

AN INTRODUCTION TO **AMERICAN POLICING**

SECOND EDITION



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*Dedicated to my loving children:
David D. Stevens, Mark A. Stevens, and Alyssa P. Stevens*

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About the Author



Dennis J. Stevens is the managing director of Justice Writers of America™, an organization guiding justice personnel to articulate their experiences in a confidential setting. Dr. Stevens has taught criminal psychology in major universities, and counseled female and male high-risk prisoners at Attica, Boston, Charlotte, Chicago, and

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Foreword

On a November night in 2006, Sean Bell was holding his bachelor party at Club Kalua in the Jamaica Queens section of New York City. Unknown to the revelers, the strip club was under investigation by a New York Police Department (NYPD) undercover unit for suspicion of prostitution and complaints of guns and drugs. An altercation took place between the Bell party and other patrons, and an undercover police officer stationed inside the club thought he heard one of Bell's friends saying, "Yo, get my gun," as they headed outside to Bell's car. Fearing a shooting might occur, the detective followed the men to their car and alerted his backup team. When the team confronted Bell and ordered him to raise his hands after getting in his car, he instead accelerated the vehicle, hitting a police officer and an unmarked police minivan. The police team then shot Sean Bell 50 times, killing him and wounded two of his companions.

Subsequent investigations showed that the incident was precipitated by mistaken perceptions on both sides: As it turned out, all three men were unarmed. Tried on charges ranging from manslaughter to reckless endangerment, on April 25, 2008, all three officers were cleared of any wrongdoing. In response to the verdict, on May 7, 2008, the Reverend Al Sharpton led a "slowdown" protest in the streets of New York City, and 200 people were arrested as a result of the protest.

The Bell case aptly illustrates the exigencies facing police in contemporary society—challenges that make Dennis J. Stevens' *An Introduction to American Policing* a welcome addition to the police literature. This book arrives at a time when police are expected to confront myriad new problems ranging from cybercrime to terrorism. Never before have police officers been expected to be proficient in such esoteric skills as crime mapping, information technology, and biometric identification while at the same time dealing with more traditional issues such as gang control, community safety, and effective patrol techniques. At the same time, police agencies need to be sensitive to the demands of the populations they serve. While members of the general public may applaud police efforts and credit officers with having helped bring the crime rate down, they remain concerned—and rightfully so—about the power police

officers have to monitor their behavior and control their lives. Even when most community members believe that police officers are competent and dependable, they are still worried about police use of force and willingness to respect the rights of suspects.

The Bell case raises another key concern: Are police racially and ethnically biased, and do they use racial profiling to harass members of the minority community? In the example cited earlier, was Sean Bell killed because he was an African American man in the wrong place at the wrong time? By focusing its attention on cases like the Bell shooting, the media have given the general public the idea that some police officers actually believe "driving while black" is an enforceable offense, while ignoring the substantial efforts police departments have made to improve their officers' behavior, deal with personnel problems, and improve their relationships with the community they serve. The media-fueled complaints are not lost on police officers, who may become frustrated because they feel that they get little credit when they do a good job but get slammed when things go awry. Their misgivings are not misplaced, considering that any misstep they may make is apt to be recorded on a cell phone, posted on YouTube within the hour, and broadcast on CNN an hour later.

Even as they grapple with these ongoing problems, police and law enforcement agents are being challenged to confront new and emerging social problems. Concern about immigration has galvanized police agencies in border jurisdictions across the United States. Immigration and Customs Enforcement (ICE) has hired more agents, as has the Border Patrol. National Guard troops have even been stationed at the border, ground sensors have been installed, and funds have been authorized for continued construction of fencing.

Immigration is not the only emerging issue, of course. Since the events of September 11, 2001, a number of local policing agencies have responded to the threat of terrorism by creating special antiterror programs. New York City, for example, established a Counterterrorism Bureau whose teams have been trained to examine potential targets in the city. Other local departments are monitoring the Internet for sexual predators,

employing sophisticated mapping techniques, and using newly emerging information technology programs to effectively control common crimes such as burglary and rape. And even if they are too late to prevent or deter crime, police must be familiar with sophisticated identification methods ranging from DNA testing to high-tech equipment that can create virtual crime scenes for sophisticated analysis.

