4% had force used or threatened against them during their most recent contact, which was not statistically different from the percentages in 2002 (1.5%) and 2005 (1.6%). A majority of the people who had force used or threatened against them said they felt it was excessive (Eith, 2011).

References

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Chapter 2

You Decide 2.1

Accreditation is briefly introduced here in chapter 2 and is discussed again in chapter 3. An accredited law enforcement agency is officially recognized as meeting essential requirements set forth by the Commission on Accreditation for Law Enforcement (CALEA). Without knowing what these essential requirements are, one might not be impressed by the credentials.

According to the CALEA Standards Manual (1999), the goals of law enforcement accreditation are to "(a) improve crime prevention and control capabilities, (b) formalize management procedures, (c) establish fair and non-discriminatory personnel practices, (d) improve service delivery, (e) improve inter-agency cooperation and coordination, and (f) increase confidence in the law enforcement agency" (CALEA, 1999, xiii).

1. If you could implement one standard or rule that police agencies had to follow, what would that be?
2. In general, do you trust officers from an accredited agency more than those working for one that is not accredited? Why or why not?

Guide and Rationale for Recommended “You Decide” Responses

“As the law enforcement profession in the United States began to discuss the need to professionalize, four law enforcement organizations led the movement for accreditation. These founding organizations are the International Association of Chiefs of Police (IACP)—the first official body to formally discuss the need to develop a body of national law enforcement standards—the Police Executive Research Forum (PERF), the National Sheriff's Association (NSA), and the National Organization of Black Law Enforcement Executives (NOBLE). These organizations, along with input from many law enforcement executives and other organizations throughout the country, founded the Commission on Accreditation for Law Enforcement Agencies (CALEA) in 1979. CALEA, a private, non-profit national commission, was the first organization in the United States to formally accredit law enforcement agencies. The founders of CALEA intended not to repeat the mistakes of the past and to build upon the knowledge and innovation of the future of American policing (Bowman, 2001).

The standards apply to almost every facet of police operations, including use of force; pursuit; holding facilities; prisoner transportation; collection and preservation of evidence; crime analysis; victim and witness assistance; criminal investigations; traffic enforcement; recruitment, selection, and training; and internal affairs. Accreditation standards define, guide, and control how police agencies conduct their business. They govern minimum qualifications and specify selection criteria for police officers. Ultimately, every facet of law enforcement is affected, from

administration to personnel issues and delivery of service. Mandatory standards deal with life, health and safety issues, legal requirements, and essential police practices. Non-mandatory standards deal with important or desirable law enforcement practices and exemplary activities (Bowman 2001).

The CALEA accreditation process involves five phases: (1) application, (2) self-assessment, (3) on-site assessment, (4) commission review, and (5) maintaining compliance and reaccreditation. A law enforcement agency usually initiates the application phase by requesting information from CALEA and formally begins the accreditation process when it executes an Accreditation Agreement with CALEA. The heart of CALEA's accreditation process is the "self assessment" phase in which an agency measures its efforts against each standard. During this phase, the agency prepares forms and documents that support its compliance with applicable standards and submits this information to CALEA assessors. The on-site assessment is a test of the agency's work. CALEA usually sends three assessors to review the agency's compliance documentation, inspect its facilities and equipment, conduct a public hearing, and interview various agency officials and governmental representatives. At the end of the three-year accreditation period, the agency must undergo another on-site assessment which is reviewed before the Commission. A public hearing, as part of the on-site inspection, allows members of the community to speak to the assessment team about the agency and its ability to comply with applicable standards (Bowman, 2001).

The benefits from accreditation are numerous and depend greatly on the constituency affected. CALEA cited six benefits of accreditation: "...controlled liability insurance costs...stronger defense against lawsuits and citizens complaints...greater accountability within the agency... support from government officials... increased community advocacy...and recognition for excellence" (CALEA Accreditation Program Overview Brochure, 1999). Liability protection is frequently cited as a major benefit of accreditation. CALEA reported in 1996 that accredited agencies often received a discount or credit on liability insurance premiums or a better rating if they were self-insured. In addition, accredited agencies had fewer lawsuits and citizens complaints and were better positioned to defend procedures that were based on nationally accepted standards. The accreditation process also promotes relationships with other agencies and incorporates mutual aid agreements between law enforcement agencies. Through the development of standardized operational policies, accreditation enhances the efficiency in handling calls for assistance, making referrals and conducting joint investigations. In light of the similarities among all law enforcement agencies, many of these benefits attributed to accreditation could be realized by law enforcement agencies throughout the world. Today, a growing number of law enforcement agencies in different nations are exploring the accreditation process to determine its applicability to varying governments and responsibilities (Bowman, 2001).

