

Criminal Justice | Section 4.2: The Structure and Nature of Policing

Criminal Justice

An Overview of the System

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Perhaps the most enduring myth of criminal justice is the actual role of the police officer in our society. From early television programs such as *Dragnet* up to today's most compelling crime dramas, cops live a life full of danger, always encountering dangerous fugitives, serial killers, and other villains that must be outwitted, outfought, and outgunned. Of course, danger is part of the police job. It is, however, a mistake to assume that this is the only job that the police do. Most of what the police do on a daily basis is to deal with what Herman Goldstein (1990) called "the residual problems of society."

Police Functions

Movies and television have defined the role of the police in the popular imagination as that of "crime fighter." In reality, catching "bad guys" and investigating crimes is only a small fraction of what the police are called upon to do every day. In reality, calls for social services order maintenance tasks are far more common.

A large fraction of the average police officer's shift is spent helping people with problems that have nothing to do with apprehending felons. People get hurt in automobile accidents, and police officers are there to render aid. People lose things ranging from cell phones to children and expect the police to help find them. Some authors estimate that well over fifty percent of calls for police services involve these kinds of social service tasks. By comparison, these same authors estimate that only about 20% of calls for police services relate to crime.

Many law enforcement activities have to do with keeping society running smoothly. These things—such as traffic control, crowd control, and moving prostitutes off the streets—are frequently referred to as "order maintenance" activities. A key difference between law enforcement and order maintenance is that order maintenance activities

are not generally concerned with the letter of the law, but rather keeping the peace. An arrest is always an option when an officer is trying to preserve the peace, but less formal solutions are far more commonly employed. For example, when the driver of a stopped car that is blocking traffic complies with an officer's request to move along, no citation is issued.

The American Bar Association (1986), in a document called *Standards Relating to the Urban Police Function*, lists 11 responsibilities of the police:

- (a) identify criminal offenders and criminal activity and, where appropriate, to apprehend offenders and participate in subsequent court proceedings;
- (b) reduce the opportunities for the commission of some crimes through preventive patrol and other measures;
- (c) aid individuals who are in danger of physical harm;
- (d) protect constitutional guarantees;
- (e) facilitate the movement of people and vehicles;
- (f) assist those who cannot care for themselves;
- (g) resolve conflict;
- (h) identify problems that are potentially serious law enforcement or governmental problems;
- (i) create and maintain a feeling of security in the community;
- (j) promote and preserve civil order; and
- (k) provide other services on an emergency basis.

The last element in this list provides the primary reason why the police are called upon to deal with the "residual problems" of society: There is no one else available twenty-four hours a day, seven days a week.

Another key factor that makes the police unique is what some authors have referred to as a "monopoly on the use of force." The authorization to use force means that the police hold a position of great power within our society, and this translates into a great responsibility to use that force ethically.

Despite all of that power, there is a trend among policing experts to call for broad discretion for police officers. Officers who have their hands bound by excessive policies and procedures cannot solve community problems. Officers must have the authority to identify community problems, tailor solutions to those problems, and implement those solutions. Even in departments where community policing is not the dominant paradigm, officers still have a great deal of discretion. For example, officers decide who gets a warning and who gets a citation. Officers decide who is arrested. Officers decide

when force is necessary. Of course, some obvious factors are used by officers when making a discretionary decision. The seriousness of a crime and the strength of evidence, for example, are factors in the decision to make or not make an arrest. Personal factors also come into play; researchers discovered long ago that the demeanor of the suspect plays an important role in the decision to arrest. Respectful and deferential citizens are less likely to be arrested than rude or belligerent ones.

The Structure of Policing in America

Local police departments make up more than two-thirds of the 18,000 state and local law enforcement agencies in the United States. The Bureau of Justice Statistics (BJS) defines a local police department as a general-purpose law enforcement agency, other than a sheriff's office, that is operated by a unit of local government such as a town, city, township, or county. Tribal police are classified as local police BJS statistics. In 2008, local police departments had about 593,000 full-time employees, including 461,000 sworn officers. About 60% of all state and local sworn personnel were local police officers.

