Law Enforcement 0perations and Legal Limitations

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Learning Objectives

After reading this chapter, you should be able to:

- Discuss the role of the police in a free society
- Discuss the data on police-citizen encounters
- Be familiar with police officer selections and hiring requirements
- Discuss the role of law in police behavior
- Discuss contemporary problems associated with policing

Chapter Outline

5.1 Introduction

In a free society the police represent the most coercive aspect of government. Despite efforts to make policing friendlier and more accepted by the public, policing at its core is about the exercise of state power. Commit a crime and a police officer has the right to track you down, enter your home, collect evidence of your guilt, place you under **arrest**, and deny you your liberty. Resist arrest and the officer has the legal authority to use force against you. The point is simple: Policing is about the use of power, the threat of state coercion, and, in some cases, the application of violence. This is why policing in a free society requires a complex blend of laws and practices that give police their authority but still offer citizens due process protections. Although police must enforce the law, they are also subject to the law. Constitutional and legal constraints serve to protect both police and citizens. While they are sometimes in conflict, these constraints have been shown to increase public safety and protect innocent people from police abuses.

▲ Police have the legal authority to use force on anyone who resists arrest. However, the extent to which they exercise that right has led to scrutiny.

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On occasion the actions of police will be scrutinized, debated, and sometimes subjected to heated criticism. Indeed, as the Rodney King incident in Los Angeles highlighted, the actions of police officers can sometimes spark a riot. At other times, however, the actions of police will be cheered as gallant and brave. Whether criticized or supported, the police rely on the public for help in fighting crime and for their legitimacy. Thus the police must simultaneously enforce the law within a community and depend on the citizens they police within the community. How police are perceived within a community, how police interact with individuals and suspects within a community, and how police respond to community concerns affect their ability to police efficiently. Without community support, police effectiveness suffers.

The following sections examine basic information about the police. We will look at data on levels of public support, what it takes to become a police officer, and the police subculture. Recognizing that police are bound by law, we will examine the legal constraints police must work within. These constraints attempt to protect individuals from oppressive police practices while also allowing the police enough discretion to protect the public. Finally, we will examine core issues related to policing in modern America. Corruption, discretion, the use of force, and racially biased policing remain potential problems for police departments.

5.2 Police in the United States

The police rely on their social legitimacy to help enforce the law. When a police officer commands you to pull over your car or orders you to stop, you will most likely comply. You do this because you likely fear the consequences of not doing so, but you also do it because you implicitly agree that the police have the authority to make such demands. Even so, police in a free society cannot just make any demands of you. They cannot arbitrarily enter your home, cannot search your business without a warrant, and they cannot assault you without reason.

Police have broad investigatory and arrest powers, which they use daily. They use these powers when they stop a driver for a traffic infraction, they respond to a domestic disturbance call, and they deal with a crime. How police use these powers matters. If they are belligerent, abusive, or unnecessarily disrespectful, they may create hostility in the communities they police. Yet if the police are not aggressive enough, they run the risk of compromising their safety and the safety of citizens.

▲ A routine traffic stop is a demonstration of the investigatory and arrest powers of the police.
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Public support for the police is crucial if the police are to do their jobs effectively and safely. If the public does not support them and believe that the police will help solve crime-related problems in a professional manner, the social legitimacy of the police suffers. If citizens do not trust the police, they are less likely to call them for help with crime-related problems, to file charges against offenders, and to confide in the police or provide the police with information about offenders. Since citizens are the primary source of information on criminal events, the police's ability to control crime will suffer if they lack legitimacy with the public.

Public Support for the Police

Policing remains a profession that generates a substantial amount of respect and trust in American society. Public trust in police is generally strong, although important exceptions exist. For example, a 2011 Gallup News poll of adults found that most Americans have confidence in the police. Only three institutions scored above 50 percent in public confidence: the military at 78 percent, small business at 64 percent, and the police at 54 percent. However, closer inspection reveals that 86 percent of respondents had some trust in the police while only 13 percent reported no confidence.

In a large-scale study of public perceptions of the police, Gallagher and colleagues (2001) found that:

- Some 80 to 90 percent of individuals were satisfied with their local police.
- While Whites were more satisfied with the police than were Hispanics and African Americans, all groups report relatively high levels of satisfaction.
- Confidence in the police to solve crime remains high, although African Americans report the lowest level of confidence.
- Higher socioeconomic status (SES), having positive perceptions about one's neighborhood, and residing in a suburb predict support for police.
- Relatively few people have no confidence in the police.
- Those who report no or very little confidence in the police generally but not always hold an antisocial worldview and feel alienated.

Surveys of the public converge to support the findings of Gallagher and associates (2001). Of particular importance is the fact that the police enjoy wide-ranging respect in American society, especially within the criminal justice system. That said, one glaring problem remains:

▲ Most Americans respect the police. © *Robert Harding Picture Library/SuperStock*

African Americans are significantly more likely to voice concerns about the police, to view them with more suspicion, and to report less satisfaction with police efforts. There are at least two possible reasons for this: First, some scholars argue that African Americans have more negative or combative interactions with police. Police, they argue, are more likely to pull over African American drivers, to act with suspicion towards African Americans, and to escalate situations where African Americans are suspects (Harris, 1999; Verniero & Zoubek, 1999).

A 2011 investigation of the New Orleans Police Department by the U.S. Department of Justice found widespread abuse of citizens, mostly African Americans but also other minorities including homosexuals and women. The report documented pervasive problems—which had existed for years— and the ways in which these problems had adversely affected police-community relationships. For example, investigators found that citizens in the most dangerous neighborhoods routinely did not call the police for assistance and were likely to withhold information that could help police make arrests of known offenders. "NOPD's failure to ensure that its officers routinely respect the Constitution and the rule of law," the authors of the report stated, "undermines trust within the very communities whose cooperation the department most needs to enforce the law and prevent crime. As systematic violations of civil rights erode public confidence, policing becomes more difficult, less safe, and less effective, and crime increases."

One of the key strategies of the current chief of police, Ronal Serpas, is to reengage the community. Officers, for example, now go door-to-door to introduce themselves, and they hold regular community-based meetings.

Another argument, however, maintains that the behavior of some African Americans generates conflict with police. African Americans, it is argued, are more likely to display a hostile demeanor during a traffic stop. A hostile demeanor increases the chances of arrest by an officer and is used by officers as an indicator of potential threat (Lundman, 1996; Worden & Shepard, 1996). A hostile demeanor may include making aggressive movements with the hands, reaching under a seat or towards a glove compartment box, or verbally confronting the officer. It is important to note that a hostile demeanor towards the police can result in arrest for any individual and that a study by Engel, Sobol, and Worden (2000) found that race was not correlated with police perceptions of hostile demeanor.

In some African American communities the police are viewed with disdain, and strong prohibitions against "snitching" are informally enforced, sometimes through the use of violence. On March 3, 2010, in Tulsa, Oklahoma, at 3 a.m., 27-year-old Valentino Verner was shot in the head in front of over 100 witnesses in front of the Chicken Hut restaurant. Not a single person called the police. Instead, patrons stepped over Verner's body as he lay dying to receive their food orders. When emergency personnel arrived on scene, patrons refused to cooperate with medics and the police. One emergency responder stated, "Nobody wants to talk to us. Nobody wants to give us any information" (*Oklahoma's Own*, 2010). To date, nobody has come forward with information that would lead to the arrest of the murderer.