Reference

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Chapter 3**You Decide 3.1**

The Incident Command System (also called Incident Management System) was developed in the 1970s following a series of catastrophic fires in California. The property damage ran into the millions of dollars, and many people died or were injured. Several years later, the terrorist attack on September 11, 2001 catapulted the ICS into national urgency.

Although the FBI is responsible for terrorism incidents, ICS training began taking place throughout the nation in 2004, involving law enforcement agencies, fire departments, and schools. Although catastrophic incidents generally involve a local agency, when faced with the worst-case scenario, such as September 11, 2001, all responding agencies must be able to interface and work together.

Agencies train together prior to an incident and stock equipment and supplies at various agencies that can be quickly accessed in emergencies. The plans require personnel from surrounding agencies to report to an incident and follow the chain of command at the scene. A unified command system can be used (possibly involving more than one incident commander), but a single agency incident commander is generally preferable. Radio communications are in normal language instead of radio codes.

You can read more about ICS in chapter 7.

1. What are some pros and cons of organizing a national system that all local agencies must follow?
2. Terrorism falls under the umbrella of the FBI. Should the FBI fill the role of incident commander at all terrorist incidents? Why or why not?

Guide and Rationale for Recommended “You Decide” Responses

The National Incident Management System (NIMS) is a systematic, proactive approach to guide departments and agencies at all levels of government, nongovernmental organizations, and the private sector to work together seamlessly and manage incidents involving all threats and hazards—regardless of cause, size, location, or complexity—to reduce loss of life or property and to minimize harm to the environment. The NIMS is the essential foundation to the National Preparedness System (NPS) and provides the template for the management of incidents and operations in support of all five National Planning Frameworks (fema.gov).

The purpose of the NIMS is to provide a common approach for managing incidents. The concepts contained herein provide for a flexible but standardized set of incident management practices with emphasis on common principles, a consistent approach to operational structures and supporting mechanisms, and an integrated approach to resource management (fema.gov).

Incidents typically begin and end locally, and they are managed daily at the most localized geographical, organizational, and jurisdictional level. There are other instances where success depends on the involvement of multiple jurisdictions, levels of government, functional agencies, or emergency-responder disciplines. These instances necessitate effective and efficient coordination across this broad spectrum of organizations and activities. By using NIMS, communities are part of a comprehensive national approach that improves the effectiveness of emergency management and response personnel across the full spectrum of potential threats and hazards (including natural hazards, terrorist activities, and other human-caused disasters) regardless of size or complexity (Fema.gov).

Over time, the incident command system has had many detractors; however, several departments have demonstrated what can be achieved once it is embraced. These departments understand that they need to not only embrace ICS but actively partner with other first responders to learn differing perspectives. Breaking down the barriers that prevent organizations from using ICS is imperative today, when regional responses to significant incidents are becoming more common. To avoid the “silo” effect and to judge situations from a larger perspective, first responders must have an awareness of the capabilities of other responders (Leb.FBI.gov).

During large events everyone in the locality has a seat at the table; it is only a question of when and how they will be used. “To become a strategic leader, you need to become proactive and take action now. The object is to start to think and act strategically, and handle the increased complexity resulting from the necessity to integrate elements that are, in some cases, far removed from your basic expertise and experience” (Leb.FBI.gov).

Today, law enforcement agencies operate in dynamic environments where simple calls for service can become complex critical incidents in a matter of moments. Regardless of department size, it is not a question of if personnel will become part of a critical incident but when. Both officers and supervisors must stand ready to respond effectively (Leb.FBI.gov).

In the aftermath of September 11, 2001, training in the National Incident Management System (NIMS) and Incident Command System (ICS) became mandatory for all officers. But, are they better prepared now that they have received the basic training? Have agency leaders embraced the training and incorporated its concepts into everyday operations, or do they plan to simply dust off the manuals if and when a significant event occurs? Department personnel can recognize ICS as something that will help employees do their jobs better or as a necessary evil for receiving funds or reimbursement from the federal government (Leb.FBI.gov).

