Policing: Issues and Challenges
Police subculture—the set of informal values that characterize the police force as a distinct community with a common identity.

Police officers learn what is considered appropriate police behavior through formal and informal socialization—through the academy and from conversations with seasoned veterans.
Over time, officers come to develop the **police working personality**.

- The traditional values and patterns of behavior evidenced by police officers who have been effectively socialized into the police subculture.
- Often extends to the officer’s personal lives.
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Changing the Subculture

Police subculture may be changed through external pressures, like:

- New hiring practices
- Investigations into corruption
- Investigations into misuse of authority
- Commission reports
Corruption and Integrity
Corruption and Integrity

- Most officers perform their duties responsibly, but occasionally some deviate from this norm.
- Power, authority, and discretion produce great potential for abuse.
- Corruption is the abuse of police authority for personal or organizational gain.
- Exactly what constitutes corruption is not always clear.
Barker and Carter make a distinction between:

**Abuse of Authority**  
Motivated by the desire of personal benefit

**Occupational Deviance**  
Occurs to further organizational goals of law enforcement
Levels of Corruption

- **Violent Crimes**
  - Physical abuse of suspects, including torture and nonjustifiable homicide

- **Denial of Civil Rights**
  - Routinized schemes to circumvent constitutional guarantees of due process, such as planting evidence

- **Criminal Enterprise**
  - Resale of confiscated drugs, stolen property, etc.

- **Property Crimes**
  - Burglary, theft, etc., committed by police

- **Major Bribes**
  - Acceptance of large sums of money in return for overlooking violations of the law

- **Role Malfeasance**
  - Destruction of evidence, biased testimony, protection of "crooked cops"

- **Being Above "Inconvenient Laws"**
  - Violation of laws against speeding, smoking marijuana, drinking

- **Minor Bribes**
  - Acceptance of minor sums of money in return for favors, such as looking the other way on a ticket

- **Playing Favorites**
  - Selective enforcement of the law, as in not ticketing friends

- **Gratuities**
  - Acceptance of small favors such as free coffee and meals
Acceptance of small gratuities can lead to more readily acceptance of larger bribes.
The Knapp Commission distinguished between two types of corrupt officers: grass eaters and meat eaters.

**Grass Eating**
- Illegitimate activity, which occurs from time to time in the normal course of police work.
- Most common form of corruption.
- Includes gratuities, minor bribes, playing favorites, intentional speeding, etc.
  - Small bribes and minor services from citizens

**Meat Eating**
- Active seeking of illicit money-making opportunities by officers.
- More serious form of corruption.
- Includes major bribes, role malfeasance, committing crimes, protecting corrupt officers, denying civil rights, committing physical abuse.
The Rampart Scandal

- Widespread corruption by many members of the LAPD’s anti-gang unit, CRASH.
- By 2005, 100 falsely obtained convictions were thrown out, and 20 LAPD officers left after duty, and $70.2 million was paid in settlements.
Building Police Integrity

Police integrity can be promoted by:

- Integrating police ethics training into programs
- Conducting research in the area of ethics
- Studying departments that are models in the area of police ethics
- Building trusting relationships with the public
- Creating agency-wide cultures of integrity
- Raising awareness of internal affairs
Internal Affairs

… the branch of a police organization tasked with investigating charges of wrongdoing involving members of the department.
The International Association of Chiefs of Police (IACP) suggests:

- Testing all applicants and recruits
- Testing current employees when performance difficulties or documentation indicate a potential drug problem
- Testing current employees when they are involved in use of excessive force or when they suffer or cause on-duty injury
- Routine testing of all employees assigned to special “high-risk” areas, such as narcotics and vice
The Dangers of Policing
The Dangers of Police Work

- Police work is dangerous.
- The rate of violent death among police officers in the line of duty is small.
- On-the-job deaths occur from stress, training accidents, auto crashes, and violence.
Violence in the Line of Duty

- In 2005, 155 American law enforcement officers were killed in the line of duty.

- The 2001 attacks on the World Trade Center resulted in the greatest ever single-incident line-of-duty deaths when 72 officers perished.
U.S. Law Enforcement Officers Killed in the Line of Duty, 2005

Based on data from the Officer Down Memorial Page. Webte: http://www.odmp.org
Risk of Disease and Infected Evidence

- Officers must take caution due to the number of serious diseases that can be transmitted by blood or other bodily fluids and possible release of biological weapons.

- Responding to calls, using breath alcohol instruments on infected persons, and handling evidence must be done carefully.
Biological Incident Law
Enforcement Concerns

Concerns exist over contact with:
- Suspicious material
- Human bites
- Spit
- Urine/feces
- Blood and body fluids

Officers should take universal precautions and use caution in all situations.
Areas of Concerns

Future legal challenges and areas of concern include:

- Educating officers and police employees about infectious diseases
- Preventing the spread of diseases in lock-ups
- Implementing effective, non-discriminatory enforcement activities and life-saving measures
- Determining how to deal with police officers infected with the AIDS virus.
Stress and Fatigue

Stress and fatigue are a normal component of police work.