Clearly, police officers today face challenges that officers of an earlier era could hardly imagine. All of these issues, challenges, and events make Stevens' *An Introduction to American Policing* especially timely. Rather than rely on traditional methods to get his points across, the author uses a combination of the practical

and theoretical to engage the reader in contemporary police issues. This text does not depend on musings from the Ivory Tower that are not grounded in the day-to-day experience of police officers. Instead, *An Introduction to American Policing* presents students with the actual words, deeds, and experiences of people currently on the front line of contemporary policing—an invaluable teaching tool. And, of course, the book covers all of the important issues, from search and seizure to stings, from suicide by cop to police officer stress. I have learned a lot from Stevens' work, and I am sure you will, too.

Larry Siegel
University of Massachusetts, Lowell

Preface

Introduction to American Policing, Second Edition, fills a vital gap in the study of law enforcement officers in this era of police scrutiny, litigious constituents, and a revival of Constitutional rights among individuals whom America's brave officers are sworn to serve and protect. Students of policing in a democratic society are enlightened through current and documented evidence about the routine of police personnel who must provide services while guaranteeing or balancing individual due process mandates and protecting themselves against unprovoked attacks. An enlightened student can expect to become an informed constituent, a professional police officer, a knowledgeable lawyer or judge, or a parent tutoring children toward their quality-of-life opportunities.

In this new day, professional law enforcement stands between anarchy and chaos, between totalitarian government and individual rights. There is little question that, around the world, many countries would have less anarchy and government corruption if the human rights of their populations were safeguarded through professional law enforcement initiatives and a responsible, compassionate population; indeed, promoting those safeguards is one aim of this textbook. This second edition addresses those issues and other timely concerns in a clear, precise, yet scholarly manner to aid students to better understand the legal and moral relationship between constituents and the cops in a free society.

The United States is caught up in events and circumstance that are as odd as they are confusing among police personnel; the constituents they serve; and the public officials who attempt to win favor among those constituents with declarations of war against crime, immigration, poverty, drug addiction and other campaigns targeting politically vulnerable constituents. This work aims to examine those confusing issues so that students of law enforcement can decide for themselves the relevance and scope of those declarations.

This text provides guidance to students who are already law enforcement officers or close to those courageous men and women who serve and protect regardless of their own well-being. Unenlightened officers can easily fall victim to the trials and tribulations of street-smart

antagonists, terrorists, human traffickers, and extremists of all varieties whose agendas are to hold a democratic society hostage for their own gain. This scenario paints a disturbing picture for our nation at a time when many question the integrity of our elected officials, authoritarian government resolutions, and global retribution potentials.

Many observers view officers as guardian angels or crime-fighters, and rightly so. Yet some see the police as demons, also rightly so from their experiences, their perceived experiences of others, and a sensationalized social media agenda. In fact, some view the American police as both an occupational army and as emissaries of distant spirits. But who are you going to call when thugs are breaking down your door, or a loved one is missing, or worst, the one you love is sexually attacked? We need the cops to keep criminally violent persons in check not to mention those who make stupid decisions at your expense like drinking and driving. Frankly, who else would deal and balance the rights of those who make crazy decisions to harm others, the totally selfish few, and the wicked in our society?

Nonetheless, this textbook shows that the police are accountable to the communities they serve, the taxpayers who pay their salaries, and the legal order governing their authority. In this regard, how can officers deliver quality service designed to reduce crime, enhance the quality-of-life experiences, defend the U.S. Constitution, and be accountable at the same time if they are handcuffed by outdated guides and classroom materials?

Similar to the revolutionary verbiage of smart-phones, computers, Twitter, and other social media, which many of us were only faintly aware of a few years ago, perspectives in this book about cops might seem over an edge, such as a "culture of compliance" and an "invincible trap." These and other recent developments are introduced in this leading-edge textbook about the real-life dramas that police encounter on a regular basis. Clarifications of those dramas are explained through social science theory, and alternative perspectives are offered so that students can make up their minds about the relevance of those dramas and those theories.