References

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Chapter 5**You Decide 5.1**

The education requirement for law enforcement has been the subject of debate in the U.S. since the early 1900s. Several national commissions have recommended that state and local police departments consider higher education as a requirement for employment. One reason for the push is to professionalize police forces and improve their public image. Another reason is that numerous studies have shown that officers with a four-year degree perform better than officers with just a high school diploma.

Most federal law enforcement agencies require either a bachelor's degree or related work experience or a combination of the two. However, according to a Bureau of Justice Statistics study from 2015, 84% of United States police agencies only required a high school diploma, with only 4% requiring some college. Only 1% of municipal police agencies required a four-year college degree and 10% require a 2-year degree.

1. With strong support for educated police officers, why do you think more local agencies have not mirrored the federal protocol in requiring a college degree?
2. Would you support a new standard of requiring a college degree for hiring at all local police departments? Why or why not?

Guide and Rationale for Recommended “You Decide” Responses

The following information comes from a web article in USA Today by Kevin Johnson, updated on 09/18/2006.

Last February, the Plano, Texas, Police Department took a bold step in its police recruiting efforts: At a time when departments across the nation are desperate for new officers, Plano began requiring its recruits to have four-year college degrees.

The move was aimed at making the city's 345-member police force more like the residents of Plano, a city of about 260,000 about 18 miles north of Dallas. Plano is in one of the nation's wealthiest counties and is home to the headquarters of JC Penney, Frito Lay and Electronic Data Systems. Plano officials cited studies indicating that officers with college degrees have fewer discipline problems than those without.

In August, however, as Plano strained to find enough recruits, the city eased its hiring requirements and began accepting those with two years of college or three years in the military. The latest requirements are stiffer than those from last year, when recruits were required to have at least the equivalent of a high school education. But the episode fueled an ongoing debate over whether police departments' desire to raise recruiting standards can be realized at a time when there are thousands of openings for cops nationwide.

Since 1963, when the Multnomah County, OR, Sheriff's Department became one of the first police agencies to impose a four-year degree requirement on recruits, only a few other local departments have followed.

Less than 5% of local police departments with more than 100 officers require four-year degrees, says Louis Mayo, executive director of the Police Association for College Education.

Most departments give higher pay to recruits with four-year degrees, he says, but have avoided requiring recruits to have them for several reasons. Among them: concerns about recruiting enough minority officers in increasingly diverse urban areas, and fears that not enough college graduates would be attracted by police salaries. The median annual salary for patrol officers nationwide was about \$45,200 in 2004, according to the U.S. Department of Labor. Rookie cops usually make less.

"Everybody is gonna tell you it's difficult" to recruit only college graduates, says Plano police Sgt. Jason Christensen. That's true even in Plano, where the pay for new cops is relatively high, about \$51,000.

There are about 700,000 state and local police officers across the nation. Mayo estimates that 25% to 30% have four-year degrees. He says departments have been reluctant to adopt stricter recruiting standards despite evidence suggesting that better-educated cops perform better.

In an analysis of disciplinary cases against Florida cops from 1997 to 2002, the International Association of Chiefs of Police found that officers with only high school educations were the subjects of 75% of all disciplinary actions. Officers with four-year degrees accounted for 11% of such actions.

"An average patrol officer spends most of the time on dispute resolution," Mayo says. A degree "gives (officers) a broad perspective that makes them much more effective."

Los Angeles' approach to police recruiting and pay is typical of most big cities. The 9,000-officer department pays new cops with four-year degrees about \$55,200, roughly \$4,000 more than those who meet the basic requirements of a high school diploma or GED.

References

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Chapter 7**You Decide 7.1**

Most criminologists agree that there are three interrelated areas in which crime prevention strategies can be put in place to deter crime. These are the criminal, the victim (or target), and the environment (or opportunity).

The theory posits that if a motivated criminal and an attractive target come together either by chance or by design, and the environment does not visibly display enough “target hardening” to deter the criminal from committing the act, a crime will likely take place. Therefore, it is believed that removing any of the three factors is the key to deterring the crime.

Situational crime prevention focuses on the environment, which is often interpreted as merely target hardening. It actually includes several approaches, but the main theme involves opportunity. Environmental criminologists claim, “opportunity makes the thief,” and “if opportunity increases, so will crime.”

Critics of environmental criminology disagree and feel that if a crime occurs, it is entirely dependent on the offender’s propensity, that if an opportunity is taken away, he will just continue looking for other opportunities and eventually commit the crime.

1. Do you agree with the statement that opportunity makes the thief? Why or why not?
2. Do you feel that having more marked police cars driving around the city will deter crime? Why or why not?

