

POLICE THEORY IN AMERICA

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POLICE THEORY IN AMERICA

Old Traditions and New Opportunities

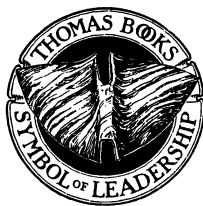
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PREFACE

The purpose of this book is to assist both police leaders and city administrators with the long-standing challenge of implementing effective and acceptable crime prevention programs. Historically, police officers have viewed crime prevention programs as being “soft on crime,” and in general viewed the concept of community policing and crime prevention with a level of disdain. This disapproving attitude toward crime prevention was grounded in the idea that actual crime prevention was solely based on arresting criminals to prevent them from committing additional crimes.

Lost in this early theory and image of crime prevention was the primary purpose for which police exist in America; and in the process a pervasive commitment to reactive policing evolved. The principle purpose for which the police exist is to increase community security, which in turn, creates increased freedom for all citizens. The police do not exist to arrest criminals or “fight crime.” Crime prevention is a necessary foundational step in the accomplishment of both community security and freedom. For decades, both the police and elected community leaders have given “lip service” to crime prevention programs, but in their hearts it was consistently viewed as “soft on crime.” Arresting criminals is not an end product; it is a step toward creating safer communities so that freedom can flourish.

Currently, the mission statement of America’s municipal police departments are filled with the term “crime prevention,” but research has clearly demonstrated that in reality, police departments across the Nation are designed and organized to react to crime. The paradox of this misguided message of stating one goal in a mission statement and then organizing to accomplish another is compounded by the incessant cry for harsher punishments for the punishment of those arrested and convicted of criminal activity with the sincere hopes that reacting to crime and punishing those responsible will prevent and reduce crime. With this structured quandary in place, police departments have been organized to react to crime. The police in America are not organized to prevent crime.

With this protracted dilemma in mind, this book is written to facilitate

change in municipal policing and to identify effective methods for the implementation of crime prevention programs. The first chapters identify the problem and the need to fully understand the dilemma. From the cost of reactive policing to the community problems created by reactive policing, the beginning chapters outline the issues and problems.

The consequences of reactive policing have created a gap between inner-city neighborhood residents and municipal police departments. Within America's police departments a value system has been established that is counterproductive to crime prevention. When the measurement of effective policing is based on a quick response to a crime that has already been committed, the value of crime prevention has become an afterthought in America's police departments. The middle chapters outline these issues and identify the strategies to improve police community relationships and adjust the measurements for effective policing.

The concluding chapters identify strategies designed to facilitate police department organizational change. Using terms from the discipline of economics, a "Micro" strategy and a "Macro" strategy are outlined. A new theory of policing emerges as the book is concluded.

R.C.W.

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Over the past twenty years, I have had an army of supporters consistently pushing me to document my ideas and suggestions for the improvements of municipal policing in America. Early in my police career, I was fortunate to gain the support of both former New York City Police Commissioner Patrick V. Murphy and the President of the Police Foundation – Hubert Williams. These police leaders encouraged me to expand my thinking beyond the traditional police department model and prodded me to write and share my ideas.

With the City of Omaha, Nebraska as a laboratory, members of the Omaha Police Division, Deputy Chief Robert K. Olson, who became the Minneapolis Police Chief, and Captain Michael Pecha were willing to risk and implement untested police community programs in support of my ideas.

For many years, retired San Diego Police Captain David Hall, has served as a professional sounding board for my ideas, and has allowed me the latitude to push new ideas beyond the traditional boundaries of current police practice. In addition, retired Drug Enforcement Administration agent Steve Bissegger and former Salt Lake City Police Sergeant Larry Hardwick kept me in touch with the realities of street level police work.

The project could not have been completed without the support and recommendations of my colleagues in the Criminal Justice Department at Weber State University. The probing questions and insight of Professors David Lynch, Paul Johnson, and Michael Norman forced me to rethink, evaluate, and expand my ideas. The unrelenting support of Chair Dr. L. Kay Gillespie gave me both the time and clerical support needed to complete the project. Our Department secretary Faye Medd consistently pushed other duties aside to assist me with illustrations and corrections.

As any “would be” writer will tell you, books cannot be written without the support of family and friends. The long hours at the computer and the sporadic frustration created by “mental writing blocks,” computer glitches, and so forth, require a loving and patient wife, as well as understanding children. My wife, Beverly and our four children—Brenda, Michael, Scott and

Brent (not to mention our twelve grandchildren) have consistently supported and encouraged my writing.

The economic insight in Chapter Nine has been substantially influenced and developed by University of North Carolina–Wilmington Economics Professor William M. Wadman.