Regardless of whether or not racism plays a role, African Americans are much more suspicious of police efforts, motives, and behaviors than are whites and Hispanics. Even so, the majority of African Americans, between 50 and 70 percent, report being supportive of the police. Thus it appears to be the case that the lack of public support for the police is worse in crime-ridden areas than in other places and that many of these areas are populated by African Americans.

> **Stop and Think 5.1**
>
> Suppose you were a police chief. What steps, if any, would you take to improve police-community relations?

Data on Contacts Between the Police and the Public

Police interactions with citizens are multifaceted. Sometimes the police have to interact with the public in a forceful and demanding fashion. At other times they interact with the public in ways that are generally popular, as when they provide directions to tourists or lend assistance to stranded motorists. However, police-citizen encounters can be highly charged, often making the news and sometimes resulting in protests or even riots. When officers from the Los Angeles Police Department were seen on video beating Rodney King, riots erupted, setting Los Angeles in flames. How the police interact in police-citizen encounters is as important, if not more so, as how citizens interact with police during those encounters.

Data on police-citizen encounters are revealing. According to Eith and Durose (2011):

▲ On April 30, 1992, a Trak Auto store in Los Angeles was looted and burned. Los Angeles had undergone several days of rioting owing to the acquittal of the LAPD officers who beat Rodney King. Hundreds of businesses were burned to the ground and some 55 people were killed.

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- In 2008 almost 17 percent of U.S. residents by age 16 had a face-to-face interaction with the police.

- The number of civilian encounters with the police has declined since 2002. when roughly 21 percent of citizens had encounters with the police. The percentage differences, however, mask the absolute differences: From 2002 to 2008 there were 5.3 million fewer police-citizen encounters. The numbers declined from 45.3 million encounters to 40 million. These numbers coincide, too, with the overall drop in crime in America.

- Eith and Durose (2011) also found that the most common reason for a police-citizen encounter was for a traffic violation.

- About 60 percent of police-citizen contacts occurred because of a traffic stop.

- Another 21 percent were due to the citizen reporting a crime to the police, down from 26 percent in 2002, while another 6 percent resulted from the police providing assistance or a service.

- Approximately 8 percent of all police-citizen contacts occurred because of a police investigation.

Demographically, individuals 18 to 24 years of age were more likely than any other group to report an encounter with police (21 percent).

- Almost 75 percent of all police encounters were with White residents, slightly over 10 percent were with Hispanics, and 9.5 percent were with African Americans.
- Males were involved in about 53 percent of all police-citizen encounters. These numbers have been relatively stable since 2002.
- About 75 percent of citizens encountered the police only once in 2008. Another 25 percent had two or more encounters. Of this group, 27 percent were male, 23 percent were female; 25 percent were White, 28 percent were Black, and 26 percent were Hispanic. Individuals 18 to 24 years of age were also more likely than any other age group to have more than one contact with the police.

How citizens view these contacts is important. In 2008, some 92 percent of all those questioned reported that the police acted respectfully. This includes 93 percent of Whites, 89 percent of Hispanics, and 87 percent of Blacks. There were no statistical differences between racial groups who were involved in traffic accidents, who reported a crime to the police, or when police provided assistance or a service. Blacks were slightly less likely than any other group to report that, when they were the drivers involved in a traffic stop, the police had acted respectfully (87 percent). When citizens were asked about their perceptions of the legitimacy of their traffic stop, 85 percent reported that they thought their stop was legitimate. This includes 86 percent of Whites, 83 percent of Hispanics, and 74 percent of Blacks.

Public views of these encounters seem dependent on whether the police were investigating the individual for a crime. Only 20 to 36 percent of individuals who were physically searched or had their vehicle searched thought the search was legitimate. Slightly over 78 percent of residents investigated for a crime believed that the police acted properly (82 percent of Whites, 62 percent of Hispanics, and 70 percent of Blacks).

Of the 40 million face-to-face encounters, only 1.9 percent, or 776,000 individuals, involved the threat of or actual use of physical force. Males and Blacks were more likely to be involved in incidents where police threatened or used violence during the encounter; however, the overall percentages are relatively low for both groups (1.8 percent of males compared with 1.0 percent of females and 3.4 percent of Blacks compared with 1.2 percent of Whites).

A large majority of those who experienced police use of force (74 percent) thought that it was unnecessary or excessive. When police used force, over half the time it involved the police pushing or grabbing the individual. About 75 percent of the time it involved police yelling or shouting at the individual, and 26 percent of the time it resulted in the officer pointing a gun at the individual. However, of those who experience the use of force, 22 percent report insulting or verbally threatening the police, almost 12 percent report disobeying or interfering with a police officer, 5 percent reported resisting arrest, and another 3 percent reported trying to flee from the police.

In total, the evidence indicates that fewer people today have face-to-face contacts with police than in years past. The reduction in police-citizen contacts coincides with the overall drop in crime in America. The vast majority of police-citizen contacts emerge from traffic stops. Of those citizens stopped, over 90 percent reported that the police had acted appropriately and respectfully during their contact. Moreover, police use of force and the threatened use of force

IN DEPTH:

Data-Driven Policing

Communities face a diverse array of problems. Some communities are inundated with violent street gangs. Others are havens for drug addicts and sellers. Still others have to manage high rates of disorder, such as public intoxication, while yet other communities face few or no problems. The police have become acutely aware that crime and disorder are concentrated in some communities and not others and that the problems experienced across communities vary.

Modern policing has relied more heavily on three factors to tailor police responses and to more efficiently allocate limited police resources: First, police departments now rely heavily on technology, including crime mapping, to detect trends in crime and isolate crime hot spots. Second, police departments have become more willing to experiment with new approaches and to have these approaches evaluated empirically by scholars of policing. Social science now plays a much larger role in helping police work efficiently and effectively. Third, and relatedly, many police departments now use the services of crime analysts. These analysts compile crime data, examine patterns and trends, and compute reliable statistics to better help police decision makers address the unique problems of communities.

Reflecting these "data driven" approaches, the Office of Justice Programs has evaluated police intervention strategies and ranked them as "effective," "promising," or "not effective." Each approach was scientifically evaluated. What are some of the most effective police programs?

- Hot Spots Policing in Lowell, Massachusetts: A program designed to police disorder in high-crime areas.

- Minneapolis Preventative Patrol: A program that increased the number and visibility of police in high-crime areas.

- Operation Ceasefire in Boston: A highly publicized intervention designed to reduce gun violence and gang activity.

- Operation Cul-de-Sac in Los Angeles: A problem-oriented approach that addressed gang shootings by putting up street barriers between side streets and major traffic arteries.

- Cincinnati Violence Reduction Project: A problem-oriented program based on Operation Ceasefire. It targets high-rate violent offenders for arrest and at the same time offers social services to those willing to quit engaging in crime.

remains rare. When force is used, a majority of all citizens reported that it involved officers yelling at them or grabbing them. While most individuals who experienced the use of force thought it unnecessary, many of the same individuals admitted that they engaged in behaviors that could have precipitated the use of force by officers.