Guide and Rationale for Recommended “You Decide” Responses

The following information was obtained from the manual: “Crime Analysis for Problem Solvers in 60 Small Steps,” by the U. S. Department of Justice Community Oriented Policing Services (COPS), by Ronald V. Clark and John E. Eck.

For environmental criminologists, "opportunity makes the thief" is more than just a popular saying, it is the cornerstone of their approach. They believe that if opportunity increases so will crime. Incredibly, most criminologists would not agree. They believe that opportunity can only determine when and where crime occurs, not whether it occurs. In their view, whether crime occurs is wholly dependent on offenders' propensities, and these propensities collectively determine the volume of crime in society.

In fact, crime levels are as much determined by the opportunities afforded by the physical and social arrangements of society as by the attitudes and dispositions of the population. This is difficult to prove, but it would be unethical to create new opportunities for burglary or robbery and wait to see what happens. However, experiments have been conducted. In the 1920s, researchers gave children the opportunity to cheat on tests, to lie about cheating, and to steal

coins from puzzles. Other researchers have scattered stamped and addressed letters in the streets, some containing money, to see if these were mailed. In a third group of lab experiments, subjects were instructed to "punish" others for disobeying test instructions by delivering severe electric shocks through the test apparatus. (In fact, no shocks were actually delivered).

Offenders make choices based on their perceptions of opportunities. Understanding how offenders see things is important to preventing crime, because almost all crime prevention involves changing offenders' perceptions of crime opportunities. Some prevention programs work directly on these perceptions, such as when police inform offenders that they are being closely watched. But most prevention schemes work through one or more intermediate steps, as in property marking schemes, for example, where residents apply window stickers showing participation. Changes in the environment change offender perceptions. These perceptions influence offenders' behaviors which, in turn, alter crime patterns.

In many cases, the preventive measures deter offenders from further criminal activity. They can also have the positive unintended effects of (1) reducing crime beyond the focus of the measures, which is known as diffusion of benefits (see Steps 13 and 47); and (2) reducing crime before measures have actually been implemented, known as anticipatory benefits (Step 52). However, preventive measures do not always achieve the desired effects, sometimes because offenders are quite unaware of the interventions in place. For example, offenders may continue to offend in the face of covert enforcement, because they might not realize that their risks of being caught have increased. In other cases, offenders may adjust negatively to the preventive measures. These negative adjustments include displacement and long-term adaptation.

Problem-oriented policing often tries to reduce opportunities for crime. For example, window locks may be fitted to prevent burglary in an apartment complex, or closed circuit television cameras may be installed to prevent thefts in parking lots. These ways of reducing opportunities for crime often meet a common objection: all they do is move crime around, not prevent it. This theory of displacement sees crime as being shifted around in five main ways:

1. Crime is moved from one place to another (geographical).
2. Crime is moved from one time to another (temporal).
3. Crime is directed away from one target to another (target).
4. One method of committing crime replaces another (tactical).
5. One kind of crime is substituted for another (crime type).

Displacement occurs when offenders change their behavior to thwart preventive actions. Displacement is the opposite of diffusion of benefits. Displacement is a possible threat, but it is far from inevitable. Reviews show that many situational prevention programs show little or no evidence of displacement, and when displacement is found, it seldom fully offsets the prevention benefits.

Chapter 11**You Decide 11.1**

Agencies need a citizen complaint process that is easily available to the community. This enhances the department's accountability to the public and serves as an indicator to administration of performance issues that may need to be addressed department wide.

One method of handling complaints is to have an internal organization in which the police actually monitor themselves. Naturally this type of system, especially on high-profile cases, creates suspicion and skepticism by the community. The majority of police personnel would prefer to be judged by someone who has law enforcement experience.

Another popular system involves a citizen review board made up of civilians who have no strong connection with the police department. The community would likely welcome this type of system, but critics argue that citizens lack sufficient understanding of police work to render a fair decision.

1. Of these two options, which method would you prefer? Give your reason(s).
2. Do you have any other suggestions on how internal investigations could be handled in a way that would be fair to the employees as well as the community they serve?

Guide and Rationale for Recommended “You Decide” Responses

The following information was obtained from “About Careers,” a web article titled *Internal Affairs Investigator Career Profile: Job Duties, Requirements and Salary Outlook for Internal Affairs Investigators*, by Timothy Roufa, criminology careers expert.