A key assumption is that students have an interest in advancing one of America's most treasured resources—the

U.S. Constitution—and that students desire police officers to serve and protect at peak efficiency in keeping with that treasure. One way to ensure peak efficiency of officers within a constitutional framework is to first acknowledge the problems of officers and then to aid in resolving those barriers toward quality police services. One aim of criminal justice studies is to expose the problems that stand in the way of quality law enforcement services, not what policymakers, politicians, constituents, and the media say those problems are.

This textbook also explains policing from the inside—that is, through the personal experiences of officers—and links those experiences to theories proposed in scholarly research. However, as you proceed through the pages ahead, be mindful that contemporary history is the hardest to write but the easiest to criticize.

An Introduction to American Policing, Second Edition, describes the criminal justice system, criminology, and law enforcement knowledge, using those perspectives to connect the dots linked to the progress of the police

community. It will satisfy both scholars, who lean toward theoretical perspectives, and practitioners, who favor practical recommendations, because it includes investigative reports about police organizations, case studies, narratives from violators, and current research and impressions from colleagues, officers, and researchers. The goal of this book is to help the reader think for himself or herself, to understand, to imagine, to reflect, and to exercise good judgment when thinking about the principal issues related to American policing moving toward 2020. In summary, the book is intended to provide relevant theoretical scholarly perspectives and practical police experiences to help a reader make an informed decision about policing in this new millennium.

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Introduction

Welcome to an exciting time in policing. As police philosophies have evolved, so, too, have policing innovations and advances in technology, equipment, and forensic sciences. These tools—both theoretical and practical—offer today’s officers more options and, in many instances, better outcomes. But how did we get here, and are some approaches better than others? By whose standards do we measure success: our own or those of the public? In his latest examination of these issues, *An Introduction to American Policing*, Dr. Dennis J. Stevens delves into just those questions.

Dr. Stevens’s in-depth study of policing history includes current trends and practices. This text takes a comprehensive look at the policing world from the inside out, complete with research findings and perspectives from frontline workers on the job.

Perhaps never in its history has policing enjoyed (entertained? suffered?) such high-profile visibility with the public. Police officers are the focal point of endless television shows and movies, and the basis for countless novels and plays. And within this past decade, police have been forced to deal with a new and perhaps the most pervasive (invasive?) factor: the Internet. The prevalence of camera cell phones means everything police officers say or do is subject to be instantly recorded and broadcast to the world via the Internet in a matter of minutes. It seems as if everyone is interested in what the police are

doing. Dr. Stevens explores policing’s rising visibility and expectations. Today’s law enforcement professionals are managing not just investigations but also expectations, both internally and with their outside “customers.” How do officers balance the many demands placed on them and still return sanely and safely to their loved ones at home? This book offers some thoughts on those topics.

In the post-9/11 environment, there has been a renewed sense of respect for the heroes in blue. At the same time, recent upswings in violent crime across the United States have brought more intense scrutiny of police and greater demand for their services. Law enforcement personnel rely on terms such as “community ownership,” “stakeholder participation,” and “partnerships” to describe the cooperation needed to provide effective policing, but they are expected to offer unparalleled service at all times—even when such cooperation is largely absent. How this is accomplished, and how it sometimes fails, are inspected in this book from several angles. The variety of views offered is sure to prompt discussion and debate, both of which are necessary if the noble profession of policing is to progress even further and continue to improve.

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Walkthrough

An Introduction to American Policing, Second Edition incorporates a number of engaging pedagogical features to aid in the student's understanding and retention of the material.

Each chapter begins with **Learning Objectives** and a **Case Study** entitled “You are the Police Officer,” to guide learning and provide reference for the most important points covered in the chapter.