Police Officers and Police Department Requirements

The nature of policing has been changing for many years. In the past, policing was viewed largely as a stable public service job that required little in the way of training or education. Police officers were historically employed through political channels. Decisions to hire a person

as a police officer were based largely on interpersonal connections, individual favors, and political payoffs. Officers were then subjected to some unstructured on-the-job training and received their weapons and badges. Gradually, policing moved away from political hiring, as called for by the Wickersham Commission in 1931.

Most local jurisdictions and virtually every state as well as the federal government now employ a complex mix of rules and policies that outline how officers are to be selected. The rules govern the hiring process so that police departments can meet federal and state mandates, open notice of hiring and job-related qualifications are presented to the widest possible audience, and the process is viewed as fair. Although bureaucratic processing helps to ensure that the hiring process is fair, there are a number of circumstances where fairness can be called into question. Nonetheless, the hiring of police officers is now a complex and costly venture that can take over a year to complete.

Processes and policies that guide the hiring of law enforcement officers vary greatly across jurisdictions. The minimum standards necessary to become an officer also vary tremendously. Minimum standards outlined by most law enforcement agencies include basic educational, physical, and behavioral requirements. Overall, minimal educational standards remain low. In many jurisdictions, an applicant needs only a high school diploma or GED. In a survey of large police departments across the nation, Reaves and Hickman (2010) found that in 2000, as many as 63 percent required only a high school diploma—down from 79 percent in 1990. Twenty-three percent required "some college," 10 percent required a 2-year degree, and only 5 percent required a 4-year degree. It is important to note, however, that minimal educational requirements across departments continue to increase.

Applicants must also meet other minimum standards. Again, the specifics vary, but usually applicants must be able to pass a physical fitness test, be of sound moral character, and be free of drug or alcohol problems. In addition, applicants usually must have a clean arrest record. However, depending on the department, arrests for minor crimes may not automatically exclude an applicant. Most departments also have physical requirements, vision requirements, and require applicants to submit to an extensive background check and even a polygraph. Deception, fraud, and lying can disqualify applicants. Also, it is now not uncommon for police departments to examine the social networking sites of applicants, such as Facebook and Twitter. Unsavory and inappropriate posts and comments can exclude an applicant.

▲ Police officers practice their moves during a class at the Detroit Police Training Center in Detroit's North Side. *© Associated Press*

At the local and state levels, individuals selected to become police officers are usually required to attend a local or state police academy. Police academies include classroom instruction on law and police policies as well as instruction on the use and employment of firearms. Candidates must also pass a series of physical fitness requirements. According to Reaves and Hickman (2010), most local officers receive about 880 classroom hours of instruction. After successfully graduating from the academy, junior officers are usually paired with field training officers, who mentor,

supervise, and train them in the field. New officers receive about 600 hours of field training (Reaves & Hickman, 2010). In sum, police officers in large departments receive approximately 1,500 hours of training and direct supervision before they are qualified to police on their own. However, training requirements vary greatly at the local and state levels.

At the federal level, applicants are selected based on the unique needs of each federal agency. For example, the FBI has traditionally hired accountants and lawyers, reflecting the FBI's focus on policing organized crime and rogue businesses. With the "War on Terror," however, the FBI has expanded its ranks to include more individuals with fluency in a foreign language, mathematics, and computer security. Much the same can be said of other federal policing agencies. In general, the selection requirements for federal police agencies are higher and more stringent than those at the state and local levels. Individuals with advanced degrees and specialized skill sets are now more common in federal agencies than ever before.

The federal government has consolidated much of the training of federal law enforcement officers. Over 90 federal policing agencies use the Federal Law Enforcement Training Center (FLETC), located in Glynco, Georgia. FLETC provides these agencies with a uniform training program that includes instruction on law and criminal procedures, firearms use, driving techniques, and the apprehension of suspects.

> **Stop and Think 5.2**
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> If you were on a police interview and hiring board, what questions would you ask individuals interested in becoming police officers? What qualifications would you prioritize?

Police Culture

Research indicates that people enter policing because they want to be positive forces in their communities, they want to catch criminals, and they want the thrill, challenge, and excitement accompanying a career in policing (White et al., 2010). Because these factors are not shared equally across all individuals, it is likely that the specific personality traits and beliefs of some individuals make it more likely that they will want to become police officers. This is called **self-selection**. Some studies have found that certain individual characteristics are associated with individuals choosing policing as a career path. Individuals who are more risk-seeking and those who are more conservative are more likely to select policing as a career (Christie et al., 1996).

Selecting who is and is not qualified to become a police officer is no trivial matter. As Henson and colleagues (2010) point out, police agencies bear the costs of training officers and they take on the liabilities for officer misconduct (Henson et al., 2010). Being able to select the "right person for the job" is especially important when it comes to policing. Yet predicting who will become an excellent officer and who will not is very difficult. Because this is such a challenge, police departments usually try to "select out" candidates instead of "selecting in" those they believe will make excellent officers. They select out candidates based on a range of factors, including personality.

▲ New York Police Department recruits salute as a medley of armed forces anthems is played during graduation ceremonies in New York's Madison Square Garden. *© Associated Press*

Many departments require candidates to undergo psychological testing. These tests look for personality traits that may predict one's success or failure as a police officer (Sanders, 2003).

Overall, research indicates that these tests are better at predicting who will be a problem officer than who will be a good officer (Henson et al., 2010; Sanders, 2003). Even so, studies indicate that certain personality variables predict success in training. For example, in a study of 284 New Zealand police recruits, Black (2000) found that

> Police recruits who are reliable, dependable, determined, self-confident and goal-oriented; prefer to be busy; are willing to consider new ideas and perspectives; are forceful and assertive when required; possess a belief that society is generally honest and of good intention; possess a tolerance for personal frustration, and are resistant to stress, are likely to be higher performers during training.

Moreover, the study of 1,050 sworn officers done by Henson and colleagues (2011) found that race and scores on the civil service exam predicted academy performance and that academy performance predicted an officer's performance ratings 2 to 3 years after graduation (see also White, 2008). Nonetheless, it remains very difficult to accurately predict who will be a high-performing officer. What scholars do know is that officers who are intelligent, articulate, disciplined, and self-directed tend to be officers with fewer citizen complaints and better overall evaluations (Worden, 1990).

The training of police officers involves more than instruction on policies, procedures, and laws. It also involves introducing junior officers to the informal rules that govern police behavior both on the street and in the police station. It involves introducing and emphasizing the working values, priorities, and beliefs of police officers. In short, it involves introducing and indoctrinating officers into the **police subculture**.

While it is clear that some types of people have personalities and beliefs that make it more likely they will chose a career in policing, these factors do not appear to account for the similarities in beliefs held by working officers. Instead, research tells us that socialization into the police subculture tends to make officers more similar than different (Neiderhoffer, 1967; Raganella & White, 2004). The police subculture can be very powerful, primarily because it reflects "the truths officers feel in their bones" (Sparrow et al., 1990; p. 50). Just like any other subculture, the police subculture holds values that bind people together under a common identity but that can also blind them to the problems that emerge out of subcultural beliefs. The police subculture exists in varying degrees across most police departments, is relatively stable over time, and can be highly resistant to change.