Everybody makes mistakes at work from time to time, and police officers are no different. Most of the time, they can be corrected with coaching or counseling, an apology, and a sincere promise not to make the same mistake twice. Officers must be held to the highest ethical standards, though, and sometimes those mistakes can rise to a level that requires a full internal investigation and possibly severe discipline.

Unfortunately, sometimes good cops go bad, and some issues simply can't be glossed over. In such cases, most organizations use internal affairs investigators to find out what when wrong and whether anyone is to blame. A vital component to maintaining the public's trust in law enforcement and other criminal justice professions, internal investigators exist to provide accountability to departments.

When allegations and accusations of misconduct or wrongdoing are raised, internal affairs investigators are there to learn the truth and protect both the accused officer and the department. Their primary purpose is to determine the truth, whatever it may be, and report the facts in an

effort to uphold and maintain the integrity of the profession.

Internal affairs detectives are often viewed with suspicion and derision by fellow officers. Because law enforcement tends to be a close-knit group, other members of the department often distrust those who are responsible for investigating fellow cops. At the same time, members of the public tend to suspect internal investigators of covering up incidents of misconduct and protecting their own. This highlights the difficult job investigators have and the lonely road they walk.

The following information is obtained from the executive summary of the manual *Citizen Review of Police: Approaches and Implementation*, published by the U.S. Department of Justice Office of Justice Programs; National Institute of Justice, by Peter Finn.

There is no single model of citizen oversight. However, most procedures have features that fall into one of four types of oversight systems:

- Type 1: Citizens investigate allegations of police misconduct and recommend findings to the chief or sheriff.
- Type 2: Police officers investigate allegations and develop findings; citizens review and recommend that the chief or sheriff approve or reject the findings.
- Type 3: Complainants may appeal findings established by the police or sheriff's department to citizens, who review them and then recommend their own findings to the chief or sheriff.
- Type 4: An auditor investigates the process by which the police or sheriff's department accepts and investigates complaints and reports on the thoroughness and fairness of the process to the department and the public.

Each type of system has advantages and drawbacks. For example, oversight systems that involve investigating citizen complaints (type 1) can help reassure the public that investigations of citizen complaints are thorough and fair. However, hiring professional investigators can be expensive, and the investigations model typically has no mechanism for soliciting the public's general concerns about police conduct. Whatever their specific advantages, any type of citizen oversight needs to be part of a larger structure of internal and external police accountability. Citizen oversight alone cannot ensure that police will act responsibly.

References

<http://criminologycareers.about.com/od/Law-Enforcement-Careers/a/Career-Profile-Internal-Affairs-Investigator.htm>

<https://www.ncjrs.gov>

Chapter 12

You Decide 12.1

Citizens in the community are generally not criminal justice majors. They get the majority of their knowledge in three ways—through their own experiences, by hearing the experiences of others, and from the media. Because many citizens have limited personal contact with police officers, their perceptions are largely dependent on what they hear and not what they witness. When citizens do witness police actions, their interpretation of the incident is subject to personal bias that may substantially be based on the opinion of others and media exposure.

In 2012, Scottsdale, Arizona, officer James Peters shot and killed a suspect, his sixth in 12 years on the job, which was more individuals than any other officer had killed in the history of Arizona Law Enforcement. The initial media coverage didn't mention that he was on SWAT, and that his prior five shootings were deemed justified. Although that information came out later, there was no guarantee that observers of the early media coverage received that important update.

1. Do you feel that the media is partially responsible for violent community reactions, such as looting and attacks on police?
2. Do you already have biases that will influence your opinion from what you hear (or see) about police shootings? Explain.

Guide and Rationale for Recommended “You Decide” Responses

The following information was obtained from the book *Force in Law Enforcement*, by Coy Johnston (2014).

When citizens view a use-of-force incident by police, their opinions usually differ about the level of force that was necessary to accomplish the task. One researchers showed use-of-force videos to over 1,500 students from the fall of 2007 through the fall of 2013. Some incidents were deemed justified by law enforcement professionals, while other videos represented unjustified police actions. Although students viewed videos and discussed various scenarios, there was never a 100% consensus about the reasonableness or necessity of the level of force used. There were eight core reasons that students differed in their opinions, which included:

- **Unrealistic expectations** of how police should handle citizens they deal with (likely due to fictional police tactics on television shows such as shooting a gun out of a criminal's hands or using martial art skills to disarm a dangerous criminal).
- **A dislike or lack of trust of police** from a personal experience or hearing about another's experience.
- **A distorted view of police** and their use of force, likely from hyped media coverage.