LEARNING OBJECTIVES

When you finish reading this chapter, you will be better prepared to

- Explain why people choose law enforcement careers
- Define foundational concepts in law enforcement
- Apply the concepts of street justice, police discretion, and probable cause to American policing
- Describe the role of the American police officer
- List four responsibilities of police officers
- Describe the relationship between legitimacy, trust, and law-related behavior
- Describe the stereotypes about policing held by the public and the police
- Identify what Americans want—and do not want—from the police
- Articulate both the mission and theoretical function of law enforcement in the United States

🔍 CASE STUDY: You Are the Police Officer

You are at your first police officer roll call. You are a 23-year-old law enforcement officer who completed your department's 720 required hours of training, which included 180 hours of field training, and the ride-alongs with your training officer (TO) over the past four weeks. You are excited about your first assignment. This is a day you have waited for most of your life, ever since you stood next to your desk in second grade and told the class, “When I grow up, I want to be a police officer, like my Uncle Charley.” Throughout your college days, you remember the instructors who encouraged your dream and the few who thought that you should go on to law school instead. Your mind was made up though, and your path was clear: Complete your internship at the police department, earn your criminal justice degree, take the civil service exam, and become a police officer so you could help civilians and put away the bad guys.

As the sergeant assigns officers to specific duties, the officers leave ranks and go out to their police vehicles. After a while, it is just the two of you left in the room. You finally ask, “What about me, Sarge?”

“Oh yeah,” he says. “You’re a week early. Sit in the squad room ‘til I figure something out.” You feel embarrassed but ask, “Ah, where’s the squad room?”

“Rookie,” says Sarge. “You’re in it.” And repeats, “You’re in the squad room, kid.” An hour or so later when the sergeant returns, he says, “We’ve got a youthful offender in the holding tank. Take her to county and process her into the system.” Racing through your mind are all the techniques you learned at the academy about suspect transportation, but you never thought that that would be your first duty. Last night, when you could not sleep, you imagined that your first assignment would be to a young family seeking your advice about their wayward child. Or maybe you would confront a shoplifter or help a mother find her lost daughter. You had to be prepared for anything—even helping with emergency care at a car crash. The state provided you with the power of arrest and use of force to ensure safety. You found the balance in your heart long ago when you accepted Uncle Charley’s ideals of “always doing the right thing.” You were always amazed how people respected him at church, in the mall, and at family gatherings.

You stop in your tracks. “Hey, Sarge, I’m no kid,” you say with a snicker, “but where’s the holding tank.” He laughs and points to the second floor.

Upon arrival at the second floor you encounter the jailer, who pushes a form at you. “Sign here. And remember, the knife in this plastic bag must never leave your sight. Have county sign off on it when you get there.”

As you stare at the jailer, he explains, “Chain of custody, officer. If the evidence is tampered with or compromised, the DA can’t use it to prosecute the suspect.”

You nod, and the jailer directs you to the cell.

At the end of your first shift, you are thinking about everything that happened. You remember the jailer’s instructions when you delivered the prisoner: You were not even sure which door to use to escort her into the facility. You smiled at the memory that the jailer called you “officer,” that made your day!

1. Which events and circumstance in a child’s life might lead him or her toward a career in policing?
2. After all the training and supervision with a TO, why is there so much more to learn about policing?

10 Chapter 1 Police: The Essentials

- More than half (54 percent) of local police officers were employed in jurisdictions with 100,000 or more residents.
- Approximately one in eight local police officers were female, including approximately 10 percent of first-line supervisors.
- From 2007 to 2013, the number of Hispanic or Latino local police officers increased by 16 percent.
- Departments in larger jurisdictions were more diverse than those in smaller ones, but diversity has increased in all population categories since 1987.
- Nearly one in four local police officers worked for a department that required entry-level officers to have at least a two-year college degree.

▶ Key Definitions: Foundations of Police Work

Although many of the following terms and issues will be described in depth in later chapters of this book, building a foundation of key definitions related to policing at this time will serve you well. For instance, how would you describe civil forfeiture?

Civil forfeiture: The rules of civil forfeiture allow local police and federal agents to seize personal and real property if they have reason to believe that it is or was part of criminal activity. Law enforcement personnel are not obligated to charge the property owner with a crime in order to seize the property. The burden of proof is on the owner to show that the seized property was not used for criminal activity (more details are given in Chapter 4 and 15).