Over long periods, stress and fatigue can be destructive and life-threatening.
Sources of Stress

Stressors in police work include:

- Exposure to violence and suffering
- Negative public opinion
- Shift work and overtime
- Dealing with death
- Living in constant danger
- Feeling like efforts do not always “make a difference”
- Arrests not leading to convictions
- Evidence not being allowed in court
Stress Reduction

Ways to reduce stress include:

- Humor
- Emotional distance
- Exercise
- Meditation
Terrorism and Law Enforcement
American police agencies are in a new era of international terrorism that began with the September 11, 2001 attacks.

The core mission of policing has not changed, but agencies at all levels devote more time and resources to preparing for possible terrorist attacks.
Police Responses to Terrorism

Many police agencies have responded by:

- Strengthening liaisons with other agencies
- Refining training and emergency response plans
- Increasing patrols and securing barriers around key points
- More heavily guarding public events
- Creating counterterrorism divisions
- Employing new technologies to help detect chemical, biological, and radiological attacks
Effective national homeland security strategy should be based on five key principles.

1. Homeland security proposals must be developed in the local context...local authorities have the primary responsibility for preventing, responding to, and recovering from terrorist attacks.

2. Prevention, not just response and recovery, must be paramount in any strategy.

3. State and local law enforcement officers are uniquely situation to identify, investigate, and apprehend suspected terrorists.

4. Homeland security strategies must be coordinated nationally, not federally.

5. A truly successful national strategy must recognize, embrace, and value the vast diversity among law enforcement and public safety agencies.
Information sharing is critically important in antiterrorism programs. Sharing information among law enforcement agencies at different levels is accomplished by:

- Joint Terrorism Task Forces (JTTFs)
- Field Intelligence Groups (FIGs)
- Regional Terrorism Task Forces (RTTFs)
Intelligence-Led Policing and Antiterrorism

In 2005, the U.S. Department of Justice embraced the concept of intelligence-led policing— the use of criminal intelligence to guide policing.

Agencies at all levels should be able to effectively mount a response to any credible threat information received.
Information Sharing and Antiterrorism

Since information sharing is so important, governments are working toward a fully integrated criminal justice information system.

Systems currently being used by the law enforcement community are:

- *Law Enforcement Online (LEO)*
- *NLETS*
Police Civil Liability
Civil Liability

- **Civil liability** refers to the potential responsibility for payment of damages or other court-ordered enforcement as a result of a ruling in a lawsuit. It is not the same as criminal liability.
- Civil liability suits against law enforcement personnel may be state or federal.
- Supervisors may be held responsible for the actions of their officers.
Major Sources of Police Civil Liability

- Failure to protect property in police custody
- Failure to render proper emergency medical assistance
- Failure to aid private citizens
- False arrest
- False imprisonment
- Inappropriate use of deadly force
- Unnecessary assault or battery
- Negligence in the care of suspects in police custody
- Failure to prevent a foreseeable crime
- Patterns of unfair and inequitable treatment
- Malicious prosecution
- Violations of constitutional rights
- Racial profiling
Federal civil lawsuits are called **1983 Lawsuits** Title 42, Section 1983.

- Passed by Congress in 1871
- Allows for civil suits to be brought against anyone [including police] for denying others their constitutional rights to life, liberty, or property without due process.
Bivens Actions

...a civil suit, based on the case of Bivens v. Six Unknown Federal Agents (1971), brought against federal government officials for denying the constitutional rights of others.
Qualified Immunity

Qualified immunity shields “reasonable” law enforcement officers from civil liability if they believe their actions to be lawful.

The doctrine of qualified immunity rests largely on the 2001 U.S. Supreme Court decision of *Saucier v. Katz.*
Criminal charges can be brought against officers who appear to overstep boundaries or who act in violation of set standards.
Racial Profiling

... any police-initiated action that relies on the race, ethnicity, or national origin rather than [1] the behavior of an individual, or [2] on information that leads the police to a particular individual who has been identified as being, or having been, engaged in criminal activity.
Racial Profiling

Profiling originally was intended to help catch drug couriers.

The practice has been widely condemned as being unethical and discriminatory and its use weakens public confidence in the police.
Racial Profiling

In 2003, the U.S. Department of Justice banned racial profiling in all federal law enforcement agencies, except in cases involving possible identification of terrorists.
Racially Biased Policing

A 2001 PERF study made recommendations to help police departments be free of biases. Recommendations include:

- Monitoring activity reports
- Spot check
- Regularly review samples of in-car videotapes, radio transmissions, and other forms of communications
Police use of force—the use of physical restraint by a police officer when dealing with a member of the public.
Police Use of Force

- Law enforcement are authorized to use the amount of force that is reasonable and necessary given the circumstances.

- Force may involve: hitting, restraining, choking, restraining with a police dog, handcuffing, threatening with a baton, flashlight, or gun.
Police Use of Force

- Police use force in fewer than 20% of adult custodial arrests. Most tactics are weaponless.