- **Different levels of knowledge** about police work. Some students have relatives in law enforcement and some have very little exposure other than the media.
- **Different points of reference** when discussing use of force. Some people might envision a dangerous criminal and a polite police officer, while others envision a corrupt, overzealous police officer and an innocent citizen.
- **Racial differences**, which cause everyone—minorities in particular—to fear the abuse of power by police.
- **Lack of understanding** the concept of “Totality of Circumstances.”
- **Focusing on what might have worked better** to handle an incident (after the fact) as opposed to looking only at an incident for justification.

These eight issues can affect a person’s ability to make a fair assessment of a use-of-force incident. This is why the Supreme Court wisely articulated that the reasonableness of a use-of-force incident must be judged from the perspective of a reasonable police officer on the scene, rather than with the hindsight of inexperienced evaluators. It is common for citizens to understand the ins and outs of police work only through what they see on television shows.

The media rarely help build a positive reputation for the police. But they aren’t really in business to be an ally for government organizations. The media report the information that catches the most attention and interests of their audience. The problem is that much of the public knows only what is going on through the news. They get bits and pieces of a bigger story, but rarely know the final outcome. The news might cover a suspension of a police officer under investigation, but not mention it again after the officer is exonerated of all wrongdoing. When an officer receives a commendation or a thank you letter from a citizen for being kind and caring, the media rarely cover it. This type of one-sided coverage can cause some citizens to fear the police as much as they do the criminals.

Some students who enter criminal justice programs already foster distrust for police. Having a bias against police in general tends to have a skewed effect on assessing use-of-force incidents. It is refreshing to see these students open their minds as they become educated about law enforcement, especially through the experience of a ride-along with a beat officer. Unfortunately, some never change their negative feelings about police. Their expectations are very high. Although some will say that to become a police officer you practically need to walk on water, those with negative feelings about police have a hard time believing that departments are really hiring the best candidates possible.

Chapter 13**You Decide 13.1**

Some feel that body-worn cameras can significantly affect the field of policing. Advantages to law enforcement include improving evidence collection, strengthening officer performance and accountability, enhancing agency transparency, documenting encounters between police and the public, and investigating and resolving complaints and officer-involved incidents.

However, the idea of videotaping interactions with citizens does not sit well with many police officers. This shouldn't surprise anyone in light of the fact that video and audio equipment has been around for several decades, yet officers and detectives still testify in court about their interview with a suspect (often in an interview room at the police station), but do not offer a recording for the jury to listen to.

1. If cost were not an issue, should city managers force their police department to issue body cameras to officers, requiring them to videotape all encounters with citizens? Why or why not?
2. Should citizens be allowed to tape their own encounters with police, as well as other police incidents they just happen to come across? Why or why not?

Guide and Rationale for Recommended “You Decide” Responses

The following comments were obtained from:

Miller, Lindsay, Jessica Toliver, and Police Executive Research Forum. 2014. *Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned*. Washington, DC: Office of Community Oriented Policing Services.

Even as police departments are increasingly adopting body-worn cameras, many questions about this technology have yet to be answered. In an effort to address these questions and produce policy guidance to law enforcement agencies, the Police Executive Research Forum (PERF), with support from the U.S. Department of Justice's Office of Community Oriented Policing Services (COPS Office), conducted research in 2013 on the use of body-worn cameras. This research project consisted of three major components an informal survey of 500 law enforcement agencies nationwide, interviews with police executives, and a conference in which police chiefs and other experts from across the country gathered to discuss the use of body-worn cameras.

PERF distributed surveys to 500 police departments nationwide in July, 2013. The exploratory survey was designed to examine the nationwide usage of body-worn cameras and to identify the primary issues that need to be considered. Questions covered topics such as recording requirements; whether certain officers are required to wear body-worn cameras; camera placement on the body; and data collection, storage, and review.

PERF received responses from 254 departments (a 51 percent response rate). Although the use of body-worn cameras is undoubtedly a growing trend, over 75 percent of the respondents reported that they did not use body-worn cameras as of July, 2013.

Of the 63 agencies that reported using body-worn cameras, nearly one-third did not have a written policy governing usage. Many police executives reported that their hesitance to implement a written policy was due to a lack of guidance on what the policies should include, which highlights the need for a relevant set of standards and best practices.