Federal Law Enforcement Agencies

The Federal Bureau of Investigation (FBI): The FBI is housed within the United States Department of Justice. The FBI is rather unique in that it has both law enforcement and national security concerns as part of its mission. As the FBI's *Mission Statement* puts it, they are a "... national security organization with both intelligence and law enforcement responsibilities..." The *Mission Statement* further explains, "The mission of the FBI is to protect and defend the United States against terrorist and foreign intelligence threats, to uphold and enforce the criminal laws of the United States, and to provide leadership and criminal justice services to federal, state, municipal, and international agencies and partners." The FBI employs 13,785 special agents and 22,117 support professionals, such as intelligence analysts, language specialists, scientists, information technology specialists, and other professionals (FBI, 2013).

The Bureau of Alcohol, Tobacco, and Firearms (ATF): The ATF has a reputation for dealing with illegal firearms. Its mission is rather broader in reality. Housed within the United States Department of Justice, the ATF protects American communities from violent criminals, criminal organizations, the illegal use and trafficking of firearms, the illegal use and storage of explosives, acts of arson and bombings, acts of terrorism, and the illegal diversion of alcohol and tobacco products (ATF, 2013).

The Drug Enforcement Administration (DEA): "The mission of the Drug Enforcement Administration (DEA) is to enforce the controlled substances laws and regulations of the United States and bring to the criminal and civil justice system of the United States, or any other competent jurisdiction, those organizations and principal members of organizations, involved in the growing, manufacture, or distribution of controlled substances appearing in or destined for illicit traffic in the United States; and to recommend and support non-enforcement programs aimed at reducing the

availability of illicit controlled substances on the domestic and international markets” (DEA, 2013).

The U.S. Marshals Service: “The U.S. Marshals Service (USMS) is the nation’s oldest and most versatile federal law enforcement agency. Federal Marshals have served the country since 1789, oftentimes in unseen but critical ways. The USMS is the enforcement arm of the federal courts, and as such, it is involved in virtually every federal law enforcement initiative. Presidentially appointed U.S. Marshals direct the activities of 94 districts – one for each federal judicial district. More than 3,950 Deputy Marshals and Criminal Investigators form the backbone of the agency. Among their many duties, they apprehend more than half of all federal fugitives, protect the federal judiciary, operate the Witness Security Program, transport federal prisoners, conduct body searches, enforce court orders and Attorney General orders involving civil disturbances and acts of terrorism, execute civil and criminal processes, and seize property acquired by criminals through illegal activities.”

The Secret Service: The United States Secret Service began as an agency dedicated to the investigation of crimes related to the Treasury, and then evolved into the United States’ most recognized protection agency. The Secret Service was a part of the Department of the Treasury until March 1, 2003, when it became a part of the Department of Homeland Security. “The mission of the United States Secret Service is to safeguard the nation’s financial infrastructure and payment systems to preserve the integrity of the economy, and to protect national leaders, visiting heads of state and government, designated sites and National Special Security Events.”

The Citizenship and Immigration Service (USCIS): U.S. Citizenship and Immigration Services is the government agency that oversees lawful immigration to the United States. “USCIS will secure America’s promise as a nation of immigrants by providing accurate and useful information to our customers, granting immigration and citizenship benefits, promoting an awareness and understanding of citizenship, and ensuring the integrity of our immigration system. The agency is composed of over 19,000 government employees and contractors of USCIS working at 223 offices across the world.

Transportation Security Administration (TSA). The primary mission of the TSA is to protect travelers and interstate commerce. TSA uses a risk-based strategy and works closely with transportation, law enforcement, and intelligence communities to set the standard for excellence in transportation security.

State Law Enforcement Agencies

Every state in the United States has a state-level police force with the exception of Hawaii. The largest of these state-level agencies is the California Highway Patrol.

One of the major purposes of the state police in most jurisdictions is to provide patrol services, especially on remote highways where local law enforcement is sparse. State police are often called upon to aid local law enforcement in criminal investigations that are complex or cross local jurisdictional lines. Often they are responsible for

maintaining centralized criminal records for the state, operating crime labs, and training local officers.

