PATROL FIELD PROBLEMS AND SOLUTIONS

Second Edition

PATROL FIELD PROBLEMS AND SOLUTIONS

847 Field Situations

By

HARRY W. MORE, PH.D.

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This edition of this text is dedicated to John P. Kenney for his professional ideals and philosophy that guided the creation of the prior editions. As a former student of Dr. Kenney, he inspired me to enter the field of higher education. It has been a privilege to work with him on several writing projects over the years and contribute to the professionalization of law enforcement.

PREFACE

PATROL FIELD PROBLEMS AND SOLUTIONS is a field guide that has been developed to serve as an operational manual for the officer working in the field. Over the years it has been used by officers assigned to patrol, investigations, vice, traffic, and juvenile units. Its value is in assisting officers in dealing with day-to-day problems. It brings reality to the training process with the presentation of situations and discusses how they have been handled. It also serves as a basis for discussing operational procedures, policies, and regulations.

As police agencies have evolved policy and procedures have become increasingly abundant as police managers have attempted to circumscribe the behavior of field officers. But there is still a wide margin between what police managers believe is occurring in the field and what actually occurs in terms of street reality. Rules and regulations cannot cover every situation that occurs in a dynamic community. Discretion dominates the operational aspect of law enforcement and there is little reason to believe that discretion will not be a perennial aspect of a police officer's job. Even with the advances in communications today there is still a general lack of information that will allow officers to arrive at a practical solution to many of the problems they confront in the field. Legal decisions constantly alter situations and timely and accurate information about such decisions is needed to ensure that an officer can work within a legal framework.

This field guide is especially useful in basic training classes because of its practicality and down-to-earth consideration of myriad actual problems and the presentation of solutions. Above all, it allows police instructors to bridge the ever-present gap between theory and actual practice. Where appropriate, reference is made to other sources where officers can obtain additional information and legal citations are included to serve as a basis for discussion. Field training officers (FTOs) can use this field guide as part of the evaluation process when interacting with probationary officers. First-line supervisors can use the field guide as part of an evaluation process to assess how officers resolve problems in terms of application of the law.

Harry W. More, Ph.D.

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INTRODUCTION

THE PROBLEMS presented in this text and the solutions have been selected from research of the literature, review of court decisions, and from examples provided by line officers, supervisors, and managers. These problems reflect the more common situations that confront police officers in their day-to-day operations. They are not presented as the only occurrences that take place in the field nor do they illustrate what every officer deals with when working in the field. Some officers will never face some of the situations during their entire career. Other officers will find that many of the cases are in fact a reality of what has occurred to them numerous times. The solutions or responses are in essence operational procedures that are purposely written in general terms, and in no way should be construed as the only solutions or responses. When dealing with the dynamics of human behavior the responses, of necessity, reflect the complexity of police work.

Real police work occurs on the streets, in houses, in parks, and in the alleys of communities throughout this nation. They are the thin blue line dealing with human problems of all natures. Field officers respond to a wide variety of calls for service ranging from domestic disturbances, dealing with the mentally disturbed, and keeping the peace. In many instances split-second reactions are required which gives an officer little opportunity to reflect on what should be done let alone a consideration of the consequences of an action during an emergency. Incidents of domestic violence, dealing with a case involving an abused child, stopping a fight, or arresting a politician for drunkenness are events which all require the wisdom of Solomon and the patience of Job.

The current demands placed on police and the vital consequences of responding to them in new and innovative ways underscore the inherent complexity of good police work and the pervasive role discretion plays in policing. The complexity of police work is best illustrated by the potential conflict between individual rights and community interest issues as well as the legal and constitutional issues that are raised by law enforcement by field officers. Many times officers must instantaneously recall what is "supposed to be done," according to policy, or unfortunately must deal with a problem in many instances by "muddling through."

While the complexity of police work and the discretion required in policing is widely acknowledged, the impact of this discernment on actual police practices and administration is not clearly distinguishable. Arguably, attempts to control and shape police behavior are still focusing on the basis of control. For many years administrative communications to the field were legalistic in nature and proved to be inadequate because of their emphasis on control. Field officers seldom received policy and procedural information truly relevant to street policing. Many missiles from on high were clearly inadequate because of their emphasis on internal administrative matters. "Hot potato" issues such as the use of deadly force, restraining a subject, or the use of warning shots received more specific attention but usually when responding to a case that received a great deal of attention from the

news media. Most police departments have developed few materials about the day-to-day problems that confront, and, at times, plague patrol officers.[1]

Over the years, most police managers have relied upon administrative memoranda that stressed the control of field officers in an effort to deal with corruption that besieged law enforcement at the early part of the last century. Abhorrent police behavior continues today as illustrated by the personnel problems that have torn at the fabric of the Los Angeles Police Department. A preoccupation with control has led, in some instances, to unintended outcomes. In some cases line officers have reacted to management by taking an antagonistic posture fostering a clear-cut alienation. When officers function independently, with little concern for the police department, they build a wall between themselves and members of the public. It soon becomes a question of "us and them." Officers view many rules and regulations as an exercise, on the part of management, to devise a way to "hang" an officer whenever it is expedient. It reaches a point where officers feel that they are caught between "a rock and a hard place."