The recent emergence of the technology has already impacted policing, and this impact will increase as more agencies adopt it. Police agencies should make the decision to use cameras carefully. Once an agency deploys body-worn cameras, it is difficult to reverse course, because the public will come to expect the availability of video records.

When implemented correctly, body-worn cameras can help strengthen the policing profession. These cameras can help promote agency accountability and transparency, and they can be useful tools for increasing officer professionalism, improving officer training, preserving evidence, and documenting encounters with the public. However, they also raise issues as a practical matter and at the policy level, both of which agencies must thoughtfully examine. Police agencies must determine what adopting body-worn cameras will mean in terms of police-community relationships, privacy, trust and legitimacy, and internal procedural justice for officers.

Police agencies should adopt an incremental approach to implementing a body-worn camera program. This means testing the cameras in pilot programs and engaging officers and the community during implementation. It also means carefully crafting body-worn camera policies that balance accountability, transparency, and privacy rights, as well as preserving the important relationships that exist between officers and members of the community.

PERF's recommendations provide guidance that is grounded in current research and in the lessons learned from police agencies that have adopted body-worn cameras. However, because the technology is so new, additional research and field experience are needed before the full impact of body-worn cameras can be understood, and PERF's recommendations may evolve as it gathers new evidence.

As with other new forms of technology, body-worn cameras have the potential to transform the field of policing. To make sure this change is positive, police agencies must think critically about the issues that cameras raise and must give careful consideration when developing body-worn camera policies and practices. First and foremost, agencies must always remember that the ultimate purpose of these cameras should be to help officers protect and serve the people in their communities.

Chapter 14

You Decide 14.1

For decades, the prosecution of organized crime was based on regular state and federal statutes. Since bosses and kingpins typically employed low-level members to carry out the crimes, the management usually avoided prosecution. The RICO Act solved that problem. Prosecutors became able to arrest and convict high-level members based on the actions of those who worked for them.

Although the initial intent was to combat organized crime, RICO has been used on any criminal undertaking that fits within the language of the statute. Under the state and federal RICO laws, police agencies and prosecutors can keep confiscated property and cash linked to a variety of crimes committed for financial gain and use that money later for gang prevention, substance-abuse treatment, and crime fighting.

Defense attorneys feel that state laws allowing seizure of cash and property from defendants suspected of committing a variety of crimes for financial gain encourage police to lay claim to everything they can, and then later try to link the seized assets to criminal activity that falls under RICO.

1. Do you feel this system of “Keeping the spoils” will cause police to bend rules or cross the line in search and seizure laws to obtain money or cars?
2. Besides gang prevention and substance abuse treatment, what other uses of RICO funds would be appropriate?

Guide and Rationale for Recommended “You Decide” Responses

This information was obtained from AZCentral.com, an article titled RICO Law Criticized as Open to Abuse, by JJ Hensley - Oct. 5, 2009

<http://www.azcentral.com/news/election/azelections/articles/2009/10/05/20091005ricoseize1005.html#ixzz3e2kfMc00>

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When Maricopa County Sheriff's deputies shut down a suspected gambling ring in April, 2007 that stretched from the Southeast Valley to Costa Rica, the case was hailed as a victory for Arizona, legally and financially. The announcement of the bust also came with pronouncements of a potential windfall for the participating law-enforcement agencies. Sheriff's officials boasted that law-enforcement agencies expected to collect \$145 million in confiscated assets before Operation High Stakes was done.

Hopes on the part of the Sheriff's Office of reaping more than \$100 million were dashed in September when a judge formally dismissed charges against one of the final defendants involved—James Bennitt—after others pleaded to low-level misdemeanors. Just over \$8 million was seized, and attorneys estimate that 90 percent of that was returned. As the case fizzled, defense attorneys said state laws allowing seizure of cash and property from defendants suspected of committing a variety of crimes for financial gain encouraged police to first lay claim to everything they could, and then later try to link the seized assets to criminal activity.

Defense attorneys contend there is a potential for abuse from law enforcement, which reaps the seized assets and spends the proceeds on an array of items ranging from office supplies to take-home cars for top administrators. Prosecutors say the initial seizure prevents defendants from transferring assets and stashing cash that police could never recover if they had to wait for a conviction in a criminal case.

Law-enforcement agencies in Maricopa County collected more than \$17 million in state and federal RICO Act funds during the last budget year. That's a small fraction of the combined annual budgets for all the law-enforcement agencies in the county. But when police are experiencing layoffs, furloughs, and spending cuts, seizures can take on heightened importance, attorneys said.