Civil (Asset) Forfeiture

Criminals are motivated by greed and the acquisition of material goods, explains the Federal Bureau of Investigation (FBI).³⁸gov, see the section “White collar crime”). Although many scholars would disagree with the thoughts of the FBI based on hate crimes, battered women, and sexual homicide to mention a few crimes that have little if anything to do with financial gain.³⁹ The government’s ability to forfeit property assumed to be connected with criminal activity is meant to be a deterrent to illegal conduct. Asset forfeiture ensures that criminals cannot profit from crime or obtain the necessary physical resources to continue illegal activities. Forfeiture actions can be one of two types: *criminal* or *civil*. In criminal forfeiture (*in personam* action), the action is against the person with the property, and thus forfeiture can be used against him or her. Civil forfeiture action (*in rem* action) is against the property itself (see Chapter 4 and 15 for more detail).

Law enforcement is the term for an organized system of individuals and agencies that are responsible for both enforcing laws and maintaining public order and public safety. The term encompasses the prevention, detection, and investigation of crime as well as the pursuit, apprehension and detention of individuals who are suspected of violating the law.⁴⁰

- The legal powers of sworn officers include the right to:
- Conduct a lawful arrest and/or detainment of a suspect.
 - Search, seize, and interrogate suspects.
 - Under specifically prescribed circumstances exercise lethal force, whether an officer is on or off duty within his or her jurisdiction.⁴¹

In a democratic nation such as the United States, the rule of law and the **law of criminal procedure** have been developed to regulate **police discretion** so that sworn officers do not arbitrarily exercise their vast powers or use them in a manner that represents an unjust intrusion into the private affairs of Americans.⁴²

The purpose of the rule of law is to safeguard individual privacy against arbitrary government intrusion. The significance of this statement was recognized by the framers of the U.S. Constitution and the Bill of Rights. Modern-day proponents acknowledge that the rule of law is intended to limit and guide government intervention.⁴³ An orderly democratic society can only be governed by established principles and known regulations that are applied uniformly and fairly to every member of its population. The public legally, morally, and financially provides the vehicle through which government—including the criminal justice system—serves and protects its constituents. As a result, the means used to provide governmental services must be held to a higher standard and comply with the rule of law.⁴⁴

In a **democracy**, the well-being and rights of the individual take precedence over government services and objectives, which include local law enforcement activities.

Source: Janet V. Denhardt & Robert B. Denhardt (2015), “The New Public Service Revisited,” *Public Administration Review*, 75: 664–672.

Finally, the rule of law is a core value of the federal judiciary, in that most Americans accept as its ideal

Throughout the text, key points are illustrated and important information is highlighted to ensure comprehension and to aid the study of critical material. **Key Words** are defined throughout each chapter. A colorful and engaging layout enables easy reading and supports the retention of important concepts.

Tables are weaved throughout chapters to illustrate data in a manner that helps the reader better absorb technical content.

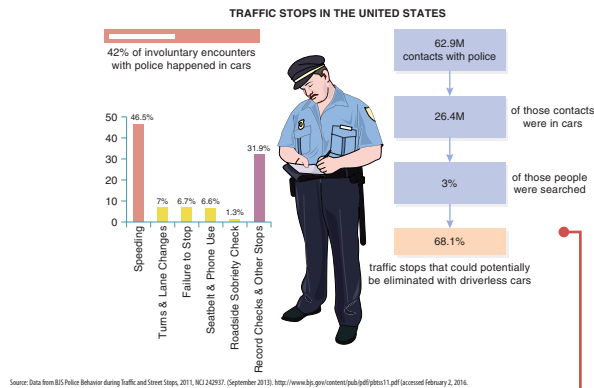


TABLE 10.1 Stressors Associated with General Work Activities of Patrol Officers

| Descriptions | Mean Score |
|----------------------------------|------------|
| 1. Conflict with regulations | 4.75 |
| 2. Domestic violence | 4.46 |
| 3. Losing control | 4.29 |
| 4. Child beaten/abused | 4.18 |
| 5. Excessive paperwork | 3.46 |
| 6. Public disrespect | 3.18 |
| 7. Another officer injured | 3.15 |
| 8. Lack of recognition | 3.03 |
| 9. Poor supervisor support | 2.62 |
| 10. Disrespect of the courts | 2.34 |
| 11. Shift work | 2.25 |
| 12. Death notification | 1.92 |
| 13. Poor fringe benefits | 1.84 |
| 14. Accidents in patrol vehicles | 1.37 |

Missing cases and "other" and lesser reported categories are not shown.
Source: Dennis J. Stevens, *Police Officer Stress: Sources and Solutions* (Upper Saddle River, NJ: Prentice Hall, 2006), p. 57.