- Female officers are less likely to use physical force and firearms than male officers. They are more likely to use chemical force.
Types of Force Used by Police Officers During Adult Custodial Arrests Involving Force

**Excessive Force**

- Police use force in fewer than 20% of adult custodial arrests. Most tactics are weaponless.

- There’s a difference between use of *excessive force* and *excessive use of force*. Both of those can also be distinguished from *illegal use of force*. 
Excessive force can be symptomatic of problem police officers—officers who exhibit problem behavior, as indicated by high rates of citizen complaints, use-of-force incidents, and by other evidence.
Deadly Force

- The FBI defines deadly force as “the intentional use of a firearm or other instrument resulting in a high probability of death.”

- According to a 2001 Bureau of Justice Statistics report, the number of justifiable homicides by police averages “nearly 400 felons each year.”

- Prior to *Tennessee v. Garner (1985)*, the fleeing felon rule guided deadly force decision making in most U.S. jurisdictions.

- The Court invalidated the fleeing felon rule and held that deadly force could be justified only where the suspect could reasonably be thought to represent a significant threat of serious injury or death to the public or the officer and where deadly force is necessary to affect the arrest.

- The Court established the “objective reasonableness” standard.

- The determination of the appropriateness of deadly force should be judged from the perspective of a reasonable officer on the scene at the time, and not in hindsight.
The Federal Deadly Force Policy

- The federal policy is uses an “imminent danger” standard.
- Restricts the use of deadly force to **ONLY** those situations where the lives of officers or others are in danger.
- Elements of the standard:
  - Defense of life
  - Fleeing subject
  - Verbal warnings
  - Warning shots
  - Vehicles
Officer Implications of Deadly Force

- Social, legal, and personal complications
- Officers often suffer depression and despair
- Issues multiply in “suicide by cop” cases
Less-Lethal Force

Less-lethal weapons are designed to disable, capture, or immobilize—but not kill—a suspect, like:

- Stun guns
- Tasers
- Rubber bullets
- Snare nets
- Pepper spray

Occasional deaths do result from their use.
In response to issues of corruption, danger, and liability, police administrators are calling for increased police professionalism.

Evidence of increased professionalism include:
- Specialized knowledge
- Code of ethics
- Professional organizations
- Accreditation
- Education and training
- Pay going up due to increased Professionalism
Police ethics—the special responsibility to adhere to moral duty and obligation that is inherent in police work.
Basic law enforcement training began in the 1950s. Modern programs involve training in:

- Human relations
- Firearms
- Communications
- Legal issues
- Patrol
- Investigations
- Report writing

A post-academy field training program (PTO) is a recent development in police training.
Education and Training

According to a 1999 Bureau of Justice Report, the median number of classroom training hours required of new officers is:

- 823 for state police
- 760 for county
- 640 for municipal
- 448 for sheriffs
Formal education is not required by all police departments, though for decades it has been recommended by several commissions and groups.

Departments vary with regard to hiring requirements. Some require no college; others require a four-year degree. Most federal agencies require college degrees.
Benefits and Problems Associated with Hiring Educated Police Officers

**Benefits**
- Better written reports
- Enhanced public communication skills
- More effective job performance
- Fewer citizen complaints
- Greater initiative
- Wiser use of discretion
- Heightened sensitivity to racial and ethnic issues
- Fewer disciplinary problems

**Problems**
- More likely to leave police work
- More likely to question orders
- More likely to request reassignments
Law enforcement agencies use a variety of applicant screening methods, including:

- Personal interviews
- Basic skills tests
- Physical agility measures
- Medical exams
- Drug tests
- Background investigations
- Psychological testing
Ethnic and Gender Diversity in Policing

- Opportunities for women and minorities in policing are expanding.

- Although ethnic minorities are now employed in policing in significant numbers, women are still significantly underrepresented.
Some women have integrated well into the role of police officer. Others feel strain and isolation.

- Strain caused by family roles and parenting, underutilization, uncooperative attitudes of male officers.
Increasing the Number of Minorities and Women in Police Work

The Police Foundation recommends:

1. Involving underrepresented groups in departmental affirmative action and long-term planning programs.

2. Encouraging the development of an open promotion system.

3. Periodic audits to make sure that female officers are not being underutilized by ineffective tracking into clerical and support positions.
Private Protective Services
Private Protective Services

A number of private protective services, known as private security, also are involved in enforcement activities.

These organizations:
- Are privately funded, for-profit agencies.
- Provide a variety of security-related services to their clientele (which include governments).
- Have rapidly grown in recent years.
- Employ more people than public police.
- Secure private interests
- Protect lives and private property
Growth of Private Protective Services

Major reasons for the quick growth of private protective services are:

- An increase in workplace crimes
- An increase in fear of crime and terrorism
- Fiscal crises of states
- Greater public and business awareness of the use and cost-effectiveness of private security
Integrating Public and Private Security

As the private security field grows, the relationship between public and private security is becoming more integrated with more of a cooperative crime-fighting potential.