Local Law Enforcement Agencies

In the United States today, there is a Hollywood generated myth that the federal government does a major fraction of the law enforcement workload. This is not true. The vast majority of criminal cases are generated by local agencies such as sheriffs' departments and local police departments.

SHERIFFS' OFFICES

According to the BJS (Burch, 20012), an estimated 3,012 sheriffs' offices performing law enforcement functions in the United States employed 369,084 sworn and civilian personnel. Sheriffs' offices represented approximately a fifth of the estimated 15,600 general-purpose law enforcement agencies operating in the United States. Although sheriffs' offices may have countywide responsibilities related to jail operation, process serving, and court security, their law enforcement jurisdictions typically exclude county areas served by a local police department. In certain counties, municipalities contract with the sheriffs' office for law enforcement services. Large agencies (employing 100 or more sworn personnel) represented about 12% of all sheriffs' offices but employed nearly two-thirds (65%) of all full-time sworn personnel.

LOCAL POLICE DEPARTMENTS

About half of local police departments employed fewer than 10 sworn personnel, and about three-fourths served a population of less than 10,000. In 2007, about 1 in 8 local police officers were women, compared to 1 in 13 in 1987. About 1 in 4 officers were members of a racial or ethnic minority in 2007, compared to 1 in 6 officers in 1987. In 2007, more than 4 in 5 local police officers were employed by a department that used physical agility tests (86%) and written aptitude tests (82%) in the hiring process, and more than 3 in 5 by one that used personality inventories (66%).

WILSON'S POLICE MANAGEMENT STYLES

James Wilson (not to be confused with O. W. Wilson), identified three police management styles:

The **watchman style** of management focuses on order maintenance. Officers often ignore minor violations of the law, unless the violation constitutes a breach of the peace. Minor violations and disputes between citizens are largely handled in an informal way.

The **legalistic style** tends to handle matters formally. In other words, policing is done “by the book.” The administrative emphasis is on reducing line officer discretion and effecting unvarying, impartial arrests for all violations.

The **service style** emphasizes community service above enforcing the law. Arrest is often seen as a last resort, used only when referrals to social service organizations and agencies will be ineffectual.

QUASI-MILITARY FEATURES

As one of Peel’s major innovations, the organization of police agencies along military lines has withstood the test of time. Police officers in most jurisdictions still wear uniforms, carry weapons, and have military ranks. These ranks suggest a military style, authoritarian command structure where orders come down from the top. This militaristic view of the police is encouraged by political rhetoric such as the “war on crime” and the “war on drugs.” While most America citizens take this quasi-military organization for granted, there are those that see it as a problem.

Detractors of the quasi-military organization of America’s police forces suggest that by subscribing to the idea that they are engaged in a war, police officers will be tempted to slip into the mentality that “all is fair in war.” They fear that a warfare mentality will lead to an “ends justify the means” mentality that results in unethical police conduct such as perjury, brutality, and other abuses of power. Other critics feel that the militaristic look of police uniforms, especially BDUs and SWAT gear, serve to intimidate the public.

THE POLICE BUREAUCRACY

Modern American Police agencies are characterized by a **bureaucratic** structure. The positive aspects of bureaucratic organizations revolve around competence and clarity. Tasks and duties are specialized, qualifications for different positions are carefully and clearly defined, everyone acts according to rules and regulations, and authority exists within a clearly defined hierarchy. The idea of bureaucracy is to improve efficiency and effectiveness. The downside to this is often a lack of flexibility, being bogged down in “red tape,” and ignoring the human element of serving the community.

Key Terms

American Bar Association, BDU, Bureau of Alcohol, Tobacco, and Firearms (ATF), Citizenship and Immigration Service (USCIS), Drug Enforcement Administration (DEA), Federal Bureau of Investigation (FBI), James Wilson, Legalistic Style, Local Police Department, Order Maintenance, Quasi-Military Organization, Residual Problems of Society, Secret Service, Service Style, SWAT, Sworn Officer, Transportation Security

**Administration (TSA), Tribal Police, U.S. Marshals Service (USMS),
Watchman Style**