Over **100 full-color photographs and illustrations** engage students in the content and enhance the learning experience.

The popular **Ripped from the Headlines** case studies have been updated to provide current real-life application.



RIPPED FROM THE HEADLINES

May 23, 2015: Colorado State Trooper Taylor Thyfault was struck and killed by a vehicle that was fleeing other police officers.

Cadet Trooper Joseph Thyfault was riding along with his trooper trainer as part of his required training when they arrived at the scene of a vehicle crash. As they conducted their accident investigation, another vehicle being chased by other troopers quickly approached the accident scene where Thyfault and his trainer were deploying stop sticks. The offender's vehicle swerved and struck both Thyfault and his trainer. Thyfault was killed and his trainer was critically injured. That day was officially Thyfault's first day of police service for the Colorado State Patrol. Previously, Thyfault was a U.S. Army veteran.

Source: Officer Down Memorial Page; <https://www.odmp.org/officer/22491-trooper-taylor-thyfault> (accessed September 17, 2016).

KEY WORDS

Civil forfeiture
Civil service
Clearance rate
Compstat
Hot pursuit
Judiciously
Law enforcement
Law of criminal procedure

Mandatory arrest
National Crime Victimization Survey (NCVS)
Police discretion
Police officer
Police subculture
Probable cause
Reasonable suspicion

Rule of law
Street justice
Sworn officer
Uniform Crime Report (UCR)
Warrantless arrest
Zero tolerance

Each chapter ends with a list of the **Key Words** found throughout the content.

Discussion Questions are located at the end of each chapter to help reinforce central concepts and facilitate classroom discussion.

Discussion Questions

1. Describe how American police officers have changed from their counterparts in earlier periods of history. In what way is this new profile a positive change? A negative change?
2. Characterize the rule of law, and explain its importance to policing.
3. Describe the law of criminal procedure and its process. How might the law of criminal procedure help or hinder police officers?
4. Explain what is meant by a police subculture. How might peer pressure influence the decision-making process of an officer?
5. Explain police discretion and its limits. In what ways do you agree and disagree with those limits?
6. Explain in what way the people's perspective differs from the police's perspective of legitimacy. In what way might the outcomes of the public and the performance of the police vary based on those perspectives?
7. Characterize probable cause and discuss its advantages and disadvantages when it comes to maintaining social order.
8. Describe mandatory arrest policies and explain their purpose.
9. Characterize clearance rates. What are their implications for policing? For society?
10. Describe the rationale of street justice. In what way is street justice appropriate or inappropriate for officers? For society?
11. Describe Compstat and zero-tolerance programs, including their objectives and their weaknesses.
12. Describe the stereotypes about policing held by the U.S. public and by the police themselves.
13. Characterize the sources of legitimacy and relevance to American policing.
14. Identify what Americans want and do not want from the police. In what ways, and to what extent, do these thoughts mirror your own?
15. Describe both the mission and function of law enforcement in the United States, and provide examples to clarify those perspectives.
16. Perhaps before you read this chapter, you had some ideas about the police. What are those perspectives, and how close are they to what is outlined in Chapter 1?

CHAPTER 11

Human Trafficking and International Terrorism

"People were created to be loved. Things were created to be used. The reason why the world is in chaos is because things are being loved and people are being used."

— John Green



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Two NEW chapters cover public health and terrorist policies to keep readers on the forefront of contemporary issues police officers encounter.

CHAPTER 13

Local Police and Health

"It's about time law enforcement got as organized as organized crime."

— Rudolph Giuliani



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