Sparrow and colleagues (1990, p. 51) list six fundamental beliefs of the police subculture:

- Police are the only real crime fighters: Other agencies may be involved, but police are the true crime-fighting experts.
- No one understands the real nature of police work other than police: Police are suspicious of outside experts, politicians, and others who have never worn a badge.
- Loyalty to other officers counts more than anything else: Officers must support each other at all times.
- Rules sometimes have to be bent: Too many rules make it difficult to apprehend and charge violators. Criminals have too many rights.

- The public is unsupportive and too demanding. The public expects the police to be infallible, to never make a mistake, and to achieve goals they cannot achieve.
- Patrol work is only for those not smart enough to get out of it. Real police work occurs in specialized units, such as narcotics, special weapons and tactics (SWAT), or homicide.

Subcultural beliefs emerge and are maintained in part because of officers' on-the-job experiences. Officers routinely encounter individuals who are hostile toward them, who lie to them, and who are obviously guilty. Police officers also see the consequences of criminal misbehavior. The police subculture provides the emotional and psychological support officers need because it helps them make sense of their experiences. With these values firmly ingrained, officers gain a sense of a unique identity—one that identifies the "good guys" and the "bad guys" and one that elevates police in-group cohesion.

The police subculture, however, can also present a host of problems. Efforts to reform the police are usually met with resistance. Part of this resistance occurs when external efforts to reform the police conflict with police subcultural values. Adherence to subcultural values often leads police departments to ignore outside advice, thus neutralizing and/or weakly implementing reforms. At its worst, adherence to the police subculture can lead to widespread tolerance of graft and corruption.

▲ The working personality of police officers can lead to isolation, making them generally suspicious of civilians. © Fotosearch/SuperStock

So far, we have examined the selection processes for police officers and socialization into the policing subculture. One other aspect of police officers also deserves attention: the **working personality** of police officers. This likely reflects, according to Jerome Skolnick (1966), two fundamental cognitive realities: danger and authority.

- Danger reflects the realization that police work involves an element of risk and can, at any minute, result in a violent encounter. This makes officers suspicious of others.
- Authority reflects the realization that an officer's duty is to enforce the law. Enforcing the law, however, sets officers apart from others in the community, which can lead to feelings of isolation.

Combined, these two factors help mold officer perceptions and beliefs that isolate them from larger society and that make them suspicious of civilians. While research on whether a police personality exists remains unclear, what is clear is that police at all levels report high levels of cynicism (Bjork, 2008). Cynicism reflects a generally hostile and pessimistic worldview.

Isolation, suspicion, and cynicism can lead to a form of police solidarity called the "**blue wall of silence**." This exists when officers overlook the unethical or illegal actions of other officers or when they refuse or limit their participation in the investigations of other officers. An understanding of the working personality of police officers draws attention to the internal social dynamics that can develop within police departments.

IN DEPTH:

Advice From a Police Community Policing Officer

By Lieutenant Michael John, Cincinnati Police Department, Neighborhood Policing Bureau

What does it take to become a police officer? An often clichéd answer is simply "it takes a special person." But what does that mean in the twenty-first century? The core fundamentals of policing are crime control, order maintenance, and service provision. Today's police officer must exhibit an adaptability to meet all three of these expectations. Once you commit to the decision of policing as a profession, you must accept that you will forever be held in a different light by those who know you. Without question, it takes a strong desire to serve the community, and you have to be willing to place yourself in a position many would seek to avoid. There is often a fine line between what is considered fearlessness and bravery. Fearlessness will get you or someone else hurt, bravery is recognizing a fearful situation and being able to pursue the required objective.

The modern police officer must be a problem solver. You must have the ability to think quickly, instinctively, and choose the right option. In some circumstances, this process must be completed in a split second. Be aware your actions are always subject to scrutiny. You are given extraordinary coercive power, not afforded any other profession outside the military. With that coercive power comes an incredible magnitude of responsibility. You enter a profession unlike many others, where you are subject to criticism from the public, media, and often those within the ranks you serve. You need to develop a thick skin, and be aware; some who don't even know you will judge you without merit, just because of the uniform you wear.

You will be exposed to a realm of society most people do not want to even discuss. Situations will strike you to the core, but you will be charged with the expectation of acting with composure, diligence, and control. You are compelled to "do the right thing." In terms of law enforcement, you are the gateway to the criminal justice system. What you do is subject to the scrutiny of prosecutors, defense attorneys, and the court of criminal law. Your actions will influence the rest of someone's life.

So why do it? Yes, it takes a special person, but the rewards can be significant. You cannot change the world, but you can make a significant difference on an individual basis. You are able to protect those who cannot protect themselves. You can make an immediate impact on a current situation by making the right decision. You will have chosen a profession that places you in a prominent position in the community. You will have demonstrated your fluency as an analytical thinker. You will make lifelong friends and enter a brotherhood and sisterhood akin to a family. Along the way, you will be provided an opportunity to pursue many different careers within the career of policing. Your success and path can be sculpted by the leadership and mentoring of those on the cutting edge of innovation and inspiration. You can rest assured that no two days will be the same.

But before you jump head first you need the support of those closest to you. It is important to keep grounded and surround yourself with a network of friends and loved ones who do not share the same career aspiration. This will provide a healthy realization that almost all in society genuinely like the police and are a supportive majority. Let your actions be guided by an inner faith—if not by religion by a code of personal ethics and morals shared by the majority.

5.3 Constitutional Policing

The police have broad powers to investigate crimes, detain suspects, make arrests, collect evidence, interview witnesses, and interrogate suspects. These powers are part of the executive branch of government—the branch responsible for the enforcement of laws. However, our system of government also provides a series of checks and balances. In this case, the courts serve as an important check on the powers exercised by police. The courts rule on what constitutes proper police procedure and behavior, and they can strike down laws and practices that violate due process.

Because we are a nation of laws, police too must obey the law in their efforts to control crime. The legal restrictions placed on police are sometimes cumbersome; they can result in obviously guilty individuals not being arrested, charged, tried, convicted, and incarcerated. The legal rules that police must follow can hamper their efficiency, but in abiding by the law, police earn the respect of the communities they serve, protect the rights of all citizens, and establish a professional standard of behavior that generates social legitimacy. When they violate the law in an effort to arrest a known offender, they jeopardize not only the rights of the accused but also the rights of the innocent.

▲ The courts rule on what constitutes proper police behavior. *© Associated Press*

Arrest and Constitutional Policing

Police have the right to arrest individuals they believe have committed a crime. An arrest, however, does not necessarily mean that the individual has been placed in handcuffs and placed in a patrol car. Instead, an arrest occurs when a police officer deprives an individual of freedom and the suspect believes he is no longer free to leave. Of course, the police investigate many different offenses throughout the day, including traffic offenses, where they temporarily detain individuals to investigate an incident. These short-term detentions are generally not considered arrests in the formal sense.

All police officers have the legal right to arrest individuals they believe have committed a felony, even if they did not see the offender commit the crime. However, they must directly witness an offender commit a misdemeanor to make an arrest, or they must obtain an **arrest warrant**. An arrest warrant is a legal document issued by a court directing the police to arrest an individual.