"Especially in a time of budget crisis, there is a concern . . . that agencies are going to be more aggressive because they can take care of some of their budget problems on the backs of people who haven't been convicted of a crime and aren't in a position to defend themselves," said Bennitt's attorney, Jean-Jacques Cabou.

The state statute also allows agencies to seize assets not directly linked to a criminal enterprise without a hearing, which leaves suspects with the burden of proving that their houses, cars, and bank accounts are not the product of criminal activity—something that is difficult to do when funds to hire a lawyer are frozen, Belanger said. "Even a well-intended law can be used for malicious purposes," he said. "Law enforcement, they're incentivized. That's how human nature works. If the money they seize goes back into their pockets, there's at least some incentive to abuse forfeiture laws."

Chapter 15

You Decide 15.1

Historically, public police have been slow to accept private security as a legitimate law enforcement ally. However, a new trend during the community-policing era, and particularly following 9/11, has been for law enforcement to work more closely with the community, especially with civilians who may find themselves as first responders to terrorist activities or other catastrophic events, including schools, hospitals, and private security.

"Some cities are pushing for armed private security personnel to patrol the streets, perform arrests and transport civilians." In many cases, public police and private security are one and the same, because public officers often moonlight as private security officers. A significant number of police officers enter the private security field after retirement.

Although relations between public police and private security have improved drastically in the last few decades, there is still a significant disparity between the two entities in qualifications and training. For instance, the average security guard receives eight hours of training—compared to the national median of 720 hours of training for police officers.

1. Despite security officers receiving less training, not being required to take a polygraph test, and being eligible for hire with far fewer qualifications than public police officers, do you

support them carrying a gun and making arrests in your community? Why or why not?

2. Should public police be mandated to dedicate resources to training security personnel in their jurisdiction in the areas of terrorism and other catastrophic events? Why or why not?

Guide and Rationale for Recommended “You Decide” Responses

The following information was obtained from the 2015 book *Careers in Criminal Justice* by Coy H. Johnston.

The terrorist attacks of September 11, 2001 initiated drastic changes in the United States, including enhanced security along our borders and within our cities, counties, and states. The private security business boomed and was at last recognized as an important appendage to law enforcement.

Security officers have been employed for a very long time at hospitals, shopping malls, apartment complexes, and individual businesses after hours. Private security officers transport money and guard buildings during remodeling or new construction. They are often stationed at the entrances to big events or important government buildings. Sometimes the presence of security is essential for insurance purposes, and sometimes businesses hire security officers just because the benefits outweigh the costs.

Sometimes businesses choose to hire off-duty police officers as security personnel, even though the cost is greater. They may feel that the advantage of having a sworn peace officer on the premises offsets the additional cost. The advantages depend on the purpose of the security. When a business is concerned mainly with deterring crime, a security officer's visibility will likely do the job just fine. If a business or government agency foresees a likelihood of arrests and physical confrontations, using a trained, certified, armed peace officer might be the most prudent choice.

There has traditionally been some tension between private security and the public police. Although there have been substantial improvements, many police officers have long looked at security officers as inferior, and thus have not displayed adequate respect. Security officers who might already feel inferior to sworn law enforcement personnel don't appreciate being made to feel that way by the police.

It is no secret that being hired as a police officer is difficult, the training is intensive, and the authority and empowerment are inimitable and comprehensive. Hiring at a private security firm sometimes entails mediocre standards (with no polygraph testing), followed by minimal training, and resulting in slightly more than minimum wages in exchange for undesirable hours. This is not to say that security officers are any less qualified than police officers, but likely those who crave and could qualify for law enforcement careers would choose to do so over working in private security. Also, those who desire police work but don't feel that they can qualify, or those who leave or retire from police work, can find great satisfaction in security work. One can also find positions in the security arena that are practical careers with good pay, reasonable benefits, and enough challenge and excitement to make the job desirable.

There has been an increase in training for schools, hospitals, and security firms in the area of incident command. Some police agencies have invited security officers to join them in certain training activities. Many police personnel, who have historically had the “us vs. them” attitude, have reconsidered the way they view civilians, including security officers, and respect them as important parts of a larger team. Police officers, as well as the community as a whole, realize the benefits of having full-time, visible security at places such as water treatment plants, power plants, dams, financial centers, oil refineries, and railroad lines.