The greater the adversity police managers have to deal with the greater the efforts to institute control features that emphasize everything but actual work that police officers conduct on the streets. This has been reflected in the institution of additional training, closer supervision, the militarization of recruit training, the creation of SWAT teams, more aggressive internal investigations, and the alteration of recruitment methods. Seldom have police administrators been at a loss to find new control mechanisms in an effort to retain the status quo and not "rock the boat." It has been suggested that police administrators need to direct their attention to the substantive content of police work. Efforts must be directed toward how police work in the field can be conducted morally, legally, efficiently, and effectively. Managers must look at the things that officers do in the field. The concept of being a crime fighter no longer holds true. Society has changed and police methods must change.[2] The broader issues of police discretion must be addressed, not ignored. Like it or not real policy making occurs in the field–not at the desk of a police administrator sitting in an air-conditioned room.

Our nation is becoming quite different from that of a few years ago. The constituency served by the police is becoming increasingly diverse in terms of ethnicity and culture. *Diversity* is not just a word; it is a reality in most communities requiring a different police response. Many line officers have a wealth of experience to be tapped in order to provide insight into problems that occur on the street. Each of the problems in this text can be used as a starting point in problem solving. The listed solutions should serve as a discussion point for the creation of guidelines. The goal should be to create an environment in which officers can be trained to assess situations accurately and choose responses that are consistent with the state of the art of their occupation. It is necessary for the police to articulate both the complexities of the situations and the reasons they have reached their conclusions. Choices have to be made and who better to make them than those who actually perform the work on the street. It is essential that we move from a posture that announces that it is just "common sense" to a position that the policy statement prescribes not what an officer should do but

[1] George L. Kelling, *"Broken Windows" and Police Discretion,* Washington, DC: National Institute of Justice, Research Report, October 1999, pp. 14–17.

[2] Ibid. pp. 2–3.

how an officer should think about a problem and the alternatives for problem resolution. In essence, a good policy statement should set forth the factors that must be considered when dealing with a field problem, the values that must be examined, and alternative solutions to be presented.[3]

Values and guidelines can set forth positive expectations about officer performance and there is general agreement that a set of values should serve as a basis for policy guidelines. In all probability setting forth a philosophical foundation that is firmly imbedded in a democratic value system best does this. It is essential that a police department serve the people within the community by meeting their requirements for policing in what can only be an open and viable society. This requires the police to be constantly aware of the needs of those they serve and to be accountable to them, yet remain free from undue political interference. Police service should be characterized by a commitment to safeguard lives and property, maintaining the attributes of positive life and ensuring that constitutional rights are preserved. This responsibility requires that primary efforts be directed toward the prevention of criminality, the identification and apprehension of those who violate the rights of others, and the preservation of peace. Last but not least the police must provide other desired municipal police services in order to assist those in need. Quality of life in the neighborhood communities is extremely important.

Those who knowingly commit criminal acts with wanton disregard for the rights of others should be prosecuted to the fullest extent of the law. However, if mitigating circumstances are such that counseling, diversion, or referral to other resources would accomplish the mission of crime prevention, then these alternatives should be considered. In essence, the "letter of the law" should be followed for those who knowingly and deliberately flaunt society's legal statutes while the "spirit of the law" should remain as the basic criteria for carrying out the police mission. A truly democratic police force must provide a wide range of public service. This requires preparedness, endurance, bravery, understanding, compassion, and a desire to serve, in addition to the unyielding pursuit to curtail the criminal element and improve the quality of life. Also, when rendering decisions which affect police operations, a police department must consider what is best for the community over the desires of the department and its individual members.[4]

A philosophical statement provides a base for policing a democracy. It is the application of a process wherein there is constant adjustment and readjustment to the things that occur in a dynamic society. Stress is placed on providing a professional response to community events. Hence, there must be a strong commitment to the community and everything possible must be done to improve the quality of life. This can call for the enforcement of minor street crimes to include aggressive panhandling and public drunkenness. A key variable is the development of awareness of the interrelationship between the department, the community, and every police officer.[5]

With respect to community expectations and the values so highly prized by all Americans, the following twelve basic principles should be considered when developing a phi-

[3] Ibid. pp. 43–44.

[4] Gary E. Brown, *Philosophy of the San Clemente Police Department,* San Clemente, CA: ND, Mimeographed.

[5] James Q. Wilson and George L. Kelling, "Broken Windows: The Police and Neighborhood Safety," *Atlantic Monthly,* 1982, Vol. 249, pp. 29–38.