In order to make an arrest, police must have **probable cause** to stop, detain, and question an individual. Probable cause reflects a reasonable belief that a crime has been committed and that the suspect committed the crime. Probable cause is also a requirement to obtain an arrest warrant. In most circumstances, probable cause is easily established. Even so, we retain the use of probable cause as a guiding legal doctrine because it forces the police to provide a reasonable, legal justification for stopping, detaining, and arresting individuals. This helps to reduce capricious and arbitrary policing. Obviously, suspects can be arrested without a warrant, but all suspects must receive a **probable cause hearing** once arrested.

Search, Seizure, and Constitutional Policing

The Fourth Amendment to the Constitution reads:

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

This amendment is the fundamental constitutional clause affecting the ability of police to search individuals, their belongings, and their homes and businesses. The Supreme Court has, through the years, refined the meaning of the Fourth Amendment and its application to new settings (for example, automobiles, computer networks, public places).

The court realizes that the collection of evidence of a crime is central to policing. Evidence is necessary to bring charges against a person and is necessary at trial. However, the Fourth Amendment outlines the conditions under which police may and may not conduct a search and seize evidence. For example, probable cause must be present for a search to take place or for a **search warrant** to be issued by a court. Moreover, if a search warrant is issued, it must describe the residence to be searched and the items sought. The need for probable cause for issuance of a search warrant can be met in several ways. A witness to a crime can provide probable cause, as can a reliable informant, a coconspirator, or a victim.

When police execute a search warrant, they must still follow a series of legal and procedural rules. These rules attempt to balance the needs of the police to obtain evidence against the rights of the individual. For example, most of the time police are required to knock on the door of a residence, identify themselves, and state their purpose. However, when officer safety is judged to be at risk, a **no knock** entry can be justified. Once inside a residence, police must match the level of the search against the size and nature of the objects they wish to discover. If, for example, police enter a residence to search for a stolen vehicle, it would make little sense to rummage through the closets. Police, moreover must also avoid unnecessary damage to property.

▲ Frisking people is an example of a warrantless search. *© Getty*

Still, there are situations where a warrantless search is necessary. The law recognizes several conditions. For example, police can conduct a **warrantless search** when they stop and frisk a person. This helps ensure officer safety. They can conduct a warrantless search in an emergency situation, known as **exigent circumstances**. This doctrine recognizes that sometimes circumstances arise when the rapid collection of evidence is necessary. Moreover, searches can occur when individuals consent to be searched and when evidence of a crime is in **plain view**. The "plain view" doctrine holds that evidence that is readily apparent can be seized, as can evidence when a crime is committed in the full view of a police officer.

There are a number of circumstances where police are allowed to conduct searches and to seize evidence. As a matter of due process, courts clearly prefer that officers obtain warrants.

However, the courts do recognize that obtaining a warrant is not always feasible or judicious. Even so, when police violate laws that regulate search and seizure, they run the risk of having the evidence and all related evidence tossed out of court. This is known as the **exclusionary rule**. The Supreme Court in *Weeks v. U.S.* (1914) ruled that evidence illegally obtained could not be used at trial. In the Weeks case, for example, Mr. Freemont Weeks was clearly guilty of a federal crime. Yet on appeal, the court overturned his conviction because Mr. Week's Fourth Amendment rights had been violated. In *Silverthorne Lumber Co v. U.S.* (1920) the court went ever further, excluding any and all further evidence that had been obtained illegally. This became known as the **"fruit of the poisonous tree" doctrine**. If, for example, an initial illegal search led investigators to other evidence of guilt, that evidence too would be impermissible at trial and would be grounds for appeal if the defendant were convicted.

The exclusionary rule was initially applied only at the federal level. However, over 40 years later, the Supreme Court applied the same rule to the states in *Mapp v. Ohio* (1961). Since then, the court has recognized what is known as the **good faith** exception. This exception to the exclusionary rule allows illegally seized evidence to be admitted in court if the officer involved acted in good faith or if the error was minor in magnitude. Police, the court has ruled, cannot be held accountable for circumstances well beyond their control or when they operate in a reasonable fashion under the assumption that a search warrant is valid. There are other exceptions to the exclusionary rule: First, if the officer can show that evidence would have been discovered without the illegal search or seizure, evidence of guilt can still be admitted. This is known as the **inevitable discovery rule**.

Police Interrogations

Once a suspect has been arrested, officers usually seek to question him or her to gain more information about the crime and about others who may have been involved in the crime as well as to obtain a confession. Police interrogation practices have been the subject of much controversy for at least three reasons. First, many people are simply ignorant of their rights and willingly provide evidence of their guilt. Second, police have tremendous psychological and emotional power over suspects during interrogation. Police interrogators are often highly skilled at breaking down a suspect's unwillingness to confess. Because of this, it is not always clear whether some confessions are entirely voluntary. Finally, past police interrogation practices included beatings, torture, and other forms of physical and mental abuse that had to be controlled.

Recognizing the problems associated with police interrogation, the Supreme Court in 1966 ruled in the case of *Miranda v. Arizona* that police had to inform suspects of certain rights prior to initiating an interrogation. These rights include the right to remain silent. The Fifth Amendment provides that individuals cannot be compelled to provide evidence of their guilt. Miranda warnings also include the following:

- If the person makes a statement, that statement can and will be used against them in a court of law.
- Suspects have the right to an attorney and to have an attorney present during questioning.
- If a suspect cannot afford an attorney, one will be appointed for him or her.

Miranda warnings are to be given when police wish to question a suspect about a crime. However, they do not have to be given until police have probable cause that a crime has been

committed and that the individual in custody committed the crime. Thus Miranda warnings are not always given at the point of arrest.

Few people exert their right to silence. Even fewer clearly articulate to the police that they wish to invoke their Miranda rights, to remain silent, and to obtain a lawyer. Instead, many make incriminating comments to the police, often without a lawyer present. Similarly, many suspects waive their Miranda rights and give police information regarding their guilt. For Miranda warnings to be waived, however, an individual has to be able to understand his or her rights. Very young juveniles and mentally disordered offenders may not be able to waive their rights. Simply remaining silent or making ambiguous references to wanting an attorney is not sufficient to employ Miranda rights. Confessing prior to being read one's Miranda rights can lead to the use of the confession at trial.

▲ An officer in training reads Miranda rights to a handcuffed suspect at an LAPD training facility in Los Angeles during a training situation in arresting a violent criminal. *© Kim Kulish/Corbis*

Miranda warnings were, at first, not well received by police agencies. Officers feared that after being apprised of their rights, suspects would remain silent and request a lawyer. Today, however, most police departments favor the use of Miranda warnings (Leo, 1996). The warnings provided officers with further guidance on how best to exercise their police powers as well as on the legal conditions under which suspects have the best chance of understanding the rules of the game. In some ways, Miranda helped to professionalize police interrogation techniques. Police can still employ any number of psychological and emotional ploys during an interrogation—they can, for instance, lie to suspects and embellish facts; however, they can no longer legally use threats of or actual physical violence, nor can they engage in extreme levels of coercion.

Stop and Think 5.3

Assume that you are a lawmaker and a civil rights group asks you to sponsor legislation requiring every arrested person to be provided with a defense lawyer prior to speaking with the police. Would you support this initiative? Why?

Despite the consternation of police at the time, the legal rules established by the Supreme Court have largely helped to legitimize criminal justice processes in the United States. They have curtailed police abuses and have protected individual rights. At the same time, they have provided police with basic ground rules for the investigation of crime. These rules provide an additional layer of protection for criminal defendants as well as for innocent citizens.