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POLICE THEORY IN AMERICA

Chapter 1

POLICE THEORY IN AMERICA

Introduction

America's citizens believe, a priori, that municipal police departments are the primary government organization responsible for the control of crime.¹ From serial murders and neighborhood burglaries to gang graffiti and minor traffic accidents, police organizations are expected to take action and correct crime problems. The majority of crimes committed, year in and year out, are beyond the control of the police,² yet there is a pervasive expectation in American society that the police will handle crime problems in a professional manner. Is the theory on which America's municipal police departments are established, organized, and measured, capable of reducing current crime problems and/or preventing future crime? What, if anything, can America's police do about crime? The purpose of this text is to explain and answer these questions.

The police in America are designed and organized to support the concepts found in deterrence theory.³ Sutherland and Cressy summarized America's criminal justice theory as follows: "Our forefathers were convinced of the efficiency of swift, certain, severe, and uniform punishment, but they also were convinced that law violations and law violators must be handled individually, so far as punishment is concerned."⁴ The purpose of a theory is to identify, conceptualize, and form into generalizations those causes and conditions that seem to be most significant and that can enable us to understand and explain the most behavior.⁵ An analysis of the theory which establishes, forms the organizational structure, and the operational procedures of America's police needs to be evaluated and understood. In order to understand the

development of police departments in America, it is essential to identify the theoretical concepts that led to a need for law enforcement in the first place, and in turn, police departments and police officers. Although municipal police departments have become the most visible form of American government,⁶ they do not work independent of system controls. The police are viewed as a fundamental entity of America's criminal justice system. As the word "system" implies, the police are an integral part of America's vast and complex criminal justice system.⁷ The police do not exist in a vacuum. Although disjointed, America's criminal justice system incorporates three major components.⁸ A brief review of America's criminal justice system is important in assuring the reader has a rudimentary understanding of the system. The three components of America's criminal justice system are as follows:

1. The Police. The term "police" in America's criminal justice system includes several different law enforcement organizational forms. From a police department in a typical American city to a federal law enforcement agency responsible for national law enforcement goals, the term "police" covers the broad spectrum of law enforcement organizations. From municipal police officers arresting drunk drivers to F.B.I. agents arresting members of a terrorist cell, the term "police" include all organizational forms of governmental law enforcement.⁹

2. The Courts. The "courts" in America include all levels of government. From the justice of the peace and state courts to the United States Supreme Court, the term "courts" applies to all legally constituted courts in America.¹⁰ State district courts, juvenile courts, tribal courts, military courts, and others are included as part of America's court system.

3. Corrections. Once arrested and convicted of a crime, the individual is sentenced by the court. After sentencing, the individual is placed under the control and responsibility of a "department of corrections." In this organizational component, convicted criminals are controlled and managed by a governmental organization responsible for "corrections." In America's criminal justice system, correctional responsibility is principally a state government objective. Although there are County jails managed and controlled by the local county sheriff's department, and there is a complex federal department of corrections for individuals sentenced by a federal court judge, the primary point of government for corrections in the United States is at the state level.¹¹

From sentencing and incarceration, to probation and parole, “corrections” is responsible for convicted criminals.

The following illustration from the final report of “The President’s Commission on Law Enforcement and Administration of Justice,” outlines America’s vast criminal justice system.

As this illustration points out, the “police” are the gatekeepers of America’s criminal justice system.^{12,13} Once arrested, an individual faces “court” proceedings, and if found guilty is placed under the control of “corrections,” but it is important to reiterate that the criminal justice system’s components of courts and corrections do not come into play unless a police officer makes an arrest. From the early television programs like *Dragnet* to contemporary television programs such as *N.Y.P.D. Blue* and *Miami C.S.I.*, America’s police have been presented to the American public as “crime fighters” involved in day-to-day struggles with hardened criminals. Investigating crimes and arresting criminals has been the portrait painted of America’s police. In the *Ambivalent Force: Perspectives on the Police*, Niederhoffer and Blumberg summed it up this way: “Basing their opinions, perhaps, on the Western, the detective story, and the ‘cops and robbers’ saga, Americans tend to see police officers as spending most of their time in investigating felons and arresting them, often after a gun battle.”¹⁴ Saturated with the police images found in America’s popular culture, the average citizen has an inaccurate vision of American criminal justice in general, and exaggerated expectations regarding the police.¹⁵ From decades of television viewing, reading crime novels, and watching action-packed crime movies, America’s citizens have a distorted view of police responsibility. Across the nation, there is an unquestioned mindset regarding good and bad police work.