5.4 Contemporary Issues in Policing

Police departments operate within a larger social context. They are influenced by prevailing political attitudes and by unique cases that garner much media attention. What happens in one police department can often generate consequences in departments across the country. While many social concerns are associated with policing, we focus in this section on the four that

garner widespread social and scholarly attention. Although this list is not exhaustive, these four contemporary issues encompass much of what is currently being debated.

Corruption

Since their inception, police departments have had to address issues related to corruption. Indeed, society has grown increasingly intolerant of police corruption—so much so that today even the appearance of impropriety can be enough to tarnish a career or an entire police department. However, what constitutes corruption is not always clear. Is accepting a free lunch from a restaurant corruption? Does enforcing the law in one circumstance but not another qualify as corrupt? While corruption is easily identified in some instances, it is not always obvious in others.

Police corruption comes in many forms. In the worst cases, it can involve officers breaking the law, including murdering suspects, beating people, and fabricating evidence to substantiate a criminal charge. Police departments in Chicago, Philadelphia, Los Angeles, New Orleans, and New York have experienced corruption at this level. These events draw tremendous public scrutiny and usually involve the legal intervention of the federal government. Still, these events are relatively rare. More common instances of corruption include police officers stealing drugs, money, or property or taking bribes from individuals, companies, drug cartels, or crime organizations.

▲ Angry citizens stage a quickly organized demonstration outside the courthouse the day after two New York City police officers had been acquitted of charges of raping an intoxicated woman after helping her to her apartment from a taxicab.

© Andrew Lichtenstein/Corbis

The extent of corruption among the police is difficult to measure. In some cases, corruption involves a single police officer, but in others it involves entire police divisions. Past investigations indicate that the acceptance of minor forms of corruption, such as taking a free meal from a restaurant, sometimes leads to the acceptance of other, more serious forms of corruption. In the Rampart Division of the Los Angeles Police Department, for example, Officer Rafael Perez was caught stealing over $1 million in cocaine from the police evidence room. He quickly agreed to help prosecutors investigating allegations of corruption in the CRASH unit—a unit dedicated to policing the gangs that were prevalent in the district. The investigation resulted in a $70 million settlement, the conviction of seven officers, hundreds of convictions overturned, and dozens of officers forced out of the LAPD. Furthermore, the LAPD chief of police was replaced and the department entered into a consent decree with the Department of Justice.

To combat police corruption, many police departments have implemented reporting systems where citizen allegations can be brought forth and investigated. Moreover, most departments have an office of **internal affairs**. Internal affairs officers investigate incidents of police conduct that may be suspicious as well as citizen complaints about police behavior. Likewise, in certain circumstances, state police agencies, the FBI, and the federal government may be asked to investigate complaints. Even with all of these options available, however, some police departments remain plagued by allegations of corruption. In the report of the New Orleans police department, discussed earlier, investigators found that civil rights violations were common and

were rarely reported up the chain of command. Even when reported to supervisory officers, allegations were rarely investigated.

Discretion

Each situation a police officer encounters is unique and therefore requires decisions based on the circumstances. In some cases, an officer may elect simply to warn an offender instead of making an arrest. In other circumstances, an officer may choose to make an arrest. Yet officers have to make many other decisions outside of whether or not to arrest an offender. They make decisions to investigate some individuals but not others and to pull over some drivers but not others, and they must also decide how to treat citizens during those encounters. Moreover, it is simply not possible or wise to eliminate discretion in the enforcement of law. Some laws are underenforced because their violation is hard to prove in court or because there is little social concern about their violation. Arresting every possible offender would overwhelm the criminal justice system and would likely cause tremendous social upheaval.

The exercise of judgment and decision making by police officers is referred to as **discretion**. How police exercise discretion is important to the administration of justice. If police misuse their discretion, the administration of justice suffers, citizens can be unduly arrested (or not), and the image of the police can be tainted. Because police discretion is so important, scholars have taken great interest in how police make decisions, the factors that affect those decisions, and the possible biases police may show in decision making. This body of evidence reveals, in general, that the vast majority of officers exercise discretion in a way that is justifiable, professional, and equitable. However, this same body of evidence also points to potential problems in the use of officer discretion that deserve attention.

First, the most consistent finding concerning police use of discretion is that the severity of the crime is the most important factor in the decision to arrest (Ricksheim & Chermak, 1993). For many serious crimes, officers have no choice but to arrest a suspect. Crimes such as homicide, aggravated assault, and robbery require a suspect to be arrested if the circumstances and evidence indicate guilt. Moreover, officer perceptions of the severity of an offense are also important. In allegations of child abuse, for example, an officer may not arrest a suspect for spanking a child, but that same officer may make an arrest if the child was seriously bruised by a spanking. Finally, it also matters whether the officers are aware of the offender's prior arrest record, whether a weapon was used, whether a victim was physically harmed, whether credible witnesses were present, and whether the victim wishes to pursue criminal charges. Evidence shows that these legal factors are often the most important predictors of whether or not an arrest is made.

Second, many crimes are not serious, meaning that no significant injury occurred and no significant amount of property was lost. When these crimes occur, officers can exercise more discretion. One factor that matters in these circumstances is the victim-offender relationship. Crimes that occur between family members and friends may be treated differently by police than crimes committed between strangers. Police often see crimes committed between family members and friends as a nuisance (Black, 1971).

Third, studies into police discretion also show that Blacks are pulled over more often for traffic offenses, searched more frequently during traffic stops, arrested more frequently that Whites,
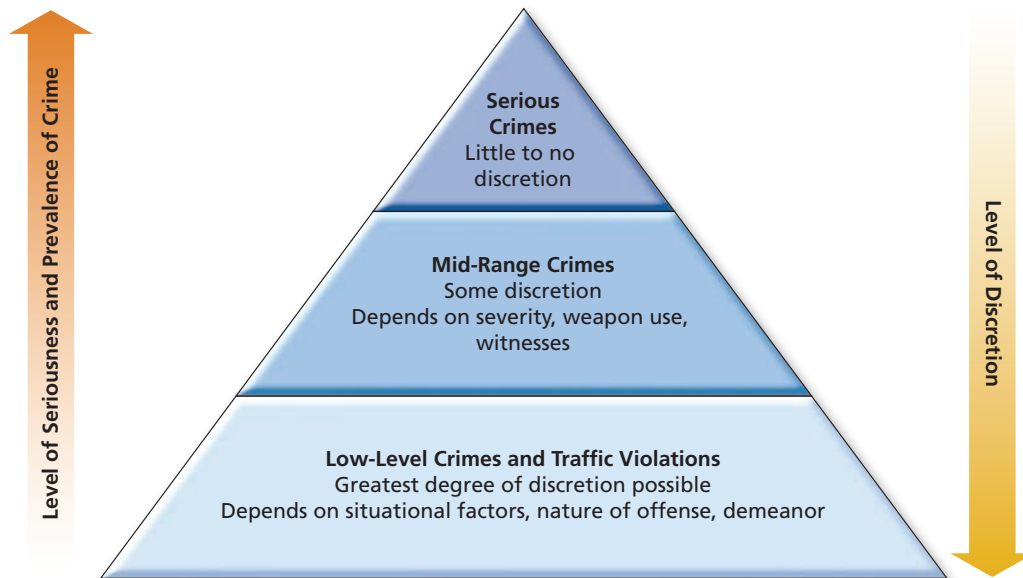
Level of Seriousness and Prevalence of Crime