In an attempt to overcome the triumph of this protracted rhetoric regarding policing in America, it is essential to understand the foundational premise or logic on which America’s criminal justice system is based. The following eleven propositions outline the logic and theoretical foundation on which America’s criminal justice system is founded, organized, and practiced. As you evaluate each proposition, keep in mind that these concepts form the American psychology and popular culture surrounding criminal justice and are pervasively viewed as the logical bases on which America’s criminal justice system, on a day-to-day basis, operates. The premises of any argument are embodied in propositions—written sentences that set forth the

A general view of The Criminal Justice System

This chart seeks to present a simple yet comprehensive view of the movement of cases through the criminal justice system. Procedures in individual jurisdictions may vary from the pattern shown here. The differing weights of line indicate the relative volumes of cases disposed of at various points in the system, but this is only suggestive since no nationwide data of this sort exists.

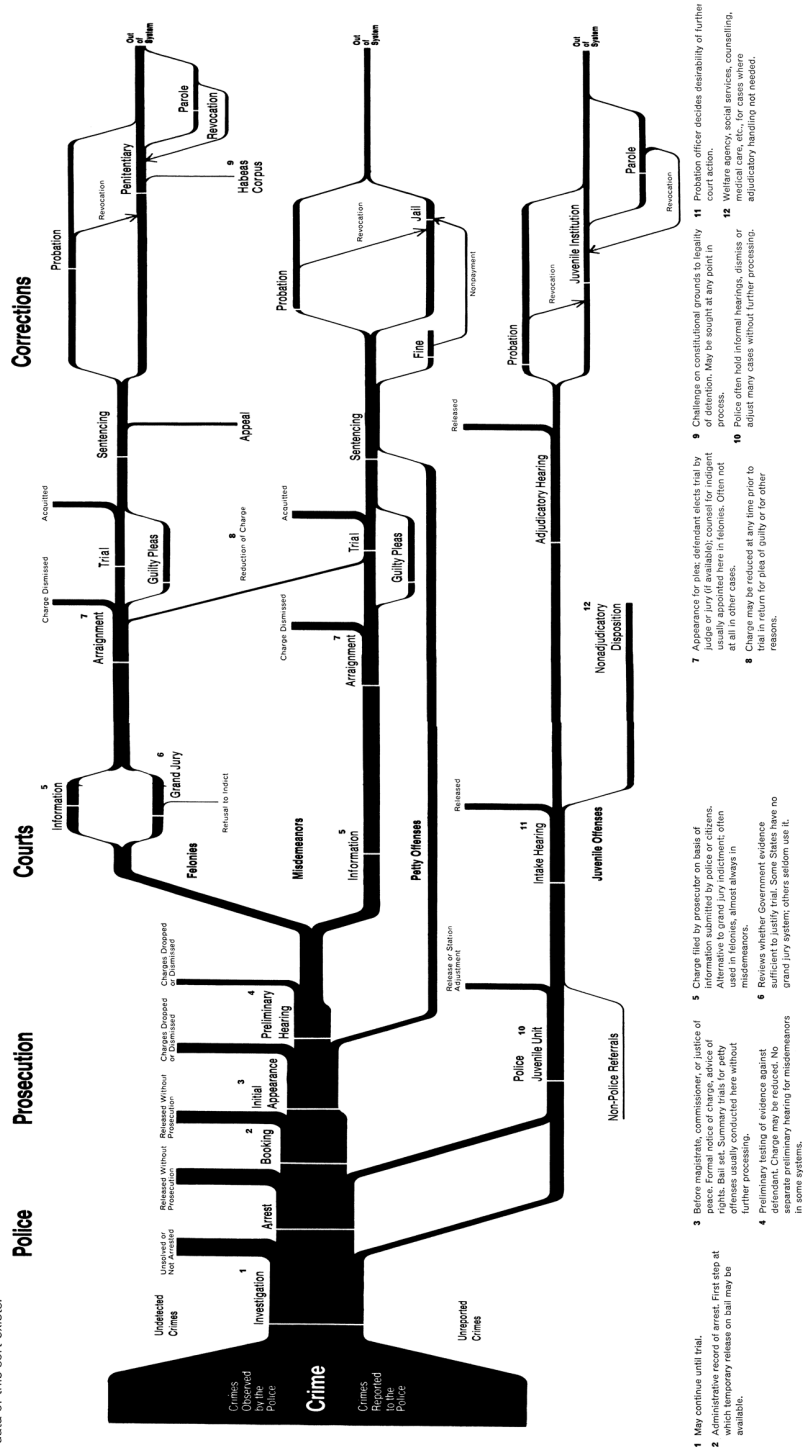


Figure 1.1.