Level of Discretion

Serious Crimes
Little to no discretion

Mid-Range Crimes
Some discretion
Depends on severity, weapon use, witnesses

Low-Level Crimes and Traffic Violations
Greatest degree of discretion possible
Depends on situational factors, nature of offense, demeanor

Figure 5.1: Prevalence of Crime and Officer Discretion

Chart showing the relationship between the seriousness and prevalence of a crime in relation to the level of discretion used by police officers.

and subjected to the use of force more often than other groups (Engel & Swartz, 2012). The issue of racial bias in policing will be covered in more detail later, but right now it is important to note that police discretion is sometimes tied to differential outcomes based on race. Overrepresentation, however, is not evidence of racial prejudice. Males are also more frequently arrested than females and young people are more frequently arrested than older individuals. However, given the importance of race in our society, special attention has to be given to the connection between discretion and race outcomes in criminal justice.

Fourth, the way suspects behave toward the police matters. Suspects' demeanor—that is, their attitude and how they communicate with the police—can be influential in an arrest decision. Individuals who curse at the police, use threatening language, or resist police investigative efforts are more likely to experience a formal police response, such as receiving a traffic ticket, being cited, or being arrested (Klinger, 1994). In the language of the police subculture, this is referred to as **disrespect of cop**. Individuals who are compliant and accommodating are less likely to receive a formal response, although this depends on the seriousness of the crime.

Overall, police have limited discretion when serious crimes occur. They have progressively greater discretion as crimes decline in seriousness. Recall that most police-citizen encounters occur due to a traffic violation, which is generally not seen as serious. Also recall that a large majority of individuals believed the officer acted appropriately and respectfully during the stop. So even with less serious crimes, it appears that most officers generally use their discretion appropriately. Other factors, however, such as an individual's demeanor, increase the likelihood that an officer will or will not take formal action.

Use of Force

Part of the job of being a police officer entails being willing and able to use force. Criminal suspects sometimes physically resist arrest, flee, or even attempt to harm or kill police officers. When officers approach an individual, they are keenly aware of this possibility. Yet research tells us that the vast majority of police-citizen encounters do not entail the threatened or actual use of violence. While presentations in the media depict policing as remarkably dangerous, data tell us that other occupations, such as logging, are far more lethal. Nonetheless, policing involves the constant awareness that violence may arise in any encounter.

▲ In this November 18, 2011 file photo, University of California, Davis police officer uses pepper spray to move Occupy UC Davis protesters while blocking their exit from the school's quad. © *Associated Press/The Enterprise, Wayne Tilcock*

The use of force by police occurs in less than 1 percent of all police-citizen encounters (Klinger, 1995). When force is used by police, however, it must be applied within policy and legal guidelines. Most departments gauge the appropriateness of the use of force through a **use-of-force continuum**. This reflects the level of force required to apprehend a suspect. Police must demonstrate enough force to gain compliance of the resisting individual, but the force must also be proportional to the suspect's actions. Police cannot, for instance, strike a slightly noncompliant suspect with a baton. The National Institute of Justice highlights the following use-of-force continuum.

- Officer presence: The presence of an officer who projects authority and respect, deters crime, and makes conformity likely. No force is necessary.
- Verbalization: Verbal commands are issued to gain compliance. No physical force is used.
- Empty-hand control: The officer uses soft- or hard-hand approaches to gain compliance.
- Less than lethal force: Batons, Tasers, pepper spray, and other methods that generate pain but that are generally not lethal are used.
- Lethal force: The use of weapons or other means designed to inflict serious bodily harm or to kill an offender.

Police can also be considered victims in use-of-force exchanges. According to FBI data, in 2010, a total of 53,469 officers were assaulted while on duty, for a rate of 10 per 100 sworn officers. Twenty-six percent of the assaulted officers incurred an injury. Disturbance calls, such as family arguments, accounted for 33 percent of all officer assaults, 14.7 percent of which occurred at the time of arrest. Over 90 percent of all police officer assaults were cleared by arrest.

Assaults far outnumber police officer deaths. In 2010, a total of 56 officers were feloniously killed in the line of duty. Of these, 54 were men and 2 were women. The average age of the killed officer was 38, with an average tenure of 10 years. The majority of these officers were killed with a firearm and were killed in southern states.

In 2010, a total of 69 individuals were criminally involved in police officer killings. Of these, 57 had prior arrests and 45 had been previously convicted of a crime. Clearly the majority of

individuals involved in an officer death had prior experiences with the criminal justice system, with most having had been arrested on a previous act of violence (Federal Bureau of Investigation, 2012). Moreover, 67 of the 69 criminal offenders were men, 35 were Black, and 25 were White.

Police officers can be victimized by assaults and they can be killed on duty. In 2010, a total of 72 police officers also died from accidents. The majority of these (45) were motor vehicle accidents, another 11 officers were killed when they were struck by another vehicle. Again, compared with occupations such as farming, mining, and fishing, policing is comparatively safe. However, compared to other occupations such as teaching, the risk

▲ Even though police are regularly placed in dangerous situations, officer injury and death is relatively rare. *© Corbis*

of death and injury is substantially higher. The data tell us that although policing involves the constant threat of unpredictable danger, officer assaults resulting in injury remain relatively rare. More officers are killed each year in accidents than in criminal homicides.

Are the Police Racist?

No other issue is more divisive than race and no other issue plagues the criminal justice system more than allegations of racial bias and discrimination. No other part of the criminal justice system has been subject to more allegations of racism than the police. Because of this, scholars have taken an active interest in understanding the merits of these complaints and the complex connection between race and policing in America.

Historically, many police departments have engaged in openly racist policing. During the civil rights movement, for example, citizens across the country watched in dismay as Theophilus Eugene "Bull" Conner, the commissioner of public safety in Birmingham, Alabama, used the police to savagely beat nonviolent, mainly African American protesters. Conner also allowed police to use fire hoses and police dogs to assault citizens, both Black and White, who advocated for civil rights. Due in large part to the civil rights movement, the federal government took steps to help standardize behavior in police departments and address issues surrounding racial discrimination. Laws were passed that encouraged and in some cases forced police departments to hire more Blacks and other minorities. Civil rights laws were passed that influenced police arrest practices and gave the federal government the power to force local police departments to change.

Fifty years of these efforts have paid off. Today, there are many more minorities in the ranks of police departments across the nation, and systems are in place to help make sure that the overt discrimination of the past never returns. Still, even after all these changes, Blacks are still more likely to be pulled over, searched, arrested, convicted, and sentenced to prison than are Whites and Asians. Indeed, conventional wisdom now holds that police routinely engage in **racial profiling** and unfairly target Blacks for arrest and prosecution. Many assume that this is prima facie evidence of discrimination.

▲ On August 28, 1964, police flush a rioter from a building in the heart of Philadelphia, the scene of violent disorders. More than 80 persons were injured in the riots. *© Associated Press*

Yet research into the racial bias of police officers has produced highly mixed, even contradictory evidence (Skogan & Frydl, 2004). In some studies, scholars find that "race matters" (Kochel et al., 2011). In other studies, scholars find that after accounting for legally relevant variables, such as the seriousness of the crime and prior record, race no longer matters. Still, other scholars find that race may matter but that the differences are so small as to be substantively unimportant (Engel & Schwartz, 2012).

Some scholars argue that the real problem is not racially biased policing but the overinvolvement of Blacks in crime (MacDonald, 2003). These scholars note that in the most serious crimes, such as murder and aggravated assault, where police have little discretion to arrest, the rates of involvement of Blacks are three to six times those of whites. They also argue that Blacks are more likely to be stopped by the police, but that officers often do not know the race of the driver they are stopping until they reach the car. Moreover, they argue that several studies find that Blacks tend to drive at higher rates of speed than other racial groups and thus are more likely to be pulled over for speeding (Engel & Calnon, 2004). In sum, these scholars argue that behavioral differences between Blacks and other racial groups likely account for many of the differences in police arrest statistics and in citizen-police encounters.

Whatever the facts may be, contemporary police departments are very aware of the specter of race and have taken active steps to reduce racial tensions. Community- and problem-oriented policing, for example, attempts to leverage community resources to help fight crime. These policing approaches depend in part on the input and participation of citizens within the community. Community police officers hold meetings in high-crime neighborhoods, collect surveys of citizen views, and take steps to address community concerns. Moreover, police departments have moved to put video cameras in police patrol vehicles to record citizen-police contacts, and several now employ community workers to address citizen complaints after particular incidents. In Cincinnati, for example, community workers take to the streets after some police incidents to help allay citizen fears and dispel rumors and speculation, which can incite tempers. Finally, many police departments now track complaints about specific officers. While not all of these complaints involve allegations of racial bias, they often involve allegations of abuse of authority, brutality, and disrespect that may disproportionately involve minority citizens. Research has found that these officers constitute a small percentage of officers in any police department but that they also account for the majority of citizen complaints. Intervention with these officers may help reduce tensions with minority communities.

> **Stop and Think 5.4**
>
> Recently controversy has erupted over citizens videotaping police-citizen encounters. Do you support the right of citizens to do this? If so, why? If not, why not?

5.5 | Chapter Summary

The police remain widely respected in American society. High levels of public support are tied in part to how police treat citizens during encounters. Fortunately data reveal that large majorities of people report that, when encountered, the police acted responsibly and respectfully toward them. These interactions are a testament to the professionalism and training found in most contemporary police departments.

While the vast majority of police officers are trained professionals, variation remains in police recruit requirements and levels of training. These factors influence the quality of policing and the ability of police departments to engage communities in crime fighting. Modern police departments require intelligent, analytical, ethical, and self-disciplined professionals.

Police enjoy widespread support because the public views their behaviors as necessary to maintain order and to enforce the law. However, when police engage in behaviors that violate the law, such as corruption and other illegal or unethical behaviors, public support declines, making it more difficult to police communities. Police behavior is thus also regulated by law. Laws stipulate when police can arrest suspects, when and how they can search subjects and their property, and the conditions under which they can use force. While police sometimes complain that criminals have been given too many rights, it is important to remember that these rights protect everyone—including police officers accused of crimes. Constitutional limitations on police power restrain the most coercive forces of government and thus help to protect individual liberties while also providing enough latitude for police to fight crime.

Modern policing, however, remains open to allegations of corruption, systematic abuses of discretion, police brutality, and racial bias. While these issues are sometimes emphasized for crass political reasons, at other times they are raised because there are real problems. Contemporary police agencies must guard against such problematic behaviors.

The future of the police is as promising as it is challenging. New technologies emerge daily that allow the police to better protect society. These new technologies, however, may also threaten the civil liberties of individuals and also have the potential to usher in a "surveillance society," where one's every

▲ The police are widely respected in American society. In this photo, United States Vice President Joe Biden introduces U.S. President Barack Obama as they honor the 2012 National Association of Police Organizations (NAPO) TOP COPS award winners. *© Ron Sachs/CNP/Corbis*

movement is known to the authorities. Tracking technologies, digital surveillance systems, Internet monitoring, and a host of other electronic technologies may make the detection of crime and the apprehension of offenders more likely, but at what social cost? While the future remains open, the need for professional, well-trained police officers will remain.

Critical Thinking Questions

1. Speculate as to why the vast majority of Americans hold a positive view of the police.

2. Should police officers be required to have a 4-year college degree? What other requirements would you put into place to become a police officer?

3. How has law been used to control police behavior? What have been the benefits and costs associated with "constitutional policing"?

4. Many people argue that we have "handcuffed" the police and that criminals "have too many rights." Do you agree? Why or why not?

5. Police officers exercise substantial discretion. This has led many to argue that the police abuse their discretion. Should we restrict police officer discretion? What are some of the potential problems and benefits of doing so?

Key Terms

Arrest Occurs when a citizen is deprived of liberty and taken into custody by a police officer.

Arrest warrant A court petition, signed by a magistrate, directing the police to apprehend and arrest an individual.

"Blue wall of silence" The secrecy about officer wrongdoing that can prevail within police departments.

Discretion The ability of police officers to select from a range of legally restricted choices.

Disrespect of cop Street slang for a citizen's poor demeanor, resulting in formal action being taken by a police officer.

Exclusionary rule A rule that disallows illegally obtained evidence to be used at a trial.

Exigent circumstances Emergency situations that allow for the collection of evidence without a warrant.

"Fruit of the poisonous tree" doctrine A rule that disallows evidence linked to illegally obtained evidence to be used at trial.

Good faith The reasonable actions of a police officer who, given the available information and circumstances, made a decision that could have violated the exclusionary rule in the collection of evidence.

Inevitable discovery rule Evidence that, in all likelihood, would have been discovered regardless of a breach of the exclusionary rule.

Internal affairs A division within police departments that investigates officer behavior and citizen complaints against officers.

No knock During the execution of an arrest warrant, officers are not required to knock and to identify themselves if there is reasonable belief that officer safety could be compromised by doing so.

Plain view Holds that a search warrant is not necessary to collect evidence in the immediate view of the police officer.

Police subculture Informal rules and values that guide police conduct.

Probable cause A reasonable belief that a citizen has violated a law.

Probable cause hearing A procedural hearing to verify the existence of probable cause in cases where an arrest occurred without an arrest warrant.

Racial profiling Using the race of a citizen to trigger a police investigation.

Search warrant An order signed by a magistrate allowing the police to enter a residence for the purpose of collecting evidence.

Self-selection Individual characteristics that predispose some individuals to choose a career in law enforcement.

Use-of-force continuum Directs officers on the appropriate use of force given the level of citizen resistance during an encounter.

Warrantless search Police collection of evidence without the use of a signed warrant issued by a court.

Working personality Individual personality characteristics that police officers tend to share.

Web Links

A website honoring and remembering police officers who have died in the line of duty:
http://www.odmp.org/

Information about community-oriented policing services: http://www.cops.usdoj.gov/

Information about problem-oriented policing: http://www.popcenter.org/

A link to the Federal Bureau of Investigation: http://www.fbi.gov/

A web page about the U.S. Marshals service: http://www.usmarshals.gov/

A link to the Transportation Security Administration: http://www.tsa.gov/